

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, APRIL 24, 1990

SESSION OF 1990 174TH OF THE GENERAL ASSEMBLY

No. 28

HOUSE OF REPRESENTATIVES

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

**THE SPEAKER (ROBERT W. O'DONNELL)
PRESIDING**

PRAYER

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

Let us pray:

Almighty God, teach us to number our days that we may apply our hearts unto wisdom. Help us to recognize that our days are fleeting and our time is short, that the night cometh when no man can work.

None of us know the day nor the hour when we shall be called from labor to reward, so grant, Lord, that we will use our time wisely and our resources well. Save us from the temptation of putting off until tomorrow what can be accomplished today, for we have great responsibilities to keep and miles to go before we sleep and miles to go before we sleep.

Grant that we will be diligent in our labors and courageous in doing those things that might not be popular but are right.

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 approval of the Journal of Monday, April 23, 1990, will be postponed until printed. The Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2483 By Representatives BROUJOS, GEORGE, COLE, MICHLOVIC, DeLUCA, BATTISTO, PRESTON, MARKOSEK, KAISER, NAILOR, PISTELLA, COY, BORTNER, CAPPABIANCA, GODSHALL, WAMBACH, JACKSON, MAINE, PESCI, GIGLIOTTI, PHILLIPS,

VEON, OLASZ, E. Z. TAYLOR, KASUNIC, TRELLO, MORRIS, LAUGHLIN, MELIO, TELEK, JADLOWIEC, MURPHY, REBER, LEVDANSKY, STEIGHNER, WOZNAK and RYBAK

An Act establishing the Benjamin Franklin Center for the History of Pennsylvania's Natural Resources; providing for an advisory board; and making an appropriation of funds bequeathed to the Commonwealth by Benjamin Franklin.

Referred to Committee on CONSERVATION, April 24, 1990.

No. 2484 By Representatives JACKSON, TRELLO, BELARDI, DISTLER, MOEHLMANN, SEMMEL and TELEK

An Act amending the act of December 19, 1988 (P. L. 1262, No. 156), known as the "Local Option Small Games of Chance Act," further providing for the definitions of "bona fide club member" and "club."

Referred to Committee on FINANCE, April 24, 1990.

No. 2485 By Representative EVANS

An Act providing for the collection by employers, regardless of domicile, of taxes imposed by cities of the first class on any salary, wage, commission or other compensation due to employees; imposing liability for the payment of such taxes; and providing for penalties.

Referred to Committee on URBAN AFFAIRS, April 24, 1990.

No. 2486 By Representative EVANS

An Act authorizing cities of the first class to levy, assess and collect a tax upon each separate sale at retail of tangible personal property or services; a tax upon the use within a city of the first class of tangible personal property purchased at retail and on services purchased at retail; and imposing penalties.

Referred to Committee on URBAN AFFAIRS, April 24, 1990.

No. 2487 By Representative EVANS

An Act authorizing certain counties within this Commonwealth to levy, assess and collect a tax upon each separate sale at retail of tangible personal property or services; a tax upon the use within those counties of tangible personal property purchased at retail and on services purchased at retail; and imposing penalties.

Referred to Committee on URBAN AFFAIRS, April 24, 1990.

No. 2488 By Representatives ALLEN, NAILOR, NOYE, HAYES, KOSINSKI, GODSHALL, ARGALL, COWELL, MERRY, LEH, MORRIS, PHILLIPS, SEMMEL, KASUNIC, BARLEY, E. Z. TAYLOR, DeLUCA, GEIST, WOGAN, TRELLO, LEE, WOZNIAC and DEMPSEY

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," further defining "sale at retail."

Referred to Committee on FINANCE, April 24, 1990.

No. 2489 By Representatives CAPPABIANCA, DOMBROWSKI, PETRARCA, SCRIMENTI, VROON, WASS, GODSHALL, TRELLO, E. Z. TAYLOR, LAUGHLIN, PESCI, MORRIS, PRESTON, BILLOW, KAISER, DIETTERICK, STABACK, SERAFINI, MELIO, MICHLOVIC and ITKIN

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining "emergency vehicle."

Referred to Committee on TRANSPORTATION, April 24, 1990.

No. 2490 By Representatives LEH, CALTAGIRONE, GALLEN, McHALE, SEMMEL, TRELLO, ANGSTADT, MORRIS, DAVIES, LAUGHLIN, ARGALL, ALLEN, GODSHALL, DEMPSEY, NAHILL, PHILLIPS, KENNEY, KONDRICH, NOYE, E. Z. TAYLOR, HERSHEY, HASAY, JOHNSON, FLICK and MELIO

An Act amending the act of May 22, 1933 (P. L. 853, No. 155), known as "The General County Assessment Law," regulating homes for the aged, sick or infirm.

Referred to Committee on LOCAL GOVERNMENT, April 24, 1990.

No. 2491 By Representatives TRELLO, ITKIN, HAYES, RICHARDSON, FARGO, VEON, BRANDT, DOMBROWSKI, HAYDEN, DORR, McNALLY, MAYERNIK, McVERRY, JOHNSON, D. W. SNYDER, GODSHALL, J. H. CLARK, WESTON, MILLER, VAN HORNE, STRITTMATTER, BARLEY, ROEBUCK, SCHULER, SCHEETZ, LAUGHLIN, HASAY, BELFANTI, HERMAN, J. TAYLOR, WASS, STABACK, McHALE, GEIST, VROON, HESS, DIETTERICK, MARKOSEK, KOSINSKI, RYBAK, BUSH, PHILLIPS, GIGLIOTTI, E. Z. TAYLOR, G. SNYDER, LEVDANSKY, BLAUM, CARLSON, PESCI, STAIRS, PISTELLA, JAROLIN, SEMMEL, BISHOP, KAISER, O'BRIEN, KENNEY, S. H. SMITH,

TIGUE, McCALL, FARMER, ALLEN, LEH, TANGRETTI, MICHLOVIC, LASHINGER, MURPHY, TRICH, BOYES, SCRIMENTI, STISH, COLAIZZO, LANGTRY, GRUPPO, DONATUCCI, MRKONIC, F. TAYLOR, MERRY, LaGROTTA, ADOLPH, GEORGE, COLAFELLA, NAHILL, LESCOVITZ, BILLOW, ANGSTADT, WOZNIAC, WILLIAMS, ROBINSON, HARPER, JAMES, TELEK, MORRIS, HALUSKA, RUDY, OLASZ, WOGAN, LINTON, DAVIES, SAURMAN, DISTLER, FOX, DALEY, COLE, KASUNIC, DeLUCA, REINARD, MAIALE, SERAFINI, MELIO, BUNT, KONDRICH, PRESTON and DEMPSEY

An Act making an appropriation to the Department of Public Welfare to increase the monthly supplemental payment for qualified Supplemental Security Income (SSI) recipients in licensed personal care boarding homes.

Referred to Committee on FINANCE, April 24, 1990.

No. 2492 By Representatives COLE, E. Z. TAYLOR, McHALE, JACKSON, CORRIGAN, STISH, McNALLY, FARMER, DIETTERICK, FOX and CIVERA

An Act amending the act of July 11, 1985 (P. L. 209, No. 54), entitled "An act authorizing the incurring of debt for the purpose of financing the Federal share of construction of interstate highways," further providing for the power to incur debt.

Referred to Committee on FEDERAL-STATE RELATIONS, April 24, 1990.

SENATE BILL FOR CONCURRENCE

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

SB 1193, PN 2107

Referred to Committee on JUDICIARY, April 24, 1990.

LEAVES OF ABSENCE

The SPEAKER. Are there requests for leaves of absence?

The Chair recognizes Mr. Fee.

Mr. FEE. Thank you, Mr. Speaker.

There are no leaves for the Democratic side at this time.

The SPEAKER. The Chair thanks the gentleman.

RULES COMMITTEE MEETING

The SPEAKER. The Chair announces a meeting of the Rules Committee at the majority leader's desk immediately.

RESOLUTION REPORTED FROM COMMITTEE

HR 308, PN 3400 By Rep. DeWEESE
 Recognizing April 28, 1990, as "Workers' Memorial Day."
 RULES.

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

HB 2482, PN 3417 (Amended) By Rep. COWELL
 An Act making an appropriation to the Pennsylvania Higher Education Assistance Agency for the purpose of providing an issuer contribution to provide financial support for the continuation of the agency's direct loan program.

EDUCATION.

WELCOME

The SPEAKER. The Chair is pleased to welcome to the hall of the House Brenda Schuler and Tara Yuhas of the 4-H, who are the guests of Keith McCall. They are located in the balcony. Will the guests please rise.

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
 April 23, 1990

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, April 30, 1990, unless sooner recalled by the President Pro Tempore of the Senate; and be it

RESOLVED, That when the Senate adjourns the week of April 30, 1990, it reconvene on Monday, May 21, 1990, 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, May 21, 1990, 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.

BILL SIGNED BY SPEAKER

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

SB 119, PN 119

An Act amending the act of June 17, 1913 (P. L. 507, No. 335), entitled "Intangible Personal Property Tax Law," increasing assessments when returns are filed later than a certain date in counties of the second class A.

LEAVE OF ABSENCE

The SPEAKER. The Chair recognizes Mr. Hayes.
 Mr. HAYES. Thank you, Mr. Speaker.

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

The SPEAKER. Without objection, the leave will be granted.

SENATE MESSAGE

**HOUSE AMENDMENTS
 CONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 747, PN 2055**.

SENATE MESSAGE

**AMENDED SENATE BILL
 RETURNED FOR CONCURRENCE**

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House by amending said amendments to **SB 1310, PN 2108**.

Ordered, That the clerk present the same to the House requesting concurrence.

MASTER ROLL CALL

The SPEAKER. The Chair is about to take the master roll. Members will proceed to vote.

The following roll call was recorded:

PRESENT—199

Adolph	Dorr	Lashinger	Ritter
Allen	Durham	Laughlin	Robbins
Angstadt	Evans	Lee	Robinson
Argall	Fairchild	Leh	Roebuck
Barley	Fargo	Lescovitz	Rudy
Battisto	Farmer	Levdansky	Ryan
Belardi	Fee	Linton	Rybak
Belfanti	Fleagle	Lloyd	Saloom
Billow	Flick	Lucyk	Saurman
Birmelin	Foster	McCall	Scheetz
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	Micozzie	Stish
Caltagirone	Gruppo	Miller	Strittmatter

Cappabianca	Hagarty	Moehlmann	Stuban
Carlson	Haluska	Morris	Tangretti
Carn	Harper	Mowery	Taylor, E. Z.
Cawley	Hasay	Mrkonic	Taylor, F.
Cessar	Hayden	Murphy	Taylor, J.
Chadwick	Hayes	Nahill	Telek
Civera	Heckler	Nailor	Thomas
Clark, B. D.	Herman	Noye	Tigue
Clark, D. F.	Hershey	O'Brien	Trello
Clark, J. H.	Hess	Olasz	Trich
Clymer	Howlett	Oliver	Van Horne
Cohen	Hughes	Perzel	Veon
Colaifella	Itkin	Pesci	Vroon
Colaizzo	Jackson	Petrarca	Wambach
Cole	Jadlowiec	Petrone	Wass
Cornell	James	Phillips	Weston
Corrigan	Jarolin	Piccola	Williams
Cowell	Johnson	Pievsky	Wilson
Coy	Josephs	Pistella	Wogan
DeLuca	Kaiser	Pitts	Wozniak
DeWeese	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	O'Donnell,
Dombrowski	Langtry	Rieger	Speaker
Donatucci			

ADDITIONS—1

Acosta

NOT VOTING—0

EXCUSED—1

Dininni

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

SB 1472, PN 1946

By Rep. RIEGER

An Act amending the act of May 11, 1889 (P. L. 188, No. 210), entitled "A further supplement to an act, entitled 'An act to establish a board of wardens for the Port of Philadelphia, and for the regulation of pilots and pilotage, and for other purposes';.....," further regulating the rates of pilotage; and specifying fees for certain services.

PROFESSIONAL LICENSURE.

RULES SUSPENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that rule 30 be suspended to permit HB 159 to go immediately on the calendar without referral to the Rules Committee.

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

The following roll call was recorded:

YEAS—196

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

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

NAYS—0

NOT VOTING—4

Acosta Davies Dorr Wass

EXCUSED—1

Dininni

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

SENATE MESSAGE

**AMENDED HOUSE BILL
RETURNED FOR CONCURRENCE**

The clerk of the Senate, being introduced, returned **HB 159, PN 3261**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

CALENDAR

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 91, PN 98**, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), known as the "Public Welfare Code," further providing for reimbursement for certain dental services.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that HB 91 be recommended to the Appropriations Committee for a fiscal note.

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

* * *

The House proceeded to second consideration of **HB 987**, **PN 1122**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," providing for an Alzheimer's disease registry in the Department of Health.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that HB 987 be recommended to the Appropriations Committee for a fiscal note.

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

* * *

The House proceeded to second consideration of **HB 1449**, **PN 1687**, entitled:

An Act making an appropriation to the Department of Public Welfare to increase medical assistance fees.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that HB 1449 be recommended to the Appropriations Committee for a fiscal note.

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

* * *

The House proceeded to second consideration of **HB 1704**, **PN 2082**, entitled:

An Act amending the act of July 9, 1976 (P. L. 817, No. 143), known as the "Mental Health Procedures Act," further providing for payment of costs for treatment.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that HB 1704 be recommended 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 727, **PN 3380**.

* * *

The House proceeded to second consideration of **HB 1122**, **PN 3381**, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for an offense against children.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that HB 1122 be recommended to the Appropriations Committee for a fiscal note.

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

* * *

The House proceeded to second consideration of **HB 1123**, **PN 3382**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for murder and for endangering the welfare of children.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that HB 1123 be recommended to the Appropriations Committee for a fiscal note.

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

* * *

The House proceeded to second consideration of **HB 2363**, **PN 3383**, entitled:

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

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. DeWEESE. Mr. Speaker, I move that HB 2363 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 1716, **PN 2094**.

* * *

The House proceeded to second consideration of **HB 1972**, **PN 2554**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," authorizing the Department of Corrections to grant a license to the United States Park Service to erect and maintain certain radio telecommunications equipment on the land of the State Correctional Institution at Cresson, Cambria County.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. DeWEESE. Mr. Speaker, I move that HB 1972 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 House proceeded to second consideration of **HB 2365**, **PN 3379**, entitled:

An Act authorizing the incurring of indebtedness, with the approval of the electorate, of \$200,000,000 for the creation of a

State Public Land Trust to be used for the acquisition of public lands, easements and rights-of-way by the Commonwealth, local governments and nonprofit conservancy organizations.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. DeWEESE. Mr. Speaker, I move that HB 2365 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 House proceeded to second consideration of **HB 2417**, **PN 3300**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for qualifications of the State Treasurer and Auditor General.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. DeWEESE. Mr. Speaker, I move that HB 2417 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 bills, having been called up, were considered for the second time and agreed to, and ordered transcribed for third consideration:

HB 1993, **PN 2604**; and **HB 2428**, **PN 3319**.

WELCOMES

The SPEAKER. The Chair would like to take this opportunity to welcome guests to the hall of the House. We have with us this morning the PSPE (Pennsylvania Society of Professional Engineers) MATHCOUNTS champions. The individual winners are Ben Tu, Matt Blum, LeeJay Wu, and Ted Allison. The top team is from Franklin Regional Junior High School in Murrysville. The members of the top team are LeeJay Wu, Andy Hsieh, Michael Chien, and Nikhil Iyengar. These students were coached by math teacher Phyllis Draves. They are to the left of the Speaker.

We would also like to welcome the varsity cheerleading team from Forest Hills High School in Sidman, Pennsylvania. They are the guests of Mrs. Telek. They are here with coach

Sandra Stombaugh and 18 team members. They are the double-A division of the 1989 State cheerleading champions.

Also with us is the team that placed first in the junior varsity division - the Homer-Center cheerleading squad. They are the guests of Representative Paul Wass.

Also with us, as the guests of John Wozniak, Andy Billow, Ed Haluska, and Mrs. Leona Telek, are other State cheerleading champions: The quad-A champions, seniors from Greater Johnstown, with their coaches, Barbara Kopriva and Jackie Rummel—the Chair appreciates the enthusiasm of cheerleaders; I was going to try and get everybody announced before we asked for applause—the single-A champs from Conemaugh Valley; and all the other cheerleaders that we are happy to have. They are seated in the back. Will the guests please rise as well as our guests on the left.

The Chair also would like to welcome Mrs. Nathalie Neiss and her son, Andrew, from Manheim Township, Lancaster County, who are the guests of Jere Strittmatter and the other members of the Lancaster County delegation. They are seated to the left of the Speaker. Will the guests please rise.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 876, PN 2028**, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for the powers and duties of Game Commission officers.

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

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

The question is, shall the bill pass finally?

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

YEAS—198

Adolph	Donatucci	Lashinger	Ritter
Allen	Dorr	Laughlin	Robbins
Angstadt	Durham	Lee	Robinson
Argall	Evans	Leh	Roebuck
Barley	Fairchild	Lescovitz	Rudy
Battisto	Fargo	Levdansky	Ryan
Belardi	Farmer	Linton	Rybak
Belfanti	Fee	Lloyd	Saloom
Billow	Fleagle	Lucyk	Saurman
Birmelin	Flick	McCall	Scheetz
Bishop	Foster	McHale	Schuler
Black	Fox	McNally	Scrimenti
Blaum	Freeman	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	Mayermik	Snyder, G.
Bunt	Gigliotti	Melio	Staback
urd	Gladeck	Merry	Stairs
rnns	Godshall	Michlovic	Steighner
Bush	Gruitza	Micozzie	Stish
Caltagirone	Gruppo	Miller	Strittmatter
Cappabianca	Hagarty	Moehimann	Stuban

Carlson	Haluska	Morris	Tangretti
Carn	Harper	Mowery	Taylor, E. Z.
Cawley	Hasay	Mrkonic	Taylor, F.
Cessar	Hayden	Murphy	Taylor, J.
Chadwick	Hayes	Nahill	Telek
Civera	Heckler	Nailor	Thomas
Clark, B. D.	Herman	Noye	Tigue
Clark, D. F.	Hershey	O'Brien	Trello
Clark, J. H.	Hess	Olasz	Trich
Clymer	Howlett	Oliver	Van Horne
Cohen	Hughes	Perzel	Veon
Colaella	Itkin	Pesci	Vroon
Colaizzo	Jackson	Petrarca	Wambach
Cole	Jadlowiec	Petrone	Wass
Cornell	James	Phillips	Weston
Corrigan	Jarolin	Piccola	Williams
Cowell	Johnson	Pievsky	Wilson
Coy	Josephs	Pistella	Wogan
DeLuca	Kaiser	Pitts	Wozniak
DeWeese	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	O'Donnell,
Dombrowski	Langtry	Rieger	Speaker

NAYS—0

NOT VOTING—2

Acosta Freind

EXCUSED—1

Dininni

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 1983, PN 3053**, entitled:

An Act amending the act of August 22, 1953 (P. L. 1344, No. 383), known as "The Marriage Law," increasing fees to provide funding for domestic violence victims.

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

Mr. **GIGLIOTTI** offered the following amendments No. A1411:

Amend Sec. 1 (Sec. 19), page 2, line 1, by striking out "**AND**" and inserting

plus
Amend Sec. 1 (Sec. 19), page 2, line 2, by inserting after "**DOLLARS**"
, which shall be in addition to the cost of the marriage license,

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

The **SPEAKER**. On that question, the Chair recognizes Mr. **Gigliotti**.

Mr. **GIGLIOTTI**. Thank you, Mr. Speaker.

What the amendment does is—it is a technical amendment—it makes it clear that there will be an additional \$10 fee

for the marriage license. I ask everybody to give me an affirmative vote on it. Thank you.

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

The following roll call was recorded:

YEAS—197

Adolph	Dorr	Laughlin	Robbins
Allen	Durham	Lee	Robinson
Angstadt	Evans	Leh	Roeback
Argall	Fairchild	Lescovitz	Rudy
Barley	Fargo	Levdansky	Ryan
Battisto	Farmer	Linton	Rybak
Belardi	Fee	Lloyd	Saloom
Belfanti	Fleagle	Lucyk	Saurman
Billow	Flick	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.
Bunt	Gigliotti	Melio	Staback
Burd	Gladeck	Merry	Stairs
Burns	Godshall	Michlovic	Steighner
Bush	Gritzler	Micozzie	Stish
Caltagirone	Gruppo	Miller	Strittmatter
Cappabianca	Hagarty	Moehlmann	Stuban
Carlson	Haluska	Morris	Tangretti
Carn	Harper	Mowery	Taylor, E. Z.
Cawley	Hasay	Mrkonic	Taylor, F.
Cessar	Hayden	Murphy	Taylor, J.
Chadwick	Hayes	Nahill	Telek
Civera	Heckler	Nailor	Thomas
Clark, B. D.	Herman	Noye	Tigue
Clark, D. F.	Hershey	O'Brien	Trello
Clark, J. H.	Hess	Olasz	Trich
Clymer	Howlett	Oliver	Van Horne
Cohen	Hughes	Perzel	Veon
Colafrella	Itkin	Pesci	Vroon
Colaizzo	Jackson	Petrarca	Wambach
Cole	Jadlowiec	Petrone	Wass
Cornell	James	Phillips	Weston
Corrigan	Jarolin	Piccola	Williams
Cowell	Johnson	Pievsky	Wilson
Coy	Josephs	Pistella	Wogan
DeLuca	Kaiser	Pitts	Wozniak
DeWeese	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	O'Donnell,
Dombrowski	Langtry	Rieger	Speaker
Donatucci	Lashingier	Ritter	

NAYS—1

Broujos

NOT VOTING—2

Acosta

Foster

EXCUSED—1

Dininni

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. G. M. SNYDER offered the following amendments No. A1319:

Amend Title, page 1, line 5, by removing the period after "victims" and inserting

; eliminating the requirement for a premarital examination for syphilis; and making repeals.

Amend Sec. 1, page 1, lines 8 through 10, by striking out all of said lines and inserting

Section 1. Sections 5(a) and 6 of the act of August 22, 1953 (P.L.1344, No.383), known as The Marriage Law, are repealed.

Section 2. Sections 18 and 19 of the act are amended to read:

Section 18. Preparation of Forms.—Applications for licenses to marry, consent certificates, marriage licenses, and other necessary forms, shall be supplied to the clerk of the orphans' court by the county commissioners, at the expense of the county, and shall be uniform throughout the Commonwealth, as prepared by the Department of Health. [Statements of physicians and laboratories relative to examination for syphilis, as prepared by the Department of Health, shall be furnished from time to time to the several clerks of the orphans' court of this Commonwealth.]

Amend Bill, page 2, by inserting between lines 10 and 11

Section 3. Section 21(b) of the act is repealed.

Section 4. Section 12 of the act of April 23, 1956 (1955 P.L.1510, No.500), known as the Disease Prevention and Control Law of 1955, is repealed.

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

5

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Snyder.

Mr. G. M. SNYDER. Thank you, Mr. Speaker.

My amendment would end the requirement in Pennsylvania that people applying for marriage licenses first obtain a blood test for syphilis. My reason for introducing this amendment is because, by conservative estimates, the cost to those applying for marriage licenses in Pennsylvania, simply regarding this blood test requirement, is at least \$4 million a year. The latest figures that I have available for 1985 indicate that of the 84,000 people who underwent this test and paid for it in 1985, 6 cases of a positive test resulted. I do not know about all the States around Pennsylvania, but I know that Maryland does not have such a blood test. I know that this blood test has been rescinded in at least 20 other States throughout the United States, and it simply is not effective as a screening method for determining the incidence of syphilis in Pennsylvania.

A second reason for introducing this amendment is, we are now in the process of considering a bill that is going to add \$10 to the cost of a marriage license. Right now in York County, my home county, the cost of a marriage license is \$6 for the license and an additional \$10 for the surcharge that we, as the General Assembly, added on a year or two ago. If we are now going to add yet another surcharge—and I think all of us are in agreement that the purposes for this surcharge

are good—it is now going to cost York Countians \$26 for a marriage license. Maybe that is good; maybe that is bad, but we are going to be charging people for the opportunity to be married in Pennsylvania, let us not force them to spend costs that are not necessary. The premarital blood test for syphilis—and that is all it tests for; it tests for nothing else—simply is not effective in determining persons in Pennsylvania who have this communicable disease.

Mr. Speaker, I ask for the support of the members for this amendment. Thank you.

The SPEAKER. The Chair recognizes Mr. Gigliotti.

Mr. GIGLIOTTI. Mr. Speaker, I have no major objections to Mr. Snyder's amendment, but I find that to be hard to understand why he wants to take something out that we have always been doing for the start of a marriage license. That was the purpose of the blood test, number one. Number two, I am going to leave it up to the membership whether they want to vote it up or down. I have no opinion either way.

The SPEAKER. The Chair recognizes Mr. Gallen.

Mr. GALLEN. Thank you, Mr. Speaker.

Mr. Speaker, several years ago I introduced this amendment. I think it is a good amendment. It is kind of silly for us to continue to insist that people have this test when it has proven that it is not effective whatsoever and we can reduce the cost to those people who are getting married. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Trello.

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

The prime sponsor of the amendment indicated that there were six cases of venereal diseases found in Pennsylvania. If this test discovers just one person who has this venereal disease, then I think the money is well spent. Furthermore, with the problem that we are having with AIDS (acquired immune deficiency syndrome) and other areas, I think not only should we not discontinue the test but I think we should increase it to have people tested for AIDS also. I oppose the amendment.

Mr. Speaker, \$10, \$10, \$6 for a license just to get married. It is not just to get married. You know, there are departments in every county that have to keep records, and that helps pay the cost of keeping those records, so there is another reason why I oppose the amendment.

The SPEAKER. The Chair now recognizes Mr. Kukovich.

Mr. KUKOVICH. Thank you, Mr. Speaker.

I was just informed that our Department of Health is in opposition to the amendment, primarily because there has been an increase in syphilis cases in Pennsylvania. If I can recall, I remember this argument was raised 3, 4, or 5 years ago, and there was a much stronger argument at that point in time that the test was not necessary. According to recent statistics, that apparently is no longer the case. For that reason I would ask for a "no" vote on the amendment, and for a second reason I would ask for a "no" vote.

What Representative Gigliotti is trying to do here is raise much-needed supplemental funds for domestic violence and

rape crisis. I am concerned about whether an amendment such as this, which is not directly related to this issue, could bog this bill down and cause problems for its passage in the Senate. So for that secondary reason, I would also ask for a "no" vote.

The SPEAKER. The Chair recognizes Mr. Gallen.

Mr. GALLEN. Mr. Speaker, I suggest that Mr. Kukovich then introduce a bill or add an amendment to this bill which would include testing for all communicable diseases. This test has proven ineffective, and it really is not a significant test anymore, and I think we should do away with it.

I like Mr. Gigliotti's bill. I think it is a good bill. I think this amendment would make it a better bill.

I ask for support of the amendment.

The SPEAKER. The Chair recognizes Mr. Snyder.

Mr. G. M. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, one of the reasons—in fact, the only reason—that I am introducing this amendment is because it costs basically the young people of our Commonwealth a minimum of \$4 million a year, \$40 to \$60 per couple, in order to go through this test, which has proven to be an ineffective method of determining cases of syphilis in Pennsylvania. That is above and beyond the marriage license fee as well as the additional surcharges.

I, too, contacted the Department of Health, and they did not give me any statistics that would indicate that this test is any more effective today than it was back in 1985. In addition, in 1985 I have a letter from the Department of Health urging me to support and to introduce legislation to get rid of this test. I also have letters—and again I must stress, they are in 1986—letters from the Pennsylvania Medical Society reciting their resolution that this test be done away with because it is ineffective, not because of the cost but because it simply is ineffective and therefore is an unnecessary cost that we are putting on the people of Pennsylvania. I also have a letter, again dated December of 1985, from the Pennsylvania Association of Clinical Pathologists. They are the persons who are paid to do these blood tests by the physicians. They, too, urge that this requirement be dropped simply because it is not effective. It does not target that segment of the population in Pennsylvania that is statistically likely to test positive for syphilis.

Now, I have no problem whatsoever, if the Department of Health indicates to me that something dramatically has occurred that would therefore change the situation from 1986, I will be glad to withdraw the amendment, but to charge the people of Pennsylvania \$4 million a year in 1985 and in turn show six positive incidents of syphilis—and again, that is among a population of 80,000 people—simply is not cost effective and is not a good way to try to track this disease.

The SPEAKER. The Chair recognizes Mr. Gigliotti.

Mr. GIGLIOTTI. Thank you, Mr. Speaker.

Mr. Speaker, I have in front of me a document from the Department of Health, and last year there was a 55-percent increase in syphilis in the State of Pennsylvania. The counties that were affected are Philadelphia, Chester, and Delaware

Counties. So I have the thing here, Mr. Speaker, if you care to come over and take a look at it.

So I am asking you to defeat the Snyder amendment. Thank you.

AMENDMENTS WITHDRAWN

The SPEAKER. Is the gentleman seeking to withdraw his amendment?

With unanimous consent of the House, the Chair recognizes Mr. Snyder for the purpose of withdrawing his amendment.

Mr. G. M. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, I am going to withdraw this amendment, and frankly, I would not have offered it in the first place if the Department of Health had provided me with the information they have apparently provided Mr. Gigliotti. I requested the information; the information was not given to me. I offered this amendment only because of the prior position of the Department of Health and the fact that they considered the law to be very ineffective. They apparently now have changed their position. I would very much appreciate it if they would give me the information that indicates good cause as to why they have changed their position.

I withdraw the amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

The Chair recognizes Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, while I recognize the fine humanitarian reason for the prime sponsor to offer this bill, I stand in opposition to it. Let me tell you why.

Recently the House select committee for domestic violence and rape crisis services had public hearings on this very issue, on the issue of domestic violence, and those who testified said one of the problems for this coming around is the struggle for the control of money. Now, Mr. Speaker, while we are only talking a \$10 increase, nevertheless, I think it behooves this General Assembly to allow the married couple to have that \$10 in their pocket rather than in the pocket of the Commonwealth. While I recognize the importance of domestic violence, I feel that should be funded from the General Fund, not from these kinds of services.

So, Mr. Speaker, I rise to say, let us cut a break for those couples who are getting married. Let them have the \$10 to do with it as they see fit. They certainly could spend it much better than the Commonwealth.

For that reason I ask a "no" vote on HB 1983. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Gigliotti.

Mr. GIGLIOTTI. Thank you, Mr. Speaker.

Mr. Speaker, I am proud to be the prime sponsor of this piece of legislation. Let me just tell you a little story of how I got involved in this.

I had a woman come into my office who needed the service of a domestic violence center. My secretary and I talked to the shelters in my district, and we found out during conversation with the shelters how badly they needed money and how many people are on a waiting list to get into the shelters. Did you know that one out of four marriages ends up in domestic violence?

Yes, I know that there were public hearings on the domestic violence, and I thank Representative Connie Maine and her select committee, the entire select committee, for giving me the opportunity to go and testify before them and asking for their support on this piece of legislation.

Listen, Mr. Speaker: In this country the only time a male and a female will agree on anything is when they are getting married, and that is why I said the \$10 fee is not a major part— It will generate \$1 million in revenue a year for the domestic violence centers in Pennsylvania.

I ask my fellow colleagues to vote this up. 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—185

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

DeWeese	Johnson	Pistella	Wozniak
Daley	Josephs	Pitts	Wright, D. R.
Davies	Kaiser	Pressmann	Wright, J. L.
Dempsey	Kasunic	Preston	Wright, R. C.
Dieterick	Kenney	Raymond	Yandrisevits
Distler	Kondrich	Reber	
Dombrowski	Kosinski	Rieger	O'Donnell,
Donatucci	Kukovich	Ritter	Speaker
Dorr	LaGrotta	Robbins	

NAYS—9

Birmelin	Clymer	Leh	Noye
Chadwick	Hershey	Merry	Piccola
Clark, D. F.			

NOT VOTING—6

Acosta	Reinard	Rybak	Williams
Bishop	Richardson		

EXCUSED—1

Dininni

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 1059**, PN 3312, entitled:

An Act prohibiting landfilling of whole waste tires; providing for nuisance abatement; requiring permits for waste tire collectors and processors; encouraging use of recovered rubber and retread tires by State agencies; providing for a waste tire management fee and responsibilities of tire retailers and wholesalers; establishing a waste tire management fund; providing for waste tire grants; imposing additional powers and duties on the Department of Environmental Resources; imposing penalties; and making repeals.

On the question,

Will the House agree to the bill on third consideration?

Mr. HASAY offered the following amendments No. A1389:

Amend Table of Contents, page 3, line 6, by striking out "COUNTY RESPONSIBILITIES" and inserting responsibilities of municipalities

Amend Sec. 4, page 17, lines 3 through 7, by striking out all of lines 3 through 6 and "(4)" in line 7 and inserting (3)

Amend Sec. 4, page 17, line 11, by striking out "(5)" and inserting (4)

Amend Sec. 4, page 17, line 15, by striking out "(6)" and inserting (5)

Amend Sec. 4, page 18, line 10, by striking out "(7)" and inserting (6)

Amend Sec. 4, page 18, line 11, by striking out "(8)" and inserting (7)

Amend Sec. 4, page 18, line 14, by striking out "(9)" and inserting (8)

Amend Sec. 5, page 18, lines 27 and 28, by striking out "THE USE OF SHREDDED" in line 27, all of line 28 and inserting the use of waste tires, shredded waste tires or other waste tire products in the operation of a permitted solid waste management facility as daily cover material, as a leachate flow-zone medium, or for other beneficial uses if approved by the department pursuant to section 104(18) of the Solid Waste Management Act or pursuant to an equivalency review or demonstration facility application, or to

Amend Sec. 7, page 20, line 8, by inserting after "PURPOSES" or beneficially useful purposes approved by the department

Amend Sec. 7, page 20, line 10, by inserting after "AGRICULTURAL" or beneficially useful

Amend Sec. 7, page 20, by inserting between lines 14 and 15

(7) A tire collector or tire processor permitted pursuant to the Solid Waste Management Act.

Amend Sec. 9, page 21, line 16, by striking out "25¢" and inserting

\$1

Amend Sec. 9, page 21, line 30, by striking out "25¢" and inserting

\$1

Amend Sec. 9, page 22, line 3, by striking out "50¢" and inserting

\$2

Amend Sec. 9, page 22, line 9, by inserting after "RESALE" or to vehicle manufacturers

Amend Sec. 10, page 23, line 13, by striking out "COUNTIES" where it appears the first time and inserting municipalities

Amend Sec. 10, page 23, line 13, by striking out "COUNTIES" where it appears the second time and inserting municipalities

Amend Sec. 10, page 23, line 15, by striking out "25%" and inserting

50%

Amend Sec. 10, page 23, line 17, by striking out "COUNTIES" and inserting municipalities

Amend Sec. 11, page 23, line 24, by striking out "COUNTY RESPONSIBILITIES" and inserting responsibilities of municipalities

Amend Sec. 11, page 23, line 25, by striking out "PROMULGATE" and inserting propose

Amend Sec. 11, page 24, line 3, by striking out "COUNTY RESPONSIBILITIES.—COUNTIES" and inserting Responsibilities of municipalities.—Municipalities

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes Mr. Hasay.

Mr. HASAY. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is a vital amendment to HB 1059. This bill has been worked on by Representative Stuban and myself for about the last 4 years and Sue Germanio of the Democratic staff and Fred Taylor of the House Republican staff. A great deal of work has gone into this amendment and bill. The prime sponsor, of course, supports the amendment, and to have a successful tire collection program - a problem that is plaguing Pennsylvania with littered tires - this is an

essential, first major step toward doing something and a good solution to the problem.

I appreciate the support on the amendment.

The SPEAKER. The Chair recognizes Mr. Stuban.

Mr. STUBAN. I rise to support the amendment along with Representative Hasay, who has worked for many years on this, along with Sue Germanio and Fred from the other side and Bud George here on our staff, who has worked hard to resolve this problem.

We are now in a day and age here, and we saw the other day that we celebrated our 20th anniversary of Earth Day, and here, 20-some years later, we still have tire piles all across the State of Pennsylvania. I personally, in my own legislative district, and Representative Hasay, whose district adjoins mine, have a tire pile there with about 2 1/2 or 3 million tires at one location, plus tires all over the stripping.

So I would ask for an affirmative vote on this amendment to the bill because I think it strengthens the bill and makes it a better piece of legislation.

The SPEAKER. The Chair recognizes Mr. Merry.

Mr. MERRY. Mr. Speaker, I want to draw to the attention of the membership that while this bill attempts to do a very noble purpose, there are certain dangers that we are doing here. We are placing an additional tax upon the consumers of Pennsylvania that I do not think is properly applied. For instance, this issue of tires should have been approached in our latest recycling act. There certainly has to be some way to address this problem.

But now to come to a focus on my remarks, back in parts of Erie County, they are very ruralized in that if you provide a means of collecting these tires and mandate that the counties come up with a program, there is no market presently for recycled tires in any form. It has been suggested that you can grind them up and use them in highway materials, but the last I knew, the closest machine that did this was in Illinois. I have been told today that there is a company in Meadville, Pennsylvania, Seco/Warwick, that is making a new machine, a furnace of some sort, to melt the good substances out of tires and to recycle the materials back into new tire rebuilding.

None of these things exist in Pennsylvania today. This is not too unlike the problem that we have with the recycled materials as it applies to glass and bottles and plastics and stuff. When we approached this bill, we did not provide a market for those things, and so we are finding even the price of aluminum cans going down in our market, because there is not a market for it. Newspapers are being collected with no place to take them to and nobody to buy them.

I really think the General Assembly has to give some thought to creating incentives for a market to be there, so all I am doing, the bottom line, is drawing your attention that we are creating a tax on the consumers with no immediate purpose, because there is no market for these tires; there are no programs to take them out. Now, if there can be some assurance that these things will happen— After all, you are looking at Crawford County. It is 100 miles to Pittsburgh; it is 50 miles to Erie. There are urban areas where possibly there

could be a recycling or a remanufacturing process there, but currently there is not.

So please be advised that there are certain dangers in passing this bill.

The SPEAKER. The Chair recognizes Mr. Yandrisevits.

Mr. YANDRISEVITS. Thank you, Mr. Speaker.

Will the maker of the amendment stand for interrogation?

Mr. HASAY. I shall.

The SPEAKER. The gentleman may proceed.

Mr. YANDRISEVITS. Mr. Speaker, your amendment, as does the bill, allows that ground tires can be used as daily cover and landfill. Is that practice currently allowed in Pennsylvania?

Mr. HASAY. The Department of Environmental Resources is considering that presently - to be used in landfills, shredded tires.

Mr. YANDRISEVITS. But it is not currently permitted?

Mr. HASAY. Not as of yet, Mr. Speaker, but it soon probably will be. It gives them that option under this bill as well.

Mr. YANDRISEVITS. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Godshall.

Mr. GODSHALL. I would like to interrogate the maker of the amendment, Mr. Speaker, please.

The SPEAKER. Mr. Hasay indicates he is willing to be interrogated. The gentleman may proceed.

Mr. GODSHALL. This amendment strikes out "county responsibilities" and inserts "municipalities." What is the purpose of that?

Mr. HASAY. The purpose of that, Mr. Speaker, is there are some municipalities that are more into recycling and would be more prone to apply for a grant under this program rather than some other counties that may not. And counties are also municipalities as well. It would be the same program such as the recycling program where some communities do not recycle and others do, and others have a progressive growth in the recycling. We have seen under the Governor's program that the recycling program, you know, has been working, and this adds to that program for those that are recycling as of now. It allows them to apply for grants for a tire collection center, possibly apply for a grant towards a shredder to get the program going.

Mr. GODSHALL. So the purpose of this amendment then is really only to allow municipalities to do what under the legislation counties were originally allowed.

Okay, I would like to further the interrogation by then asking, who ultimately is responsible? If, say, a municipality in a county or even a county in a given location, county and/or municipality, nobody bothers to come up with any kind of a grant request or whatever, who ultimately must see that the tires have a home to go to, say in Montgomery, Potter, Tioga, or Lycoming Counties?

Mr. HASAY. This would allow both a municipality and a county, if they wish to do that. In some cases the county may not and maybe the larger municipality may.

Mr. GODSHALL. But what happens if neither does it? Who is responsible for a home for the tires?

Mr. HASAY. It is an option for them to apply for the grants. It is not a mandate.

Mr. GODSHALL. I guess my point is that the tire store owner is going to have to have the tires picked up by somebody. In a given location, say in Columbia County or whatever, if no municipality and/or no county opts to get involved in the program, who is going to pick up the tires at the tire store from the dealer in a given county?

Who is going to be picking up the tires from the tire store in a given county where the county has not developed any program, the municipalities have not developed any program? Who is going to take the tires off the hands of the tire store owner, the used tires?

Mr. HASAY. Either the municipality will develop a plan with someone or the county has the option to do the same.

Mr. GODSHALL. Must the county do that?

Mr. HASAY. Yes.

Mr. GODSHALL. The county is required under the legislation?

Mr. HASAY. Not required, no. It is an option for them to apply for the grant program if they so wish. This is not a mandate bill.

Mr. GODSHALL. It is a mandate, though, for the tire store dealer to take those used tires back from the person that he is selling tires to. So he has got to get rid of those tires someplace, and I am still trying to find out, if the county does not get involved, the municipalities do not get involved, who is going to take those tires off his hands?

Mr. HASAY. The processors, and should the other option be made by the department, once they are shredded, he will probably be able to, in the near future, take them to a landfill.

Mr. GODSHALL. Thank you, Mr. Speaker.

Mr. HASAY. Because, Mr. Speaker, as you are aware, you cannot take a tire to a landfill because they float to the top, but if they are shredded, there are other purposes that can be developed for them and used for them.

So I would appreciate your support.

The SPEAKER. The Chair recognizes Mr. Stuban.

Mr. STUBAN. Thank you, Mr. Speaker.

You know, there have been some comments made here concerning the tire. The tire will go to a processor. There was discussion here as to the cost of this tire, that there is going to be a fee for it. Right now the consumer is paying that cost for that tire. The dealer is charging him to get rid of the tire. There are many dealers throughout the State that are charging anywhere from \$3 to \$10 to get rid of a tire. In many cases dealers do not want to take that used tire because it is a cost to them to get rid of it, so they are out spread across our landscapes of the State.

I guess as we look across here and talk about our programs of recycling, the consumer is going to be the one to pay the bill regardless. Whatever we do, we are going to pay it up front one way or the other. So I ask for an affirmative vote on the amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—196

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

NAYS—2

Merry Snyder, D. W.

NOT VOTING—2

Acosta Carn

EXCUSED—1

Dininni

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. S. H. SMITH offered the following amendment No. A1425:

Amend Sec. 9, page 22, line 16, by inserting after "EXCHANGE."

Nothing in this subsection shall prevent a tire retailer or tire wholesaler from charging a handling fee for accepting a waste tire.

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

The SPEAKER. The Chair recognizes Mr. Smith. Mr. S. H. SMITH. Thank you, Mr. Speaker.

Mr. Speaker, this amendment more or less clarifies that a tire dealer can charge an additional fee if he chooses for handling a waste tire. It was my concern that because the way the bill is written calling for a \$1 fee to go into this tire abatement program, that it may have implied that a tire dealer could not charge an additional fee for handling that.

I believe presently that a tire dealer who takes back a used tire when he sells a new one, I believe he may be able to increase the cost of the actual retail price of the tire to absorb his cost of disposing of used tires. But in some situations, if this bill becomes law, it may be to his advantage to charge a separate fee, therefore having a retail price for the tire, the sales tax, the \$1 going to the tire abatement program and if he wanted to stick another dollar or whatever on there for his handling, because he is then going to have to take that tire to some kind of a processor and that is going to cost money, because those processors are not going to take those tires for free. They are going to charge to take those tires, and I believe it is important to clarify that in the bill. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Stuban. Mr. STUBAN. Mr. Speaker, I have no problems with this amendment. I could go for an affirmative vote.

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

The following roll call was recorded:

YEAS—196

Table listing names of members who voted YEAS, including Adolph, Allen, Angstadt, Argall, Barley, Battisto, Belardi, Belfanti, Billow, Birmelin, Bishop, Black, Blaum, Bortner, Bowley, Boyes, Brandt, Broujos, Bunt, Burd, Burns, Bush, and Caltagirone.

Table listing names of members who voted NAYS, including Cappabianca, Carlson, Carn, Cawley, Cessar, Chadwick, Civera, Clark, B. D., Clark, D. F., Clark, J. H., Clymer, Cohen, Colafella, Colaizzo, Cole, Cornell, Corrigan, Cowell, Coy, DeWeese, Daley, Davies, Dempsey, Dietterick, Distler, Dombrowski, Donatucci, Hagarty, Haluska, Harper, Hasay, Hayden, Hayes, Heckler, Herman, Hershey, Hess, Howlett, Hughes, Itkin, Jackson, Jadlowiec, James, Jarolin, Johnson, Kaiser, Kasunic, Kenney, Kondrich, Kosinski, Kukovich, LaGrotta, Langtry, Lashinger, Morris, Mowery, Mrkonic, Murphy, Nahill, Nailor, Noye, O'Brien, Olasz, Oliver, Perzel, Pesci, Petrarca, Petrone, Phillips, Piccola, Pievsky, Pistella, Pitts, Pressmann, Preston, Raymond, Reber, Reinard, Richardson, Rieger, Tangretti, Taylor, E. Z., Taylor, F., Taylor, J., Telek, Thomas, Tigue, Trello, Trich, Van Horne, Veon, Vroon, Wambach, Wass, Weston, Williams, Wilson, Wogan, Wozniak, Wright, D. R., Wright, J. L., Wright, R. C., and Yandrisevits.

NAYS—0

NOT VOTING—4

Table listing names of members who did not vote: Acosta, DeLuca, Josephs, Ritter.

EXCUSED—1

Dininni

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

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—197

Table listing names of members who voted YEAS, including Adolph, Allen, Angstadt, Argall, Barley, Battisto, Belardi, Belfanti, Billow, Birmelin, Bishop, Black, Blaum, Bortner, Bowley, Boyes, Brandt, Broujos, Bunt, Burd, Burns, Bush, and Caltagirone.

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

NAYS—1

Merry

NOT VOTING—2

Acosta

Rybak

EXCUSED—1

Dininni

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 **SB 758, PN 822**, entitled:

An Act amending the act of August 9, 1955 (P. L. 323, No. 130), entitled "The County Code," further providing for the compensation of a full-time district attorney.

On the question,

Will the House agree to the bill on third consideration?

Mr. COHEN offered the following amendments No. A1014:

Amend Sec. 1 (Sec. 1401), page 2, line 23, by striking out the bracket before "the"

Amend Sec. 1 (Sec. 1401), page 2, line 27, by striking out the bracket after "lectures,"

Amend Sec. 1 (Sec. 1401), page 3, line 2, by inserting after "attorney,"

Furthermore, this limitation shall not be construed to prevent the district attorney from teaching, for compensation, a credit course at an accredited institution of higher education.

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes Mr. Cohen.

Mr. COHEN. Mr. Speaker, a year ago we held very extensive debates about the ethics act, and we enacted some changes in the ethics act which included a flat prohibition against elected officials in this Commonwealth receiving any honoraria for discussing any official business of this Commonwealth.

Now, we were the first or second State in the country to do that, and I made numerous objections, as you will recall, to the ethics act, but I never objected to that provision. I felt that provision made a lot of sense. It was a clear and comprehensible rule which applied to everybody throughout the State and was unlikely to lead to any situations of ambiguity and confusion and anguish which had marked the enforcement of the ethics act in general.

Recently some district attorneys have looked at the act regulating district attorneys in this Commonwealth, and seeing that there are flat prohibitions in the law governing district attorneys for lectures, honorariums, and other items, it is their desire in this bill, SB 758, to amend this bill and remove the ban on lectures given by district attorneys. The reason they give for seeking to remove the ban on lectures is they are afraid this prohibits them from teaching at colleges, universities, law schools for compensation.

I have no problem with district attorneys or any other elected official teaching for compensation at any college, university, law school, medical school, what have you, in this Commonwealth. I do have a problem with creating a brand-new ambiguity in the law which will only get people bogged down in a lot of difficulty at the very best, and at the worst, will create a loophole under which some people are exempt from the broad prohibition of honoraria in this Commonwealth.

Our ethics act defines "honoraria" so that it includes a fee for a lecture. This act has no definition of "honoraria," "lecture," or any of the other prohibited activities.

There are two competing principles of law that will be tested if this act fails without this amendment. The first principle is, as stated in the ethics act, that any conflict between the ethics act and any other act is resolved in favor of the ethics act. The second principle is the more general principle that when there are two conflicting laws, the law passed last is the one that counts. It will be up to the Supreme Court ultimately to resolve that conflict.

I do not think that we are doing the district attorneys of this Commonwealth any great favor by repealing the ban on them giving lectures for compensation and then inviting anybody to go file an ethics complaint against any district attorney who receives money for giving a lecture. I think all we are doing is creating a lot of headaches for whatever district attorney gives lectures for compensation. And if they succeed, if finally after years of litigation the courts establish that it is okay for district attorneys to give lectures for compensation, we have basically created a loophole in the Ethics Law.

I would say that whatever the dangers are of any legislator being bribed to do something that is unconscionable or against the public interest as a result of being given money for giving a lecture, the chance, I think, is very remote. But whatever the dangers are there, it is a lot greater with the district attorney who has the power to decide, as we do not, whether somebody ought to go to jail or not go to jail.

There has been enormous scandal at a national level with honoraria being paid to Supreme Court Justices. Abe Fortas was forced to resign from the Supreme Court over that. William Douglas narrowly staved off an impeachment effort led by the then Republican leader of the House, Gerald Ford, as a result of a big uproar about whether or not he was able to get honoraria for giving lectures.

I think this is an area ripe with potential scandal. I would urge the adoption of my amendment as limiting scandal; allowing district attorneys to do what I think is totally legitimate - teaching at a college or university or law school or any institution of higher education; and leaving the ethics act standard generally applicable for every elected official in Pennsylvania. I urge support of this amendment.

The SPEAKER. The Chair recognizes Mr. Piccola.

Mr. PICCOLA. Thank you, Mr. Speaker.

I rise in opposition to the Cohen amendment. It is my view that the bill as presently written does not create any ambiguities, but rather the Cohen amendment, if adopted, would create an ambiguity making the law governing the compensation of full-time district attorneys ambiguous. It will be internally inconsistent.

First of all, Mr. Speaker, I want it to be clear that the bill does not eliminate the prohibition from district attorneys receiving honorariums. In fact, if you will look on page 2 of the bill, line 27, the bracket is inserted before the word "honorariums," and the receipt of honorariums by district attorneys will continue to be prohibited under both this law and the Ethics Law.

Now, under the Ethics Law the definition of "honorarium" is quite clear, and I am going to read it into the record because it is not very long. An honorarium as defined by the Ethics Law is, "Payment made in recognition of published works, appearances, speeches and presentations and which"—and this is the important language—"and which is not intended as consideration for the value of such services which are nonpublic occupational or professional in nature."

What we are proposing that the full-time district attorneys of this Commonwealth be permitted to do is to provide a service for consideration, a service which does in fact have value and which many of them are already providing without being compensated. The Cohen amendment is overly restrictive in that regard. It would permit, as I read the amendment, district attorneys to be compensated only if they became a professor at an institution and taught a credit course for which credit is given to the student. It does not permit a district attorney to teach at, for example, the State Police Academy. That is not an accredited institution, as I read the Cohen amendment. Many of our junior colleges, community

colleges, provide police training under the Municipal Police Education and Training Law. Many times the district attorneys will come in and teach a portion of that certified training on criminal procedure or other aspects of criminal law. The Cohen amendment would permit the DA's to do that but not permit them to be compensated.

The critical factor here, Mr. Speaker, is to remember that this statute does nothing to interfere with the operations of the Ethics Law. Any income that is derived by the DA's will have to be reported on the ethics statement. The fact of the matter is, Mr. Speaker, that judges of the court of common pleas, and I presume the other courts, already do and may teach the same kinds of courses that the district attorneys teach and yet they may be paid for it. In fact, they do not even have to be governed by the Ethics Law because they are out from underneath it.

I think the Cohen amendment creates more ambiguities than it solves. It certainly should not be adopted because we are fearful that DA's are somehow going to be able to obtain honorariums when they cannot do so now, because honorariums under this statute and under the Ethics Law continue to remain prohibited.

I urge that we defeat the Cohen amendment and adopt the bill as it presently stands. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Heckler.

Mr. HECKLER. Thank you, Mr. Speaker.

I entirely agree with the thoughts just expressed by Mr. Piccola. The Cohen amendment, if in fact it were drafted properly, which it is not, misses the point and is unnecessary. Let me just point out two other factors for your consideration.

This legislation, the underlying bill, deals only with full-time district attorneys. The majority of the district attorneys in our Commonwealth are not full time. They are not restricted from receiving payment for teaching classes, courses, seminars, whatever the case may be. We have not seen fit to regulate that particular practice. We have not seen scandals resulting from their inappropriate involvement in such activities for several very good reasons. Those are that all district attorneys are regulated by the ethics act, and as pointed out by Mr. Piccola, the term "honoraria" applies equally to them. They are prohibited from receiving such honoraria by the act, and this bill would not change that prohibition.

Further, the district attorneys are regulated as are the judges of the court of common pleas by the Canons of Ethics, the Code of Professional Responsibilities. The issue that has always arisen with regard to this, the full-time district attorney legislation and the prohibition against outside activity, has not been so much an ethical one as one to see to it that if we are going to pay district attorneys the way we pay a common pleas judge, we want their full efforts. We do not want them practicing law on the outside. We do not want their divided attention to their public duties.

The publishing of materials, the teaching of courses and seminars has always been recognized as an appropriate excep-

tion to that endeavor, and in fact, during the years when I served the district attorneys, was recognized as one of the most important roles that a district attorney could have outside of running his office on a day-to-day basis.

This bill without the Cohen amendment will not weaken that proposition. The Cohen amendment in fact adds nothing to the protections which exist under the ethics act and under the Code of Professional Responsibilities, and I would oppose the amendment.

The SPEAKER. The Chair recognizes Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the Cohen amendment. I think Representative Cohen has found the answer to allow our full-time district attorneys to teach college, which is what this whole thing is about and which is what his amendment does. It allows them to teach accredited courses in accredited colleges.

What the bill does is opens up confusion. I believe our district attorneys know the law and know how to follow it. That is not the point. The point is that passing this law without the Cohen amendment confuses everyone. You have this law governing full-time district attorneys which says they cannot do certain things; they cannot lecture. They banned honoraria before we did. Along comes the ethics act, and we ban honoraria now for everybody. Now we are going back to the law which governs district attorneys and says they can lecture and get paid for it and then in the next sentence bans honoraria. It is just confusing for the district attorneys. I believe that confusion can be used as a weapon against them, and I think that is wrong.

Mark Cohen has fashioned an amendment which makes it crystal clear, if the district attorneys in this Commonwealth want to teach and give students the benefit of their expertise, that they should be paid for it, that they can do that in accredited colleges. I think Mark Cohen has found the answer and I think we should all support it.

The SPEAKER. The Chair recognizes Mr. Piccola.

Mr. PICCOLA. Thank you, Mr. Speaker.

I would just like to address the issue raised by Mr. Blaum about the word "lectures" being taken out of the law and that somehow that creates an ambiguity. I strongly disagree. If this bill becomes law as it is presently written, there will be no reference in either this law or the Ethics Law concerning lectures. The operative word will be "honorarium," and the key question will be whether or not you are just giving a speech for fun and general information or whether you are a practitioner in a particular field which requires expertise and knowledge and you are delivering that speech and providing consideration, valuable services, in return for the consideration that you are receiving. That is the key question.

It is a very simple question in my mind, and I do not see where eliminating the word "lectures" from this statute does anything except clarify the law rather than what Mr. Cohen would propose, which would leave the word "lectures" in and keep the law quite ambiguous.

I urge that we defeat the Cohen amendment and pass this bill as it is presently written.

The SPEAKER. The Chair recognizes Mr. Cohen.

Mr. COHEN. Mr. Speaker, we in the General Assembly get a base salary of \$47,000 a year. District attorneys who are covered by this bill get a base salary of \$79,000 a year. We, on our \$47,000-a-year salary, are able to give lectures to people regularly, often many times a week, many weeks a year. If we could get just \$100 per speech, all of us could get a lot of extra money, and I have no doubt that most of our speeches are worth that. Many are probably worth far more than that. But we nevertheless passed a very clear law banning our getting paid for lectures.

Before we passed that law for us and all other elected officials in the Commonwealth, we passed a very clear law for district attorneys, banning them from getting paid for lectures. This amendment seeks to keep the ban in the law, saying district attorneys cannot get paid for lectures unless they are teaching at an accredited college or university.

We are allowed under the Ethics Law also to teach at colleges and universities. This says that there is going to be one standard for all elected officials in this Commonwealth, not two standards.

I urge your support of a single standard for all elected officials - legislators and district attorneys alike - by supporting this amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—87

Battisto	Fee	McCall	Richardson
Belfanti	Freeman	McHale	Rieger
Billow	Gamble	McNally	Ritter
Bishop	Gannon	Maiale	Robinson
Blaum	Gigliotti	Maine	Roebuck
Broujos	Gruitza	Markosek	Rudy
Caltagirone	Haluska	Mayernik	Rybak
Cappabianca	Harper	Melio	Saloom
Carn	Howlett	Morris	Steighner
Clark, B. D.	Hughes	Mrkonic	Stish
Cohen	Itkin	Murphy	Stuban
Colafranca	Jarolin	Olasz	Tangretti
Colaizzo	Josephs	Oliver	Taylor, F.
Cole	Kaiser	Perzel	Thomas
Corrigan	Kasunic	Pesci	Tigue
Cowell	Kukovich	Petrarca	Trello
DeLuca	Laughlin	Petrone	Trich
DeWeese	Lescovitz	Pievsky	Van Horne
Daley	Levdansky	Pistella	Weston
Dombrowski	Linton	Pressmann	Wright, D. R.
Donatucci	Lloyd	Preston	Yandrisevits
Evans	Lucyk	Reber	

NAYS—112

Adolph	Distler	Kenney	Scheetz
Allen	Dorr	Kondrich	Schuler
Angstadt	Durham	Kosinski	Scrimanti
Argall	Fairchild	LaGrotta	Semmel
Barley	Fargo	Langtry	Serafini
Belardi	Farmer	Lashingier	Smith, B.
Birmelin	Fleagle	Lee	Smith, S. H.
Black	Flick	Leh	Snyder, D. W.
Bortner	Foster	McVerry	Snyder, G.
Bowley	Fox	Marsico	Staback

Boyes	Freind	Merry	Stairs
Brandt	Gallen	Michlovic	Strittmatter
Bunt	Geist	Micozzie	Taylor, E. Z.
Burd	George	Miller	Taylor, J.
Burns	Gladeck	Moehlmann	Telek
Bush	Godshall	Mowery	Veon
Carlson	Gruppo	Nahill	Vroon
Cawley	Hagarty	Nailor	Wambach
Cessar	Hasay	Noye	Wass
Chadwick	Hayden	O'Brien	Williams
Civera	Hayes	Phillips	Wilson
Clark, D. F.	Heckler	Piccola	Wogan
Clark, J. H.	Herman	Pitts	Wozniak
Clymer	Hershey	Raymond	Wright, J. L.
Cornell	Hess	Reinard	Wright, R. C.
Coy	Jackson	Robbins	
Davies	Jadlowiec	Ryan	O'Donnell,
Dempsey	James	Saurman	Speaker
Dietterick	Johnson		

NOT VOTING—1

Acosta

EXCUSED—1

Dininni

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?

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

YEAS—192

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

Cole	Jackson	Petrarca	Vroon
Cornell	Jadlowiec	Petrone	Wambach
Corrigan	James	Phillips	Wass
Coy	Jarolin	Piccola	Weston
DeLuca	Johnson	Pievsky	Williams
DeWeese	Josephs	Pistella	Wilson
Daley	Kaiser	Pitts	Wogan
Davies	Kasunic	Pressmann	Wozniak
Dempsey	Kenney	Preston	Wright, D. R.
Dietterick	Kondrich	Raymond	Wright, J. L.
Distler	Kosinski	Reber	Wright, R. C.
Dombrowski	Kukovich	Reinard	
Donatucci	LaGrotta	Rieger	O'Donnell,
Dorr	Langtry	Ritter	Speaker
Durham	Lashingier		

NAYS—7

Blaum	Cohen	Michlovic	Yandrisevits
Bunt	Cowell	Richardson	

NOT VOTING—1

Acosta

EXCUSED—1

Dininni

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same without amendment.

WELCOME

The SPEAKER. The Chair welcomes to the hall of the House District Justices Susanne Walley and Carole Stoudt of Berks County. They are the guests of Representative Gallen and Representative Davies. Will the guests please rise.

VOTE CORRECTION

The SPEAKER. The Chair recognizes Mr. Rybak.

Mr. RYBAK. Mr. Speaker, I voted on HB 1059 and it failed to register. I would like to correct the record and have me voted in the affirmative. Thank you.

The SPEAKER. The remarks of the gentleman will be spread upon the record.

YOUTH AND AGING COMMITTEE MEETING

The SPEAKER. The Chair recognizes Mr. Stuban for an announcement.

Mr. STUBAN. Thank you, Mr. Speaker.

Mr. Speaker, I would like to announce a meeting of the Youth and Aging Committee at the call of the recess at the rear of the House.

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes Mr. Cohen.

Mr. COHEN. Mr. Speaker, I would like to announce that there will be a Democratic caucus immediately upon the call of recess.

HEALTH AND WELFARE COMMITTEE MEETING

The SPEAKER. The Chair recognizes Mr. Richardson.

Mr. RICHARDSON. Mr. Speaker, I would like to make an announcement that there will be a House Health and Welfare Committee meeting tomorrow morning at 9:30 in room 302, and then in the afternoon at 2 o'clock or at the end of session, there will be a special committee meeting in the majority caucus room - beginning immediately after session. Thank you.

VOTE CORRECTIONS

The SPEAKER. The Chair recognizes Mr. Bunt.

Mr. BUNT. Thank you, Mr. Speaker.

Mr. Speaker, on SB 758 I was recorded as voting in the negative. My switch malfunctioned. I do wish to be recorded in favor of.

The SPEAKER. Are there any other announcements? Any other corrections to the record?

The Chair recognizes Mr. Veon.

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

The SPEAKER. The gentleman may proceed.

Mr. VEON. Mr. Speaker, on amendment A1014 to SB 758, I was recorded in the negative. My switch did not function properly, and I wish to be recorded in the affirmative.

The SPEAKER. The remarks of the gentleman will be spread upon the record.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 885, PN 1003 By Rep. GEORGE

An Act providing for the regulation of water well construction and pump installation; licensing well contractors and pump installation contractors; conferring powers and duties on the Department of Environmental Resources and on local agencies; creating a technical advisory committee; and making an appropriation.

CONSERVATION.

HB 2236, PN 2990 By Rep. GEORGE

An Act amending the act of June 22, 1937 (P. L. 1987, No. 394), known as "The Clean Streams Law," requiring that certain sewer system and water treatment projects be approved by a referendum before a permit is issued.

CONSERVATION.

HB 2320, PN 3219 By Rep. GEORGE

An Act regulating toxic materials used in packaging; providing additional duties of the Department of Environmental Resources and the Environmental Quality Board; and providing for enforcement, remedies and penalties.

CONSERVATION.

The SPEAKER. For the information of the members, there will be no more votes this morning. The House is about to recess until 1:30 this afternoon.

The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker—

The SPEAKER. The Chair would like to amend that announcement. At the announcement of the recess, we will be out until 2 o'clock this afternoon.

REPUBLICAN CAUCUS

Mr. RYAN. Mr. Speaker, we are waiting for additional information about the supplemental budget, and it would be my thought that the Republicans go out to lunch at this time; report to the caucus room at 1:15. We will be back in session at 2 o'clock is my understanding.

The SPEAKER. The Chair thanks the gentleman.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 1117, PN 1277 By Rep. RYBAK

An Act amending the act of May 17, 1921 (P. L. 789, No. 285), known as "The Insurance Department Act of one thousand nine hundred and twenty-one," further providing for the definition of "lending institution"; and authorizing the licensing of lending institutions and bank holding companies to sell credit unemployment insurance.

INSURANCE.

HB 1118, PN 3422 (Amended)

By Rep. RYBAK

An Act amending the act of September 23, 1961 (P. L. 1232, No. 540), known as the "Model Act for the Regulation of Credit Life Insurance and Credit Accident and Health Insurance," adding provisions relating to credit unemployment insurance.

INSURANCE.

HB 1751, PN 3423 (Amended)

By Rep. RYBAK

An Act providing for Insurance Department jurisdiction over the providers of health care benefits.

INSURANCE.

VOTE CORRECTION

The SPEAKER. The Chair recognizes Mr. Williams.

Mr. WILLIAMS. Thank you, Mr. Speaker.

Mr. Speaker, on HB 1983 I was recorded as not voting. I would like the record to reflect I voted in the affirmative.

The SPEAKER. The Chair thanks the gentleman.

RECESS

The SPEAKER. This House is in recess until 2 o'clock.

RECESS EXTENDED

The time of recess was extended until 2:30 p.m.

AFTER RECESS

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

**CALENDAR CONTINUED
RESOLUTIONS**

Mr. LEVDANSKY called up **HR 216, PN 2593**, entitled:

Memorializing the Congress of the United States to clarify governmental sovereign immunity prohibiting remedial action for hazardous and radioactive waste damage.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—186

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

NAYS—1

Dombrowski

NOT VOTING—13

Acosta	Kenney	McNally	Oliver
Bowley	Kosinski	Michlovic	Preston
Cole	Lucyk	Nahill	Van Horne
James			

EXCUSED—1

Dininni

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

WELCOME

The SPEAKER. The Chair welcomes to the hall of the House fourth grade students from the Ritter Elementary School in Allentown, who are accompanied by their teacher, Chris Marchetto. They are the guests of the Lehigh County delegation, and they are in the gallery. Will the guests please rise.

VOTE CORRECTION

The SPEAKER. The Chair recognizes the gentleman, Mr. Dombrowski, who indicates that the record reflected in error a negative vote on HR 216. The gentleman's vote should have been recorded in the affirmative.

RESOLUTIONS CONTINUED

Ms. JOSEPHS called up **HR 302, PN 3361**, entitled:

Memorializing the President of the United States, the Secretary of State and the Congress of the United States to call to the attention of the Soviet leadership the urgent need to undertake effective measures to combat anti-Semitism.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—193

Adolph	Donatucci	Laughlin	Ritter
Allen	Dorr	Lee	Robbins
Angstadt	Durham	Leh	Robinson
Argall	Fairchild	Lescovitz	Rudy
Barley	Fargo	Levdansky	Ryan
Battisto	Farmer	Linton	Rybak
Belardi	Fee	Lloyd	Saloom
Billow	Fleagle	Lucyk	Saurman
Belfanti	Flick	McCall	Scheetz
Birmelin	Foster	McHale	Schuler
Bishop	Fox	McNally	Scrimenti
Black	Freeman	McVerry	Semmel
Blaum	Freind	Maiale	Serafini
Bortner	Gallen	Maine	Smith, B.
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	Micozzie	Strittmatter
Bush	Gruitza	Miller	Suban
Caltagirone	Gruppo	Moehlmann	Tangretti
Cappabianca	Hagarty	Morris	Taylor, E. Z.
Carlson	Haluska	Mowery	Taylor, F.

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

NAYS—0

NOT VOTING—7

Acosta	Evans	Johnson	Smith, S. H.
Cole	Herman	Roebuck	

EXCUSED—1

Dininni

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

Mr. HERMAN called up HR 304, PN 3363, entitled:

Congratulating the Penn State fencing team on winning the NCAA men's and women's combined championships.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—193

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

Cawley	Harper	Murphy	Taylor, J.
Cessar	Hasay	Nahill	Telek
Chadwick	Hayes	Nailor	Thomas
Civera	Heckler	Noye	Tigue
Clark, B. D.	Herman	O'Brien	Trello
Clark, D. F.	Hershey	Olasz	Trich
Clark, J. H.	Hess	Oliver	Van Horne
Clymer	Howlett	Perzel	Veon
Cohen	Hughes	Pesci	Vroon
Colaifella	Itkin	Petrarca	Wambach
Colaizzo	Jackson	Petrone	Wass
Cornell	Jadlowiec	Phillips	Weston
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	O'Donnell,
Distler	LaGrotta	Richardson	Speaker
Dombrowski	Langtry	Rieger	

NAYS—0

NOT VOTING—7

Acosta	Hayden	McNally	Williams
Cole	James	Roebuck	

EXCUSED—1

Dininni

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

Mrs. TAYLOR called up HR 306, PN 3376, entitled:

Memorializing the Governor to proclaim May, 1990 as "Celebrate to Live" month in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—197

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

Cessar	Hayden	Murphy	Telek
Chadwick	Hayden	Nahill	Thomas
Civera	Hayes	Nailor	Tigue
Clark, B. D.	Heckler	Noye	Trello
Clark, D. F.	Herman	O'Brien	Trich
Clark, J. H.	Hershey	Olasz	Van Horne
Clymer	Hess	Oliver	Veon
Cohen	Howlett	Perzel	Vroon
Colaella	Hughes	Pesci	Wambach
Colaizzo	Itkin	Petrarca	Wass
Cole	Jackson	Petrone	Weston
Cornell	Jadlowiec	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	O'Donnell,
Distler	LaGrotta	Richardson	Speaker
Dombrowski	Langtry	Rieger	

NAYS—0

NOT VOTING—3

Acosta James Roebuck

EXCUSED—1

Dininni

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

* * *

Mr. TRELLO called up HR 313, PN 3384, entitled:

Memorializing Congress to reject any proposals which would reduce or erode the benefits provided to former members of the United States Armed Forces and their dependents and survivors.

On the question,
Will the House adopt the resolution?

The SPEAKER. The Chair recognizes Mr. Trello.

Mr. TRELLO. Mr. Speaker, I will not be long, but I just want to bring to the attention of the members some of the responsibilities that I have as part of the Fiscal Committee of the National Conference of State Legislatures. There have been a couple of our sessions down in Washington where recommendations were made to reduce veterans' benefits and cut some out altogether, and my plight is representing this General Assembly in the cases of veterans' benefits, and as we all know, Pennsylvania has the largest number of veterans of any State in the Union, and Allegheny County, where I come from, has the largest number of veterans of any county in this great Nation of ours.

The members of the General Assemblies of the other States that represented the National Conference of State Legislatures overwhelmingly defeated all the resolutions to cut veterans' benefits and to eliminate others in some cases. As a matter of fact, on behalf of this General Assembly, last year I received three national awards from the Paralyzed American Veterans, the Disabled American Veterans, and the American Legion, and I accepted those awards on behalf of every single member of this General Assembly, because I know the strong feelings that we have for our veterans.

I just want to let you know that when a veteran receives his benefits for duty in a combat zone, that is a contract between that veteran and the United States of America, and the last I heard, the United States of America has not broken any contract with veterans. There is sentiment down in Washington right now to cut veterans' benefits and to eliminate some of them pertaining to widows and dependents, and I want to send them a message from this General Assembly to let them know that we disapprove of America trying to break a contract with a veteran who fought to preserve our freedom and peace in this great country of ours, and I would appreciate a "yes" vote from everybody. Thank you.

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

The following roll call was recorded:

YEAS—196

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

NAYS—0
NOT VOTING—4

Acosta James Lucy Roebuck
EXCUSED—1

Dininni

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

* * *

Mr. BELARDI called up HR 314, PN 3404, entitled:

Designating May 1 through May 7, 1990, as "Barrier Awareness Week" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

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

NAYS—0
NOT VOTING—2

Acosta Pitts
EXCUSED—1

Dininni

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

* * *

Mr. MARSICO called up HR 315, PN 3405, entitled:

Recognizing April 27, 1990, as Arbor Day; promoting public participation in the celebration; and further recognizing the value of trees to our environment.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—193

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

NAYS—0

NOT VOTING—7

Acosta	Evans	Josephs	Taylor, E. Z.
Cawley	James	Semmel	

EXCUSED—1

Dininni

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

WELCOMES

The SPEAKER. The Chair welcomes to the hall of the House a group of township supervisors who are the guests of the Erie County delegation. They are located in the balcony.

The Chair also welcomes Dr. Bob Norkus, District Magistrate James Russo, and District Magistrate Steve Mihalic, who are to the left of the Speaker. They are the guests of the Representatives of Beaver County. Will the gentlemen please rise, and will the guests please rise in the balcony.

VOTE CORRECTION

The SPEAKER. For what purpose does the gentleman, Mr. Rybak, rise?

Mr. RYBAK. To let the record show that had I been here, I would have voted in the affirmative on HR 216. Thank you.

The SPEAKER. The remarks of the gentleman will be spread upon the record.

SUPPLEMENTAL CALENDAR B RESOLUTION

Mr. PESCI called up HR 308, PN 3400, entitled: Recognizing April 28, 1990, as "Workers' Memorial Day."

On the question, Will the House adopt the resolution?

The following roll call was recorded:

YEAS—192

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

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

NAYS—0

NOT VOTING—8

Acosta	Josephs	Michlovic	Semmel
James	Lucyk	Noye	Van Horne

EXCUSED—1

Dininni

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

RULES SUSPENDED

The SPEAKER. The Chair recognizes the majority leader. Mr. DeWEESE. Mr. Speaker, I move that the rules be suspended to permit immediate consideration of HR 317 and HR 318.

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

The following roll call was recorded:

YEAS—197

Adolph	Dorr	Laughlin	Robbins
Allen	Durham	Lee	Robinson
Angstadt	Evans	Leh	Roebuck
Argall	Fairchild	Lescovitz	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
Bortner	Gallen	Maine	Smith, B.
Bowley	Gamble	Markosek	Smith, S. H.
Boyes	Gannon	Marsico	Snyder, D. W.
Brandt	Geist	Mayernik	Snyder, G.
Bunt	George	Melio	Staback
Burd	Gigliotti	Merry	Stairs
Burns	Gladeck	Michlovic	Steighner

Bush	Godshall	Micozzie	Stish
Caltagirone	Gruitza	Miller	Strittmatter
Cappabianca	Gruppo	Moehlmann	Suban
Carlson	Hagarty	Morris	Tangretti
Carn	Haluska	Mowery	Taylor, E. Z.
Cawley	Harper	Mrkonic	Taylor, F.
Cessar	Hasay	Murphy	Taylor, J.
Chadwick	Hayden	Nahill	Telek
Civera	Hayes	Nailor	Thomas
Clark, B. D.	Heckler	Noye	Tigue
Clark, D. F.	Herman	O'Brien	Trelo
Clark, J. H.	Hershey	Olasz	Trich
Clymer	Hess	Oliver	Van Horne
Cohen	Howlett	Perzel	Veon
Colaifella	Hughes	Pesci	Vroon
Colaizzo	Itkin	Petrarca	Wambach
Cole	Jackson	Petrone	Wass
Cornell	Jadlowiec	Phillips	Weston
Corrigan	Jarolin	Piccola	Williams
Cowell	Johnson	Pievsky	Wilson
Coy	Josephs	Pistella	Wogan
DeLuca	Kaiser	Pitts	Wozniak
DeWeese	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	O'Donnell,
Dombrowski	Langtry	Rieger	Speaker
Donatucci	Lashingier	Ritter	

NAYS—0

NOT VOTING—3

Acosta	Broujos	James
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EXCUSED—1

Mininni

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

RESOLUTIONS ADOPTED

The SPEAKER. The Chair recognizes the gentleman, Mr. Richardson, who calls up HR 317, which will be read by the clerk.

The following resolution was read:

House Resolution No. 317

A RESOLUTION

Recognizing May 6 through May 12, 1990, as "Hospital Week" in Pennsylvania.

WHEREAS, Hospitals are the hub of the health care networks in all of our communities, providing acute inpatient care as well as rehabilitative and psychiatric services; and

WHEREAS, Hospitals also provide a broad array of outpatient and emergency services; and

WHEREAS, In addition to traditional health care services, most hospitals also perform numerous community services; and

WHEREAS, Hospitals generally provide free care to people who have inadequate or no health coverage; and

WHEREAS, Hospitals create a strong economic base for Pennsylvania's communities, employing more than 200,000 people Statewide and returning more than \$10 billion to Pennsylvania's communities in salaries and purchased goods and services; therefore be it

RESOLVED, That the House of Representatives recognize May 6 through May 12, 1990, as "Hospital Week" in Pennsylvania; and be it further

RESOLVED, That the House of Representatives urge its members to visit the hospitals serving their districts in recognition of the vital role that hospitals play in Pennsylvania's communities and health care system.

David P. Richardson, Jr.
H. William DeWeese
Donald W. Dorr
Matthew J. Ryan
Michael E. Bortner

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

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	Michlovic	Stairs
Burd	Godshall	Micozzie	Steighner
Burns	Gruitza	Miller	Stish
Bush	Gruppo	Moehlmann	Strittmatter
Caltagirone	Hagarty	Morris	Suban
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	Olasz	Trelo
Clark, D. F.	Hess	Oliver	Trich
Clark, J. H.	Howlett	Perzel	Van Horne
Clymer	Hughes	Pesci	Veon
Cohen	Itkin	Petrarca	Vroon
Colaifella	Jackson	Petrone	Wambach
Colaizzo	Jadlowiec	Phillips	Wass
Cole	James	Piccola	Weston
Cornell	Jarolin	Pievsky	Williams
Corrigan	Johnson	Pistella	Wilson
Coy	Josephs	Pitts	Wogan
DeLuca	Kaiser	Pressmann	Wozniak
DeWeese	Kasunic	Preston	Wright, D. R.
Daley	Kenney	Raymond	Wright, J. L.
Davies	Kondrich	Reber	Wright, R. C.
Dempsey	Kosinski	Reinard	Yandrisevits
Dietterick	Kukovich	Richardson	
Distler	LaGrotta	Rieger	O'Donnell,
Dombrowski	Langtry	Ritter	Speaker
Donatucci	Lashingier		

NAYS—1

Dorr

NOT VOTING—3

Acosta Cowell Merry

EXCUSED—1

Dininni

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

* * *

The SPEAKER. The lady, Mrs. Harper, calls up HR 318, which will be read by the clerk.

The following resolution was read:

House Resolution No. 318

A RESOLUTION

Urging the Colgate-Palmolive Company to change the name and logo of "Darkie" toothpaste.

WHEREAS, The Colgate-Palmolive Company distributes a widely-sold brand of toothpaste in Asia under the name of "Darkie" and with a logo depicting a black minstrel figure in a top hat and bow tie; and

WHEREAS, This repugnant name and logo is blatantly racist and deeply offensive to African-Americans; and

WHEREAS, Shareholders in the Colgate-Palmolive Company have attempted, unsuccessfully, to have their company change this name and logo; and

WHEREAS, This situation has been brought to the attention of the American public through newspaper articles, including an article in the widely-circulated "Wall Street Journal"; therefore be it

RESOLVED, That the House of Representatives strongly urge the Colgate-Palmolive Company to change the racist name and logo of its "Darkie" toothpaste as soon as possible; and be it further

RESOLVED, That a copy of this resolution be transmitted to the corporate headquarters of the Colgate-Palmolive Company in New York.

Ruth B. Harper
Harold James
W. Curtis Thomas
Anthony Hardy Williams
Richard Hayden
Babette Josephs
Dwight Evans
William W. Rieger
Robert C. Donatucci
Frank L. Oliver

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—194

Adolph	Donatucci	Lashingier	Ritter
Allen	Dorr	Laughlin	Robbins
Angstadt	Durham	Lee	Robinson
Argall	Evans	Leh	Roebuck
Battisto	Fairchild	Lescovitz	Rudy
Belardi	Fargo	Levdansky	Ryan
Belfanti	Farmer	Linton	Rybak
Billow	Fleagle	Lloyd	Saloom
Birmelin	Foster	Lucyk	Saurman
Bishop	Fox	McCall	Scheetz

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

NAYS—1

Merry

NOT VOTING—5

Acosta Fee Flick Snyder, D. W.
Barley

EXCUSED—1

Dininni

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

VOTE CORRECTION

The SPEAKER. The Chair recognizes the gentleman, Mr. Dorr, who indicates that he had been recorded in error on HR 317 and his vote should have been recorded in the affirmative.

CONDOLENCE RESOLUTION ADOPTED

The SPEAKER. We are about to take up a condolence resolution on the death of a former member. The Sergeant at Arms will close the doors of the House. Members will please take their seats.

The clerk will read the resolution.

The following resolution was read:

COMMONWEALTH OF PENNSYLVANIA
THE HOUSE OF REPRESENTATIVES
RESOLUTION

WHEREAS, Miles B. Zimmerman, Jr., a Pennsylvania state representative from 1967-75, passed away on December 18, 1989 at the age of seventy-one; and

WHEREAS, A graduate of The Pennsylvania State University and Eckels School of Mortuary Science, Philadelphia, Mr. Zimmerman was the retired owner of the former Zimmerman Funeral Homes in Harrisburg and Linglestown. He was a former Dauphin County prothonotary from 1950-58. A Navy veteran of World War II, he was a member and past commander of the Linglestown American Legion Post 272. He was a member and past master of Harrisburg F&AM Lodge 629, the Tall Cedars of Lebanon Forest 43, Harrisburg Consistory, Zembo Temple and York Rite Bodies in Harrisburg. He was also a past president of the Lower Paxton Lions Club, the Lower Paxton Businessmen's Association and a member of the Linglestown United Methodist Church and First United Methodist Church in Stuart, Florida; now therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania pause in its deliberations to mourn the passing of Miles B. Zimmerman, Jr., a distinguished citizen and devoted family man; extend heartfelt condolences to his wife, Anna S. Zimmerman; son, Miles B. III; daughter, Carole Z. Ermel; sister; three grandchildren; and two great-grandchildren; and be it further

RESOLVED, That a copy of this resolution be transmitted to Anna S. Zimmerman, 2798 Pine Valley Road, Port Saint Lucie, Florida 34952.

We hereby certify that the foregoing is an exact copy of a resolution introduced in the House of Representatives by the Honorable Ronald S. Marsico and unanimously adopted by the House of Representatives on the 17th day of April 1990.

Robert W. O'Donnell
Speaker of the
House of Representatives
ATTEST:
John J. Zubeck
Chief Clerk of the
House of Representatives

On the question,
Will the House adopt the resolution?

The SPEAKER. Members and guests will please rise.

(Whereupon, the members of the House and all visitors stood in a moment of silence in solemn respect to the memory of the Honorable Miles B. Zimmerman, Jr.)

The SPEAKER. The resolution has been unanimously adopted.

Sergeant at Arms will open the doors of the House.

CALENDAR CONTINUED
BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 232, PN 3311**, entitled:

An Act providing for the regulation of the production and handling of ice; licensing ice plants; imposing duties on the Department of Environmental Resources; and providing for civil penalties.

On the question,
Will the House agree to the bill on third consideration?
Mr. LEE offered the following amendments No. A1438:

Amend Bill, page 10, by inserting between lines 4 and 5 Section 12. Small ice producers.

(a) Exemption.—Small ice producers shall be exempt from the provisions of this act except that, if they manufacture ice using water from a private water supply system, they shall test their water in a manner similar to the testing required of public eating and drinking places under 25 Pa. Code §§ 151.71 (relating to water supply) and 151.72 (relating to ice).

(b) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Small ice producer." A manufacturer, processor or packager of ice who manufactures, processes or packages less than five tons of ice per year.

Amend Sec. 12, page 10, line 5, by striking out "12" and inserting

13

Amend Sec. 13, page 10, line 11, by striking out "13" and inserting

14

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

The SPEAKER. On that question, the Chair recognizes Mr. Lee.

Mr. LEE. Thank you, Mr. Speaker.

First, let me applaud the intent of Representative Durham, the prime sponsor of HB 232, since the bill fills a loophole in our existing health safety laws relating to the manufacture and sale of ice. In this regard, this bill is a very good bill. However, in trying to solve a very specific problem in our existing laws, I believe the drafters of HB 232 have proposed an overly broad and bureaucratic solution which goes beyond what is necessary to protect the public health. That is why I am offering an amendment today to HB 232 - A1438 - which I feel makes this good bill even better.

My amendment, A1438, would provide a limited exception for those establishments which manufacture and sell small amounts of ice. These include places such as bars, restaurants, grocery stores, gas stations, convenience stores, et cetera, many of which have ice machines already and which sell a few bags of ice mainly as a service to their customers. For example, I used to work in a bar in Eagles Mere, Pennsylvania, and people would come in and ask for a bag of ice. We would give them a bag of ice and charge them a dollar for it, just mainly as a convenience to our customers. Currently there are very limited regulations on that type of a sale of ice.

Under this bill, these small retail establishments would be extensively regulated. Chief among these regulations would be a requirement, under section 6, that they conduct extensive testing of their ice water both before and after it is frozen. Furthermore, the bill requires testing even for water from a public drinking water supply, which has already been extensively tested under existing law. This testing could run up to \$500.

In addition to the testing requirements of HB 232, there are also several provisions which would make it almost impossible

for small establishments such as restaurants, bars, et cetera, to make and sell ice. Chief among these are the licensing and fee provisions contained in section 8 and the labeling contained in section 5.

Amendment A1438 would provide a limited exception for small ice producers, which are defined as anyone who sells less than 5 tons per year. This works out to be between 5 and 10 bags of ice a day. However, the bill would still require testing of water from a private water supply system, much as now required for drinking water in restaurants under the Public Eating and Drinking Place Law.

In short, my amendment would change HB 232 so that it still requires large ice manufacturers to come under the stringent testing requirements for public drinking water supplies. Meanwhile, small retail establishments would be subjected to the much less onerous requirements of the Public Eating and Drinking Place Law, thus guaranteeing that all water used in manufacturing ice has been tested for contamination without unnecessarily regulating our small business establishments.

I urge your support of this amendment. Thank you.

The SPEAKER. The Chair recognizes Mrs. Durham.

Mrs. DURHAM. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the Lee amendment for several reasons.

This is a consumer bill. We are trying to protect consumers from various diseases. The most common one would be hepatitis. So even though someone may be a small producer, they still could prove to be very dangerous in the community. The restaurants and bars are already licensed. The small convenience stores are under the bill, and they should remain there, because even though they may only sell a small amount of ice, they still have the potential of contaminating, so therefore, I urge you to defeat the Lee amendment. Thank you.

The SPEAKER. The Chair recognizes Mr. Wambach.

Mr. WAMBACH. Thank you, Mr. Speaker.

Mr. Speaker, I join with Mrs. Durham regarding the defeat of the Lee amendment. We worked on this bill, her bill, for a number of months through the committee process as well as private discussions we have had with ice producers throughout Pennsylvania.

What the Lee amendment does is searches for an exemption for the small ice producer. We are not talking about the small ice manufacturer who may have an ice plant in your district. We are talking about a very small quantity of ice that he seeks to have exempted to the point where— It is my understanding that the smallest commercial ice machine, produced for commercial purposes, produces 100 pounds of ice a day. His amendment will take that number down to 27 pounds of ice a day. I think what we are looking at is the problems that may exist regarding those producers with small units of ice within their own establishments, such as a convenience store.

He uses the example of restaurants. Restaurants are exempted within the bill, based on a prior amendment that was agreed to, mainly because of the licensing provision and the inspection of DER that is currently being held. So what I think he does is he takes a good bill and a good approach to a

problem that has existed in Pennsylvania and a very severe problem that has gone unregulated and takes it down to the ridiculous.

I think, Mr. Speaker, it is time we defeat and join, and I join with Mrs. Durham in defeating the Lee amendment and ask all our colleagues to do so.

The SPEAKER. The Chair recognizes Mr. Merry.

Mr. MERRY. Mr. Speaker, I rise to support the Lee amendment.

To go back to the bill itself, it is a bill that we totally do not need. It is a solution looking for a problem. How in the world does bacteria live in ice water? We have used ice for years to slow down the contamination of bacteria and germs, and now someone suggests that there is a problem in our ice supply throughout the Commonwealth. I am not aware of it, but I could accept some of the provisions in the original bill if it did not put new regulations on small businesses. You know, we are just regulating our businesses out of business in Pennsylvania - little bits of red tape here and there. Only one more form to fill in per month, but it is one more form and one more form, one more license, one more permit, one more inspector. When do we get to the end of this foolishness?

Now, Representative Lee, in amendment 1438, at least attempts to take some of the onerousness off the small gas station, convenience store, or whoever it is that is now being impacted by this bill. I urge the adoption of the Lee amendment.

The SPEAKER. The Chair recognizes Mr. Wozniak.

Mr. WOZNIAK. Thank you, Mr. Speaker.

May I interrogate the maker of the amendment?

The SPEAKER. The gentleman indicates he will be interrogated. The gentleman may proceed.

Mr. WOZNIAK. Thank you, Mr. Speaker.

Are you aware in Pennsylvania, let us say even in the past 4 or 5 years, that somebody can be directly related to an illness because of ice that they purchased at an establishment?

Mr. LEE. Yes.

Mr. WOZNIAK. Oh, you do know—

Mr. LEE. Repeat the question. I am not quite sure if I understand it.

Mr. WOZNIAK. Do you have any firsthand knowledge of some individual or group of people who became ill because they purchased ice from a Sheetz or a 7-Eleven or a gas station or something in Pennsylvania?

Mr. LEE. I am not aware of that at all. In fact, I asked several people who were related with this bill, do they have any instances where that has been a problem, and I am not aware of any, except for the one instance where a large manufacturer of ice had the problem in Philadelphia from a private water supply system. It was a large manufacturer. I have never heard of any problems with just the small Sheetz or your local bar, with their own ice machine, having a problem of people getting sick.

Mr. WOZNIAK. Okay. Thank you, Mr. Speaker.

A statement on the amendment.

The SPEAKER. The gentleman may proceed.

Mr. WOZNIAK. As Representative Merry indicated, I think this is overkill. I can understand that we want to protect the health and welfare of our citizens, but at the same time, we do not want to put an overredundant amount of responsibility on good, honest business people. I think this particular piece of legislation has gone too far in the way of regulation, and I think the amendment that Representative Lee has placed in front of it - to help the little guys out, to stop putting a lot of unnecessary red tape on their shoulders - is certainly acceptable.

I would appreciate if we might think and think of ourselves at this time and our positions if we were these small businessmen and vote in the affirmative for Representative Lee's amendment. Thank you very much.

The SPEAKER. The Chair recognizes Mr. Wass.

Mr. WASS. Thank you very much.

May I interrogate Representative Lee?

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

Mr. WASS. Mr. Speaker, the Durham legislation, of course, is geared to protecting the public, and in your amendment, which I would like to support, is there any water testing that goes on in your type of facility that would help us to understand that there is a possible test that would protect our consumers?

Mr. LEE. Yes. My bill is designed to make sure that no ice is manufactured and sold in Pennsylvania that would be ntested, but what I am trying to do is make the small convenience stores comply with the same type of laws that restaurants are complying with now.

Under current law, if you get water from a public water supply, you do not have to test it if you are a restaurant. Now, if you have your own well, then you do have to test it, and what this bill is doing is exactly the same for ice manufacturing. If you get water from a public water supply, you are not going to have to test that if you produce ice with it, but if you get it from a private water supply, your own well, then you will have to test it. It goes right along with the Public Eating and Drinking Place Law we already have in existence, which DER enforces. So we are not trying to exempt these people totally; we are just trying to make it more uniform across the board.

Mr. WASS. Thank you very much.

That concludes my interrogation.

The SPEAKER. The Chair recognizes Mr. Haluska.

Mr. HALUSKA. Mr. Speaker, I rise to support this amendment.

I feel that we are trying to do an overkill on the "ma and pa" businesses of Pennsylvania. We are currently regulated by the DER to such an extent that many of them even today cannot meet the requirements that are being imposed upon them, and this is just another step forward that certainly is not conducive to good business in Pennsylvania, when we realize the greater majority of the businesses are the small, independent units across this Commonwealth and we have to do things to help them rather than destroy them.

So I ask for an affirmative vote on this amendment.

The SPEAKER. The Chair recognizes Mr. David Wright.

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

A previous speaker or two have raised the issue that this is a solution in search of a problem, and I would just want to indicate that Mrs. Durham brought this matter to the attention of the Consumer Affairs Committee, and as she brought this concern to the committee, she brought with her substantial evidence from the industry itself, and those who are saying that we do not need further regulation of this industry are arguing, actually, with the industry itself, which is saying we need to do something about this problem.

So the issue with regard to this amendment, actually, is this: Do you want to regulate the ice-making industry or do you not? If you agree with the industry itself, that it needs some regulation, then you will vote against this amendment. I would ask that you vote against it and vote for Mrs. Durham's bill.

The SPEAKER. The Chair recognizes Mrs. Durham.

Mrs. DURHAM. Thank you, Mr. Speaker.

Mr. Speaker, what Mr. Lee is trying to do is ultimately going to be very confusing and very frustrating for DER. Mr. Lee has said that the small producer shall comply with Pennsylvania regulations, chapter 25, sections 151.71 and 151.72, and if you read section 151.72, it says, "Ice used for any purpose shall be made from water which comes from a safe and satisfactory source, and shall be used only if it has been manufactured, stored, transported and handled in a sanitary manner." Now, looking at that, it seems logical to me that these small convenience stores are still going to have to produce a safe product, but we are making one section of ice producers comply under a different standard. It just seems logical to me and it seems logical to DER to have all the ice producers come under one set of regulations.

So therefore, I strongly urge you to defeat the Lee amendment. Thank you.

The SPEAKER. The Chair recognizes Mr. Wambach.

Mr. WAMBACH. Thank you, Mr. Speaker.

Mr. Speaker, in refuting a few of Mr. Lee's arguments, I would like to state that when we talk about public water supply, we are talking about a water supply that is tested on a regular basis. When we are talking about a private water supply, we are talking about, generally, well water that does not fall under that category of being tested on a regular basis. When we are talking about producers and small producers—which, in his case, he is talking about 27 pounds of ice a day—we are not talking about those establishments that produce ice for the sale to the public as a sole business, if you will; we are talking about an augmentation.

We are also talking about the handling of that water supply to a frozen state and then into a bag state and then to the public, so we are talking about the possibility of contamination that exists not only before the process begins, depending on the private or public water supply, but we are also talking about it through the process as well - the possibility of contamination that may exist during the process and, as a result

of that, during the many different steps of the handling process, particularly with the small producer. Generally, the large producers have a start-to-finish kind of operation that once the process begins, it never comes into the hands of an employee until it in fact is sold to the final user of the ice product. So we are talking about those safeguards that are part and parcel of public safety in Pennsylvania and the health laws of Pennsylvania that should respond to it.

We are talking about the testing of that water supply. How we got into this to begin with is studying a situation that occurred when in fact ice that was supplied came from a private source. As a result of water increase, rainwater coming in and overflowing a creek, it contaminated a private water supply, and that is how, basically, the contamination had started.

But we are also talking about the safeguarding of the public in the most crucial area - in the small areas that must be regulated as far as to insure that ice supply is pure. We are not necessarily talking about the big producers, but the big producers are part and parcel of this bill and have worked with Mrs. Durham throughout this whole process. When you eliminate the suppliers of 27 pounds or less in Pennsylvania, you are talking about probably substantially those areas that could in fact be in jeopardy more so than the other areas combined.

It is a serious health matter that has in fact invoked problems across the State before, and I ask you to defeat the Lee amendment and get on with support of the Durham amendment and bill on final passage. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Fairchild.

Mr. FAIRCHILD. Mr. Speaker, would the maker of the amendment stand for a brief interrogation?

The SPEAKER. He indicates that he will. The gentleman may proceed.

Mr. FAIRCHILD. Mr. Speaker, I understand in the bill itself that this applies to ice used for packaging or keeping cool foodstuffs. In our rural counties of Pennsylvania—I would be willing to bet that especially a lot of our rural areas where country stores are common, some of the stores that you mentioned - the convenience stores—if I understand this, without your amendment, they would be required to spend up to \$400 or \$500 testing their water to be able to manufacture ice, say, to display produce. Is that correct?

Mr. LEE. That is not exactly correct. This bill applies to ice sold to the general public as a commodity at a grocery store, at a convenience store, from a bar, et cetera.

Mr. FAIRCHILD. Okay. So if they pack that produce in ice, then it would apply, if they sold you the produce with the ice.

Mr. LEE. Yes; I suppose it would, yes.

Mr. FAIRCHILD. Okay. Would a lemonade stand come under this provision?

Mr. LEE. Well, see, a lemonade stand would not come under this provision for the ice they put in the drink, but if someone came up and asked, well, can I have a bag of ice so I can take it home and put it in the lemonade at home, then they have got to come under this bill, and that is exactly what we

are trying to do, is eliminate that inconsistency. We want to put that lemonade stand, that bar, that grocery store, under the same provisions they would have to come under if they were just serving that as a food or using the same water to just serve someone as a drink, so we are just trying to make it consistent.

Mr. FAIRCHILD. Thank you.

May I make a brief statement, Mr. Speaker?

The SPEAKER. The gentleman may proceed.

Mr. FAIRCHILD. Thank you.

Mr. Speaker, I would like to support the Lee amendment. I think it is good. I think it is exceptionally good for our rural areas that only have private water supplies. This is just an amendment which will affect those small producers, and let us not just think that we are talking about ice producers. We are talking about stores and establishments that benefit every one of our constituents. Thank you.

The SPEAKER. The Chair recognizes Mr. Herman.

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

Some years ago the State College Water Authority was besieged with a case of giardiasis in their water supply. Upon investigating the matter, I found there are some deficiencies in the law as well as DER regulations and that DER is really only required to test public water supplies only once per year and they are not at all required to test for giardiasis. Now, as I understand this amendment, these individuals would be exempted if they were on a public water supply system, and therefore, keep in mind that if they are only tested once per year, that gives 364 days that the water could be possibly contaminated and yet go untested, whether it be at the public water source or at the ice source.

That is why I am going to oppose this amendment, because I think it is one way that we can further help to safeguard the public by insuring that everyone meets the same standards and regulations under the current bill. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Lee.

Mr. LEE. I would just like to make one comment in regard to the comment that Representative Wright made. It is a very important one. It is the reason I got involved in this bill to begin with. He said, well, all the ice manufacturers support this bill as it is. Well, I would if I was an ice manufacturer, too, because what is this going to do? It is going to stop all those small convenience stores, all those bars, from competing against me. So they cannot sell ice; they cannot afford all the testing under this bill, and therefore, the big guys are going to be able to come in, and they are big enough that they can afford all the testing under this bill, and they are going to be able to take up that market. So do not be deceived by the idea that the big guys are supporting this and therefore this is a good bill.

I just strongly urge support of this amendment. Thank you very much.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—106

Allen	Coy	Jackson	Pitts
Angstadt	Davies	Jadlowiec	Reber
Argall	Dempsey	Kenney	Reinard
Barley	Dietterick	Kondrich	Robbins
Battisto	Distler	Langtry	Robinson
Belardi	Dorr	Lashinger	Saurman
Belfanti	Fairchild	Lee	Scheetz
Birmelin	Fargo	Leh	Scrimenti
Bishop	Farmer	Linton	Semmel
Black	Fleagle	Lloyd	Serafini
Boyes	Flick	McCall	Smith, S. H.
Brandt	Foster	Maiale	Snyder, D. W.
Broujos	Fox	Markosek	Snyder, G.
Bunt	Freind	Marsico	Staback
Burd	Gallen	Mayernik	Stairs
Bush	Gamble	Merry	Strittmatter
Carlson	Gannon	Miller	Taylor, E. Z.
Cawley	Geist	Moehlmann	Taylor, J.
Cessar	Godshall	Morris	Telek
Chadwick	Gruppo	Mowery	Tigue
Clark, D. F.	Hagarty	Nailor	Vroon
Clark, J. H.	Haluska	Noye	Wass
Clymer	Hasay	O'Brien	Weston
Cohen	Hayes	Perzel	Wilson
Colaizzo	Heckler	Phillips	Wogan
Corrigan	Hershey	Piccola	Wozniak
Cowell	Hess		

NAYS—92

Adolph	Gigliotti	Maine	Rybak
Billow	Gladeck	Melio	Saloom
Blaum	Gruitza	Michlovic	Schuler
Bortner	Harper	Micozzie	Smith, B.
Bowley	Herman	Mrkoncic	Steighner
Burns	Howlett	Murphy	Stish
Caltagirone	Hughes	Nahill	Stuban
Cappabianca	Itkin	Olasz	Tangretti
Carn	James	Oliver	Taylor, F.
Civera	Jarolin	Pesci	Thomas
Clark, B. D.	Johnson	Petrarca	Trello
Colafella	Josephs	Petrone	Trich
Cole	Kaiser	Pievsky	Van Horne
Cornell	Kasunic	Pistella	Veon
DeLuca	Kosinski	Pressmann	Wambach
DeWeese	Kukovich	Preston	Williams
Daley	LaGrotta	Raymond	Wright, D. R.
Dombrowski	Laughlin	Richardson	Wright, J. L.
Donatucci	Lescovitz	Rieger	Wright, R. C.
Durham	Levdansky	Ritter	Yandrisevits
Evans	Lucyk	Roebuck	
Fee	McHale	Rudy	O'Donnell,
Freeman	McNally	Ryan	Speaker
George	McVerry		

NOT VOTING—2

Acosta	Hayden
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EXCUSED—1

Dininni

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?

Mrs. DURHAM offered the following amendments No. A1333:

Amend Sec. 9, page 9, line 6, by striking out (A) GENERAL RULE.—”

Amend Sec. 9, page 9, line 6, by striking out “may” and inserting shall

Amend Sec. 9, page 9, lines 10 through 18, by striking out all of said lines

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

The SPEAKER. On that question, the Chair recognizes the lady, Mrs. Durham.

Mrs. DURHAM. Thank you, Mr. Speaker.

Mr. Speaker, I am offering this amendment to answer some concerns that DER had about out-of-State producers.

The SPEAKER. The Chair recognizes Mr. Wambach.

Mr. WAMBACH. The amendment, Mr. Speaker, is an agreed-to amendment.

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

The following roll call was recorded:

YEAS—196

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

Donatucci Laughlin
 NAYS—0
 NOT VOTING—4
 Acosta Cessar Gallen Jackson
 EXCUSED—1

Dininni

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?

The Chair recognizes Mr. Wass.

Mr. WASS. Mr. Speaker, may I interrogate the maker of the legislation?

The SPEAKER. The lady indicates that she will be interrogated. The gentleman may proceed.

Mr. WASS. Mr. Speaker, the description of your legislation on our calendar says there is a fiscal note. Do you know what that fiscal note is?

Mrs. DURHAM. We do have that information.

Mr. WASS. Could I have it? Could you tell us what it is?

Mr. Speaker, if I may. Your legislation is being enforced by DER. Is that true? Would they be the enforcing department?

Mrs. DURHAM. Yes; that is correct.

Mr. WASS. Can you tell me how much of this fiscal note will be initiated or will be charged by DER, that will be a direct cost to DER?

Mrs. DURHAM. I do not have that information.

Mr. WASS. You do not.

Do you know how many additional inspectors they will have to add to their force to enforce your legislation?

Mrs. DURHAM. DER has not provided me with that information.

Mr. WASS. Mr. Speaker, 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—199

Adolph	Dorr	Lashingier	Ritter
Allen	Durham	Laughlin	Robbins
Angstadt	Evans	Lee	Robinson
Argall	Fairchild	Leh	Roebuck
Barley	Fargo	Lescovitz	Rudy
Battisto	Farmer	Levdansky	Ryan
Belardi	Fee	Linton	Rybak
Belfanti	Fleagle	Lloyd	Saloom
Billow	Flick	Lucyk	Saurman
Birmelin	Foster	McCall	Scheetz
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	Mayermik	Snyder, G.
Bunt	Gigliotti	Melio	Staback
Burd	Gladeck	Merry	Stairs
Burns	Godshall	Michlovic	Steighner
Bush	Gruitza	Micozzie	Stish
Caltagirone	Gruppo	Miller	Strittmatter
Cappabianca	Hagarty	Moehlmann	Stuban
Carlson	Haluska	Morris	Tangretti
Carn	Harper	Mowery	Taylor, E. Z.
Cawley	Hasay	Mrkonik	Taylor, F.
Cessar	Hayden	Murphy	Taylor, J.
Chadwick	Hayes	Nahill	Telek
Civera	Heckler	Nailor	Thomas
Clark, B. D.	Herman	Noye	Tigue
Clark, D. F.	Hershey	O'Brien	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	James	Phillips	Weston
Corrigan	Jarolin	Piccola	Williams
Cowell	Johnson	Pievsky	Wilson
Coy	Josephs	Pistella	Wogan
DeLuca	Kaiser	Pitts	Wozniak
DeWeese	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	O'Donnell,
Dombrowski	Langtry	Rieger	Speaker
Donatucci			

NAYS—0

NOT VOTING—1

Acosta

EXCUSED—1

Dininni

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.

VOTE CORRECTION

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

Mr. KENNEY. Mr. Speaker, I would like to correct the record.

The SPEAKER. The gentleman may proceed.

Mr. KENNEY. Thank you, Mr. Speaker.

On HR 216 I would like to be recorded in the affirmative. Thank you.

The SPEAKER. The remarks of the gentleman will be spread upon the record.

**BILLS ON THIRD
CONSIDERATION CONTINUED**

The House proceeded to third consideration of **HB 2034, PN 3217**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for sentencing requirements for police officers convicted of certain offenses relating to delivery of controlled substances.

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

Mr. **MAYERNIK** offered the following amendments No. **A1430**:

Amend Title, page 1, line 3, by inserting after "officers" and deputy sheriffs

Amend Sec. 1 (Sec. 9720), page 1, line 9, by inserting after "officers" or deputy sheriffs

Amend Sec. 1 (Sec. 9720), page 1, line 4 (A1331), by inserting after "officer" or deputy sheriff

Amend Sec. 1 (Sec. 9720), page 1, line 13 (A1331), by inserting after "Law"

or the certification awarded by the Deputy Sheriffs' Education and Training Board pursuant to the act of February 9, 1984 (P.L.3, No.2), known as the Deputy Sheriffs' Education and Training Act, as the case may be

Amend Sec. 1 (Sec. 9720), page 1, lines 15 and 16 (A1331), by striking out all of said lines and inserting officer or deputy sheriff who tests positive for or is in possession of any controlled substance for which he had a valid prescription.

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

The **SPEAKER**. On that question, the Chair recognizes Mr. **Mayernik**.

Mr. **MAYERNIK**. Thank you, Mr. Speaker.
This amendment prohibits persons from serving as deputy sheriffs who have been convicted of illegal delivery or possession with the intent to deliver a controlled substance or designer drugs. I would ask for an affirmative vote on the amendment.

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

The following roll call was recorded:

YEAS—198

Adolph	Donatucci	Langtry	Rieger
Allen	Dorr	Lashinger	Ritter
Angstadt	Durham	Laughlin	Robbins
Argall	Evans	Lee	Robinson
Barley	Fairchild	Leh	Roebuck
Battisto	Fargo	Lescovitz	Rudy
Belardi	Farmer	Levdansky	Ryan
Belfanti	Fee	Linton	Rybak
Billow	Fleagle	Lloyd	Saloom
Birmelin	Flick	Lucyk	Saurman
Bishop	Foster	McCall	Scheetz
Black	Fox	McHale	Schuler
laum	Freeman	McNally	Scrimenti
ortner	Freind	McVerry	Semmel
Bowley	Gallen	Maiale	Serafini
Boyes	Gamble	Maine	Smith, B.

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

NAYS—0

NOT VOTING—2

Acosta Taylor, J.

EXCUSED—1

Dininni

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

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

Mr. **CESSAR** offered the following amendments No. **A1444**:

Amend Title, page 1, line 3, by striking out "police" and inserting

law enforcement

Amend Sec. 1 (Sec. 9720), page 1, line 9, by striking out "police" and inserting

law enforcement

Amend Sec. 1 (Sec. 9720), page 1, line 4 (A1331), by striking out "police" and inserting

law enforcement

Amend Sec. 1 (Sec. 9720), page 1, line 14 (A1430), by inserting after "be"

, or, if not certified under either law, shall be removed as a law enforcement officer by order of the sentencing court

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

The **SPEAKER**. The Chair recognizes Mr. **Cessar**.

Mr. CESSAR. Thank you, Mr. Speaker.

What this amendment does is take the words "police officers" and say that all law enforcement officers will come under the provisions of the bill.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—198

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

NAYS—0

NOT VOTING—2

Acosta Weston

EXCUSED—1

Dininni

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—199

Adolph	Dorr	Lashinger	Ritter
Allen	Durham	Laughlin	Robbins
Angstadt	Evans	Lee	Robinson
Argall	Fairchild	Leh	Roebuck
Barley	Fargo	Lescovitz	Rudy
Battisto	Farmer	Levdansky	Ryan
Belardi	Fee	Linton	Rybak
Belfanti	Fleagle	Lloyd	Saloom
Billow	Flick	Lucyk	Saurman
Birmelin	Foster	McCall	Scheetz
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	Micozzie	Stish
Caltagirone	Gruppo	Miller	Strittmatter
Cappabianca	Hagarty	Moehmann	Suban
Carlson	Haluska	Morris	Tangretti
Carn	Harper	Mowery	Taylor, E. Z.
Cawley	Hasay	Mrkonic	Taylor, F.
Cessar	Hayden	Murphy	Taylor, J.
Chadwick	Hayes	Nahill	Telek
Civera	Heckler	Nailor	Thomas
Clark, B. D.	Herman	Noye	Tigue
Clark, D. F.	Hershey	O'Brien	Trello
Clark, J. H.	Hess	Olasz	Trich
Clymer	Howlett	Oliver	Van Horne
Cohen	Hughes	Perzel	Veon
Colaifella	Itkin	Pesci	Vroon
Colaizzo	Jackson	Petrarca	Wambach
Cole	Jadlowiec	Petrone	Wass
Cornell	James	Phillips	Weston
Corrigan	Jarolin	Piccola	Williams
Cowell	Johnson	Pievsky	Wilson
Coy	Josephs	Pistella	Wogan
DeLuca	Kaiser	Pitts	Wozniak
DeWeese	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	O'Donnell,
Dombrowski	Langtry	Rieger	Speaker
Donatucci			

NAYS—0

NOT VOTING—1

Acosta

EXCUSED—1

Dininni

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 2432, PN 3348, entitled:

An Act amending the act of May 28, 1937 (P. L. 955, No. 265), known as the "Housing Authorities Law," further providing for competitive bids and for purchases that are not subject to advertisement and bidding.

On the question,

Will the House agree to the bill on third consideration?

Mr. STABACK offered the following amendments No. A1445:

Amend Sec. 1 (Sec. 11), page 3, line 5, by striking out "ANNUAL GENERAL FUND BUDGET OF ANY" and inserting

total of all budgets administered by the

Amend Sec. 1 (Sec. 11), page 3, line 5, by inserting a comma after "AUTHORITY"

On the question,

Will the House agree to the amendments?

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

Mr. STABACK. Thank you, Mr. Speaker.

Amendment No. A1445 was drafted for the sake of clarity and the elimination of vagueness. Housing authorities do not have nor do they operate under a general fund budget. Rather, the authorities have a series of budgets for programs, such as conventional housing in section 8, that they deal with. The language "total of all budgets" is easier understood and better serves the needs of the authorities.

The amendment as well as the bill has the support of the Pennsylvania Association of Housing and Redevelopment Agencies. I ask for an affirmative vote on the amendment and the bill.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—194

Adolph	Donatucci	LaGrotta	Rieger
Allen	Dorr	Langtry	Ritter
Angstadt	Durham	Lashinger	Robbins
Argall	Evans	Laughlin	Robinson
Barley	Fairchild	Lee	Roebuck
Battisto	Fargo	Leh	Rudy
Belardi	Farmer	Lescovitz	Ryan
Belfanti	Fee	Levdansky	Saloom
Billow	Fleagle	Linton	Saurman
Birmelin	Flick	Lloyd	Scheetz
Black	Foster	Lucyk	Schuler
Blaum	Fox	McCall	Scrimenti
Bortner	Freeman	McHale	Semmel

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

NAYS—0

NOT VOTING—6

Acosta	Micozzie	Rybak	Wright, R. C.
Bishop	Raymond		

EXCUSED—1

Dininni

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—199

Adolph	Dorr	Lashinger	Ritter
Allen	Durham	Laughlin	Robbins
Angstadt	Evans	Lee	Robinson
Argall	Fairchild	Leh	Roebuck
Barley	Fargo	Lescovitz	Rudy
Battisto	Farmer	Levdansky	Ryan
Belardi	Fee	Linton	Rybak
Belfanti	Fleagle	Lloyd	Saloom
Billow	Flick	Lucyk	Saurman
Birmelin	Foster	McCall	Scheetz
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	Micozzie	Stish
Caltagirone	Gruppo	Miller	Strittmatter
Cappabianca	Hagarty	Moehlmann	Stuban
Carlson	Haluska	Morris	Tangretti
Carn	Harper	Mowery	Taylor, E. Z.
Cawley	Hasay	Mrkoncic	Taylor, F.
Cessar	Hayden	Murphy	Taylor, J.
Chadwick	Hayes	Nahill	Telek
Civera	Heckler	Nailor	Thomas
Clark, B. D.	Herman	Noye	Tigue
Clark, D. F.	Hershey	O'Brien	Trello
Clark, J. H.	Hess	Olasz	Trich
Clymer	Howlett	Oliver	Van Horne
Cohen	Hughes	Perzel	Veon
Colafrilla	Itkin	Pesci	Vroon
Colaizzo	Jackson	Petrarca	Wambach
Cole	Jadlowiec	Petrone	Wass
Cornell	James	Phillips	Weston
Corrigan	Jarolin	Piccola	Williams
Cowell	Johnson	Pievsky	Wilson
Coy	Josephs	Pistella	Wogan
DeLuca	Kaiser	Pitts	Wozniak
DeWeese	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	O'Donnell,
Dombrowski	Langtry	Rieger	Speaker
Donatucci			

NAYS—0

NOT VOTING—1

Acosta

EXCUSED—1

Dininni

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.

MEMBER'S PRESENCE RECORDED

The SPEAKER. The Chair recognizes the gentleman, Mr. Acosta, who asks that his name be added to the master roll.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of SB 857, PN 963, entitled:

An Act amending the act of July 12, 1972 (P. L. 781, No. 185), entitled, as amended, "Local Government Unit Debt Act," further defining "project"; including capital costs as project costs; further providing for small borrowing for capital purposes; providing for self insurance; and further providing for the determination of the useful life of projects.

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	Donatucci	Lashingier	Ritter
Adolph	Dorr	Laughlin	Robbins
Allen	Durham	Lee	Robinson
Angstadt	Evans	Leh	Roebuck
Argall	Fairchild	Lescovitz	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
Bortner	Gallen	Maine	Smith, B.
Bowley	Gamble	Markosek	Smith, S. H.
Boyes	Gannon	Marsico	Snyder, D. W.
Brandt	Geist	Mayernik	Snyder, G.
Broujos	George	Melio	Staback
Bunt	Gigliotti	Merry	Stairs
Burd	Gladeck	Michlovic	Steighner
Burns	Godshall	Micozzie	Stish
Bush	Gruitza	Miller	Strittmatter
Caltagirone	Gruppo	Moehlmann	Stuban
Cappabianca	Hagarty	Morris	Tangretti
Carlson	Haluska	Mowery	Taylor, E. Z.
Carn	Harper	Mrkoncic	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	Olasz	Trich
Clark, J. H.	Hess	Oliver	Van Horne
Clymer	Howlett	Perzel	Veon
Cohen	Hughes	Pesci	Vroon
Colafrilla	Itkin	Petrarca	Wambach
Colaizzo	Jackson	Petrone	Wass
Cole	Jadlowiec	Phillips	Weston
Cornell	James	Piccola	Williams
Corrigan	Jarolin	Pievsky	Wilson
Cowell	Johnson	Pistella	Wogan
Coy	Josephs	Pitts	Wozniak
DeLuca	Kaiser	Pressmann	Wright, D. R.
DeWeese	Kasunic	Preston	Wright, J. L.
Daley	Kenney	Raymond	Wright, R. C.
Davies	Kondrich	Reber	Yandrisevits
Dempsey	Kosinski	Reinard	
Dietterick	Kukovich	Richardson	O'Donnell,
Distler	LaGrotta	Rieger	Speaker
Dombrowski	Langtry		

NAYS—0

NOT VOTING—0

EXCUSED—1

Dininni

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same without amendment.

* * *

The House proceeded to third consideration of SB 858, PN 964, entitled:

An Act amending the act of May 2, 1945 (P. L. 382, No. 164), entitled "Municipality Authorities Act of 1945," further defining "project"; defining "local government unit" and "provide financing for insurance reserves"; and providing for financing of insurance reserves.

On the question,

Will the House agree to the bill on third consideration?

Mr. FOSTER offered the following amendments No. A1078:

Amend Sec. 1 (Sec. 2), page 2, line 11, by striking out "finance," and inserting financing,

Amend Sec. 2 (Sec. 4), page 3, line 10, by inserting after "constructing," financing,

Amend Sec. 2 (Sec. 4), page 3, line 27, by inserting after "construction," financing,

Amend Sec. 2 (Sec. 4), page 4, line 26, by inserting after "projects" or health centers

Amend Sec. 2 (Sec. 4), page 4, line 26, by inserting after "to" where it appears the last time, or financed with loans to,

Amend Sec. 2 (Sec. 4), page 4, line 26, by inserting after "hospitals" nonprofit corporation health centers

Amend Sec. 2 (Sec. 4), page 4, line 28, by inserting after "to" where it appears the second time, or financed with loans to,

Amend Sec. 2 (Sec. 4), page 5, line 6, by inserting after "by" or financed through,

Amend Sec. 4 (Sec. 5), page 6, line 10, by inserting after "construction," financing,

Amend Sec. 4 (Sec. 5), page 7, line 3, by inserting after "construction," financing,

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes Mr. Foster.

Mr. FOSTER. Thank you, Mr. Speaker.

My amendment is purely technical; merely corrects an omission in the drafting of the bill, and I ask an affirmative vote.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—200

Table listing names of members voting YEAS: Acosta, Adolph, Allen, Angstadt, Donatucci, Dorr, Durham, Evans, Lashinger, Laughlin, Lee, Leh, Ritter, Robbins, Robinson, Roebuck.

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

NAYS—0

NOT VOTING—0

EXCUSED—1

Dininni

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—198

Table listing names of members voting YEAS: Acosta, Adolph, Allen, Angstadt, Dombrowski, Donatucci, Dorr, Durham, LaGrotta, Langtry, Lashinger, Laughlin, Richardson, Rieger, Ritter, Robbins.

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

NAYS—0

NOT VOTING—2

Staback Wright, D. R.

EXCUSED—1

Dininni

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

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

WELCOMES

The SPEAKER. The Chair is pleased to welcome to the hall of the House the ninth grade students from the Philipsburg Junior High School, who are the guests of Representative Lynn Herman. They are in the balcony.

Also, Mr. and Mrs. Edward Rak of Shaler Township, Allegheny County, who are the guests of Representative Rick Cessar. They are to the left of the Speaker.

And George Bozeh and his wife, Cheryl, are visiting today as the guests of Representative Kasunic. They are located to the left of the Speaker. Will the guests please rise.

And the Chair welcomes a group of government students from the Mount Calvary School in Elizabethtown, along with their teacher, Mr. Patterson, who are the guests of Representative Brandt. They are located in the balcony. Will the guests please rise.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of HB 2247, PN 3001, entitled:

An Act designating a section of Pennsylvania Route 43 as the James J. Manderino Memorial Highway.

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	Donatucci	Lashinger	Ritter
Adolph	Dorr	Laughlin	Robbins
Allen	Durham	Lee	Robinson
Angstadt	Evans	Leh	Roebuck
Argall	Fairchild	Lescovitz	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
Bortner	Gallen	Maine	Smith, B.
Bowley	Gamble	Markosek	Smith, S. H.
Boyes	Gannon	Marsico	Snyder, D. W.
Brandt	Geist	Mayernik	Snyder, G.
Broujos	George	Melio	Staback
Bunt	Gigliotti	Merry	Stairs
Burd	Gladeck	Michlovic	Steighner
Burns	Godshall	Micozzie	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	Olasz	Trich
Clark, J. H.	Hess	Oliver	Van Horne
Clymer	Howlett	Perzel	Veon
Cohen	Hughes	Pesci	Vroon
Colafiglia	Itkin	Petrarca	Wambach

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

NAYS—0

NOT VOTING—0

EXCUSED—1

Dininni

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 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 third consideration?

Mr. LEVDANSKY offered the following amendments No. A3302:

Amend Sec. 1 (Sec. 1919), page 2, line 1, by striking out "non-profit" and inserting
nonprofit

Amend Sec. 1 (Sec. 1919), page 2, lines 2 and 3, by striking out "or where real property is to be sold to a person for his exclusive use in an industrial development program"

Amend Sec. 1 (Sec. 1919), page 2, line 4, by striking out "non-profit" and inserting
nonprofit

Amend Sec. 1 (Sec. 1919), page 2, line 6, by inserting after "library,"
or where real property is to be sold to a nonprofit medical service corporation, or where real property is to be sold to a nonprofit housing corporation,

Amend Sec. 1 (Sec. 1919), page 2, line 8, by striking out "non-profit" and inserting
nonprofit

Amend Sec. 1 (Sec. 1919), page 2, line 9, by inserting after "library,"
or to a nonprofit medical service corporation or to a nonprofit housing corporation,

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes Mr. evdansky.

Mr. LEVDANSKY. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is basically technical in nature. Concerns were raised in the Urban Affairs Committee about not permitting the sale of real property to industrial development programs, and it is an amendment which was brought up for consideration in the Urban Affairs Committee. It was brought to my attention then, and I wanted to address that concern brought by the members in this amendment.

I would appreciate a favorable vote.

The SPEAKER. The Chair recognizes Mr. Lashingner.

Mr. LASHINGER. Thank you, Mr. Speaker.

Mr. Speaker, Mr. Levdansky is correct. He cured a problem that was recognized in the Urban Affairs Committee and took out the industrial development project language and provided that sales not subject to the advertising requirements would only occur to nonprofit organizations, and we agree with that amendment.

It is an agreed-to amendment. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—200

Acosta	Donatucci	Lashingner	Ritter
Adolph	Dorr	Laughlin	Robbins
Allen	Durham	Lee	Robinson
Angstadt	Evans	Leh	Roebuck
Argall	Fairchild	Lescovitz	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
Bortner	Gallen	Maine	Smith, B.
Bowley	Gamble	Markosek	Smith, S. H.
Boyes	Gannon	Marsico	Snyder, D. W.
Brandt	Geist	Mayernik	Snyder, G.
Broujos	George	Melio	Staback
Bunt	Gigliotti	Merry	Stairs
Burd	Gladeck	Michlovic	Steighner
Burns	Godshall	Micozzie	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	Olasz	Trich
Clark, J. H.	Hess	Oliver	Van Horne
Clymer	Howlett	Perzel	Veon
Cohen	Hughes	Pesci	Vroon
Colafella	Itkin	Petrarca	Wambach
Colaizzo	Jackson	Petrone	Wass
Cole	Jadlowiec	Phillips	Weston
Cornell	James	Piccola	Williams
Corrigan	Jarolin	Pievsky	Wilson
Cowell	Johnson	Pistella	Wogan
Coy	Josephs	Pitts	Wozniak
DeLuca	Kaiser	Pressmann	Wright, D. R.

DeWeese	Kasunic	Preston	Wright, J. L.
Daley	Kenney	Raymond	Wright, R. C.
Davies	Kondrich	Reber	Yandrisevits
Dempsey	Kosinski	Reinard	
Dieterick	Kukovich	Richardson	O'Donnell,
Distler	LaGrotta	Rieger	Speaker
Dombrowski	Langtry		

NAYS—0

NOT VOTING—0

EXCUSED—1

Dininni

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

The Chair recognizes the gentleman, Mr. Dombrowski.

Mr. DOMBROWSKI. Would the gentleman, Mr. Levdansky, submit to brief interrogation, please?

The SPEAKER. The gentleman indicates that he will. The gentleman may proceed.

Mr. DOMBROWSKI. Mr. Speaker, under this bill, who would have the authority to sell the property?

Mr. LEVDANSKY. Under this bill, Mr. Speaker, the city council would have the authority to donate or to sell for a nominal fee property to any of the organizations enumerated in the legislation.

Mr. DOMBROWSKI. It would not be the administration; it would be city council?

Mr. LEVDANSKY. Yes.

I might also point out, Mr. Speaker, that this legislation, the language embodied in this bill, is the same language that is presently in the first- and second-class city codes, the first- and third-class township codes, and the Borough Code as well.

Mr. DOMBROWSKI. 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—200

Acosta	Donatucci	Lashinger	Ritter
Adolph	Dorr	Laughlin	Robbins
Allen	Durham	Lee	Robinson
Angstadt	Evans	Leh	Roebuck
Argall	Fairchild	Lescovitz	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

Bortner	Gallen	Maine	Smith, B.
Bowley	Gamble	Markosek	Smith, S. H.
Boyes	Gannon	Marsico	Snyder, D. W.
Brandt	Geist	Mayernik	Snyder, G.
Broujos	George	Melio	Staback
Bunt	Gigliotti	Merry	Stairs
Burd	Gladeck	Michlovic	Steighner
Burns	Godshall	Micozzie	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	Olasz	Trich
Clark, J. H.	Hess	Oliver	Van Horne
Clymer	Howlett	Perzel	Veon
Cohen	Hughes	Pesci	Vroon
Colafella	Itkin	Petrarca	Wambach
Colaizzo	Jackson	Petrone	Wass
Cole	Jadlowiec	Phillips	Weston
Cornell	James	Piccola	Williams
Corrigan	Jarolin	Pievsky	Wilson
Cowell	Johnson	Pistella	Wogan
Coy	Josephs	Pitts	Wozniak
DeLuca	Kaiser	Pressmann	Wright, D. R.
DeWeese	Kasunic	Preston	Wright, J. L.
Daley	Kenney	Raymond	Wright, R. C.
Davies	Kondrich	Reber	Yandrisevits
Dempsey	Kosinski	Reinard	
Dieterick	Kukovich	Richardson	O'Donnell,
Distler	LaGrotta	Rieger	Speaker
Dombrowski	Langtry		

NAYS—0

NOT VOTING—0

EXCUSED—1

Dininni

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 698, PN 3147**, entitled:

An Act establishing a program to assist persons who bear primary responsibility for the at-home care of functionally disabled older adults and victims of chronic dementia.

On the question,

Will the House agree to the bill on third consideration?

Mr. KUKOVICH offered the following amendments No. A1340:

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

Amend Bill, page 1, lines 4 through 12; page 2, lines 1 through 11, by striking out all of said lines on said pages and inserting

The General Assembly recognizes that:

(1) There is an enormous need in this Commonwealth for services to assist families that provide at-home care to

functionally dependent older adults and other adults who are victims of chronic dementia such as Alzheimer's Disease.

(2) Most care provided for such individuals is delivered by family members. Family involvement is a critical element for avoiding or postponing institutionalization of functionally dependent older adults or those adults who are victims of a chronic dementia such as Alzheimer's Disease.

(3) Primary caregivers who provide continuous care in the home are frequently under substantial physical, psychological and financial stress. Respite care and other supportive services for the caregiver could relieve some of the stress while maintaining and strengthening the family structure.

Amend Bill, page 2, lines 14 through 30; pages 3 and 4, lines 1 through 30; page 5, lines 1 through 19, by striking out all of said lines on said pages and inserting

Section 1. Short title.

This act shall be known and may be cited as the Family Caregiver Support Act.

Section 2. Intent.

It is the intent of this act to ease the strain of caregiving and to assist relatives who bear primary responsibility for the at-home care of functionally dependent older adults and other adults who are victims of chronic dementia by providing resources for services such as the following:

(1) Assistance to the caregiver to assure that supports to the functionally dependent older adult or adult suffering from a chronic dementia are adequate and appropriate to maintain these individuals in the home.

(2) Intermittent, planned or emergency relief to the caregiver.

(3) Restoration or maintenance of the caregiver's well-being.

(4) Preservation of the caregiver's informal supports, such as family and friends.

(5) Supportive social services to the caregiver.

(6) Affordable services through a cost sharing mechanism developed by the department for those families whose household incomes do not exceed 380% of the poverty level.

Section 3. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Adult." A person 18 years of age or older residing within this Commonwealth who is suffering from a chronic dementia such as Alzheimer's Disease.

"Area agency on aging." The single local agency designated by the department within each planning and service area to administer the delivery of a comprehensive and coordinated plan of social and other services and activities in the planning and service area.

"Chronic dementia." An irreversible global loss of cognitive function causing evident intellectual impairment which always includes memory loss, without alteration of state of consciousness as diagnosed by a physician and is severe enough to interfere with work or social activities, or both and to require continuous care or supervision.

"Department." The Department of Aging of the Commonwealth.

"Functionally dependent older adult." A person 60 years of age or older residing within this Commonwealth who, because of his or her inability to perform tasks required for daily living as defined through regulation and as assessed by the area agency on aging, needs continuous care or supervision.

"Home modification." Reasonable modifications to the structure of a home for the purpose of reducing the caregiving burden of the caregiver as approved by the department. Modifications do not include repairs, and payment for such repairs is prohibited.

"Household income." The income of all members of the household with the exception of a minor or dependent student.

"Income." All income, from whatever source derived, including, but not limited to, wages, salaries, Social Security or Railroad Retirement income, public assistance income, realized capital gains and workmen's compensation. The department shall have the authority to determine income amounts and inclusions for purposes of this act through regulation.

"Primary caregiver." The one identified relative who has assumed the primary responsibility for the provision of care needed to maintain the physical or mental health of a functionally dependent older adult or other adult suffering from chronic dementia, who lives in the same residence with such individual on a continuous basis and does not receive financial compensation for the care provided. A substantiated case of abuse, neglect, exploitation, abandonment as defined in the act of November 6, 1987 (P.L.381, No.79), known as the Older Adults Protective Services Act or pursuant to any other civil or criminal statute regarding an older adult, shall prohibit a caregiver from receiving benefits under this act unless authorized by the department to prevent further abuse.

"Relative." A spouse or parent, child, stepparent, stepchild, grandparent, grandchild, brother, sister, half-brother, half-sister, aunt, great aunt, uncle, great uncle, niece, nephew; by blood, marriage or adoption.

"Respite care service." A regular, intermittent or emergency service which provides the primary caregiver of a functionally dependent older adult or other adult suffering from a chronic dementia with relief from normal caregiving duties and responsibilities.

Section 4. Caregiver support program.

(a) Description.—The persons to be served under this act are primary, unpaid caregivers who live with and provide continuous care to a functionally dependent older adult or other adult suffering from a chronic dementia, such as Alzheimer's disease.

(b) Authority.—The department shall have sole authority in developing operating procedures and guidelines and shall contract with area agencies on aging to provide the benefits set forth in this act. The department shall have the authority to develop criteria through regulation relating to eligibility for caregivers to receive assistance pursuant to this act.

(c) Supportive services.—The department shall have the authority to identify by regulation supportive services which are directly related to the provision of care to the functionally dependent older adult or other adult suffering from chronic dementia. Supportive services include, but are not limited to:

(1) Benefits counseling and caregiver counseling, education and training.

(2) Reimbursement to primary caregivers whose households financially qualify for assistance pursuant to section 5 and as set forth through regulation for expenses incurred in obtaining day or night respite care services, transportation to respite care service locations or other supportive services defined by regulation, and consumable supplies such as incontinence pads.

(3) Reimbursement to primary caregivers whose households financially qualify for assistance pursuant to section 5 and as developed through regulation for expenses incurred in obtaining home modifications or assistive devices as approved by the department which help the functionally dependent older adult or adult suffering from chronic dementia to carry out tasks required for daily living such as grab bars, safety devices and wheelchair ramps.

Section 5. Reimbursements.

(a) General rule.—The department through contracts with area agencies on aging, shall provide the services described in section 4(c)(1) and shall reimburse qualified primary caregivers for purchase of approved services described in section 4(c)(2) and (3).

(b) Maximum amounts.—

(1) The maximum amount available to a qualified caregiver whose household income is under 200% of poverty level is \$200 per month or as modified by regulation, for out-of-pocket expenses incurred for services described in section 4(c)(2).

(2) The maximum amount available to a qualified caregiver whose household income is under 200% of poverty level is \$2,000, or as modified by regulation, for the entire duration of the case, for expenses incurred for home modifications or assistive devices as described in section 4(c)(3).

(c) Scale of benefits.—A sliding benefits scale shall be established by the department by regulation to ensure that caregivers who qualify under this act and whose household income exceeds 200% of poverty level shall pay some portion of the out-of-pocket expenses for services described in section 4(c). In no event will caregivers whose household income exceeds 380% of the poverty level be considered eligible for benefits under this act.

Section 6. Entitlement not created.

Nothing in this act creates or provides any individual with an entitlement to services or benefits. It is the intent of the General Assembly that services under this act shall be made available only to the extent of the availability and level of appropriation made by the General Assembly from the General Fund.

Section 7. Other benefits.

Funding authorized under this act shall not be used to displace benefits, entitlements or resources available under other programs.

Section 8. Enforcement.

The department shall have authority to establish penalties, by regulation, associated with the violation of this act or departmental rules or regulations promulgated under this act.

Section 9. Effective date.

This act shall take effect July 1, 1990.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes Mr. Kukovich.

Mr. KUKOVICH. Thank you, Mr. Speaker.

This bill has been on the calendar for some time now. We were going to run it prior to the Easter break, but Representative Ryan and his staff noticed some inconsistencies. We have worked out an amendment which I think is agreeable to both sides.

The purpose of the bill as it would be amended by amendment 1340 is to establish a statewide program of respite care for those who are listed as family caregivers, and that is for those individuals—and there are roughly 200,000 in the Commonwealth of Pennsylvania—who suffer from what is called chronic dementia, which would include things like Alzheimer's. About 87 percent of those 200,000-plus are cared for at home, not in an institutional setting, and 70 percent of that group are cared for by family members. It creates a tremendous burden on family members, and the Alzheimer's Association has supported this legislation to create a program of respite care, a program that will allow for a certain amount of intermittent, planned relief for the caregiver and also provide some other types of supportive services.

There are limits on how much can be spent under the program. Currently there are demonstration projects in a number of our counties. This legislation would make this a

statewide program. The demonstration projects have been operating very well, have been strongly supported, and I would ask for a positive vote on the amendment.

The SPEAKER. The Chair recognizes Mr. Gannon.

Mr. GANNON. Mr. Speaker, I would like to interrogate the sponsor of the amendment, please.

The SPEAKER. The gentleman indicates he is willing to be interrogated. The gentleman may proceed.

Mr. GANNON. Mr. Speaker, on page 3 of the amendment, section 5, subparagraph (b), it says "Maximum amounts," and it says that "The maximum amount available to a qualified caregiver whose household income is under 200% of poverty level is \$200 per month...." Now, that does not bother me too much, but the next phrase does. It says, "...or as modified by regulation...." Now, does that mean that the administration by regulation could reduce that amount to zero?

Mr. KUKOVICH. Mr. Speaker, Representative Ryan and I have worked out an amendment to that which might solve your problem. It is possible— In direct response to Mr. Gannon's question, it is possible the amount could be reduced, yes.

Mr. GANNON. Okay. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Ryan.

Mr. RYAN. I know it is perhaps out of order at the moment but it is responsive to the gentleman's question.

My concern when I originally saw the Kukovich amendment was that there was no cap on it, and by regulation it could escalate to, well, any amount. So my amendment caps it at the \$200 a month.

In response to your question, by regulation it could be brought down. If the cost got out of sight, the regulators could bring it down from the \$200 mark.

We could always later address it at that time.

The SPEAKER. The Chair recognizes Mr. Stairs.

Mr. STAIRS. Thank you, Mr. Speaker.

I rise to support this amendment, and I ask that my colleagues also support it. This amendment puts specific language into the bill to establish an administration for the Department of Aging's family caregiver support program. This is a program that has been initiated as a pilot program in my county and it has worked well, and I look forward to seeing it work well throughout the Commonwealth.

I would hope that all the members could support this very, very fine program in our Commonwealth. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—199

Acosta	Dorr	Lashing	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

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

NAYS—0

NOT VOTING—1

Clark, J. H.

EXCUSED—1

Dininni

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. RYAN offered the following amendments No. A1447:

Amend Sec. 5, page 3, line 59 (A1340), by striking out “is \$200 per month or as modified by regulation” and inserting shall be established by regulation, but shall not exceed \$200 per month

Amend Sec. 5, page 4, line 5 (A1340), by striking out “is \$2,000, or as modified by regulation” and inserting shall be established by regulation, but shall not exceed \$2,000

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes Mr. Ryan.

Mr. RYAN. Mr. Speaker, this is the amendment that I previously was discussing with the gentleman, Mr. Gannon, and the gentleman, Mr. Kukovich, which places a cap of \$200 per month on this expenditure.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—200

Acosta	Donatucci	Lashingner	Ritter
Adolph	Dorr	Laughlin	Robbins
Allen	Durham	Lee	Robinson
Angstadt	Evans	Leh	Roebuck
Argall	Fairchild	Lescovitz	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
Bortner	Gallen	Maine	Smith, B.
Bowley	Gamble	Markosek	Smith, S. H.
Boyes	Gannon	Marsico	Snyder, D. W.
Brandt	Geist	Mayernik	Snyder, G.
Broujos	George	Melio	Staback
Bunt	Gigliotti	Merry	Stairs
Burd	Gladeck	Michlovic	Steighner
Burns	Godshall	Micozzie	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	Olasz	Trich
Clark, J. H.	Hess	Oliver	Van Horne
Clymer	Howlett	Perzel	Veon
Cohen	Hughes	Pesci	Vroon
Colaifella	Itkin	Petrarca	Wambach
Colaizzo	Jackson	Petrone	Wass
Cole	Jadlowiec	Phillips	Weston
Cornell	James	Piccola	Williams
Corrigan	Jarolin	Pievsky	Wilson
Cowell	Johnson	Pistella	Wogan
Coy	Josephs	Pitts	Wozniak
DeLuca	Kaiser	Pressmann	Wright, D. R.
DeWeese	Kasunic	Preston	Wright, J. L.
Daley	Kenney	Raymond	Wright, R. C.
Javies	Kondrich	Reber	Yandrisevits
Dempsey	Kosinski	Reinard	
Dietterick	Kukovich	Richardson	O'Donnell,
Distler	LaGrotta	Rieger	Speaker
Dombrowski	Langtry		

NAYS—0

NOT VOTING—0

EXCUSED—1

Dininni

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

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—199

Acosta	Dorr	Lashingier	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	Maiiale	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	Micozzie	Stish
Bush	Gruppo	Miller	Strittmatter
Caltagirone	Hagarty	Moehlmann	Stuban
Cappabianca	Haluska	Morris	Tangretti
Carlson	Harper	Mowery	Taylor, E. Z.
Carn	Hasay	Mrkonic	Taylor, F.
Cawley	Hayden	Murphy	Taylor, J.
Cessar	Hayes	Nahill	Telek
Chadwick	Heckler	Nailor	Thomas
Clark, B. D.	Herman	Noye	Tigue
Clark, D. F.	Hershey	O'Brien	Trello
Clark, J. H.	Hess	Olasz	Trich
Clymer	Howlett	Oliver	Van Home
Cohen	Hughes	Perzel	Veon
Colafiglia	Itkin	Pesci	Vroon
Colaizzo	Jackson	Petrarca	Wambach
Cole	Jadlowiec	Petrone	Wass
Cornell	James	Phillips	Weston
Corrigan	Jarolin	Piccola	Williams
Cowell	Johnson	Pievsky	Wilson
Coy	Josephs	Pistella	Wogan
DeLuca	Kaiser	Pitts	Wozniak
DeWeese	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	O'Donnell,
Dombrowski	Langtry	Rieger	Speaker
Donatucci			

NAYS—0

NOT VOTING—1

Civerra

EXCUSED—1

Dininni

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.

BILL ON THIRD CONSIDERATION POSTPONED

The House proceeded to **HB 2425, PN 3297**, on third consideration postponed, entitled:

An Act amending the act of July 7, 1980 (P. L. 380, No. 97), known as the "Solid Waste Management Act," further providing for certain definitions.

On the question recurring,

Will the House agree to the bill on third consideration?

(Amendment A1312, offered by Mr. Serafini on April 18, 1990, was withdrawn.)

Mr. SERAFINI offered the following amendments No. A1394:

Amend Title, page 1, line 18, by removing the period after "definitions" and inserting
; and regulating drains located on the site of a transfer, processing or recycling facility.

Amend Bill, page 2, by inserting between lines 27 and 28

Section 2. The act is amended by adding a section to read:
Section 201.1. Drains.

All liquid drains and liquid collection systems located on the site of any transfer station shall discharge only into a system approved by the department, under the provisions of this act and the regulations promulgated thereunder, for the discharge, collection, treatment or disposal of leachate.

Amend Sec. 2, page 2, line 28, 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 Mr. Serafini.

Mr. SERAFINI. Mr. Speaker, this amendment refines that amendment which I attempted to insert into HB 2425 a few days ago. It no longer relates to recycling facilities but instead pertains directly to transfer stations and the manner in which their drainage lines are handled.

As I stated before, the drainage systems in many of these facilities receive types of liquid that are not normally taken into a municipal waste treatment facility, and as such, should be regulated.

Cosponsoring this amendment with me are Representatives Belardi and Cawley, and I agree that this amendment is far better than that one which I initially tried to introduce into the bill that would have jeopardized many recycling facilities from being economically practical if they would have had to adhere to the discharge regulations which would have been placed upon them by that regulation.

The SPEAKER. The Chair recognizes Mr. Cawley.
 Mr. CAWLEY. Thank you, Mr. Speaker.
 This amendment is agreed to.
 The SPEAKER. The Chair recognizes Mr. Godshall.
 Mr. GODSHALL. Thank you, Mr. Speaker.
 I would like to interrogate the maker of the amendment,
 please.

Mr. SERAFINI. Yes.
 The SPEAKER. The gentleman indicates he is willing to be
 interrogated. The gentleman may proceed.

Mr. GODSHALL. Thank you, Mr. Speaker.
 The amendment states that "All liquid drains and liquid
 collection systems located on the site of any transfer station
 shall discharge only into a system approved by the depart-
 ment...." Therefore, if the drains and/or the collection
 system discharge into the sewage treatment system of the
 municipality where the transfer station is located, as long as
 that is approved by DER (Department of Environmental
 Resources), it is fully allowed. Is that correct?

Mr. SERAFINI. Yes.
 Could you repeat that?
 Mr. GODSHALL. As long as the drains and/or the collec-
 tion system, liquid collection system, as long as they discharge
 into— They can discharge into a municipal sewage treatment
 facility, the collection system of the same, as long as that is
 approved by DER. If the discharge into the municipal treat-
 ment system is approved by DER, there is no problem. Is that
 correct?

Mr. SERAFINI. That is right. That is correct.
 Mr. GODSHALL. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—195

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

NAYS—1

Yandrisevits

NOT VOTING—4

Daley Fargo Jadlowiec Langtry

EXCUSED—1

Dinianni

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. NOYE offered the following amendments No. A1305:

Amend Title, page 1, line 18, by removing the period after
 "definitions" and inserting
 ; and providing for the siting of transfer facilities.

Amend Bill, page 2, by inserting between lines 27 and 28
 Section 2. The act is amended by adding a section to read:
 Section 509. Siting of transfer facilities.

(a) General rule.—Notwithstanding any provision of this
 act, a transfer facility may only be sited at a location which is
 zoned commercial or industrial. However, in areas zoned agricul-
 tural, transfer facilities may be permitted if public water and
 sewer services can be provided.

(b) Application of section.—This section shall not apply to
 transfer facilities currently operating on the effective date of this
 section.

Amend Sec. 2, page 2, line 28, by striking out "2" and insert-
 ing

3

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

The SPEAKER. On that question, the Chair recognizes Mr.
 Noye.

Mr. NOYE. Thank you, Mr. Speaker.

Mr. Speaker, this amendment addresses the question of
 transfer stations. What is happening in Pennsylvania in the
 siting of these transfer stations is they are being placed in loca-
 tions that physically just cannot meet the other criteria that
 are necessary for the siting of these facilities, primarily the
 infrastructure of our roads and bridges that can handle the

traffic flow that must go in and out of these transfer facilities, not to mention the question of public sewer and water.

My amendment will require that all transfer stations permitted by DER in the future will have to be located in areas zoned either industrial or commercial. If they are placed in an agriculturally zoned area, that agricultural area would have to have public water and sewer.

I do not know how many of you have faced this problem. I have it right now in two different locations in two different counties. But I am telling you right now that you are going to have a very serious problem on your hands, not necessarily with the transfer station itself but the aftereffects when the roads and the bridges in the area can no longer handle the traffic and it rips those roads to shreds and the people who live in those areas start complaining to you about those roads and bridges.

I ask you to approve the amendment.

The SPEAKER. The Chair recognizes Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, I would like to interrogate the maker of the amendment.

The SPEAKER. The gentleman indicates he is willing to be interrogated. The gentleman may proceed.

Mr. LLOYD. Mr. Speaker, I just want to make sure I understand and for the purposes of legislative history. What this amendment says is that if you have zoning in the township, you have got to put the transfer station in an area which is zoned either commercial or industrial or in an area which is agricultural but has a collection system. What happens if there is no zoning in the township?

Mr. NOYE. Mr. Speaker, that was considered with the drafting of this amendment. I do not know the answer to that, and I think only the courts will be able to answer that question. I do not know if they will look at this and say, well, this only applies where there is zoning, or I do not know if they are going to say, well, they do not have an area right now that is zoned any of those and so the location of that facility cannot be sited because there is none.

I am not an attorney, Mr. Speaker. My guess is the courts would probably decide as in my former explanation. Probably they would say it does not apply, but I do not know how the courts would determine that.

Mr. LLOYD. Okay. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Cawley.

Mr. CAWLEY. Thank you, Mr. Speaker.

Mr. Speaker, I am going to have to oppose this amendment because this bill is very, very important, and the department has indicated, the Department of Environmental Resources, that it is not in favor of this amendment because they feel that the amendment by default would apply only to those municipalities where zoning has been adopted. They also feel that the amendment represents an infringement on the authority of local government to regulate the development by placing over-riding prohibitions on local zoning ordinances.

So I am going to ask for opposition to the amendment.

The SPEAKER. The Chair recognizes Mr. Merry.

Mr. MERRY. Mr. Speaker, may I interrogate the maker of the amendment?

The SPEAKER. The gentleman indicates that he is willing to be interrogated. The gentleman may proceed.

Mr. MERRY. Mr. Speaker, what do you hope to accomplish with this amendment? Is it a matter only of traffic or do you have some environmental concerns in mind?

Mr. NOYE. Mr. Speaker, in reply to your question, it is a combination of two things. My major concern is the impact on the environment, and I find it just inconceivable that the department would oppose this amendment when they are the ones who are charged with the responsibility of providing environmentally sound protection for the groundwater of this Commonwealth.

The second concern is that these facilities and the track records they have had in Pennsylvania, some of them are quite dubious in the damage that they do, not only to the environment but to what they do to our infrastructure, particularly in our rural areas. And, Mr. Speaker, I think by placing them in an area that is zoned commercial or industrial, we are going to find a better infrastructure to handle the flow; we are going to find the public water and sewer that is going to be able to handle the discharge from the facilities; and I just think it is an all-around sound approach to handling our solid waste.

Mr. MERRY. Well, Mr. Speaker, as an alternative, how do you think the present situation is being done in an improper fashion? Are you finding transfer stations being put into residential areas? Or what other types of areas are they going into?

Mr. NOYE. Yes, Mr. Speaker, that is exactly what I am finding. They are being placed in residential areas, in communities where there is no protection from the zoning by the local communities.

Mr. MERRY. Okay.

Mr. Speaker, that finishes my interrogation. I would just like to make a few short remarks after things get a little quieter.

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

Mr. MERRY. Mr. Speaker, this amendment bothers me in that I relate it to a situation that exists back home where we do have a transfer station in a rural area. Now, it seems to be the better place to have it, in the rural area rather than in a congested area, because the purpose of a transfer station is to take waste from small trucks and medium-sized trucks and compact it—transfer it, if you will—and put it into a much larger truck to reduce traffic. The instance that I am familiar with does not constitute a problem, neither trafficwise nor environmentally. This particular area does not have a sewage system; neither does it have streams or any other problems.

Apparently in transferring waste, the biggest hazard that these people have is the wetness of rubbish that gets hauled in. It rains out there and garbage pails have some water fall into them and the truck itself gathers water, and as you compact it,

sometimes just ordinary rainwater gets squeezed out of this rubbish in the transfer process. In this case, it is allowed to accumulate into a pit, and he handles it like any other sludge material or sewage material. He comes and has it pumped out.

So this apparently is being done because of accountability, either with his own methods of doing business or what DER has told him. I do not see a problem out there unless somebody feels that these transfer stations could be put in a residential area, to which I certainly would object, as well as any other borough council or township board would not permit that either.

I really think this is an unnecessary amendment at this time, unless there is more of an overwhelming reason to pass it. So I would urge that the members vote against the amendment.

The SPEAKER. The Chair recognizes Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, I am still having trouble understanding exactly what the impact of this amendment would be, and my concern is that what we could be doing with the section that says that you may permit a transfer facility in an agriculturally zoned area provided that there is public sewer and water could in fact be used as a way to override a county's authority to control transfer stations. And I realize that this is an area of the law that has not really been very well developed, but we have had a lot of problems in Somerset County with transfer stations. DER has prosecuted several different stations, both of which were in my district.

The county commissioners have stated their intention to adopt a local licensing law governing transfer facilities. I do not know whether they have the legal authority to do that or whether they do not. What concerns me, and I do not know if there is any township in my district, although I think probably in Representative Telek's district there might be, but there are some townships in our county which do have zoning, and what concerns me is that under this amendment we might be saying that there is an entitlement to a permit as long as you are in one of those townships in an agricultural area, even though you might not be in compliance with the county's rules.

I also have townships, Mr. Speaker, that have passed ordinances which say, no transfer stations. I do not know whether those will stand up in court or not, but I have the same concern that this language— I mean, I agree with you 100 percent that these kinds of stations ought not be where there are people living, but I am concerned that because of the way it is written, we could end up overriding some local control, and I would not want to do that.

For that reason, Mr. Speaker, I think Mr. Cawley may be correct. I am not sure that the department has given him the straight story, but I am concerned that this language could in fact take away some powers of the local government, and I think we ought to vote "no."

The SPEAKER. The Chair recognizes Mr. George.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, I believe that I can understand what the gentleman, Mr. Noye, is trying to accomplish, and I think there

are many of us that live in areas where for some reason or other we are not able to figure out just what either the department is attempting to do in the matter of waste handling or in reality what the counties that we represent are trying to do. But unfortunately, as I look at the gentleman's amendment, and I think we ought to listen to this somewhat, Act 97 in reality does the same thing and Act 101 shored that up. Act 101 says, in fact, that we can protect our areas from danger, harassment, and conditions that are deplorable. So in essence, this type of language being somewhat nebulous and loose can bring about a problem that we not yet have had to handle. So therefore, even though I can understand the gentleman's concern, Act 101, if your counties and your municipalities take the authority that was given to them in that statute, they can do exactly what you want done without the confusion, and that is why I think we should defeat this amendment.

The SPEAKER. The Chair recognizes Mr. Cawley.

Mr. CAWLEY. Thank you, Mr. Speaker.

Just a reminder to the members that we are asking for a "no" vote on this amendment. Thank you.

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

The following roll call was recorded:

YEAS—91

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

NAYS—108

Acosta	Gamble	McCall	Rudy
Battisto	George	McNally	Rybak
Belardi	Gigliotti	Maiale	Saloom
Belfanti	Godshall	Maine	Scheetz
Billow	Gruitza	Markosek	Scrimenti
Bishop	Harper	Mayernik	Snyder, D. W.
Blaum	Hayden	Melio	Staback
Bortner	Heckler	Merry	Steighner
Bowley	Howlett	Michlovic	Stish
Broujos	Hughes	Morris	Suban
Caltagirone	Itkin	Mrkonic	Tangretti
Cappabianca	Jadlowiec	Murphy	Taylor, F.
Carn	James	Olasz	Thomas
Cawley	Jarolin	Oliver	Tigue
Clark, B. D.	Josephs	Pesci	Trello
Cohen	Kaiser	Petrarca	Trich
Colafella	Kasunic	Petrone	Van Horne

Colaizzo	Kenney	Pievsy	Veon
Corrigan	Kosinski	Pistella	Wambach
Cowell	Kukovich	Pressmann	Williams
DeLuca	LaGrotta	Preston	Wogan
DeWeese	Laughlin	Richardson	Wozniak
Daley	Lee	Rieger	Wright, D. R.
Dombrowski	Lescovitz	Ritter	Yandrisevits
Evans	Levdansky	Robbins	
Fairchild	Linton	Robinson	O'Donnell,
Fee	Lloyd	Roebuck	Speaker
Freeman	Lucy		

NOT VOTING—1

Haluska

EXCUSED—1

Dininni

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

On the question recurring,

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

Mr. G. M. SNYDER offered the following amendments No. A1420:

Amend Title, page 1, line 18, by removing the period after "definitions" and inserting and for certain permits.

Amend Bill, page 2, by inserting between lines 27 and 28

Section 2. Section 503 of the act is amended by adding a subsection to read:

Section 503. Granting, denying, renewing, modifying, revoking and suspending permits and licenses.

(f) The department shall not consider any application for a permit, including any application pending on the effective date of this subsection, and shall not issue any permit for, or otherwise authorize or allow, the construction or expansion of any solid waste treatment, disposal or processing facility on any land in, or within 2,500 feet of the perimeter of, a permitted area within which is located a site that has been placed on either the final or proposed National Priority List established pursuant to the Superfund Amendments and Reauthorization Act of 1986 (Public Law 99-499, 100 Stat. 1613), or any similar list established by the Commonwealth under the act of October 18, 1988 (P.L.756, No.108), known as the "Hazardous Sites Cleanup Act," until after the site is ordered delisted by the appropriate Federal or State agency as a result of the cleanup of the site having been completed. Nothing in this subsection shall prohibit the issuance of any permit, authorization or allowance that is necessary solely for the taking of any remedial cleanup action.

Amend Sec. 2, page 2, line 28, by striking out "2" and inserting

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On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes Mr. Snyder.

Mr. G. M. SNYDER. Thank you, Mr. Speaker.

My amendment would simply require that there could be no new construction or expansion within 2,500 feet of a Superfund site until such time as that Superfund site has been cleaned up. The purpose of the amendment is very straightforward. In my opinion, we should not be allowing

additional waste disposal activities on land that has already been identified as having been contaminated by prior waste disposal activities. Once the land is in fact cleaned up, then the prohibition would no longer apply. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Cawley.

Mr. CAWLEY. Thank you, Mr. Speaker.

In concept, it is a very good amendment. I am going to let it up to the members to decide what they want to do.

The department is against this because they feel that it is unreasonable to restrict or prohibit the modification or expansion of a permitted facility, especially where such expansion will not impact on the existing problem, and in this particular case, the landfill is actively pursuing remediation on this site. They are opposed to it, but I am going to let it up to the members.

The SPEAKER. The Chair recognizes Mr. Hasay.

Mr. HASAY. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the Snyder amendment. I find it appalling that the Department of Environmental Resources would approve an expansion permit to an existing landfill that has a supersite on it. It just does not make environmental sense - good sense - to approve that expansion.

I would appreciate a favorable vote on this amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Reber.

Mr. REBER. Thank you, Mr. Speaker.

Mr. Speaker, I have to echo the same sentiments as the minority chairman of the House Conservation Committee, that I think it is absolutely ridiculous that the Department of Environmental Resources would dictate a memorandum and hand it to a Representative like Representative Gaynor Cawley, whom I respect so much, and expect him to have to read it. I sort of saw him almost choking having to say the words into the record that DER just asked him to place into the record for opposition to the Snyder amendment.

I think it is absolutely ludicrous that our Department of Environmental Resources, that is entrusted with the obligation to protect the environment, would in fact allow an expansion of a particular site which is already on the National Priority List or is on the State Superfund list or I guess you would want to say a list that is affectionately known as the hazardous site cleanup list.

I can think of nothing that makes more sense than the Snyder amendment and would respectfully urge your support of the same. Thank you very much.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—199

Acosta	Donatucci	Langtry	Ritter
Adolph	Dorr	Lashinger	Robbins
Allen	Durham	Laughlin	Robinson
Angstadt	Evans	Lee	Roebuck
Argall	Fairchild	Leh	Rudy
Barley	Fargo	Lescovitz	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	Micozzie	Strittmatter
Caltagirone	Gruppo	Miller	Stuban
Cappabianca	Hagarty	Moehlmann	Tangretti
Carlson	Haluska	Morris	Taylor, E. Z.
Carn	Harper	Mowery	Taylor, F.
Cawley	Hasay	Mrkonic	Taylor, J.
Cessar	Hayden	Murphy	Telek
Chadwick	Hayes	Nahill	Thomas
Civera	Heckler	Nailor	Tigue
Clark, B. D.	Herman	Noye	Trello
Clark, D. F.	Hershey	O'Brien	Trich
Clark, J. H.	Hess	Olasz	Van Horne
Clymer	Howlett	Oliver	Veon
Cohen	Hughes	Perzel	Vroon
Colaella	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	Pressmann	Wright, D. R.
DeWeese	Kasunic	Preston	Wright, J. L.
Daley	Kenney	Raymond	Wright, R. C.
Dawies	Kondrich	Reber	Yandrisevits
Dempsey	Kosinski	Reinard	
Dietterick	Kukovich	Richardson	O'Donnell,
Distler	LaGrotta	Rieger	Speaker
Dombrowski			

NAYS—1

Pitts

NOT VOTING—0

EXCUSED—1

Dininni

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

On the question recurring,

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

Mr. SAURMAN offered the following amendments No. A1320:

Amend Sec. 1 (Sec. 103), page 2, line 19, by inserting after "facility"
, except a recycling center which processes only those materials which are source separated for the purpose of recycling, including clear glass, colored glass, aluminum, steel and bimetallic cans, high grade office paper, newsprint, corrugated paper and plastics

Amend Sec. 1 (Sec. 103), page 2, line 26, by inserting after "facility"
, except a recycling center which processes only those materials which are source separated for the purpose of recycling, including clear glass, colored glass, aluminum, steel and bimetallic cans, high grade office paper, newsprint, corrugated paper and plastics

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

The SPEAKER. On that question, the Chair recognizes Mr. Saurman.

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, this amendment just takes out for certain those facilities that are processing recycled substances, those that are listed under the recycling bill. I think that the maker of the original legislation is in agreement that this only clarifies the language and is a good amendment.

I would ask for your support. Thank you.

The SPEAKER. The Chair recognizes Mr. Cawley.

Mr. CAWLEY. Thank you, Mr. Speaker.

We are in agreement with this amendment. It is a good amendment.

The SPEAKER. The Chair recognizes Mr. George.

Mr. GEORGE. Mr. Speaker, I think we can join with Mr. Saurman on this amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—199

Acosta	Donatucci	Langtry	Rieger
Adolph	Dorr	Lashingier	Ritter
Allen	Durham	Laughlin	Robbins
Angstadt	Evans	Lee	Robinson
Argall	Fairchild	Leh	Roebuck
Barley	Fargo	Lescovitz	Rudy
Battisto	Farmer	Levdansky	Ryan
Belardi	Fee	Linton	Rybak
Belfanti	Fleagle	Lloyd	Saloom
Billow	Flick	Lucyk	Saurman
Birmelin	Foster	McCall	Scheetz
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	Micozzie	Stish
Caltagirone	Gruppo	Miller	Strittmatter
Cappabianca	Hagarty	Moehlmann	Stuban
Carlson	Haluska	Morris	Tangretti
Carn	Harper	Mowery	Taylor, E. Z.
Cawley	Hasay	Mrkonic	Taylor, F.
Cessar	Hayden	Murphy	Taylor, J.
Chadwick	Hayes	Nahill	Telek
Civera	Heckler	Nailor	Thomas
Clark, B. D.	Herman	Noye	Tigue
Clark, D. F.	Hershey	O'Brien	Trello
Clark, J. H.	Hess	Olasz	Trich
Clymer	Howlett	Oliver	Van Horne
Cohen	Hughes	Perzel	Veon
Colaella	Itkin	Pesci	Vroon
Colaizzo	Jackson	Petrarca	Wambach
Cole	Jadlowiec	Petrone	Wass
Cornell	James	Phillips	Weston
Corrigan	Jarolin	Piccola	Williams
Cowell	Johnson	Pievsky	Wilson
Coy	Josephs	Pistella	Wogan
DeLuca	Kaiser	Pitts	Wozniak
DeWeese	Kasunic	Pressmann	Wright, J. L.

Daley	Kenney	Preston	Wright, R. C.
Davies	Kondrich	Raymond	Yandrisevits
Dempsey	Kosinski	Reber	
Dietterick	Kukovich	Reinard	O'Donnell,
Distler	LaGrotta	Richardson	Speaker
Dombrowski			

NAYS—0

NOT VOTING—1

Wright, D. R.

EXCUSED—1

Dininni

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—198

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

DeWeese	Kaiser	Preston	Wright, J. L.
Daley	Kasunic	Raymond	Wright, R. C.
Davies	Kenney	Reber	Yandrisevits
Dempsey	Kondrich	Reinard	
Dietterick	Kosinski	Richardson	O'Donnell,
Distler	Kukovich	Rieger	Speaker

NAYS—0

NOT VOTING—2

Merry

Petrarca

EXCUSED—1

Dininni

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.

REPORT OF COMMITTEE OF CONFERENCE CONSIDERED

Mrs. RUDY called up for consideration the following Report of the Committee of Conference on **HB 1068, PN 3406**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the offense of flight to avoid apprehension, trial or punishment and for the offense of the scattering of rubbish; empowering arresting officers to seize and take possession of certain vehicles; and further providing for discrimination on account of guide dogs.

On the question,

Will the House adopt the report of the committee of conference?

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

YEAS—199

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

NAYS—0

NOT VOTING—1

Lucyk

EXCUSED—1

Dininni

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the committee of conference was adopted.

Ordered, That the clerk inform the Senate accordingly.

RULES SUSPENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. DeWEESE. I move that the House rules be suspended to permit immediate consideration of HR 321.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—199

Acosta	Donatucci	Langtry	Ritter
Adolph	Dorr	Lashinger	Robbins
Allen	Durham	Laughlin	Robinson
Angstadt	Evans	Lee	Roebuck
Argall	Fairchild	Leh	Rudy
Barley	Fargo	Lescovitz	Ryan
Battisto	Farmer	Levdansky	Rybak
Belardi	Fee	Linton	Saloom
Belfanti	Fleagle	Lloyd	Saurman
Billow	Flick	McCall	Scheetz
Birmelin	Foster	McHale	Schuler
Bishop	Fox	McNally	Scrimenti
Black	Freeman	McVerry	Semmel
Blaum	Freind	Maiale	Serafini
Bortner	Gallen	Maine	Smith, B.
Bowley	Gamble	Markosek	Smith, S. H.
Boyes	Gannon	Marsico	Snyder, D. W.
Brandt	Geist	Mayernik	Snyder, G.
Broujos	George	Melio	Staback
Bunt	Gigliotti	Merry	Stairs
rd	Gladeck	Michlovic	Steighner
ms	Godshall	Micozzie	Stish
ush	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	Trelio
Clark, D. F.	Hershey	Olasz	Trich
Clark, J. H.	Hess	Oliver	Van Horne
Clymer	Howlett	Perzel	Veon
Cohen	Hughes	Pesci	Vroon
Colaifella	Itkin	Petrarca	Wambach
Colaizzo	Jackson	Petrone	Wass
Cole	Jadlowiec	Phillips	Weston
Cornell	James	Piccola	Williams
Corrigan	Jarolin	Pievsky	Wilson
Cowell	Johnson	Pistella	Wogan
Coy	Josephs	Pitts	Wozniak
DeLuca	Kaiser	Pressmann	Wright, D. R.
DeWeese	Kasunic	Preston	Wright, J. L.
Daley	Kenney	Raymond	Wright, R. C.
Davies	Kondrich	Reber	Yandrisevits
Dempsey	Kosinski	Reinard	
Dietterick	Kukovich	Richardson	O'Donnell,
Distler	LaGrotta	Rieger	Speaker
Dombrowski			

NAYS—0

NOT VOTING—1

Lucyk

EXCUSED—1

Dininni

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

RESOLUTION ADOPTED

The SPEAKER. The gentleman, Mr. Saurman, calls up HR 321, which will be read by the clerk.

The following resolution was read:

House Resolution No. 321

A RESOLUTION

Urging the Governor to proclaim the month of May 1990 as "Healthy Baby Month."

WHEREAS, Birth defects strike more than a quarter million babies every year with physical and mental damage; and there is a high incidence of low birth weight babies and infant mortality; and

WHEREAS, Significant progress is being made in prevention of birth defects and reduction of infant mortality through research, medical services and education; and

WHEREAS, The March of Dimes Birth Defects Foundation, in its "Campaign for Healthier Babies," urges every pregnant woman to seek early, regular prenatal care so that she and her baby will benefit from increased knowledge that protects infant health; and

WHEREAS, The March of Dimes is joined in this effort by the Pennsylvania Healthy Mothers, Healthy Babies Coalition; therefore be it

RESOLVED, That the House of Representatives urge the Governor of the Commonwealth to proclaim the month of May 1990 as "Healthy Baby Month" and ask that it become a health priority to offer every newborn the chance for a healthy birth day.

George E. Saurman

On the question,
Will the House adopt the resolution?

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	Micozzie	Stish
Bush	Gruppo	Miller	Strittmatter
Caltagirone	Hagarty	Moehlmann	Suban
Cappabianca	Haluska	Morris	Tangretti
Carlson	Harper	Mowery	Taylor, E. Z.
Carn	Hasay	Mrkonic	Taylor, F.
Cawley	Hayden	Murphy	Taylor, J.
Cessar	Hayes	Nahill	Telek
Chadwick	Heckler	Nailor	Thomas
Civera	Herman	Noye	Tigue
Clark, B. D.	Hershey	O'Brien	Trello
Clark, D. F.	Hess	Olasz	Trich
Clark, J. H.	Howlett	Oliver	Van Horne
Clymer	Hughes	Perzel	Veon
Cohen	Itkin	Pesci	Vroon
Colaizzo	Jackson	Petrarca	Wambach
Cole	Jadlowiec	Petrone	Wass
Cornell	James	Phillips	Weston
Corrigan	Jarolin	Piccola	Williams
Cowell	Johnson	Pievsky	Wilson
Coy	Josephs	Pistella	Wogan
DeLuca	Kaiser	Pitts	Wozniak
DeWeese	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	O'Donnell,
Dombrowski	Langtry	Rieger	Speaker
Donatucci			

NAYS—0

NOT VOTING—1

Colafella

EXCUSED—1

Dininni

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

VOTE CORRECTION

The SPEAKER. For what purpose does the gentleman, Mr. Pitts, rise?

Mr. PITTS. Mr. Speaker, I was voted incorrectly on amendment 1420 to HB 2425. I would like to be recorded in the affirmative, please.

The SPEAKER. The remarks of the gentleman will be spread upon the record.

BILLS ON THIRD
CONSIDERATION CONTINUED

The House proceeded to third consideration of SB 1272, PN 2122, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the Catastrophic Loss Benefits Continuation Fund; creating the offense of trespass by motor vehicles; and further providing for fines, penalties and suspension of driver's license for unauthorized operation of motor vehicles on private real property.

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

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

Colaizzo	Itkin	Petrarca	Wass
Cole	Jackson	Petrone	Weston
Cornell	Jadlowiec	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	O'Donnell,
Distler	LaGrotta	Richardson	Speaker
Dombrowski	Langtry	Rieger	

NAYS—0

NOT VOTING—3

Acosta	James	Trich
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EXCUSED—1

Dininni

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

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

VOTE CORRECTION

The SPEAKER. The Chair recognizes Mr. Fee.

Mr. FEE. Thank you, Mr. Speaker.

To correct the record on HR 318, I would like to be recorded in the affirmative.

The SPEAKER. The remarks of the gentleman will be spread upon the record.

SUPPLEMENTAL CALENDAR A

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS
TO HOUSE AMENDMENTS**

The clerk of the Senate, being introduced, returned the following SB 1310, PN 2108, with information that the Senate has concurred in the amendments made by the House by amending said amendments in which the concurrence of the House of Representatives is requested:

An Act amending Title 15 (Corporations and Unincorporated Associations) of the Pennsylvania Consolidated Statutes, clarifying the fiduciary obligations of directors of corporations and other associations; clarifying certain definitions; adding provisions relating to control-share acquisitions; and providing for disgorgement by certain controlling shareholders following attempts to acquire control of certain corporations, for severance compensation for employees terminated following certain control-share acquisitions and for the effect of business combination transactions on labor contracts.

On the question,

Will the House concur in Senate amendments to House amendments?

The SPEAKER. For what purpose does the gentleman, Mr. Pressmann, rise?

Mr. PRESSMANN. To address the issue; seeking recognition on the bill.

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

The question recurs, will the House concur in amendments inserted by the Senate?

On that question, the Chair recognizes the gentleman, Mr. Pressmann.

Mr. PRESSMANN. Thank you, Mr. Speaker.

Mr. Speaker, when we last visited this bill, this House passed an amendment presented by myself saying that if the disgorgement provision of this bill were to become law and used, the moneys obtained from the disgorgement provision would have to be kept in Pennsylvania to be invested by those Pennsylvania corporations in Pennsylvania - to keep Pennsylvanians working, to create other opportunities for Pennsylvanians - and not be shipped out of this State or out of this country, to North Carolina or Taiwan or wherever, so that there would be more opportunities for Pennsylvanians.

When the bill went over to the Senate, the other body, in their infinite wisdom, removed that section from the bill, citing that the amendment was a constitutional threat to the disgorgement provision. Well, that is what their attorneys say. If you talk to one attorney, he will give you an opinion one way. If you talk to another attorney, he will give you another opinion. There is a provision in the bill for a severability clause. In spite of that severability clause, the other body felt that the matter is unconstitutional.

MOTION TO SUSPEND RULES

Mr. PRESSMANN. I think that their taking the amendment out took one of the best parts of a questionable bill out of it, and at this time I would like to move to suspend the rules in order to put that amendment back in.

The SPEAKER. The gentleman was recognized for the limited purpose of speaking on the substance of the bill.

The Chair now recognizes the gentleman, Mr. Pressmann, who moves that the House rules be suspended to permit the gentleman to offer an amendment to the Senate amendments amending the House amendments.

Mr. PRESSMANN. Thank you, Mr. Speaker.

The SPEAKER. The matter before the House is a motion to suspend the rules, which is not debatable.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—44

Angstadt	Gamble	McHale	Scrimenti
Belardi	Godshall	McNally	Semmel
Billow	Gruitza	Maiale	Serafini
Blaum	Itkin	Maine	Snyder, D. W.
Boyes	Jackson	Melio	Stish
Cappabianca	Josephs	Murphy	Tigue
Cawley	Kenney	Pesci	Trello

Colafrilla	Kukovich	Pressmann	Trich
Davies	Laughlin	Ritter	Wozniak
Freeman	Lloyd	Rudy	Wright, J. L.
Freind	McCall	Rybak	Yandrisevits

NAYS—153

Acosta	Distler	Kosinski	Richardson
Adolph	Dombrowski	LaGrotta	Rieger
Allen	Donatucci	Langtry	Robbins
Argall	Dorr	Lashinger	Robinson
Barley	Durham	Lee	Roebuck
Belfanti	Evans	Leh	Ryan
Birmelin	Fairchild	Lescovitz	Saloom
Bishop	Fargo	Levdansky	Saurman
Black	Farmer	Lucyk	Scheetz
Bortner	Fee	McVerry	Schuler
Bowley	Fleagle	Markosek	Smith, B.
Brandt	Flick	Marsico	Smith, S. H.
Broujos	Foster	Mayernik	Snyder, G.
Bunt	Fox	Merry	Staback
Burd	Gallen	Michlovic	Stairs
Burns	Gannon	Micozzie	Steighner
Bush	Geist	Miller	Strittmatter
Caltagirone	George	Moehlmann	Stuban
Carlson	Gigliotti	Morris	Tangretti
Carn	Gladeck	Mowery	Taylor, E. Z.
Cessar	Gruppo	Mrkoncic	Taylor, F.
Chadwick	Hagarty	Nahill	Taylor, J.
Civera	Haluska	Nailor	Telek
Clark, B. D.	Harper	Noye	Thomas
Clark, D. F.	Hasay	O'Brien	Van Horne
Clark, J. H.	Hayden	Olasz	Veon
Clymer	Hayes	Oliver	Vroon
Cohen	Heckler	Perzel	Wambach
Colaizzo	Herman	Petrarca	Wass
Cole	Hershey	Petrone	Weston
Cornell	Hess	Phillips	Williams
Corrigan	Howlett	Piccola	Wilson
Cowell	Hughes	Pievsky	Wogan
Coy	Jadlowiec	Pistella	Wright, D. R.
DeLuca	Jarolin	Pitts	Wright, R. C.
DeWeese	Johnson	Preston	
Daley	Kaiser	Raymond	O'Donnell,
Dempsey	Kasunic	Reber	Speaker
Dietterick	Kondrich	Reinard	

NOT VOTING—3

Battisto	James	Linton
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EXCUSED—1

Dininni

Less than a majority of the members elected to the House having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

On the question recurring,

Will the House concur in Senate amendments to House amendments?

The SPEAKER. The Chair recognizes Mr. Taylor.

Mr. F. TAYLOR. Thank you, Mr. Speaker.

I would move for concurrence in the Senate amendments.

The Senate, in their wisdom, did what we probably should have done the day we had the bill here before us. There were two problems created by the Pressmann amendment, and they saw fit to remove it, and that was a good move on their part, because it really did throw a cloud over the section dealing with disgorgement, and the removing of that amendment was one of the areas that they addressed.

The other area that they addressed was a clarification that solicitation of revocable proxies given without consideration and to be voted in accordance with instructions of the giver of the proxy does not trigger the control shares' voting rights or disgorgement provisions of the bill. This amendment further reflects what has always been the intent of that section. That was a clarifying amendment to that section.

The other area that they addressed was the removal of language that was embodied with Lois Hagarty's amendment that she put in on the floor, and that was taking the language out of the uncodified section which was inserted in the bill. That was a clarifying amendment also.

So we have now got a clear clarification, and I think the bill is in proper shape, and we should unanimously pass it here today and concur with the Senate amendments.

The SPEAKER. The Chair recognizes Mr. Miller.

Mr. MILLER. Thank you, Mr. Speaker.

Mr. Speaker, I rise to encourage a concurrence vote by each and every member of this House in behalf of SB 1310.

If we think back just a short two decades ago, Pennsylvania was in the throes of a dilemma with the demise of our heavy and mature industries. What Pennsylvania has managed to accomplish through these last 20 years has been a result of strong cooperation between business and labor in this great State, strong cooperation on long-term policy questions between Republicans and Democrats, and strong cooperation among the men and women of this Commonwealth who understand one fundamental principle of our State's economy, and that is, to prosper, to collect taxes to finance our system of government, we need a strong and viable Business Corporation Law document that can serve as a fundamental basis for our economic development for the future. We are the only northeastern industrial State to come back from the classic rust belt days, and that has been no accident, because members of this General Assembly in particular have had the wisdom and the courage to stand above the fray and recognize that we need to work together in enhancing our long-term future economic endeavors.

By passing this antitakeover measure, we will send a loud and clear message to those who would make our Pennsylvania corporations simple, quick-profit chop shops, and that is, Pennsylvania is no longer your playground. We will prosper through the goodwill of our own legislature and our own good policy discussions.

Finally, Mr. Speaker, I request an affirmative vote for this piece of legislation. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Bortner.

Mr. BORTNER. Thank you, Mr. Speaker.

I also rise to urge concurrence in the amendments placed into the bill by the Senate.

As has been pointed out by Mr. Taylor, there were some corrections made to the bill which clarified some points that had created some confusion and the amendment that was referred to earlier, which created some serious doubt about the constitutionality of the bill as well as really creating some questions as to how we could practically trace the investment to Pennsylvania corporations would be handled.

A lot of rhetoric has been injected into this debate, and as I listened yesterday in the Senate, it became apparent to me that a lot of red herrings are being raised. It is a complicated issue, but it is not such a complicated issue.

A lot of members, I know, are reading editorials and getting letters which indicate that this is somehow depriving shareholders of their rights. This legislation does not deprive shareholders of their rights. It does reaffirm what is currently the law in Pennsylvania, and that is that the fiduciary duty of a board of directors is to the corporation as a whole, not just to shareholders, and that no particular interest is dominant over any other interest and that the board of directors is not only permitted but required to take all those interests into consideration.

The disgorgement provision does one and really only one thing. It creates a disincentive, a very strong disincentive, to put a corporation in play to try to reap some very short-term benefits. This does not prevent anybody from taking over a corporation either by acquiring control of the management or by acquiring control of the stock. You can still do that. What you cannot do is, within that short period of time, roll that over and try to create some very quick profits. If you take over the corporation, you have to run it as a business.

A lot has been said about this. I think most of you understand where your instincts are; you understand where your heart is. I would urge you to support the amendments placed in by the Senate and vote for concurrence. Thank you.

The SPEAKER. The Chair recognizes Mr. Godshall.

Mr. GODSHALL. Thank you, Mr. Speaker.

I believe that this bill does a lot more than its proponents say it does. After a number of so-called corrections, it still strips away the basic and fundamental rights of the stockholders. Beyond this, Pennsylvania companies must today compete in a global economy. By insulating management from the owners of a company, there is very little incentive to provide needed bold and aggressive leadership.

As I said before, this bill is going to prove to be bad for labor in Pennsylvania, bad for Pennsylvania's businesses, and bad for the State of Pennsylvania. I believe ultimately the bill will prove to be an embarrassment to the State of Pennsylvania. I have no problem voting "no" on this bad piece of legislation, which today's Philadelphia Inquirer calls a shameful bill and the 1990 shareholders' ripoff act.

I urge a "no" vote. Thank you.

The SPEAKER. The Chair recognizes Mr. Pressmann.

Mr. PRESSMANN. Thank you, Mr. Speaker.

Mr. Speaker, the members of the General Assembly today have a rare opportunity, and that rare opportunity is to get the AFL-CIO and the chamber of commerce mad at you all in one vote. I ask you not to pass up that opportunity.

I particularly look to the right side of the aisle today, to my friends on the Republican side, and I have always thought of the Republican side as being the last vestiges of the free enterprise system of entrepreneurship and the market economy put into place, but at the last vote, I think there were only seven members from that side of the aisle who had the foresight to

vote against the bill. On my side of the aisle, even less had that foresight. I think there were only three of us.

This morning when I picked out a tie to wear today, I picked out this tie. It is an Adam Smith tie. I bought it because I liked the tie. I think it looks pretty nice. I did not buy it particularly because of the economic philosophy as expressed by Adam Smith, and Adam's philosophy has usually been expressed by the Grand Old Party, both in Pennsylvania and in the United States. I call upon you and the few or more conservative members of our caucus to live up to those principles of your Grand Old Party and of Adam Smith and vote "no" on this bill.

On the question recurring,

Will the House concur in Senate amendments to House amendments?

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

YEAS—183

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

NAYS—17

Birmelin	Fox	Lee	Weston
Cawley	Freind	Leh	
Chadwick	Godshall	Maiale	O'Donnell,
Evans	Itkin	Pressmann	Speaker
Flick	Kenney	Snyder, D. W.	

NOT VOTING—0

EXCUSED—1

Dininni

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

Ordered, That the clerk inform the Senate accordingly.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2508 By Representatives COWELL, MILLER, SCHULER, BARLEY, STRITTMATTER, BRANDT, SCHEETZ and COLAFELLA

An Act amending the act of April 6, 1980 (P. L. 82, No. 28), known as the "Thaddeus Stevens State School of Technology Act," further providing for the powers and duties of the board of trustees and the president, for admissions and for rights of faculty and staff; and making an editorial change.

Referred to Committee on EDUCATION, April 24, 1990.

No. 2509 By Representatives COWELL, EVANS, DeWEESE, BATTISTO, ITKIN, BURNS, COLAFELLA, LESCOVITZ, WASS, DAVIES, KOSINSKI, PISTELLA, DeLUCA, PETRONE, McNALLY, PRESTON, MICHLOVIC, DALEY, GIGLIOTTI, MELIO, BILLOW, D. R. WRIGHT, STEIGHNER, LINTON, HUGHES, B. D. CLARK, COHEN, ROBINSON, KUKOVICH, COY, YANDRISSEVITS, BORTNER, LaGROTTA, GEORGE, RICHARDSON, ROEBUCK, CAPPABIANCA, BELFANTI, VEON, MILLER, DOMBROWSKI and FEE

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," further providing for minimum salaries and continuing certain reimbursements.

Referred to Committee on EDUCATION, April 24, 1990.

VOTE CORRECTIONS

The SPEAKER. For what purpose does the gentleman, Mr. Merry, rise?

Mr. MERRY. To correct a vote, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. MERRY. On checking the final vote on HB 2425, I find I was not recorded. I was in my seat. It was my intention to vote in the affirmative.

The SPEAKER. The Chair recognizes Mr. Smith of Jefferson.

Mr. S. H. SMITH. Thank you, Mr. Speaker.

I rise to correct a vote.

Mr. Speaker, on HR 302 I failed to get my switch operating and would like to be voted in the affirmative.

The SPEAKER. The remarks of the gentleman will be spread upon the record.

The Chair recognizes Mr. Herman.

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

I was not recorded on HR 302. I would like to be recorded in the affirmative. Thank you.

The SPEAKER. The Chair thanks the gentleman. The remarks will be spread upon the record.

The Chair recognizes Mr. Snyder from Lehigh.

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

Mr. Speaker, on HR 318 my voting button must not have been functioning, and I was not recorded. I would like to be recorded in the positive. Thank you.

The SPEAKER. The remarks of the gentleman will be spread upon the record.

The Chair recognizes Mr. Fargo.

Mr. FARGO. Thank you, Mr. Speaker.

On HB 2425, amendment 1394, I failed to vote, and I would like to have my vote recorded in the affirmative.

The SPEAKER. The Chair recognizes Mr. Jadlowiec.

Mr. JADLOWIEC. Thank you, Mr. Speaker.

On amendment A1394 to HB 2425, I was not recorded. I would like to be recorded in the affirmative.

The SPEAKER. The remarks of the gentleman will be spread upon the record.

The Chair recognizes Mrs. Taylor.

Mrs. TAYLOR. Mr. Speaker, I was not recorded on HR 315, and I would like to be recorded in the affirmative.

The SPEAKER. The remarks of the lady will be spread upon the record.

ANNOUNCEMENT BY MR. MORRIS

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

Mr. MORRIS. Mr. Speaker, I have put a resolution there on the desk which I think has a lot of interest, but I think all those interested have not yet gotten on the resolution. It would appoint a House select committee to examine the issues and problems relating to land use, development, and growth management in the Commonwealth. If anybody wants to sign on and has not already done so, I believe it is right down there on the desk.

The SPEAKER. The Chair thanks the gentleman.

ANNOUNCEMENT BY MRS. HARPER

The SPEAKER. The Chair recognizes the lady, Mrs. Harper.

Mrs. HARPER. Thank you, Mr. Speaker.

Mr. Speaker, tomorrow morning I will be holding a press conference at 9 a.m. in the news media on the resolution that passed the House today. Thank you.

The SPEAKER. The Chair thanks the lady.

VOTE CORRECTIONS

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

Mr. PETRARCA. Thank you, Mr. Speaker.

On HB 2425 I was not recorded. I would like to be recorded in the affirmative.

The SPEAKER. The remarks of the gentleman will be spread upon the record.

The Chair recognizes Mr. Trich.

Mr. TRICH. Mr. Speaker, to correct the record.

On SB 1272 my vote was not counted. If it had been, I would have wished that it had been in the affirmative.

The SPEAKER. The remarks of the gentleman will be spread upon the record.

The Chair recognizes Mr. Evans.

Mr. EVANS. Mr. Speaker, on SB 1310 on concurrence in Senate amendments, I would like to make a correction and vote in the affirmative.

The SPEAKER. The remarks of the gentleman will be spread upon the record.

BILL SIGNED BY SPEAKER

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

SB 747, PN 2055

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," increasing the amount of work of any nature which can be performed on property owned by a school district without advertising and without competitive bids; providing for price quotations on certain contracts and purchases that are not subject to advertisement and competitive bidding; and increasing the amount of furniture, equipment and supplies that can be purchased without advertisement.

ADDITIONS AND DELETIONS OF SPONSORS

The SPEAKER. The Chair acknowledges receipt of additions and deletions for sponsorships of bills, which the clerk will file.

The following list was submitted:

ADDITIONS:

HB 142, Josephs; HB 921, Phillips; HB 1376, Fox; HB 1777, James; HB 2277, Battisto; HB 2300, Colafella; HB 2320, Thomas; HB 2334, Gruppo; HB 2362, Thomas; HB 2365, Nailor, Battisto; HB 2371, Thomas; HB 2372, Thomas; HB 2397, James; HB 2399, Thomas; HB 2400, Thomas; HB 2401, Thomas; HB 2406, Thomas; HB 2411, Thomas, James; HB 2412, James, Thomas; HB 2413, Thomas; HB 2418, Thomas; HB 2419, Thomas; HB 2420, Thomas; HB 2421, Thomas; HB 2428, Cessar; HB 2435, Thomas; HB 2439, Thomas; HB 2444, Itkin, Richardson, Robbins; HB 2450, Thomas; HB 2451, Thomas; HB 2454, Thomas, McHale, Bortner; HB 2455, Richardson; HB

2457, Thomas; HB 2474, Steighner; HB 2483, Wozniak, Rybak; HR 282, Thomas; HR 294, Robbins; HR 298, Thomas; HR 299, James, Richardson, Robbins; HR 302, Thomas; HR 306, Morris, Bunt, Adolph, Telek, Fox, J. H. Clark, Angstadt, Yandrisevits, Kasunic, Marsico, DeLuca; HR 308, Gigliotti, Blaum, Petrarca, Billow, Telek, Johnson, Noye, Itkin, Carlson, Pistella, McCall, Kasunic, Laughlin, McNally, Levdansky, Angstadt, R. C. Wright, Geist, Argall, Dombrowski, Maine, Veon, Belfanti.

DELETION:

HB 2354, Nailor.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 1380, PN 3436 (Amended)

By Rep. STUBAN

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, adding provisions relating to guardians of incapacitated persons, and making conforming amendments to Titles 13, 18, 23 and 42.

YOUTH AND AGING.

HB 1830, PN 3437 (Amended)

By Rep. STUBAN

An Act relating to long-term care insurance; providing for limits, disclosure and performance standards; and prescribing powers and duties of the Insurance Commissioner.

YOUTH AND AGING.

HB 2480, PN 3438 (Amended)

By Rep. STUBAN

An Act authorizing the Department of Aging to license and inspect older adult daily living centers; imposing additional powers and duties on the Department of Aging; and making repeals.

YOUTH AND AGING.

EDUCATION COMMITTEE MEETING

The SPEAKER. The Chair recognizes Mr. Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I want to remind the members of the House Education Committee that the meeting today was recessed until tomorrow at 9:30 a.m. We will continue our meeting in room 418. The legislation that we will be dealing with is the early intervention legislation, HB 1861.

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 775, PN 1348**, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, reducing the time for advertisement of accounts to two weeks; adding a section providing that documents submitted to the register of wills, except for probate, may be attested to by an affidavit or by a verified statement; broadening the class of property deemed disclaimed when a spouse takes an elective share; avoiding automatic modification of wills and inter vivos conveyances that are made in contem-

plation of a marriage or divorce; adding a rule of interpretation for wills and conveyances regarding corporate fiduciaries; confirming existing law that a gift to any unfunded trust is valid; adding a chapter relating to contracts concerning succession; authorizing personal representatives to make certain temporary investments; allowing fiduciaries to hold certain securities in book-entry form; further providing for notice to parties in interest; further providing for rights of claimants; authorizing the guardian of the estate of a minor to distribute certain income without court approval; adding the Pennsylvania Uniform Transfers to Minors Act; clarifying the jurisdiction of the court to appoint certain temporary guardians; authorizing the court to exercise all rights and privileges under certain contracts which provide for payments to an incompetent or others after the incompetent's death; authorizing the court to modify the estate plan of an incompetent to reflect changes in applicable tax laws; permitting certain powers of attorney to be executed by mark; ensuring the validity of durable powers of attorney; authorizing the court to allow a shorter period of notice to an absentee; providing that as a matter of law divorce revokes any revocable beneficiary designation made in favor of the former spouse; further providing for the annexation of accounts; further authorizing the court to divide trusts; further authorizing the court to grant declaratory relief with respect to certain interests in real property; and making technical changes.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that SB 775 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. DeWEESE. Mr. Speaker, I move that SB 775 be taken from the table.

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

* * *

The House proceeded to third consideration of **HB 64**, PN 3111, entitled:

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

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.

Mr. DeWEESE. Mr. Speaker, I move that HB 64 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. DeWEESE. Mr. Speaker, I move that HB 64 be taken from the table.

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

* * *

The House proceeded to third consideration of **SB 904**, PN 2121, entitled:

An Act to provide additional appropriations from the General Fund for the expenses of the Executive and Judicial Departments of the Commonwealth for the fiscal year July 1, 1989, to June 30, 1990, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1989.

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

MOTION FOR PREVIOUS QUESTION

The SPEAKER. For what purpose does the gentleman, Mr. Itkin, rise?

Mr. ITKIN. Mr. Speaker, I rise today to seek recognition to make a motion with respect to SB 904.

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

Mr. ITKIN. Mr. Speaker, I am going to make the following motion on the basis that this is a supplemental appropriations bill that has in it approximately \$135 million of additional spending in the current budget. It has been extremely difficult to try to find lapses in order to accommodate these very necessary items. Everyone knows that we are going into a very tight budget period and that it is important to preserve what we now have in the budget and keep the budget balanced.

Mr. Speaker, I am concerned that there may be amendments offered today which might add considerable sums to the bill which would not be able to be accommodated through executive action. Consequently, in order to do the appropriate thing, I am now moving the previous question relating to final passage of SB 904, cutting off debate and bringing the bill to its ultimate vote.

The SPEAKER. The gentleman has moved the previous question on final passage of SB 904. That motion, under rule 61, requires 20 seconds. Seconds will be counted by the Chair noting for the record the names of members who rise in place to be counted as seconds.

The Chair notes the following members: Representative Daley, Representative Robinson, Representative Corrigan,

Representative Haluska, Representative Blaum, Representative Harper, Representative Billow, Representative Acosta, Representative Maiale, Representative Kosinski, Representative Josephs, Representative Carn, Representative Oliver, Representative Donatucci, Representative Rieger, Representative Roebuck, Representative Richardson, Representative James, Representative Pistella, Representative Preston, Representative Levdansky.

The Chair notes the presence of 20 seconds to the motion. The motion therefore is properly before the House. The matter before the House is the motion to move the previous question.

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

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

Mr. RYAN. Mr. Speaker, thank you.

I am really surprised at this parliamentary move on the part of the gentleman, Mr. Itkin. If I may—and I say this in complete sincerity—I would like to go back to a meeting at 9 o'clock this morning, when a group of leaders from both sides of the aisle met in what was to be considered by me a good-faith effort to get started on the budget. At that time, again in complete truthfulness, frankness, we told the members of the other side that we had amendments to offer to the bill here today.

I first find that a motion is made to cut off all debate when the gentleman, Mr. Itkin, took the rostrum. Now, what is he trying to do? What is he trying to cut off from debate? He is trying to cut off from debate an amendment that is a technical amendment for \$1,000, which is necessary and agreed to, to correct a problem with the district justices. He is attempting to cut off an amendment that would take care of special education funding in Pennsylvania today.

As a leader, I am permitted to debate—

POINT OF ORDER

Mr. DeWEESE. Mr. Speaker, point of order.

The SPEAKER. Will the gentleman, Mr. Ryan, suspend. What is the gentleman's point of order?

Mr. DeWEESE. The Chair is requested to render an opinion as to whether the gentleman is in order to discuss amendments that have not been offered.

The SPEAKER. The rules provide that this motion is not debatable at all. It is the convention of the House to allow the two leaders to debate matters fully, and that precedent has frequently been observed, even in literal violation of the rules.

The gentleman's observation is that the matters that the gentleman, Mr. Ryan, is bringing up are not before the House and are purely hypothetical. The Chair has been reluctant to attempt to curtail the debate of either leader. The Chair would, however, understand the advice of the majority leader and urge the minority leader to tailor his debate accordingly.

For what purpose does the gentleman, Mr. Wambach, rise?

Mr. WAMBACH. Mr. Speaker, under rule 61, I think the previous question states that it "...shall put an end to all debate and bring the House to an immediate vote on the question then pending...."

The SPEAKER. The Chair appreciates the gentleman's advice. This House has very frequently observed the convention that the two leaders, and only the two leaders, would be permitted a latitude in debate that extends even beyond the literal interpretation of the rules, and the Chair does not understand the gentleman to be making a point of order at this time.

The Chair would like to return to the remarks of Mr. Ryan. Mr. RYAN. Thank you, Mr. Speaker.

Before I go on along the lines that were objected to, let me address specifically the remarks of the gentleman, Mr. Itkin. Maybe that would be less offensive to some of the members.

Mr. Itkin raised the question about the supplemental appropriation and the lapses, and I say to each and every one of you, we need more information. We should not be moving the previous question and cutting off debate, because the gentleman, Mr. Itkin's very remarks raise a debate, and that debate is, where is the money coming from?

The bill that is up on the floor, SB 904, calls for approximately \$144 million of additional spending. The Governor of Pennsylvania's Secretary of the Budget gave us a list of where he would perhaps get—perhaps get—the money to fund the \$144 million you are about to be asked to vote for, and he is taking that money, he thinks, from housing and redevelopment, enterprise, customized job training, the State Fire Academy, the information systems, MR (mental retardation)—he is taking it from the mental hospitals—he is refunding investment tax credit, taking it from PennPORTS, taking it from PIDA (Pennsylvania Industrial Development Authority), taking it from occupational disease payments. That is where \$40-some odd million of this money is coming from that you are about to be asked to vote on the blind, because Mr. Itkin does not want to discuss the bill that is before you, that still is missing \$100 million of funding.

Now, if that is sensible, then following blindly the lead of the gentleman, Mr. Itkin, I think you are making a mistake. If this is left open to debate, perhaps the gentleman, Mr. Itkin, or perhaps the gentleman, Mr. Pievsky, or the gentleman, Mr. DeWeese, can tell us how we are going to fund 144 million dollars' worth of deficiency appropriations. Perhaps he can explain to us so we can go back and explain to our people why we are taking away the State Fire Academy's money, why we are taking back PIDA money, why we are shortchanging mental retardation. Perhaps he can tell us why we are not going to also pay for the special education funding that would take \$239,000 and give it to Mr. Broujos' school district on time, the way the law requires. Perhaps Mr. Wambach, who is so quick to stand up with the rules, is trying to hide the fact that \$444,000 of this money would be going to the Harrisburg School District and he does not want to hear about that in print, or—

Mr. WAMBACH. Mr. Speaker?

The SPEAKER. The Chair would like to caution the members against response and urge the minority leader to observe the spirit of the rule that curtails debate mentioning specific members.

Mr. RYAN. Mr. Speaker?

The SPEAKER. Will the gentleman suspend.

PARLIAMENTARY INQUIRY

The SPEAKER. For what purpose does the gentleman, Mr. Wambach, rise?

Mr. WAMBACH. Mr. Speaker, I rise and question the debating tactics of the minority leader under rule 61, and I ask that rule 61 be followed, and if not, then the previous question under chapter 35 of Mason's be followed, which says that the vote shall immediately be taken. And if the Speaker would rule against that, I will have a motion then to appeal the decision of the Chair.

The SPEAKER. The Chair infers that the answer to the Chair's question about for what purpose the gentleman rises is to raise a point?

Mr. RYAN. On the point of order.

Mr. WAMBACH. Point of parliamentary inquiry.

The SPEAKER. Will the gentlemen suspend.

The Chair understands the gentleman to be seeking recognition for a point of parliamentary inquiry. The gentleman is recognized for that purpose. The gentleman's remarks are incorporated. The response of the Chair to the parliamentary inquiry is that the precedence of this House supersedes the Mason's Manual section quoted. That is the response to the parliamentary inquiry.

The Chair now returns to the debate at hand and recognizes the gentleman, Mr. Ryan, on the subject of the issue. Please proceed.

Mr. RYAN. For the purpose of continuing the debate. Thank you, Mr. Speaker.

Mr. Speaker, again, I know you do not want me to do a school-district-by-school-district review, but, I mean, we have them here. We are going to present them to the press. It does not matter whether I do it at the mike or not. Sam Morris' people are going to know it costs them \$309,000 the same way Mr. DeWeese's people are going to know it costs them \$133,000, and Mr. Cole, \$391,000. Other than that I am stopping, and I am— It is also worth almost half a million dollars to my school district, and that is why I am up here complaining about it. But— Oh, now wait a minute; stop talking so much. Pittsburgh; Joe, I do not know. I am going to send it back.

Under inquiry, the gentleman, Mr. Preston, has asked me how much Pittsburgh will get. My response to him is, you already got paid up front, and we just want the same thing.

The SPEAKER. Do we understand the gentleman, Mr. Ryan, to be prepared to take interrogation from the floor? Will the gentleman suspend? Will the gentleman suspend?

The Chair understands the gentleman, Mr. Ryan, to be testing the patience of at least half the House.

Mr. RYAN. My members are used to being tested like this, Mr. Speaker.

The SPEAKER. The Chair would urge the gentlemen and the ladies to remain calm and permit the gentleman to finish his remarks.

The gentleman may proceed.

Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, I am handing copies to these pages to my right, and I asked them to take them over to the other side of the aisle so that they can be informed, because you do not get informed otherwise.

Mr. Speaker, almost in closing, the other amendment that would be offered would be \$1,250,000 to make up for some of the deficiencies that came about in connection with the recent prison riots.

Now in closing, Mr. Speaker, I will say that no rule was violated, because if Mr. Wambach would read the rule, he would find that it says, "A motion for the previous question, seconded by 20 members and sustained by a majority of the members present, shall put an end to all debate,..." and it has never been sustained by a majority of the members. With that I sit down. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. DeWeese.

Mr. DeWEESE. Mr. Speaker, we have before us today a supplemental budget proposal from the Governor's Office. It deals with a variety of matters, including \$47 million for inpatient medical assistance that the bill has come due for; \$18 million for outpatient medical assistance that we as a Commonwealth owe; \$27 million in additional cash grant money that must be paid; \$29 million for our correctional system that we are in arrears for.

The Governor has asked us to be responsible and to help him pay our debts. We have and Mr. Ryan has, because it was delivered to his office this afternoon, correspondence from the Secretary of the Budget delineating where the lapse money will be garnered. He has asked where the money will come from. It will be lapsed from money in the 1988-89 budget; it will be lapsed from money in the 1989-90 budget; and in the 1990-91 budget. Lapses are something that we have lived with over the years. The gentleman from Delaware County is well aware of this kind of endeavor. It has happened before; it will happen again.

He made all of these declarations about my school districts and Sam Morris' school districts and so forth. If he wants to go on and spend and spend and spend and not raise taxes, then Mrs. Telek and other colleagues, Mr. Godshall and others on the other side of the aisle, will have to find out whose ox will be gored then, because there will be even additional lapses on top of lapses that we are dealing with today.

We all know, we all know that from Maryland to the Canadian border, we are the only State that even has a chance, that even has a chance to balance its budget. We all know, we all know that we are in a very tight fiscal challenge

right now. And why are we utilizing this parliamentary maneuver? Because we are, quite frankly, trying to countervail what we consider to be frivolous amendments. I am sure that Mr. Perzel and others would not consider these amendments frivolous, but we would. They are budget-buster amendments, and I think it is time to be responsible.

Mr. Speaker, in asking for the motion of the gentleman from Squirrel Hill, Mr. Itkin, to be sustained, I would like to, as I leave the microphone, say that on behalf of the men and women I represent in our caucus, and direct my comments to the distinguished gentleman from Delaware County, it is collectively our sincere pleasure to protect the public treasury from big-spending Republicanism.

Mr. RYAN. Mr. Speaker?

The SPEAKER. On further research, the Chair discovers that part of the allowance to the leadership on both sides involves the element of brevity. With that in mind, the Chair recognizes the gentleman, Mr. Ryan.

Mr. RYAN. Thank you.

Big-spending Republicans - that is the most "frivolous" statement that could be made by the gentleman. But let us use the word "frivolous" for a minute and examine it in the context used by the gentleman, Mr. DeWeese.

Do you believe the people in your district, do you believe the users of special education in your hometown, would think that an amendment that would get your school district the money that the law provides that we pay them is a frivolous amendment? Now, if that is a frivolous amendment, you do not belong here, because one of the chief responsibilities we have is to take care of the people of Pennsylvania who require special education.

Now, we hurt them last year and we promised not to do it again, and here we are, we are about ready to cheat them out of the 80-some-odd million dollars that we owe them today. We owe it to them this year. That is what the law says.

Now, do not tell me about big spending, Mr. Speaker, when you are unable to tell us where the Governor is getting the money to spend the \$144 million he has in that 904 bill.

The SPEAKER. The Chair would caution the gentleman specifically on brevity.

Mr. RYAN. That is it.

The SPEAKER. The question before the House is the motion to move the previous question. Those in favor of the motion will vote "aye"; those opposed, "no."

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

The following roll call was recorded:

YEAS—101

Acosta	Donatucci	Lloyd	Roebuck
Battisto	Evans	Lucyk	Rudy
Belardi	Fee	McCall	Rybak
Belfanti	Freeman	McHale	Saloom
Billow	Gamble	McNally	Scrimenti
Bishop	George	Maiale	Staback
Baum	Gigliotti	Maine	Steighner
Brtner	Gruitza	Markosek	Stish
Lowley	Haluska	Melio	Stuban
Broujos	Harper	Michlovic	Tangretti
Caltagirone	Hayden	Morris	Taylor, F.

Cappabianca	Howlett	Mrkonic	Thomas
Carn	Hughes	Murphy	Tigue
Cawley	Itkin	Olasz	Trello
Clark, B. D.	James	Oliver	Trich
Cohen	Jarolin	Pesci	Van Horne
Colafrella	Josephs	Petrarca	Veon
Colaizzo	Kaiser	Petrone	Wambach
Cole	Kasunic	Pievsky	Williams
Corrigan	Kosinski	Pistella	Wozniak
Cowell	Kukovich	Pressmann	Wright, D. R.
Coy	LaGrotta	Preston	Yandrisevits
DeLuca	Laughlin	Richardson	
DeWeese	Lescovitz	Rieger	O'Donnell,
Daley	Levdansky	Ritter	Speaker
Dombrowski	Linton	Robinson	

NAYS—98

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

NOT VOTING—1

Mayernik

EXCUSED—1

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

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

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

The Chair recognizes Mr. Ryan.

Mr. RYAN. Mr. Speaker, I recognize I am stretching the point on the debate. I just want to suggest to our members that because we lost that last war is no sense to do something foolish and not vote in favor of the matters that are covered by this particular bill.

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.

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER. The clerk will strike the vote.

Agreeable to the provisions of the Constitution, the yeas and nays will now be taken. There will be no opportunity to correct a vote. The members will proceed to vote.

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	Donatucci	Lashinger	Ritter
Adolph	Dorr	Laughlin	Robbins
Allen	Durham	Lee	Robinson
Angstadt	Evans	Leh	Roebuck
Argall	Fairchild	Lescovitz	Rudy
Barley	Fargo	Levdanský	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
Bortner	Gallen	Maine	Smith, B.
Bowley	Gamble	Markosek	Smith, S. H.
Boyes	Gannon	Marsico	Snyder, D. W.
Brandt	Geist	Mayernik	Snyder, G.
Broujos	George	Melio	Staback
Bunt	Gigliotti	Merry	Stairs
Burd	Gladeck	Michlovic	Steighner
Burns	Godshall	Micozzie	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	Olasz	Trich
Clark, J. H.	Hess	Oliver	Van Horne
Clymer	Howlett	Perzel	Veon
Cohen	Hughes	Pesci	Vroon
Colafrilla	Itkin	Petrarca	Wambach
Colaizzo	Jackson	Petrone	Wass
Cole	Jadlowiec	Phillips	Weston
Cornell	James	Piccola	Williams
Corrigan	Jarolin	Pievsky	Wilson
Cowell	Johnson	Pistella	Wogan
Coy	Josephs	Pitts	Wozniak
DeLuca	Kaiser	Pressmann	Wright, D. R.
DeWeese	Kasunic	Preston	Wright, J. L.
Daley	Kenney	Raymond	Wright, R. C.
Davies	Kondrich	Reber	Yandrisevits
Dempsey	Kosinski	Reinard	
Dietterick	Kukovich	Richardson	O'Donnell,
Distler	LaGrotta	Rieger	Speaker
Dombrowski	Langtry		

NAYS—0

NOT VOTING—0

EXCUSED—1

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

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

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER. The Chair now recognizes the gentleman, Mr. DeWeese.

Mr. DeWEESE. Mr. Speaker, I move that this House do now adjourn until Wednesday, April 25, 1990, at 1 p.m., e.d.t., unless sooner recalled by the Speaker.

The SPEAKER. For the information of the members, no votes will be taken tomorrow.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 5:08 p.m., e.d.t., the House adjourned.