

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, JUNE 19, 1990

SESSION OF 1990

174TH OF THE GENERAL ASSEMBLY

No. 42

HOUSE OF REPRESENTATIVES

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

THE SPEAKER PRO TEMPORE (IVAN ITKIN) PRESIDING

PRAYER

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

Let us pray:

Almighty God, we have heard Your gracious words that it is good and pleasant for brethren to dwell together in unity; that wherever two or three are gathered together in Your name touching and agreeing, You are one in their midst; and that two cannot walk together peacefully except they be agreed.

Remind us that in unity there is strength, and cause us to always seek common ground in the resolution of conflicts and controversies that might surround us. May we always remember that the interests of the citizens of this great Commonwealth transcend any of our differences.

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 pro tempore. Without objection, the approval of the Journal of Monday, June 18, 1990, will be postponed until printed. The Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2695 By Representatives TRELLO, VAN HORNE, COY, MELIO, WASS, ANGSTADT, LANGTRY, GODSHALL, BILLOW, WILSON, PESCI, LASHINGER, WOGAN, O'BRIEN, BRANDT, D. W. SNYDER, BELFANTI, PERZEL, WOZNIAK, CALTAGIRONE, MERRY, HESS, JOHNSON, ADOLPH, HERMAN, NAHILL, CIVERA and TELEK

An Act making an appropriation to the Department of Transportation for the coordination of civilian aviation patrol activities.

Referred to Committee on TRANSPORTATION, June 19, 1990.

No. 2696 By Representatives TRELLO, VROON, NOYE, FARGO, JOHNSON, RICHARDSON, McNALLY, RYBAK, COWELL, LANGTRY, FOX, CESSAR, KAISER, COY, PISTELLA, GODSHALL, VAN HORNE, JACKSON, NAILOR, MARKOSEK, MICOZZIE, BILLOW, HALUSKA, PESCI, STABACK, LASHINGER, ARGALL, WOGAN, SAURMAN, TIGUE, BELARDI, McHALE, McVERRY, SCRIMENTI, NAHILL, ADOLPH, MORRIS, E. Z. TAYLOR, LAUGHLIN, TANGRETTI, BATTISTO, D. W. SNYDER, J. H. CLARK, J. TAYLOR, CORNELL, DeLUCA, THOMAS, MELIO, SERAFINI, WILLIAMS, BLAUM and HOWLETT

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," further providing for the definition of "crime."

Referred to Committee on JUDICIARY, June 19, 1990.

No. 2697 By Representatives TRELLO, MORRIS, FARGO, LAUGHLIN, GODSHALL, PISTELLA and GIGLIOTTI

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, imposing maximum limits on the charges for preparation and mailing of certain documents related to title and registration of motor vehicles.

Referred to Committee on TRANSPORTATION, June 19, 1990.

No. 2698 By Representatives TRELLO, MORRIS, KOSINSKI, PESCI, DeLUCA, McNALLY, RAYMOND, BELFANTI, BATTISTO, ADOLPH, PRESTON, PISTELLA, STISH, NAHILL, McHALE, GIGLIOTTI and CIVERA

An Act imposing duties on kennels and pet shops licensed by the Pennsylvania Department of Agriculture or the United States Department of Agriculture; providing for misrepresentation of pedigree and health of dogs bred for sale; providing for enforcement by the Attorney General; and imposing penalties.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, June 19, 1990.

No. 2699 By Representatives STEIGHNER, GAMBLE, TRELLO, GODSHALL, DOMBROWSKI, MELIO, PESCI, ROBBINS, LESCOVITZ, FARGO, GEIST, VAN HORNE, BILLOW, PISTELLA, MERRY and BURD

An Act amending the act of June 23, 1931 (P. L. 932, No. 317), known as "The Third Class City Code," providing for the reappointment of formerly employed police officers.

Referred to Committee on URBAN AFFAIRS, June 19, 1990.

No. 2700 By Representatives GIGLIOTTI, MAINE, KAISER, McNALLY, ROBINSON, COLAIZZO, MELIO, TANGRETTI, NAILOR, TELEK, MRKONIC, COWELL, LAUGHLIN, BORTNER, HARPER, FREEMAN, TRICH, PESCI, MIHALICH, PRESSMANN, FARMER, KONDRICH, LANGTRY, FAIRCHILD, BURD, MARKOSEK, PETRONE, RITTER, RUDY, STISH and CORRIGAN

An Act making an appropriation to the Department of Military Affairs for a grant to the Women in Military Service for America Memorial Foundation for the construction of a memorial.

Referred to Committee on MILITARY AND VETERANS AFFAIRS, June 19, 1990.

No. 2701 By Representatives CARLSON, RUDY, BOWLEY, BUSH, HALUSKA, DEMPSEY, STABACK, BELFANTI, HAYES, JADLOWIEC, DISTLER, BLACK, CHADWICK, JACKSON, DIETTERICK, HESS, FAIRCHILD, HERMAN, S. H. SMITH, PHILLIPS, GEIST, ROBBINS, B. SMITH, LEE, BILLOW and GODSHALL

An Act amending the act of May 17, 1929 (P. L. 1798, No. 591), referred to as the "Forest Reserves Municipal Financial Relief Law," increasing the amount paid by the Commonwealth.

Referred to Committee on APPROPRIATIONS, June 19, 1990.

No. 2702 By Representatives BILLOW, KUKOVICH, RICHARDSON, TRELLO, PISTELLA, HALUSKA, PESCI, STABACK, COLAIZZO, FREEMAN, WOGAN, TIGUE, ADOLPH, BATTISTO, VEON, LAUGHLIN and MELIO

An Act regulating the use, storage, purchase and sale of explosive materials; requiring the licensing of persons for the detonation of explosive materials; requiring permits for the purchase and sale of explosive materials; imposing duties on persons who use, store, purchase and sell explosive materials; authorizing the Environmental Quality Board to adopt regulations and the Department of Environmental Resources to enforce and adminis-

ter the act and regulations; providing for enforcement and remedies; establishing a fund; prescribing penalties; and making repeals.

Referred to Committee on CONSERVATION, June 19, 1990.

No. 2703 By Representatives F. TAYLOR, STISH, STUBAN, ROBINSON, CORRIGAN, MAINE, CAPPABIANCA, COY, STABACK, MELIO, LAUGHLIN, COLAFELLA, WAMBACH and McCALL

An Act designating the month of April as "Pennsylvania Special Olympics Month."

Referred to Committee on STATE GOVERNMENT, June 19, 1990.

No. 2704 By Representatives HASAY, TRELLO, STUBAN, J. L. WRIGHT, D. F. CLARK, NOYE, DIETTERICK, HECKLER, WOZNAK, S. H. SMITH, FARMER, CARLSON, ADOLPH, CIVERA, PHILLIPS, SEMMEL, RYBAK, MERRY, GODSHALL, BOYES, HALUSKA, ARGALL, HERMAN, SCHULER, E. Z. TAYLOR, GEIST, SERAFINI, RICHARDSON, HAGARTY, FOX, NAILOR, FLICK, ALLEN, YANDRISEVITS, ANGSTADT, OLASZ, J. H. CLARK, HOWLETT, JOHNSON, WILSON, DEMPSEY, WOGAN, McVERRY, SCRIMENTI, NAHILL, D. W. SNYDER, TIGUE and McHALE

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," providing for a credit against the corporate net income tax.

Referred to Committee on FINANCE, June 19, 1990.

No. 2705 By Representatives LLOYD, PESCI, MIHALICH, COWELL, BORTNER, BILLOW, TIGUE, CAWLEY and JAROLIN

An Act amending the act of October 5, 1972 (Sp. Sess. No. 1, P. L. 2019, No. 4), entitled, as amended, "An act implementing the provisions of clause (1) of subsection (a) of section 7 of Article VIII of the Constitution of the Commonwealth of Pennsylvania authorizing the incurring of debt for the rehabilitation of areas affected by the Great Storm and Floods of September, 1971 and June, 1972, and the Great Flood of July, 1977 through urban redevelopment assistance; imposing duties upon the Governor, the Auditor General and State Treasurer; prescribing the procedures for the issuance, sale and payment of general obligations bonds, the funding of debt and refunding of bonds; exempting said bonds from State and local taxation; creating certain funds; and making an appropriation," further providing for the disposition of funds in the Disaster Relief Fund.

Referred to Committee on APPROPRIATIONS, June 19, 1990.

SENATE BILL FOR CONCURRENCE

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

SB 1447, PN 1918

Referred to Committee on FINANCE, June 19, 1990.

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
June 18, 1990

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, June 25, 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, June 25, 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.

SENATE MESSAGE**HOUSE BILLS
CONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, returned **HB 2314, PN 3108**; and **HB 2462, PN 3544**, with information that the Senate has passed the same without amendment.

WELCOMES

The SPEAKER pro tempore. The Chair at this time wishes to welcome a committee to remove the welfare lien. The committee is the guest of the Representatives of Beaver County, and the members of the committee here today are located in the balcony. Would they please rise and be recognized.

The Chair also would like to welcome exchange students Annemarie Liedenbaum of the Netherlands and Dorothea Walter of Germany, who are the guests of the gentleman, Mr. George Jackson. Would these students please rise in the gallery and be recognized as well.

The Chair also wishes to welcome Mr. Larry Roman of the Pennsylvania State Education Association, who is the guest today of the gentleman from Allegheny County, Mr. Kaiser. Mr. Roman is to the left of the Speaker's rostrum. Would he please rise and be recognized.

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

SB 2, PN 898

By Rep. COWELL

An Act providing for the advance purchase of tuition at certain institutions of higher education; establishing the Tuition Account Program Bureau within the Treasury Department and providing duties for the Treasury Department; establishing the Tuition Payment Fund; and providing for tuition account payment contracts.

EDUCATION.

**BILL REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND
RECOMMITTED TO COMMITTEE ON RULES**

HB 2647, PN 3663

By Rep. GEORGE

An Act authorizing the indebtedness, with the approval of the electors, of \$100,000,000 for loans to municipalities and municipal authorities for the purpose of safely closing waste facilities owned by municipalities or municipal authorities.

CONSERVATION.

STATE GOVERNMENT COMMITTEE MEETING

The SPEAKER pro tempore. The Chair at this time wishes to recognize the gentleman from Philadelphia, Mr. Oliver, for the purpose of a committee announcement.

Mr. OLIVER. Thank you, Mr. Speaker.

Mr. Speaker, when we break, there will be a meeting of the State Government Committee in the rear of the House.

DEMOCRATIC CAUCUS

The SPEAKER pro tempore. The Chair now recognizes the gentleman from Philadelphia, the majority caucus chairman, Mr. Cohen, for the purpose of a caucus announcement.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, there will be an immediate meeting of the House Democratic Caucus in room 140. We have a very large list of bills to go over, and the special caucuses we have had recently have pushed us far behind. So there will be a very long list of bills to be considered. I urge all members to attend.

RECESS

The SPEAKER pro tempore. Without objection, this House will now stand in recess until 1:30.

AFTER RECESS

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

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

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the gentleman, Mr. Itkin, for leaves of absence.

Mr. ITKIN. Mr. Speaker, I request a leave of absence for the gentleman from Allegheny, Mr. ROBINSON, for today's session.

The SPEAKER. Without objection, the leave is granted.

The Chair recognizes Mr. Hayes.

Mr. HAYES. Thank you, Mr. Speaker.

I request a leave for the gentleman from Delaware County, Mr. FREIND, for the day; the gentleman from Delaware County, Mr. Robert WRIGHT, for the day; and the gentleman from Dauphin County, Mr. DININNI, for the day.

The SPEAKER. Without objection, the leaves are granted.

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—198

Acosta	Dombrowski	Langtry	Richardson
Adolph	Donatucci	Lashinger	Rieger
Allen	Dorr	Laughlin	Ritter
Angstadt	Durham	Lee	Robbins
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	Mayernik	Snyder, G.
Bunt	Gigliotti	Melio	Staback
Burd	Gladeck	Merry	Stairs
Burns	Godshall	Michlovic	Steighner
Bush	Gruitza	Micozzie	Stish
Caltagirone	Gruppo	Mihalich	Strittmatter
Cappabianca	Hagarty	Miller	Suban
Carlson	Haluska	Moehlmann	Tangretti
Carn	Harper	Morris	Taylor, E. Z.
Cawley	Hasay	Mowery	Taylor, F.
Cessar	Hayden	Mrkonic	Taylor, J.
Chadwick	Hayes	Murphy	Telek
Civera	Heckler	Nahill	Thomas
Clark, B. D.	Herman	Nailor	Tigue
Clark, D. F.	Hershey	Noye	Trello
Clark, J. H.	Hess	O'Brien	Trich
Clymer	Howlett	Olasz	Van Horne
Cohen	Hughes	Oliver	Veon
Colaella	Itkin	Perzel	Vroon
Colaizzo	Jackson	Pesci	Wambach
Cole	Jadlowiec	Petrarca	Wass
Cornell	James	Petrone	Weston
Corrigan	Jarolin	Phillips	Williams
Cowell	Johnson	Piccola	Wilson
Coy	Josephs	Pievsky	Wogan

DeLuca
DeWeese
Daley
Davies
Dempsey
Dietterick
Distler

Kaiser
Kasunic
Kenney
Kondrich
Kosinski
Kukovich
LaGrotta

Pistella
Pitts
Pressmann
Preston
Raymond
Reber
Reinard

Wozniak
Wright, D. R.
Wright, J. L.
Yandrisevits

O'Donnell,
Speaker

ADDITIONS—0

NOT VOTING—0

EXCUSED—4

Dininni

Freind

Robinson

Wright, R. C.

**BILL REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND
RECOMMITTED TO COMMITTEE ON RULES**

HB 2502, PN 3764 (Amended)

By Rep. GEORGE

An Act prohibiting incinerator operators from accepting trash from states which have imposed a moratorium on the development and construction of incinerators; and providing penalties.

CONSERVATION.

RULES SUSPENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. DeWEESE. Mr. Speaker, I move that rule 22 be suspended to permit HB 2635 to go immediately on the tabled calendar without being referred to the Rules Committee.

On the question,

Will the House agree to the motion?

Motion was agreed to.

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

HB 2635, PN 3637

By Rep. D. R. WRIGHT

An Act amending the act of November 24, 1976 (P. L. 1163, No. 259), referred to as the "Generic Equivalent Drug Law," requiring the department to publish notice of approved generically equivalent drugs.

CONSUMER AFFAIRS.

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. DeWEESE. Mr. Speaker, I move that HB 2635 be taken from the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

SB 16, PN 1111

By Rep. OLIVER

An Act providing for government-wide computer security; and providing for the training in security matters of persons who are involved in the management, operation and use of State computers and State computer systems.

STATE GOVERNMENT.

CALENDAR

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 267, PN 3650**, entitled:

An Act amending the act of August 24, 1951 (P. L. 1304, No. 315), known as the "Local Health Administration Law," further providing for State grants to county departments of health and to certain municipalities.

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

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

The question is, shall the bill pass finally?

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

YEAS—196

Acosta	Donatucci	Lashingier	Rieger
Adolph	Dorr	Laughlin	Ritter
Allen	Durham	Lee	Robbins
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
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	Mihalich	Strittmatter
Cappabianca	Hagarty	Miller	Suban
Carlson	Haluska	Moehlmann	Tangretti
Carn	Harper	Morris	Taylor, E. Z.
Cawley	Hasay	Mowery	Taylor, F.
Cessar	Hayden	Mrkonic	Taylor, J.
Chadwick	Hayes	Murphy	Telek
Civera	Heckler	Nahill	Thomas
Clark, B. D.	Herman	Nailor	Tigue
Clark, D. F.	Hershey	Noye	Trello
Clark, J. H.	Hess	O'Brien	Trich
Clymer	Howlett	Olasz	Van Horne
Cohen	Hughes	Oliver	Veon
Colafella	Itkin	Perzel	Vroon
Colaizzo	Jackson	Pesci	Wambach
Cole	Jadlowiec	Petrarca	Wass

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

NAYS—0

NOT VOTING—2

Blaum

Richardson

EXCUSED—4

Dininni

Freind

Robinson

Wright, R. C.

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.

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The House proceeded to third consideration of **HB 2579, PN 3554**, entitled:

An Act amending the act of December 17, 1988 (P. L. 2242, No. 69A), entitled "An act appropriating money from the Sunny Day Fund to the Department of Commerce for various projects throughout this Commonwealth for fiscal year 1988-1989," further providing for the award of funds for certain 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—198

Acosta	Dombrowski	Langtry	Richardson
Adolph	Donatucci	Lashingier	Rieger
Allen	Dorr	Laughlin	Ritter
Angstadt	Durham	Lee	Robbins
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	Mayernik	Snyder, G.
Bunt	Gigliotti	Melio	Staback
Burd	Gladeck	Merry	Stairs
Burns	Godshall	Michlovic	Steighner
Bush	Gruitza	Micozzie	Stish
Caltagirone	Gruppo	Mihalich	Strittmatter

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

NAYS—0

NOT VOTING—0

EXCUSED—4

Dininni	Freind	Robinson	Wright, R. C.
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The two-thirds majority required by Act 32 of 1985 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.

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The House proceeded to third consideration of **HB 255, PN 3710**, entitled:

An Act providing for the issuance and sale of certain bonds; and providing for further duties of the Pennsylvania Higher Education Assistance Agency.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—197

Acosta	Dombrowski	Lashinger	Rieger
Adolph	Donatucci	Laughlin	Ritter
Allen	Dorr	Lee	Robbins
Angstadt	Durham	Leh	Roebuck
Argall	Evans	Lescovitz	Rudy
Barley	Fairchild	Levdansky	Ryan
Battisto	Fargo	Linton	Rybak
Belardi	Farmer	Lloyd	Saloom
Belfanti	Fee	Lucyk	Saurman
Billow	Fleagle	McCall	Scheetz
Birmelin	Flick	McHale	Schuler
Bishop	Foster	McNally	Scrimanti
Black	Fox	McVerry	Semmel

Blaum	Freeman	Maiale	Serafini
Bortner	Gallen	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	Mihalich	Strittmatter
Caltagirone	Hagarty	Miller	Stuban
Cappabianca	Haluska	Moehlmann	Tangretti
Carlson	Harper	Morris	Taylor, E. Z.
Carn	Hasay	Mowery	Taylor, F.
Cawley	Hayden	Mrkoncic	Taylor, J.
Cessar	Hayes	Murphy	Telek
Chadwick	Heckler	Nahill	Thomas
Civera	Herman	Nailor	Tigue
Clark, B. D.	Hershey	Noye	Trello
Clark, D. F.	Hess	O'Brien	Trich
Clark, J. H.	Howlett	Olasz	Van Horne
Clymer	Hughes	Oliver	Veon
Cohen	Itkin	Perzel	Vroon
Colaella	Jackson	Pesci	Wambach
Colaizzo	Jadlowiec	Petrarca	Wass
Cole	James	Petrone	Weston
Cornell	Jarolin	Phillips	Williams
Corrigan	Johnson	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	Yandrisevits
Davies	Kosinski	Raymond	
Dempsey	Kukovich	Reber	O'Donnell,
Dietterick	LaGrotta	Reinard	Speaker
Distler	Langtry	Richardson	

NAYS—0

NOT VOTING—1

EXCUSED—4

Gamble

Dininni	Freind	Robinson	Wright, R. C.
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

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

* * *

The House proceeded to third consideration of **SB 539, PN 1913**, entitled:

An Act requiring institutions of higher education to evaluate their faculties for fluency in the English language; providing for certifications as to that fluency; imposing penalties; and conferring powers and duties upon the State Board of Education.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—196

Acosta	Dombrowski	Langtry	Rieger
Adolph	Donatucci	Lashinger	Ritter
Allen	Dorr	Laughlin	Robbins
Angstadt	Durham	Lee	Roebuck
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	Scrimenti
Black	Fox	McNally	Semmel
Blaum	Freeman	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	Mihalich	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.
Cesar	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	Pistella	Wogan
Coy	Josephs	Pitts	Wozniak
DeLuca	Kaiser	Pressmann	Wright, D. R.
DeWeese	Kasunic	Preston	Wright, J. L.
Daley	Kenney	Raymond	Yandrisevits
Davies	Kondrich	Reber	
Dempsey	Kosinski	Reinard	O'Donnell,
Dietterick	Kukovich	Richardson	Speaker
Distler	LaGrotta		

NAYS—1

McVerry

NOT VOTING—1

Pievsky

EXCUSED—4

Dininni	Freind	Robinson	Wright, R. C.
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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.

* * *

The House proceeded to third consideration of **HB 727, PN 3380**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, authorizing district attorneys to seal affidavits setting forth probable cause for the issuance of a search warrant.

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 727 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 727 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 1882, PN 3750**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for damages in actions on retail theft.

The **SPEAKER**. The attention of the members is called to the fact that the printer's number that we are about to vote on is a different printer's number than that which is recited by the calendar.

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.

(Members proceeded to vote.)

POINT OF ORDER

Mr. LLOYD. Point of order, Mr. Speaker.
The **SPEAKER**. For what purpose does the gentleman rise?
Mr. LLOYD. To state a point of order, Mr. Speaker.

The SPEAKER. What is the gentleman's point of order?

Mr. LLOYD. The point of order is, Mr. Speaker, that the rules of the House require that a bill be in print and before us. I do not have this printer's number which we are apparently voting. I would like to have that in accordance with the rules of the House or else have an explanation of what the difference is between the printer's number that I do have and the one that is being voted.

VOTE STRICKEN

The SPEAKER. The clerk will strike the vote.

BILL PASSED OVER TEMPORARILY

The SPEAKER. If the gentleman will withdraw his point of order, this bill will go over temporarily.

* * *

The House proceeded to third consideration of **HB 2284, PN 3069**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing redress for civil rights violations.

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?

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. The Chair recognizes Mr. Itkin.

Mr. ITKIN. Mr. Speaker, I have remarks which I will submit for the record.

The SPEAKER. The Chair thanks the gentleman. The remarks will be accepted for the record.

Mr. ITKIN submitted the following remarks for the Legislative Journal:

Thank you, Mr. Speaker.

Ladies and gentlemen of the House, back in 1982 our legislative body approved a bill which upgrades offenses for certain crimes if they are racially or ethnically or religiously motivated. Passage of the Ethnic Intimidation Act placed Pennsylvania in the forefront of State efforts to protect the civil rights of residents.

It was a bold move which sent a clear message: In Pennsylvania, crimes which are motivated by ethnic and religious hatred will not be tolerated.

Unfortunately, today hate crimes are once again on the rise. According to the Pennsylvania Human Relations Commission, between 1988 and 1989, reported racial incidents alone increased by almost 30 percent.

Across the State, aggressive acts of bigotry and intolerance have been occurring: cross burnings in East Pennsboro Township; swastikas painted on a synagogue here in Harrisburg; racial slurs spray-painted on the houses of black families and on the churches where they worship in numerous areas across the State; and assaults on blacks who "dared to venture" into white communities in Pittsburgh and Philadelphia.

I believe that, unfortunately, we must again take legislative measures to stem the rising tide of hate crimes in the Commonwealth. HB 2284, I believe, will provide those needed additional deterrents.

This bill amends existing law in the following ways:

1. While current law does provide civil recourse for victims of these crimes, there is no floor on damages. HB 2284 sets a \$500 floor on damages.

2. While victims of these crimes can currently seek injunctive relief, HB 2284 would allow district attorneys and the Attorney General to institute civil injunctions or other appropriate equitable relief (such as restraining orders). This provision is important in that victims of these crimes are often hesitant to pursue legal action for fear of retribution. It would also give these enforcement bodies a tool to cool off potentially explosive situations.

3. The third thing HB 2284 does is make violation of an injunction or restraining order in these matters a criminal offense.

I believe that these additional measures will once again send a clear message on where we in Pennsylvania stand. That message is that, while we as a legislative body cannot outlaw prejudicial attitudes and bigotry, we can—and we will—establish appropriate penalties when these attitudes motivate criminal actions that infringe upon the rights of others.

The SPEAKER. The Chair recognizes Mr. Saurman.

Mr. SAURMAN. Mr. Speaker, I guess I have a problem with this bill inasmuch as it would appear to grant to the particular persons affected by it something which others are not entitled to. I think that all we wanted to do was to certainly recognize and protect those who would be attacked or violated because of ethnic or racial origin, but in this case, the recovery of punitive damages and the other forms of recovery seem to me to go beyond that. Since they are not available to other persons who are similarly assaulted or attacked, it seems to me to be out of order, and I would think that we ought not to vote this, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Itkin.

Mr. ITKIN. Mr. Speaker, this bill does little more than what is now contained in existing law. We think that this little change is important, because we have been seeing an increase in racial tension incidents and we would like to correct that effect.

What this bill does is basically take existing law, which is in an obscure location, and place it in Title 42 where it is more readily available and accessible for public review.

In addition, the bill does set a floor for civil damages of \$500, which is new to the bill, where the bill in the past did provide for civil damages but did not set a floor.

Finally, perhaps most importantly, is that the bill does give to the district attorneys and the Attorney General civil recourse, that when there are crimes motivated by racial or ethnic or religious hatred, that these law enforcement officers, without going ahead and charging people specifically with these crimes, can go into court and get appropriate relief in the form of a restraining order or an injunction to prevent these acts from continuing.

We think that this is an appropriate way of dealing with the issue, not by coming down and hitting people with clubs but by gently motivating them that they are in violation of the law and that their actions are repugnant.

We have discussed this with the Attorney General. He agrees to its provisions. There are many groups, the civil rights groups, which are also supporting this change in the law, and at this time I urge the House to concur in the bill and pass it over to the Senate. 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—177

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

NAYS—20

Black	Flick	Howlett	Phillips
Clark, D. F.	Geist	Lee	Robbins
Fairchild	Hasay	Leh	Saurman
Fargo	Hayes	Merry	Telek
Fleagle	Hess	Mowery	Wass

NOT VOTING—1

Foster

EXCUSED—4

Dininni	Freind	Robinson	Wright, R. C.
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

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

WELCOME

The SPEAKER. The Chair is pleased to welcome Elaine Palahunick and Marylou Stefanko, PSEA members, who are the guests of Representatives Trello and Mayernik. They are to the left of the Speaker. Will the guests please rise.

BILLS ON THIRD
CONSIDERATION CONTINUED

The House proceeded to third consideration of **SB 1516, PN 2005**, entitled:

An Act amending the act of July 1, 1978 (P. L. 584, No. 109), entitled "Milrite Act," extending the expiration date.

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

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

The question is, shall the bill pass finally?

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

YEAS—197

Acosta	Dombrowski	Langtry	Richardson
Adolph	Donatucci	Lashingier	Rieger
Allen	Dorr	Laughlin	Ritter
Angstadt	Durham	Lee	Robbins
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, G.
Broujos	George	Mayernik	Staback
Bunt	Gigliotti	Melio	Stairs
Burd	Gladeck	Merry	Steighner
Burns	Godshall	Michlovic	Stish
Bush	Gruitza	Micozzie	Strittmatter
Caltagirone	Gruppo	Mihalich	Suban
Cappabianca	Hagarty	Miller	Tangretti
Carlson	Haluska	Moehlmann	Taylor, E. Z.
Carn	Harper	Morris	Taylor, F.
Cawley	Hasay	Mowery	Taylor, J.
Cessar	Hayden	Mrkonic	Telek
Chadwick	Hayes	Murphy	Thomas
Civera	Heckler	Nahill	Tigue
Clark, B. D.	Herman	Nailor	Trello
Clark, D. F.	Hershey	Noye	Trich
Clark, J. H.	Hess	O'Brien	Van Horne
Clymer	Howlett	Olasz	Veon
Cohen	Hughes	Oliver	Vroon

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

NAYS—0

NOT VOTING—1

Snyder, D. W.

EXCUSED—4

Dininni Freind Robinson Wright, R. C.

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 **HB 1946**, **PN 3058**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), known as the "Liquor Code," further providing for the quota on the issuance of distributors licenses and retail licenses.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. LASHINGER offered the following amendments No. A2085:

Amend Title, page 1, line 18, by removing the period after "LICENSES" and inserting
; and further providing for privately-owned public golf courses.

Amend Bill, page 3, by inserting between lines 17 and 18

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

Section 472.4. Privately-Owned Public Golf Courses.—

(a) Any privately-owned public golf course licensee may, upon application to and the approval of the board, contract with a concessionaire to operate a restaurant or provide food service and, in the case of a restaurant liquor licensee, sell liquor and malt and brewed beverages or, in the case of a malt and brewed beverage dispenser licensee, sell malt and brewed beverages pursuant to the provisions of this act pertaining to such licensees.

(b) The board shall approve the application of any privately-owned public golf course licensee to contract with a concessionaire pursuant to subsection (a) upon being satisfied that the concessionaire is of good repute and financially responsible.

Amend Sec. 2, page 3, line 18, 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. Lashinger.

Mr. LASHINGER. Thank you, Mr. Speaker.

Mr. Speaker, this amendment will allow those individuals that have privately-owned public golf courses to contract with a concessionaire for the operation of the licensed premises that we provide for them elsewhere in the Liquor Code. All this amendment does is offer those golf courses that are privately owned but public, golf courses open to the public, licenses currently authorized in the Liquor Code, to contract with a concessionaire, not unlike what we do for performing arts facilities where we allow the operator of a performing arts facility who might be experienced in the management or the operation of the performing arts facility but knows nothing about the management of a licensed establishment that handles alcoholic beverages; not unlike what we do for municipal golf courses where we have municipal officials that own and operate and administer a public golf course, not unlike that where they are not experienced in the operation of a facility.

The reason for this legislation is the Liquor Board has indicated to those individuals who maintain these operations that they need statutory authorization. So they have been prohibited through a Liquor Board regulation from contracting with a concessionaire. You will see language that still indicates that the board will have to be satisfied that the concessionaire is of good repute and financially responsible, the same standards that would apply to any applicant in the Commonwealth before the Liquor Board.

I would appreciate the support of the membership. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Saloom.

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

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

Mr. SALOOM. I just have a few questions about the amendment.

Are you proposing that this liquor license belongs to the golf course or to a private individual who is contracted by the golf course?

Mr. LASHINGER. It would still, Mr. Speaker, belong to the owner of the golf course. If you look at the opening sentence, it says, "Any privately-owned public golf course licensee...." The licensee would be the owner of the golf course, and they would contract with a concessionaire.

Mr. SALOOM. Okay. Who would be responsible for, say, any violations, or more importantly, a dramshop case against the concessionaire? Would it be the concessionaire or the golf course?

Mr. LASHINGER. I think both would be named as defendants in any action, Mr. Speaker, and obviously, the licensee would be primarily responsible.

Mr. SALOOM. But it would splash over to the golf course itself.

Mr. LASHINGER. If I were a plaintiff, I would be even happier, because now I probably have two defendants - the manager of the operation plus the licensee.

Mr. SALOOM. I thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Birmelin.

Mr. BIRMELIN. Thank you.

I would like to interrogate the maker of this amendment for a brief time, if I could, please.

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

Mr. BIRMELIN. Mr. Speaker, a point of clarification. Would these privately-owned public golf courses, if they are currently in a township that we would categorize as "dry," where there is no alcohol sold, would this give them the right to sell alcohol even though the township is not allowed to?

Mr. LASHINGER. No, Mr. Speaker. This would not authorize any new license anywhere in the Commonwealth where it is not already in existence.

For the understanding of the Speaker and the membership, these are licenses that are already authorized in the Liquor Code. They can only exist in municipalities that accept these licenses.

Mr. BIRMELIN. Thank you very much.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—175

Adolph	Dietterick	Lee	Richardson
Allen	Distler	Leh	Ritter
Angstadt	Dombrowski	Lescovitz	Robbins
Argall	Dorr	Levdansky	Rudy
Barley	Durham	Linton	Rybak
Battisto	Fairchild	Lloyd	Saloom
Belardi	Fargo	Lucyk	Saurman
Belfanti	Farmer	McCall	Schuler
Billow	Fee	McHale	Scrimenti
Birmelin	Fleagle	McNally	Semmel
Bishop	Foster	McVerry	Serafini
Black	Fox	Maiale	Smith, B.
Blaum	Freeman	Maine	Smith, S. H.
Bortner	Gallen	Markosek	Snyder, D. W.
Bowley	Gamble	Marsico	Snyder, G.
Boyes	Gannon	Mayernik	Staback
Brandt	George	Melio	Stairs
Broujos	Gigliotti	Merry	Steighner
Bunt	Gladeck	Michlovic	Stish
Burd	Godshall	Micozzie	Strittmatter
Burns	Gruitza	Mihalich	Stuban
Bush	Gruppo	Miller	Tangretti
Caltagirone	Hagarty	Moehlmann	Taylor, E. Z.
Cappabianca	Haluska	Morris	Taylor, F.
Carlson	Harper	Mowery	Taylor, J.
Cawley	Hasay	Mrkoncic	Telek
Cessar	Heckler	Murphy	Thomas
Chadwick	Herman	Nahill	Tigue
Civera	Howlett	Nailor	Trello
Clark, B. D.	Hughes	Noye	Trich
Clark, D. F.	Itkin	O'Brien	Van Horne
Clark, J. H.	Jackson	Olasz	Veon
Cohen	Jadlowiec	Perzel	Vroon
Colaella	Jarolin	Pesci	Wambach
Colaizzo	Kaiser	Petrarca	Wass
Cole	Kasunic	Petrone	Weston
Cornell	Kenney	Piccola	Wilson
Corrigan	Kondrich	Pievsky	Wogan
Cowell	Kosinski	Pistella	Wozniak

Coy	Kukovich	Pressmann	Wright, D. R.
DeLuca	LaGrotta	Preston	Wright, J. L.
DeWeese	Langtry	Raymond	
Daley	Lashinger	Reber	O'Donnell,
Davies	Laughlin	Reinard	Speaker
Dempsey			

NAYS—17

Carn	Hershey	Oliver	Roebuck
Donatucci	Hess	Phillips	Ryan
Evans	Johnson	Pitts	Scheetz
Geist	Josephs	Rieger	Yandrisevits
Hayes			

NOT VOTING—6

Acosta	Flick	James	Williams
Clymer	Hayden		

EXCUSED—4

Dininni	Freind	Robinson	Wright, R. C.
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The question was determined in the affirmative, and the amendments were agreed to.

On the question,

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

Mr. MAYERNIK offered the following amendments No. A2167:

Amend Title, page 1, line 18, by removing the period after "LICENSES" and inserting
; providing that patrons be required to leave licensed premises at a certain time; authorizing the serving of food after the hour to cease serving liquor or malt or brewed beverages has arrived.

Amend Bill, page 3, by inserting between lines 17 and 18

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

Section 499. Premises to be Vacated by Patrons.—

(a) Except as provided for in subsection (b), all patrons of a licensee shall be required to leave that part of the premises habitually used for the serving of food to guests or patrons not later than one-half hour after the time the licensee is required by this act to cease serving liquor or malt or brewed beverages, and shall not be permitted to have any previously served liquor or malt or brewed beverages in their possession, nor shall they be permitted to remove any previously served liquor or malt or brewed beverages from that part of the premises.

(b) A licensee may serve food between the hours of two o'clock antemeridian and seven o'clock antemeridian on any day if such licensee either possesses or is eligible to purchase a Sunday Sales Permit in accordance with section 406 (relating to sales by liquor licensees, restrictions), and receives an extended hours food license. The board shall establish an annual fee for the extended hours food license which shall not exceed \$50.

(c) Any owner of licensed premises who violates this section for the first offense commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than three hundred dollars (\$300) or to imprisonment for not more than ninety (90) days, or both, and for the second or any subsequent offense commits a misdemeanor of the third degree and shall, upon conviction, be sentenced to pay a fine of not more than two thousand five hundred dollars (\$2,500) or to imprisonment for not more than one (1) year, or both.

Amend Sec. 2, page 3, line 18, 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. Mayernik.

Mr. MAYERNIK. Thank you, Mr. Speaker.

This amendment would require that all licensed establishments be vacated a half hour after legal serving time. It also provides that in the case of licensed establishments that serve food after 2 o'clock, that if they do not have a Sunday liquor license, they could acquire a license to serve between 2 a.m. and 7 a.m. for \$50.

This is a move because we find many drunk drivers staying at after-hours clubs. In my district I had six deaths within a matter of 10 days in three separate car accidents. Two of them were drunk drivers that were about 4 a.m., 5 a.m. in the morning. This will not take all the drunk drivers off the road, but what this legislation will do is it will get the people out of the bars.

Presently, at 2 o'clock in the morning or 5 to 2, you could buy five pitchers of beer, sit there until 5 or 6 o'clock in the morning and consume that alcohol, and then go out on the road and kill someone. That is what happened on two occasions in my district.

This legislation will require that everyone vacate the bar a half hour after legal serving time. Do the owners or the licensees like this? They sure do, because this way they can get home. Legally they cannot serve after 2 o'clock anyway. It gets the people out of the bar and back home where they belong.

I would ask for an affirmative vote on this legislation.

The SPEAKER. The Chair recognizes Mr. Mowery.

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

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

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

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

Mr. Speaker, I understand the reasons why you probably want to give them 24-hour food service, but the question is, how are you going to enforce the nonsale of the alcohol between 2 a.m. and 6, 7, 8 a.m. in the morning?

Mr. MAYERNIK. A very good question, Mr. Speaker. What we have provided for in this amendment is that at 2:30, all alcoholic beverages will be removed from the patrons, and in order to justify or to distinguish the difference between those people to remain open, they have either, one, a Sunday liquor license, or two, they would buy a special permit for \$50 or a license for \$50 that they could stay open after that 2:30 time and still serve food. This \$50 fee is not a punitive measure but a small pecuniary rendering just to show that they have a license and that they can stay open. That is if they do not have a Sunday liquor license.

Mr. MOWERY. Thank you.

Mr. Speaker, did I understand you to say that they must remove the alcohol from the premises if they are going to stay? I cannot hear you very well. It is rather noisy in here, Mr. Speaker.

Mr. MAYERNIK. No; that was inaccurate, sir. It was from the person, from the patron.

Mr. MOWERY. Oh, it is removed from the patrons who are sitting there after 2:30.

Mr. MAYERNIK. That is correct. That way they can continue to have food service.

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

The SPEAKER. The Chair recognizes Representative Merry.

Mr. MERRY. May I interview the maker of the amendment?

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

Mr. MERRY. Mr. Speaker, how would your amendment affect a club, a fraternal or private club?

Mr. MAYERNIK. Right now, Mr. Speaker, the clubs have to close at 3 o'clock. They would still be under this. All licensees would have to be vacated a half hour after legal serving time. They would also be included in this. It would get the people out of the bars and back home where they belong. Three-thirty is ample time to sit at a bar and drink.

Mr. MERRY. How would your proposed amendment affect an after-hours club, a club that does not have a license? I guess sometimes they are called a brown-bag club or various names like that. Would they be affected by your amendment?

Mr. MAYERNIK. Hold on a minute, sir.

Thank you for waiting, Mr. Speaker.

If they are presently not licensed, then they are not under the Liquor Code, so this would not address it. It only addresses licensees.

Mr. MERRY. Then would it be a proper observation to say that we would perhaps be telling businesses that presently serve food and/or liquor that they have to close up while still permitting other types of businesses to continue an all-night operation unregulated?

Mr. MAYERNIK. That is not the intent of the legislation, Mr. Speaker. The intent is to address the bulk of the problem. I believe there are very few of those package clubs. In fact, there is legislation in the hopper to address those bottle clubs.

I would suggest, if that is a problem with you, to draft appropriate legislation to address it.

Mr. MERRY. Has your proposal been before our House Liquor Control Committee?

Mr. MAYERNIK. No, it has not. But as a local councilman in one of my municipalities where I first started, we had problems with various bars. In fact, we had eight bars in the borough of West View and we had two bars side by side where the people were coming out at 3:30, 4 o'clock, 5 o'clock in the morning, sleeping on people's porches, wrecking the cars, fighting, urinating on the sidewalks, and we had to take measures to have police and pay them time and a half to sit there and watch these bars to curtail those types of activities, and as a member of the Boroughs Association, I was able to find this legislation. I had it drafted and enacted into law that after 2:30, every bar was closed and everybody was gone, except for the employees; they could still stay in the bar and clean up,

and the owner. But everybody was gone, and it eliminated that problem from 2:30 on of them disturbing the public.

Mr. MERRY. That ends my interrogation, Mr. Speaker. May I address the amendment?

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

Mr. MERRY. Mr. Speaker, this amendment bothers me somewhat in that it has not been brought up to the Liquor Control Committee, and the point in saying that is that were it to be discussed and publicly aired, perhaps even with public hearings, we could understand the business attitude that is out there. I do not feel adequate today to have an amendment like this thrown upon us that would have such impact on not only the businesses that are out there but on our public. When people are out on various evenings, depending on their work schedule and their social schedule, many times we find people wanting to eat and to have social contacts at all times of the day. I am not one who really is in favor of bottle clubs. I really think, as the previous speaker had mentioned, there should be legislation to address those clubs, because I find that many clubs or many organizations are abusing the privilege of having people being able to brown-bag or have their own liquor with them, and they are really affronting our present laws and just not operating in good taste.

At the moment I feel my vote will have to be in the negative. I urge other members to consider their vote as to whether we want to so hurriedly pass a well-intentioned and well-meaning amendment.

The SPEAKER. The Chair recognizes Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I wonder if I could ask a question of the maker of the amendment.

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

Mr. CLYMER. Mr. Speaker, several months ago a judge in Allegheny County—I believe that is where he was from—expressed great concern about the number of drunk drivers in that particular area, and one of the suggestions he recommended was that the bars and taverns having a liquor license close 1 hour earlier. I am wondering if you have a feel for how that judge would look at this bill or this amendment, and would he approve of it under the circumstances that you have just outlined. Now, I know you probably have not spoken to him about it, but my question is, are we going to be in sync with what the judge had recommended or are we moving further from his position?

Mr. MAYERNIK. A very good question, Mr. Speaker, and yes, I have. That was Judge Dauer, who is the president judge of the Allegheny County court of common pleas. I have spoken to Judge Dauer regarding my proposal, and he has this legislation in hand. His proposal was to change the hours, that you could only drink until 1 o'clock. My legislation remains and keeps the hours exactly as they are. All this amendment does is tell them, at 2:30 you must go home; you cannot stay here any longer, unless they are serving nonalcoholic beverages.

Now, in discussion with Judge Dauer, he realizes that this is not his proposal, but he agrees that it is a move in the right direction and a step forward and he agrees with what I am doing here today.

Mr. CLYMER. Thank you, Mr. Speaker. That is the end of my interrogation.

The SPEAKER. The Chair recognizes Mr. Wass.

Mr. WASS. Thank you, Mr. Speaker.

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

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

Mr. WASS. Thank you.

Mr. Speaker, just to try to follow your statements and your discussion in your presentation of your legislation, you said at 2:30 the bar owner would remove the beverage from his constituent, from his customer.

Mr. MAYERNIK. That is correct, Mr. Speaker, and where I got that idea is when I was out in Denver, Colorado. That is exactly what happens. But they do that at 2 o'clock; they take the drink away from you.

Mr. WASS. And this would be at 2:30; is that right?

Mr. MAYERNIK. That is correct. If somebody that purchases a drink by 2 o'clock, 5 to 2, cannot consume it by 2:30, that is correct.

Mr. WASS. They will remove it from him or her.

Now, the other thing you are saying is, what about, you can buy a food license for \$50? Explain that to me.

Mr. MAYERNIK. I will be happy to.

What we face is a question of how do we distinguish a tavern or a bar that can remain open between 2:30 and 7 a.m., and if a bar or tavern has a Sunday liquor license, they can remain open; they fall under this category. If they do not have a Sunday liquor license where they serve 40 percent or more food, how do we address them, that they can stay open? So what we are doing is creating a license, a special license, for \$50 that will permit them to stay open from 2:30 till 7 a.m., as long as alcoholic beverages are not in the possession of the people there and the alcohol is removed from the patrons and, at the same time, they have to be serving food.

Mr. WASS. But again, that same facility has removed all the beverages from the customer at 2:30.

Mr. MAYERNIK. Yes.

Mr. WASS. And now for \$50, that same facility can continue to feed, to sell food. Is that right?

Mr. MAYERNIK. That is correct.

We do not want to deter the small businessperson from selling food, from making a profit, from doing business, and as Mr. Merry had said, people with various social contacts wanting to go out all hours of the day and night and have a bite to eat. We want to maintain that; we want to keep that going, and that is why we have the special license for \$50, so those people can attend those social functions and then go out and have breakfast at 2:30, 3 o'clock, 4 o'clock in the morning. We are not trying to deter them. I am trying to deter drinking at 3:30, 4 o'clock, 4:30, sitting there and constantly pouring it in after somebody has had too much.

Mr. WASS. Now, one more question, if I may.

The enforcement, is it the same enforcement that we have under the Liquor Code?

Mr. MAYERNIK. That is correct, sir. It would be the same enforcement agency.

Mr. WASS. Thank you very much.

The SPEAKER. The Chair recognizes Mr. Saurman.

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, as I understand this amendment, at first I thought it was going to be helpful in terms of driving under the influence because of the extended period of time after the individual would stop his intake of alcohol. If in fact he had the license, the special license, that would be the case, because he then could stay on, but without that special license, actually what we are doing is putting that person right out on the street, and it can be right after— In fact, they could be taking some of the alcohol off the table in front of him and then putting him out on the street. It would seem to me that we should be encouraging the other way around, which would allow a longer period of time, because as we know, the only thing, really, that diminishes the alcohol content is time itself, and we are taking away that time element when we put these people out on the street immediately following this.

I would rather frankly see, if we are going to allow anyone to have this extended time, that there not be a fee for it but allow them to do it, because I think it is in the best interest of the safety of the driving public at night.

I would support not putting them out but somehow making it possible to extend the time when the alcohol is not available. But as this is written, Mr. Speaker, I would be opposed to it.

Mr. MAYERNIK. Is that a question, Mr. Speaker, or is that a statement?

Mr. SAURMAN. Mr. Speaker, I did not ask to interrogate. I just made a statement. Thank you.

The SPEAKER. The Chair recognizes Mr. Coy.

Mr. COY. Thank you, Mr. Speaker.

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

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

Mr. COY. Mr. Speaker, would the amendment that you prepared and have before us cause a licensed owner of an establishment to actually make the patrons vacate the premises or simply take the alcohol away from them?

Mr. MAYERNIK. It would do both, Mr. Speaker, depending on what type of license they had. If they had the \$50 license to stay open between 2:30 a.m. and 7 a.m. or if they had the Sunday liquor sale license, then the alcohol would be removed from the patron. If they did not have that license and did not want to serve food to the individuals, then at 2:30 the place would be vacated.

Mr. COY. In other words, Mr. Speaker, if the owner of the business establishment chooses to remain open and apply for this license, then guests and patrons may continue to stay to have food and it would allow for that time period which the previous speaker alluded to.

Mr. MAYERNIK. That is correct, Mr. Speaker, and it is a minimal fee of \$50, and if the people would choose to stay and have food to help soak up some of that alcohol, that would be fine. If not, we are trying to get them back home and away from the alcohol, because I have never ever seen anybody, when the clock strikes 2:30, sit there and have coffee. What they do is order another drink or try to stay there and consume what they have.

Mr. COY. Thank you.

May I make a statement, Mr. Speaker?

The SPEAKER. The gentleman is in order.

Mr. COY. Thank you.

Mr. Speaker, I think the gentleman's amendment makes very good sense. Frankly, even though the Liquor Committee has not had an opportunity to hear the proposal, I do not think it is that difficult, that those of us who give a moment or two to try to understand it can understand it.

The fact is, we are trying to give one more option to people who are running a legitimate business, to encourage those people to have their patrons, if they are willing to pay an additional fee, to have those patrons stay awhile and eat, if they will, consume food or other products of a nonalcoholic measure, and then allow them to stay there rather than putting them out on the road right away as a previous speaker said. This is an option which I think moves in the right direction of one more possibility for a private individual who owns an establishment, a licensed establishment, as has been pointed out earlier, to allow these folks to cool off a little bit, to come down off of whatever may be affecting their minds and performance at that point.

I think it makes a lot of sense. I commend the gentleman and ask for support of the amendment.

The SPEAKER. The Chair recognizes Mr. Davies.

Mr. DAVIES. Mr. Speaker, would the gentleman stand for one or two questions?

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

Mr. DAVIES. In this provision, Mr. Speaker, there would be no prohibition against somebody ordering two doubleheaders or something of that nature at the witching hour?

Mr. MAYERNIK. Well, you are really getting to the crux of the matter, sir. I am glad you asked that question, because what happens is, right now at 5 to 2, they could order two doubleheaders; they could order five pitchers of beer, and they stay there until 4, 5, 6 o'clock in the morning. This way you could still order two doubleheaders or five pitchers of beer, but at 2:30 that alcohol is taken from you or the place is vacated. So we are taking the alcohol and taking that consumption away.

As far as the owners of the taverns are concerned though, they are not losing business, because after 2 o'clock, the clock strikes 2, they cannot serve anyhow. So they are in favor of it. This way they can clean up and go home.

Mr. DAVIES. But, Mr. Speaker, if you are encouraging somebody to consume a large amount of, let us say, a distilled spirit in a short interim of time or maybe even a brewed beverage,

age in that short period of time, are you not adding an additional problem that may bring on inebriation or intoxication by the fact that they do consume it in between that witching hour and your half-hour interim? In other words, there is no prohibition against them consuming that in a short period of time and therefore adding to the potential of their inability to operate a motor vehicle.

Mr. MAYERNIK. I think you are taking the issue and skewing it the opposite way, Mr. Speaker. What we are attempting to do is so they do not consume it like that and they do not have all that sitting in front of them and keep on prolonging the consumption of the alcohol.

If they want to take and buy two drinks now, it does not change the law, how many they can buy before 2 o'clock. The law remains the same. This amendment does not affect that in any way, shape, or form as to the volume that they can purchase, but it does affect that they cannot stay there until after 2:30 and drink it. So as a result, they cannot drink that much, which means they stay sober, which means the roads are safer to drive on.

Mr. DAVIES. Thank you, Mr. Speaker.

A brief statement, if I may.

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

Mr. DAVIES. I think the intent is fine. I think that it is flawed in the fact that if somebody does order that and does consume it in that short interim of time or, more or less, has that deadline, you are going to continue to add a specific problem to the matter of the ability of someone to operate a motor vehicle. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—146

Acosta	Dempsey	Kukovich	Rieger
Allen	Dietterick	LaGrotta	Ritter
Argall	Dorr	Langtry	Roebuck
Battisto	Evans	Lashinger	Rudy
Belardi	Fairchild	Laughlin	Ryan
Belfanti	Fargo	Lescovitz	Rybak
Billow	Farmer	Levdansky	Saloom
Birmelin	Fee	Linton	Scheetz
Bishop	Flick	Lucyk	Schuler
Black	Foster	McCall	Semmel
Bortner	Fox	McHale	Serafini
Bowley	Freeman	McNally	Smith, B.
Brandt	Gamble	McVerry	Smith, S. H.
Broujos	Gannon	Maiale	Snyder, D. W.
Bunt	Geist	Maine	Snyder, G.
Burd	Gigliotti	Markosek	Staback
Burns	Gladeck	Marsico	Steighner
Bush	Godshall	Mayernik	Stish
Caltagirone	Hagarty	Melio	Strittmatter
Carlson	Haluska	Micozzie	Suban
Carn	Harper	Morris	Tangretti
Cawley	Hasay	Mowery	Taylor, E. Z.
Cessar	Hayden	Mrkoncic	Taylor, F.
Chadwick	Hayes	Murphy	Telek
Clark, B. D.	Herman	Nahill	Thomas
Clark, D. F.	Hess	Noye	Trello
Cohen	Hughes	Olasz	Trich
Colaella	Itkin	Petrarca	Van Horne
Colaizzo	Jackson	Petrone	Veon

Cole	Jadlowiec	Phillips	Wass
Cornell	James	Piccola	Williams
Corrigan	Jarolin	Pievsky	Wright, D. R.
Cowell	Johnson	Pistella	Wright, J. L.
Coy	Josephs	Pressmann	Yandrisevits
DeLuca	Kaiser	Reber	
DeWeese	Kasunic	Reinard	O'Donnell,
Daley	Kondrich	Richardson	Speaker

NAYS—49

Adolph	Fleagle	Merry	Robbins
Angstadt	George	Michlovic	Saurman
Barley	Gruitza	Mihalich	Scrimenti
Blaum	Gruppo	Miller	Stairs
Boyes	Heckler	Moehlmann	Taylor, J.
Cappabianca	Hershey	Nailor	Tigue
Civera	Howlett	O'Brien	Vroon
Clark, J. H.	Kenney	Perzel	Wambach
Clymer	Kosinski	Pesci	Weston
Davies	Lee	Pitts	Wilson
Distler	Leh	Preston	Wogan
Dombrowski	Lloyd	Raymond	Wozniak
Durham			

NOT VOTING—3

Donatucci	Gallen	Oliver
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EXCUSED—4

Dininni	Freind	Robinson	Wright, R. C.
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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 PASSED OVER TEMPORARILY

The SPEAKER. HB 1946 will be over temporarily.

WELCOME

The SPEAKER. The Chair is pleased to welcome to the hall of the House Ted Leventhal, president of LORSCO Industries. He is the guest of Representative Ed Burns and Representative Scott Dietterick. He is to the left of the Speaker. Will the gentleman please rise.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 2416, PN 3299**, entitled:

An Act amending the act of August 23, 1967 (P. L. 251, No. 102), known as the "Industrial and Commercial Development Authority Law," further providing for projects eligible for financial assistance; expanding the activities for which bond proceeds may be used; providing for alternative forms of financing using sources of funds other than bond proceeds; further providing for financing by the Pennsylvania Economic Development Financing Authority; and eliminating certain approvals by the secretary.

On the question recurring,

Will the House agree to the bill on third consideration?

The clerk read the following amendments No. A2013 offered by Mr. LASHINGER on June 11, 1990:

Amend Title, page 1, line 30, by inserting after "proceeds;" and

Amend Title, page 2, line 1, by inserting a period after "Authority"

Amend Title, page 2, lines 1 and 2, by striking out "; and eliminating certain" in line 1 and all of line 2

Amend Sec. 2 (Sec. 2), page 3, line 16, by striking out the bracket before "and"

Amend Sec. 2 (Sec. 2), page 3, line 16, by striking out ")]"

Amend Sec. 2 (Sec. 2), page 3, lines 16 and 17, by striking out "and Purposes"

Amend Sec. 2 (Sec. 2), page 3, line 30; by striking out the bracket before ", manufacturing"

Amend Sec. 2 (Sec. 2), page 3, line 30; page 4, line 1, by striking out ")] and other economic activities"

Amend Sec. 2 (Sec. 2), page 4, line 5, by striking out the bracket before ", manufacturing"

Amend Sec. 2 (Sec. 2), page 4, line 6, by striking out ")] and other economic"

Amend Sec. 2 (Sec. 2), page 4, line 16, by striking out the brackets before and after "specialized, and"

Amend Sec. 2 (Sec. 2), page 4, line 16, by striking out the bracket before "enterprises"

Amend Sec. 2 (Sec. 2), page 4, lines 16 and 17, by striking out ")] and other economic activities"

Amend Sec. 2 (Sec. 2), page 4, lines 19 through 30; page 5, lines 1 and 2, by striking out all of said lines and inserting

(6) That many existing industrial, specialized and commercial enterprises throughout the Commonwealth could become more competitive and could expand more rapidly if such additional means of financing were available for modern buildings, plant facilities and modern machinery and equipment;

(7) That additional industrial, specialized, and commercial enterprises could be attracted to the Commonwealth if such additional means of financing were available to construct, rehabilitate and expand industrial, specialized facilities, or commercial buildings, or plants and in conjunction therewith equip the same with modern machinery and equipment;

Amend Sec. 2 (Sec. 2), page 5, lines 10 through 19, by striking out all of said lines and inserting

(9) That the provisions of the Constitution of Pennsylvania guaranteeing the residents of the Commonwealth clean air and water and their implementation through the establishment of quality standards relating to abatement or elimination of air and water pollution have resulted in the need for additional means of financing to assist and encourage industrial, specialized, and commercial enterprises to comply with such air [and water], water, sewage disposal and pollution control standards;

Amend Sec. 2 (Sec. 2), page 5, line 25, by striking out the bracket before "enterprises"

Amend Sec. 2 (Sec. 2), page 5, line 25, by striking out ")] projects"

Amend Sec. 2 (Sec. 2), page 5, lines 26 through 30; page 6, lines 1 through 7, by striking out all of said lines on said pages and inserting

(11) That to protect the health, safety and general welfare of the people of the Commonwealth and to further encourage economic development within the Commonwealth by providing basic services and facilities, it is necessary to provide additional or alternative means of financing certain transportation and other facilities, industrial parks, nursing homes, energy conversion facilities and facilities for the furnishing of gas or through the use of coal-fired generating facilities, gas, or water available on reasonable demand to members of the general public.

Amend Sec. 2 (Sec. 2), page 6, line 10, by striking out ", economic activities"

Amend Sec. 2 (Sec. 2), page 6, line 17, by striking out the bracket before "purpose"

Amend Bill, page 6, lines 24 through 30; pages 7 through 17, lines 1 through 30; page 18, lines 1 through 5, by striking out ")] purposes" in line 24 and all of lines 25 through 30, page 6, all of lines 1 through 30, pages 7 through 17, and all of lines 1 through 5, page 18, and inserting

Section 3. The definitions of "cost of the industrial development project, specialized development project or commercial development project" and "pollution control facilities" in section 3 of the act, amended December 19, 1975 (P.L.576, No.165), are amended and the section is amended by adding definitions to read:

Section 3. Definitions.—As used in this act:

"Cost of the industrial development project, specialized development project or commercial development project" or "cost of the project" or "cost" means and includes the expense of construction, the expense of acquisition of all structures, lands and other property rights and interests in land necessary to the project. The terms also include the expense of demolishing, removing or relocating any buildings or structures on lands acquired or to be acquired, including the expense of acquiring any lands to which such buildings or structures may be moved or relocated, the expense of sewage treatment, waste treatment and pollution control facilities, railroad sidings, spurs, or branch lines and of all labor, materials, machinery and equipment, financing charges and other costs of financing and refinancing and issuing bonds, interest on all bonds prior to and during construction, and for a period of six months thereafter, cost of engineering, financial and legal services, plans, specifications, studies, surveys necessary or incidental to determining the feasibility or practicability of constructing an industrial, specialized, or commercial development project, administrative expenses, reserves for interest and for extensions, enlargements, additions and improvements, and such other expenses as may be necessary or incidental to the construction of industrial, specialized, or commercial development projects and the placing of the same in operation.

"Municipal authority" means an authority organized and existing under the act of May 2, 1945 (P.L.382, No.164), known as the "Municipality Authorities Act of 1945."

"Pollution control facilities" means any property, real or personal, which is to be used to abate or reduce or aid in the prevention, control, collection, treatment, disposal or monitoring of noise, air, water or thermal pollution, solid waste, sewage or other pollutants without limitation thereto and may include property or equipment which is to be installed primarily to supplement or to replace existing property or equipment not meeting acceptable pollution control standards or which is to be supplemented or replaced to comply with an order or citation to eliminate pollution issued by any Federal, [State] Commonwealth or local agency having jurisdiction.

"Project" means any land, interests in land, easements, appurtenances, improvements, buildings, structures, equipment, furnishings, or other real or personal tangible property, or interest in them, or any combination of them, including public and private infrastructure facilities, and other capital needs related to industrial, commercial and other economic activities, the acquisition and/or financing or refinancing of which an authority or the financing authority finds and determines by resolution will accomplish one or more of the legislative purposes set forth in section 2 of this act. Such financing or refinancing may be with tax-exempt bonds or taxable bonds issued pursuant to this act, and may be direct through application of bond proceeds or other funds to pay project costs or such other means as an authority or the financing authority may approve. Projects satisfying the legislative purposes set forth in section 2 of this act may include, but shall not be limited to, industrial facilities, commercial facilities,

disaster relief projects, energy conversion facilities, energy producing facilities and pollution control facilities.

"Project applicant" means any individual, public or private corporation, partnership, association, firm, or other entity, whether or not created for the purpose of making a profit, or any Commonwealth instrumentality or agency or any municipality, or any municipal authority which requests an authority or the financing authority to participate in the financing of one or more projects in the manner provided by this act for use by one or more project users.

"Project user" means any individual, public or private corporation, partnership, association, firm, or other entity, whether or not created for the purpose of making a profit, which owns, leases or uses all or any part of a project, and may include a project applicant.

"Taxable bonds" means bonds or other evidences of indebtedness the interest on which is includable in gross income for Federal income taxation purposes.

"Tax-exempt bonds" means bonds or other evidences of indebtedness the interest on which is excludable from gross income for Federal income taxation purposes.

Amend Sec. 5, page 18, lines 6 and 7, by striking out "5. Section 6 of the act, amended or added September 1, 1972 (Sp.Sess. No.1, P.L.2015, No.2)," and inserting

4. Section 6(a) and (b) of the act, amended
Amend Sec. 5, page 18, line 8, by striking out "is" and inserting

are

Amend Sec. 5 (Sec. 6), page 19, line 18, by striking out the brackets before and after "acquisition"

Amend Sec. 5 (Sec. 6), page 19, line 19, by striking out the bracket before "construction"

Amend Sec. 5 (Sec. 6), page 19, line 20, by striking out ")] acquisition of"

Amend Sec. 5 (Sec. 6), page 19, line 22, by striking out the bracket before "industrial"

Amend Sec. 5 (Sec. 6), page 19, lines 26 and 27, by striking out ")] projects where acquisition is by a project applicant or a project user"

Amend Sec. 5 (Sec. 6), page 19, line 28, by striking out the bracket before "industrial,"

Amend Sec. 5 (Sec. 6), page 20, line 1, by striking out ")] projects"

Amend Sec. 5 (Sec. 6), page 22, line 2, by inserting after "users"

, including projects which meet the definition of "project" and which meet the criteria for obtaining assistance established under section 10(a) of the provisions of the act of March 1, 1988 (P.L.82, No.16), known as the "Pennsylvania Infrastructure Investment Authority Act," (PENNVEST)

Amend Sec.5 (Sec. 6), page 22, line 9, by striking out the bracket before "(16)"

Amend Sec. 5 (Sec. 6), page 22, lines 19 through 30; page 23, lines 1 through 28, by striking out the bracket after "States," in line 19 and all of lines 20 through 30, page 22, all of lines 1 through 28, page 23, and inserting

Amend Sec. 6, page 23, line 29, by striking out "6" and inserting

5

Amend Sec. 6, page 23, line 29, by striking out "6.3" and inserting

6.3(a), (g) and (h),

Amend Sec. 6 (Sec. 6.2), page 25, line 6, by striking out the bracket before "mortgage"

Amend Sec. 6 (Sec. 6.2), page 25, line 6, by striking out ")] mortgages"

Amend Sec. 6 (Sec. 6.2), page 26, line 19, by inserting after "users"

, including projects which meet the definition of "project" and which meet the criteria for obtaining assistance established under section 10(a) of the provisions of the act of March 1, 1988 (P.L.82, No.16), known as the "Pennsylvania Infrastructure Investment Authority Act," (PENNVEST)

Amend Sec. 6 (Sec. 6.3), page 27, lines 21 through 30; page 28, lines 1 through 30; page 29, lines 1 through 8, by striking out all of said lines on said pages and inserting

Amend Sec. 6 (Sec. 6.3), page 32, lines 20 through 30; page 33, lines 1 through 14, by striking out all of said lines on said pages and inserting

Amend Sec. 6 (Sec. 6.4), page 33, line 15, by striking out the bracket before "No"

Amend Sec. 6 (Sec. 6.4), page 33, lines 16 and 17, by striking out ")] In making loans, the financing authority shall ascertain to its satisfaction that"

Amend Sec. 6 (Sec. 6.4), page 33, line 29, by striking out the brackets before and after "construction,"

Amend Sec. 6 (Sec. 6.4), page 33, line 29, by striking out the brackets before and after ", rehabilitation or improvement"

Amend Sec. 6 (Sec. 6.4), page 34, lines 5 and 6, by striking out the bracket before "has" in line 5 and after "and" in line 6

Amend Sec. 6 (Sec. 6.4), page 34, line 6, by striking out the bracket before "any"

Amend Sec. 6 (Sec. 6.4), page 34, line 6, by striking out ")] all"

Amend Sec. 6 (Sec. 6.5), page 35, lines 15 and 16, by striking out the bracket before "or" in line 15 and after "Commerce" in line 16

Amend Sec. 6 (Sec. 7), page 37, line 13, by striking out the bracket before "construction,"

Amend Sec. 6 (Sec. 7), page 37, lines 14 and 15, by striking out ")] acquisition"

Amend Sec. 6 (Sec. 7), page 38, line 6, by striking out the bracket before "construction,"

Amend Sec. 6 (Sec. 7), page 38, line 7, by striking out ")] acquisition"

Amend Sec. 6 (Sec. 7), page 38, line 20, by striking out the bracket before "(f)"

Amend Sec. 6 (Sec. 7), page 39, line 27, by striking out ")] (f)"

Amend Sec. 8, page 43, line 13, by striking out "Sections 13 and" and inserting

Section

Amend Sec. 8, page 43, line 14, by striking out "are" and inserting

is

Amend Sec. 8 (Sec. 13), page 43, lines 15 through 30; page 44, lines 1 through 11, by striking out all of said lines on said pages

On the question recurring,

Will the House agree to the amendments?

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

Mr. LASHINGER. Thank you, Mr. Speaker.

Mr. Speaker, I beg the indulgence of the membership. This is not only an important amendment but I think an important piece of legislation and an important public policy decision that we are being asked to make today in the form of HB 2416, and the reason that I am indicating that it is an impor-

tant public policy decision—and maybe the debate concerning my amendment to the bill will help enlighten us on the public policy decision—is by way of a letter that the Secretary for Legislative Affairs sent to our floor leader, Matt Ryan, indicating that this bill, HB 2416, was a piece of legislation that was needed in order to implement the 1990-91 State budget. I will get into that when we debate the bill.

Mr. Speaker, my amendment, if adopted, would indicate that these projects that are projects currently authorized under our PENNVEST program, if we, as a matter of public policy, make the decision to move them to the Department of Commerce—and that is what we are doing through HB 2416, and we will get to that debate when we debate the merits of the bill—but if we are going to move water and sewer projects to the Department of Commerce, that a couple of things happen: number one, that we use the same definition for “project” that we use in the PENNVEST program; number two, that someone be responsible other than just the PEDFA (Pennsylvania Economic Development Financing Authority) authority for making the ultimate decision about water and sewer projects, and that person, via my amendment, would be the Secretary of Commerce.

Finally, and maybe most importantly, Mr. Speaker, if we are going to allow now the Department of Commerce to make decisions regarding the priority of projects in our respective districts—and that is why I am saying that it is important to each member here present, especially if you have a project pending at PENNVEST—we are now going to let PEDFA intervene in some of that decisionmaking regarding our water and sewer projects in the Commonwealth. If we do, as a matter of public policy, then I am saying that we use the same criteria that we employ at the PENNVEST Authority. I am a member of that authority, Mr. Speaker, and I think the criteria has worked, and I am not going to say “well.” I almost made the mistake of saying “worked well.” It has worked adequately to date, but the criteria are important.

Mr. Speaker, the criteria that we currently employ are economic impact, social criteria, environmental impact. If we allow the bill to pass without my amendment, these projects would merely apply to the authority—this is the way I see it—apply to the authority for approval.

Now, I am told that there are problems and that is why we need to pass this legislation; I am told that there are problems with getting projects approved at the authority level and that is why we need this legislation. Well, I am looking at the money that we have authorized, Mr. Speaker, and that we currently have available, and of the \$1 billion that we estimated we had authorized through PENNVEST, we still have over half of that money left, so I am still baffled as to why we need to transfer water and sewer projects to this authority in Commerce and take it away from the PENNVEST Authority. But again, if we are, Mr. Speaker, then I think it is important that we use the same criteria that we use at PENNVEST, that someone ultimately be responsible at the Department of Commerce—and it should be the Secretary—and the same definition be employed when we define “projects.”

That is what my amendment will do, Mr. Speaker. I would ask for the support of the membership.

The SPEAKER. The Chair recognizes Mr. Corrigan.

Mr. CORRIGAN. Thank you, Mr. Speaker.

I rise to oppose the Lashinger amendment.

The purpose of the bill is to provide additional funding for communities that either are not eligible or, for one reason or another, have not applied to PENNVEST and are in need of improving, basically, their water and sewer facilities. This legislation will provide dollars in a little bit of a different manner to communities and businesses as well to improve the economic picture in Pennsylvania.

I believe that it is a good bill. I think the Lashinger amendment will gut the bill. It will cause the bill to do absolutely nothing, and I would ask that the House vote “no” on the Lashinger amendment.

The SPEAKER. The Chair recognizes Mr. Wass.

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

Mr. Speaker, I stand to oppose the Lashinger amendment also. I believe that there is something to be desired about the way the formula is established in the distribution of these funds.

My most recent experience, Mr. Speaker: Homer City Borough, with 3,000 people in it, applied for a \$700,000 grant and they were refused. They received a half of their grant. In Erie they received \$16 million in their grant. Now, Mr. Speaker, I am not sure what the criteria is, but I think there is something to be desired about how our smaller communities are being treated in this formula. Hooray for Erie and a great job, but \$16 million; they cannot spend \$16 million in 5 years, and yet I have a project in Homer City Borough that cannot be completed because only half of it was funded.

The SPEAKER. The Chair recognizes Mr. Hasay.

Mr. HASAY. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the Lashinger amendment. I rise in support of the amendment because PENNVEST, which was created here by the legislature and signed by the Governor, has been one of the most successful authorities that we have established. It has helped communities establish sewer disposal systems that could not obtain the money. It has been very successful in protecting the environment by establishing systems that no communities even had.

Without this amendment, the criteria will not be used that PENNVEST has used all along, and in addition, without the amendment, the authorization of refinancing will be established to existing loans, which will dry up the money for any new projects that you have in your legislative districts.

So I urge support of the Lashinger amendment. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—96

Adolph	Dietterick	Jackson	Raymond
Allen	Distler	Jadlowiec	Reber
Angstadt	Dorr	Johnson	Reinard
Argall	Durham	Kenney	Robbins

Barley	Fairchild	Kondrich	Rudy
Birmelin	Fargo	Langtry	Ryan
Black	Farmer	Lashinger	Saurman
Bortner	Fleagle	Lee	Scheetz
Boyes	Flick	Leh	Schuler
Brandt	Foster	McVerry	Semmel
Broujos	Fox	Marsico	Serafini
Bunt	Gallen	Merry	Smith, B.
Burd	Gannon	Micozzie	Smith, S. H.
Bush	Geist	Miller	Snyder, D. W.
Carlson	Gladeck	Moehlmann	Snyder, G.
Cessar	Godshall	Mowery	Stairs
Chadwick	Gruppo	Nahill	Strittmatter
Civera	Hagarty	Nailor	Taylor, E. Z.
Clark, D. F.	Hasay	Noye	Taylor, J.
Clark, J. H.	Hayes	O'Brien	Vroon
Clymer	Heckler	Perzel	Weston
Cornell	Herman	Phillips	Wilson
Davies	Hershey	Piccola	Wogan
Dempsey	Hess	Pitts	Wright, J. L.

NAYS—101

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

NOT VOTING—1

Acosta

EXCUSED—4

Dininni Freind Robinson Wright, R. C.

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?

Is the gentleman, Mr. Lashinger, seeking recognition?

Mr. LASHINGER. Thank you, Mr. Speaker.

Mr. Speaker, to request that I be able to direct questions to someone who is handling the bill, the prime sponsor or whoever the floor leader is on the bill.

The SPEAKER. The gentleman, Mr. Corrigan, indicates that he is willing to stand for interrogation. The gentleman may proceed.

Mr. LASHINGER. Thank you, Mr. Speaker.

Mr. Speaker, I referred in my remarks to a letter from the Governor's Office to our floor leader, Representative Ryan. I am indicating that this was a piece of legislation that was needed to implement the 1990-91 budget. Could you indicate why this is an important piece of legislation to implementing the 1990-91 budget?

Mr. CORRIGAN. Mr. Speaker, I cannot answer that question. I have not seen the letter that you are referring to, and I do not know that it is a necessary piece of legislation having to do with the budget.

The piece of legislation has to do with water and sewer problems in the Commonwealth of Pennsylvania and the fact that there are some communities that have not been funded by PENNVEST, and those communities will receive funding under this piece of legislation. That is the purpose of the bill.

Mr. LASHINGER. Mr. Speaker, could you indicate what the criteria will be for allocating water and sewer money now, currently, under the PEDFA program?

Mr. CORRIGAN. The PEDFA program will do exactly the same as PENNVEST. If a PENNVEST project is approved and not funded or partially funded, they will qualify under this bill. The reasons for qualifying are exactly the same. The difference has to do with the funding mechanism.

Mr. LASHINGER. Mr. Speaker, could you indicate where it states that the criteria are exactly the same? I believe that is what my amendment attempted to do because it was absent in the legislation.

Mr. CORRIGAN. I would imagine we could find the page, Mr. Speaker, but what your legislation basically does or what your amendment would have done would have been to affect the bill in such a way that the Secretary of Commerce, who has commencement powers, would be included in the bill, and since some of these projects have already commenced, there would be a conflict there and some of the projects would be deemed ineligible because of that provision. That is basically my objection to your amendment.

Mr. LASHINGER. Mr. Speaker, would it have been correct that those projects could have sought what we call at the authority a letter of no prejudice, which would have allowed them to come back to the authority and get funding for those types of projects that you indicated to me previously you had a concern about?

Mr. CORRIGAN. Yes, they would, Mr. Speaker.

This legislation came about through a problem that I had with Morrisville Borough in my district. They applied for PENNVEST funding. As a matter of fact, Morrisville Borough was part of the original legislation. Morrisville Borough, for the want of a letter of no prejudice, was denied \$8.4 million. We appealed the PENNVEST decision. We were denied the appeal. The bottom line was that Morrisville Borough was not eligible, which does not change the fact that they have some very severe problems with their sewer plant.

This legislation will address those problems, and I understand that there are some other communities around the State that are in a similar circumstance.

Mr. LASHINGER. Mr. Speaker, though, is it your position then that that is a reason to throw out a program that the administration features in all of its press releases, all of its speeches around the State, saying that this has been a successful program, as Representative Hasay indicated, for the sake of satisfying a couple of projects because they have already started construction or maybe they are refinancing projects which are not allowable under tax law? Is that a reason to just abandon what the administration has called an extremely successful program?

Mr. CORRIGAN. I do not believe this legislation changes the PENNVEST situation at all. This provides additional funding. The PENNVEST project is working fine. There are some communities and some businesses that are not eligible under PENNVEST and have not been funded. This legislation just provides that kind of funding.

Mr. Hasay's comments, I believe, were inaccurate. I do not believe that this will dry up any funding. It will provide additional funding, and that is the intent.

Mr. LASHINGER. Mr. Speaker, is it possible that if I have a project that is sitting at PENNVEST today and might not come up on the PENNVEST agenda until the fall meeting, that you have a community and you can now go to the PEDFA group and get funding for that project despite the fact that my application still sits at PENNVEST? Would that be possible?

Mr. CORRIGAN. That is correct, Mr. Speaker.

Mr. LASHINGER. Is that fair, Mr. Speaker, that all of a sudden arbitrary decisions concerning water and sewer lie with an anonymous authority that this General Assembly never authorized originally to be in this business to make decisions regarding water and sewer projects in our respective districts?

Mr. CORRIGAN. With all respect, Mr. Speaker, I believe that your view of this legislation is certainly not accurate. You have low-priority projects at PENNVEST. You have some projects that may never be funded at all. In the meantime, those water and sewer problems still exist. This legislation presents them an opportunity to be funded and to correct those water and sewer problems. It does not affect PENNVEST in any way.

Mr. LASHINGER. That is the end of my interrogation, Mr. Speaker.

Permission to make a few brief comments on final passage.

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

Mr. LASHINGER. Thank you, Mr. Speaker.

I appreciate the candor of Representative Corrigan, but he makes a case for just why we should not adopt this legislation today, and that is why I indicated in my opening remarks that this was a major change in public policy.

We have decided legislatively and through regulation at the authority level what the priority should be for water and sewer

projects, and I went through the criteria that we employ. So you folks who face enforcement actions in your municipalities—maybe it is water or maybe it is sewer—you folks who have communities or private authorities or private providers that are facing enforcement actions, maybe fines, might have projects still pending at PENNVEST; yet a project, for whatever reason, that shows up at the PEDFA level will get funding in advance without the use of any criteria, without the control of the Secretary of Commerce, and at a time when there really has not been any proof made that there is a need for additional funding.

I will go through the figures, Mr. Speaker. Maybe it has been a failure of the authority that we have not given out the money as quickly as possible, and I believe that part of the blame lies with the authority, and maybe it is staffing, and I have said to the administration, if we need increased staff, let us come back to the General Assembly so we can speed up the review of some of these applications.

We have not closed on as many projects as I would have liked to have closed on. Though we have approved projects, we have not gone to closing on as many projects as I would have hoped. However, there is still half of the allocated money - be it bond revenue, be it Federal funds, or be it a portion of the General Fund revenue that we originally authorized - left to support projects in Pennsylvania.

There is money in PENNVEST. PENNVEST is not dried up. There is a substantial amount. Do not forget, we made it a revolving loan program. These funds will not dry up. Repayment has already started on some of these projects, so these dollars will be recycled through the authority and we will continue to see a growth in the funding source for these types of projects.

Something is up, Mr. Speaker. Something smells foul. Why this is a critical piece of legislation to pass the budget is beside me. Why the Governor would send a letter saying this piece of legislation must be passed to pass the General Fund budget stymies me. There is nothing that is in the PENNVEST Authority that would control the passage of our General Fund budget. Why does the administration, who runs around the Commonwealth on the tip of its tongue talking about the successes of PENNVEST, come back and talk about moving water and sewer projects to an authority that we have absolutely no input, no control, or, initially, any statutory definition for?

For all these reasons, I think we need to slow this down, Mr. Speaker. We have a lot of questions that need to be answered before we roll this piece of legislation. This legislation went to Appropriations Committee, experienced no hearings. It was a surprise to some of us on our side of the aisle that it was coming up and coming up so quickly, and it was even more of a surprise that it has now been tied to passage of a General Fund budget.

I am baffled, Mr. Speaker, and probably I will err on the side of voting "no" for fear that we are making a public policy change that we are going to pay a price for and a dear price—if the administration says it is tied to the General Fund

budget—a dear price somewhere later on. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Pistella.

Mr. PISTELLA. Thank you, Mr. Speaker.

I was wondering if the gentleman, Mr. Lashinger, would stand for a brief interrogation.

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

Mr. PISTELLA. Mr. Speaker, during the course of your explanation, I believe, of your amendment and in the course of the interrogation with Representative Corrigan, am I to understand that you currently serve as a board member? Which board is that, sir - PENNVEST or PEDFA?

Mr. LASHINGER. PENNVEST, Mr. Speaker.

Mr. PISTELLA. PENNVEST.

Thank you very much, Mr. Speaker. I appreciate it. I wanted a point of clarification.

Mr. Speaker, the gentleman, Mr. Lashinger, has pointed out the fact that he feels that we have put this piece of legislation on the fast track and we have done it with some hidden agenda or some hidden meaning in mind.

I would like, first of all, to say that I think Representative Corrigan has done a very good job in explaining the content of the legislation for the benefit of the members and trying to put into a little bit of perspective what this discussion is about, lest we misunderstand ourselves during the course of this imminent action here before us.

The issue that I believe Representative Lashinger was attempting to address is the issue of commencement authority or commencement power that is held by the Secretary of Commerce and the application of those same commencement powers to the projects that Representative Corrigan is concerned about. The question we have to ask is, how many projects are we talking about? It is my understanding, with the discussion that I have had with our staff, that we are talking about roughly 10 percent of the projects that have submitted applications to PENNVEST. It is a very small number. I have also been told those are very small projects. Representative Lashinger is in fact correct. We have not been able to turn those projects over as quickly as we would like to. It has obviously created a problem and a difficulty for all of us.

Representative Lashinger's amendment attempted to institute the same provisions of commencement power for PEDFA as PENNVEST, and what that means is that you need to have the approval of the Secretary before you submit the application. Now, the conflict that exists is the fact that there are some projects that have already been submitted and have already been approved, so the only way we can keep those projects going through the process is to do what we did, which was to defeat the Lashinger amendment and accept the bill as it has been drafted by Representative Corrigan with that legislative intention in mind.

If we choose to defeat this legislation—and I appreciate the effort and the energy that Representative Lashinger put into his amendment and his arguments on the floor—we run the risk of some projects not being funded in a timely fashion. I

happen to come from the city of Pittsburgh in Allegheny County. I am willing to bet that my city does not have any projects that are out there in this category, but those of you who come from areas like Representative Corrigan, who are sitting here now trying to make a decision with absolutely no idea which one of their 10 percent of the PENNVEST projects we are talking about, may be playing Russian roulette with this vote.

I appreciate the concern Representative Lashinger has expressed in wanting to hold the line and be careful, but remember, the projects that have been submitted, the projects that we are trying to finance, the projects we are trying to complete, could be one of the projects in your district. I would suggest you think about it and support Representative Corrigan in his efforts to adopt HB 2416. Thank you.

The SPEAKER. The Chair recognizes Mr. Hasay.

Mr. HASAY. Thank you, Mr. Speaker.

For the information of the gentleman from Bucks, Mr. Corrigan, before the regulations were established for PENNVEST, the main issue, before adopting those regulations, was refinancing, and there was a fear that was established that indicated that if you allow the refinancing of existing projects that have already been appropriated and spent, such as the old Water Facilities Loan Board, and allow those projects now to be refinanced, I can assure you that that will spend the money faster, therefore not allowing any new projects that have not participated in the PENNVEST plan.

So that is my major concern in asking each one of you to be cautious about this vote, because if you have any new projects pending and refinancing is allowed, that was a fear that was in the Department of Environmental Resources. Be cautious on your vote. Thank you.

The SPEAKER. The Chair recognizes Mr. Lashinger.

The Chair requests the gentleman, Mr. Itkin, to come to the podium.

Mr. LASHINGER. Thank you, Mr. Speaker.

Mr. Speaker, Representative Hasay again is correct. We are going to spend a lot of money quickly if we allow refinancing, which will be permissible under this type of project at PEDFA. This 10 percent of projects that were mentioned previously by Representative Pistella, that is a short-term problem, and I wish there were a way to say that 10 percent of projects ultimately will be financed, but that still does not justify opening up a new source of funding and giving that authority carte blanche opportunity to fund any project using any criteria.

It is interesting. The administration was who fought us at the authority level on the issue of refinancing. I mean, the administration is the one who clearly laid out the rules in regulation saying we did not want to refinance projects.

Representative Reber in Montgomery County had a refinancing of a project at Pottstown Sewer, I believe. The administration sought to block the refinancing. We Republicans attempted to work on that issue of refinancing, not with the approval of the administration. I am now surprised to see the administration taking a different view on the issue of refinancing.

Representative Pistella is correct. There might be 10 percent of those projects out there that need to be resolved, but the cure is not to open up an entirely new program. Why not, if we are going to allow PEDFA to finance these projects without any criteria, why not allow us to amend the PENNVEST act and we will come back and we will do it on a first-come-first-served basis, because that is what is going to happen at PEDFA. And the money is going to dry up, and the money is going to dry up quickly.

I really believe that this is an effort— And let us be honest. There is a companion bill, and we have talked about it in our partisan rhetoric back and forth over the adoption of the State budget. There is a companion bill to this that allows for the financing of General Fund operations normally financed in the General Fund - Ben Franklin Partnership, tourist promotion, and the like. There is a companion piece that would allow us, through the use of bond indebtedness, to finance General Fund operations.

When the Governor sends a letter and says, this is a critical piece of legislation to the adoption of the General Fund budget, I am still thinking there is something in this piece of legislation that has a fiscal impact; its companion piece surely does, and my sense is that somewhere down the line this is also going to have some type of fiscal impact and somewhere, the Governor thinks, take the heat off the General Fund balance. I am not sure where, and I cannot support that argument here today, but it creates a concern in my mind.

I think that we are biting off more than we should in this piece of legislation, and we are establishing a program with no rules, no regulations. It is a free-for-all, and it is first come, first served at PEDFA when we clearly made planning decisions at PENNVEST that those people who needed it most should get it first. Now you are saying the rules have changed; we are halfway through the game and the rules are going to change because certain Representatives - respectfully - have problems with projects that did not get financed. Maybe they were low priorities, but does that mean that they should become high-priority projects because they are in a certain legislator's district? I do not think so and I do not think our constituents think that, and I really think it is an inefficient way to spend taxpayers' dollars, and that is what we are doing. We are abusing taxpayers through the adoption of this, and we are getting back to pure politics, which we attempted to avoid in PENNVEST. That is what we are doing. We are politicizing the process.

For all those reasons, Mr. Speaker, I think we should be against this effort today. Thank you.

THE SPEAKER PRO TEMPORE (IVAN ITKIN) PRESIDING

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

Mr. CORRIGAN. Thank you, Mr. Speaker.

I think a few things have to be cleared up. I think there is some misunderstanding, especially in regard to refinancing.

First, let me say that this legislation in no way is an attack on PENNVEST. It is generally agreed that PENNVEST is doing a fine job with some limitations.

When you talk about refinancing, you must remember that this bill provides funding for municipalities that are not presently receiving funding and it does it in a way that PENNVEST does not do it. First of all, there are no tax dollars in this bill. This bill stands on its own. What happens is it creates a pooling effect, a bond pool in effect, that would provide financing at 1, maybe 1 1/2 percent lower than what the market rate is. If you are going to talk about going in for refinancing, you are certainly going to spend an awful lot more than the 1 percent that you are going to save on refinancing the project. I do not believe that that is an issue, and I do not believe, you know, that it was explained properly. This will not have an effect on refinancing.

What will happen with this bill and why it will affect the future of Pennsylvania is that this will provide funding well into the 1990's, if not longer, and it will do that in such a way that it will free up PENNVEST money. This legislation, by funding some of those low-priority projects throughout the State, will actually free up some PENNVEST funds. So I think it is going to have exactly the opposite effect as to what we have heard here today.

This bill or this legislation has no grants in it. There are no grants. There are no low-interest loans. We are talking about a pooling effect that will be beneficial to communities in such a way that it will provide a percentage point or a percentage point and a half lower than the going rate, and you certainly cannot justify a refinancing project, you know, under that criteria.

I believe that the bill is a good bill, and I am asking the House to vote favorably on this bill in that it will provide for those projects that are still polluting our rivers and streams and our groundwater. We have not talked about those kinds of things today. This is not an attack on PENNVEST. This is an effort to expand the PENNVEST funding situation and provide funding for people who will not be funded under the PENNVEST project. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair now recognizes the gentleman from Allegheny, Mr. Pistella, for the second time.

Mr. PISTELLA. Thank you, Mr. Speaker.

I just wanted to conclude with some of the comments that were shared with us by our colleague, Representative Corrigan, which is the fact that we may have lost sight of what the intention of the PENNVEST program is and what today's effort is in fact an attempt by us to do.

No one has talked about partisanship. No one has talked about politics. The issue is that we have as a legislature, and if we want to talk in terms of ourselves being political creatures, we decided that it was politically wise to establish the PENNVEST program. It was not local municipalities. It was not county government. It was us, the legislature, in conjunction with the efforts by the Governor. What I think no one realized or expected is the fact that PENNVEST would be such a successful program. Everyone's expectation level is high. We are

trying to provide the lowest possible financing for much-needed projects - for sewage and water treatment - as quickly as we can. The water systems and sewage systems in this State in fact are deteriorating. We took the responsibility of seeing to it that they were repaired.

Representative Corrigan is trying to hone in on the fact that in this effort, there are some projects that we have got to be able to fund, that we are able to do in a capable and wise fashion by just taking those projects and making them now eligible under another program. We are not spending any additional dollars. We are in fact trying to loosen up and whittle away some of the pending applications before PENNVEST so other projects can be done, and we are going to use a program that has also proven itself to be successful, which is PEDFA.

I think the overall intention of the legislation, in an effort to secure safe drinking water, to secure projects for sewage and drainage treatment facilities that are needed in this Commonwealth, that we all stood up and said we would support, is just attempting to use another venue to achieve that goal in Pennsylvania.

I think it is incumbent upon us to support HB 2416 and the efforts of Representative Corrigan. I would encourage the members to support this effort. Thank you.

On the question recurring,
Shall the bill pass finally?

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

YEAS—108

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

NAYS—90

Adolph	Dorr	Jadlowiec	Raymond
Allen	Durham	Johnson	Reber
Argall	Fairchild	Kenney	Reinard
Barley	Fargo	Kondrich	Robbins
Birmelin	Farmer	Langtry	Ryan
Black	Fleagle	Lashinger	Saurman

Boyes	Flick	Lee	Scheetz
Brandt	Foster	Leh	Schuler
Bunt	Fox	McVerry	Semmel
Burns	Gallen	Marsico	Serafini
Bush	Gannon	Merry	Smith, B.
Carlson	Geist	Micozzie	Smith, S. H.
Cessar	Gladeck	Miller	Snyder, D. W.
Chadwick	Godshall	Moehlmann	Snyder, G.
Civera	Gruppo	Mowery	Stairs
Clark, D. F.	Hagarty	Nahill	Strittmatter
Clark, J. H.	Hasay	Nailor	Taylor, E. Z.
Clymer	Hayes	Noye	Taylor, J.
Cornell	Heckler	O'Brien	Vroon
Davies	Herman	Phillips	Weston
Dempsey	Hershey	Piccola	Wilson
Dietterick	Hess	Pitts	Wright, J. L.
Distler	Jackson		

NOT VOTING—0

EXCUSED—4

Dininni	Freind	Robinson	Wright, R. C.
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

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

WELCOME

The SPEAKER pro tempore. The Chair at this time wishes to welcome approximately 25 young men and women who are today representing Boys and Girls Clubs throughout the Commonwealth of Pennsylvania. They are here today—I believe they are in the gallery—and they are the guests of the entire House. Would the young men and women please rise and be acknowledged.

CONSIDERATION OF HB 1882 CONTINUED

On the question recurring,
Shall the bill pass finally?

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

YEAS—195

Acosta	Dombrowski	Langtry	Rieger
Adolph	Dorr	Lashinger	Ritter
Allen	Durham	Laughlin	Robbins
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	Gallen	McVerry	Serafini
Bortner	Gamble	Maiale	Smith, B.
Bowley	Gannon	Maine	Smith, S. H.
Boyes	Geist	Markosek	Snyder, D. W.
Brandt	George	Marsico	Snyder, G.
Broujos	Gigliotti	Mayernik	Staback
Bunt	Gladeck	Melio	Stairs
Burd	Godshall	Merry	Steighner
Burns	Gruitza	Michlovic	Stish

Bush	Gruppo	Micozzie	Strittmatter
Caltagirone	Hagarty	Mihalich	Stuban
Cappabianca	Haluska	Miller	Tangretti
Carlson	Harper	Moehlmann	Taylor, E. Z.
Carn	Hasay	Morris	Taylor, F.
Cawley	Hayden	Mowery	Taylor, J.
Cessar	Hayes	Mrkonic	Telek
Chadwick	Heckler	Murphy	Thomas
Civera	Herman	Nailor	Tigue
Clark, B. D.	Hershey	Noye	Trello
Clark, D. F.	Hess	O'Brien	Trich
Clark, J. H.	Howlett	Olasz	Van Horne
Clymer	Hughes	Oliver	Veon
Cohen	Itkin	Perzel	Vroon
Colaella	Jackson	Pesci	Wambach
Colaizzo	Jadlowiec	Petrarca	Wass
Cole	James	Petrone	Weston
Cornell	Jarolin	Phillips	Williams
Corrigan	Johnson	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	Yandrisevits
Davies	Kosinski	Raymond	
Dempsey	Kukovich	Reinard	O'Donnell,
Dietterick	LaGrotta	Richardson	Speaker
Distler			

NAYS—1

Reber

NOT VOTING—2

Donatucci Nahill

EXCUSED—4

Dininni Freind Robinson Wright, R. C.

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.

CONSIDERATION OF HB 1946 CONTINUED

On the question recurring,

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

Mr. BOWLEY offered the following amendments No. A2321:

Amend Title, page 1, line 17, by inserting after "for" distributors' licenses and for

Amend Bill, page 1, lines 21 through 25, by striking out all of said lines and inserting

Section 1. Section 431(b) of the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, reenacted and amended June 29, 1987 (P.L.32, No.14), is amended to read:

Section 431. Malt and Brewed Beverages Manufacturers', Distributors' and Importing Distributors' Licenses.—***

(b) The board shall issue to any reputable person who applies therefor, pays the license fee hereinafter prescribed, and files the bond hereinafter required, a distributor's or importing distributor's license for the place which such person desires to maintain for the sale of malt or brewed beverages, not for consumption on the premises where sold, and in quantities of not less than twenty-four containers, each container holding seven fluid ounces or more, or twelve containers, each container holding

twenty-four fluid ounces or more, except original containers containing one hundred twenty-eight ounces or more which may be sold separately and such containers to be the original containers as prepared for the market by the manufacturer at the place of manufacture. The board shall have the discretion to refuse a license to any person or to any corporation, partnership or association if such person, or any officer or director of such corporation, or any member or partner of such partnership or association shall have been convicted or found guilty of a felony within a period of five years immediately preceding the date of application for the said license: And provided further, That, in the case of any new license or the transfer of any license to a new location, the board may, in its discretion, grant or refuse such new license or transfer if such place proposed to be licensed is within three hundred feet of any church, hospital, charitable institution, school or public playground, or if such new license or transfer is applied for a place which is within two hundred feet of any other premises which is licensed by the board: And provided further, That the board shall refuse any application for a new license or the transfer of any license to a new location if, in the board's opinion, such new license or transfer would be detrimental to the welfare, health, peace and morals of the inhabitants of the neighborhood within a radius of five hundred feet of the place proposed to be licensed. The board shall refuse any application for a new license or the transfer of any license to a location where the sale of liquid fuels or oil is conducted. The board shall require notice to be posted on the property or premises upon which the licensee or proposed licensee will engage in sales of malt or brewed beverages. This notice shall be similar to the notice required of hotel, restaurant and club liquor licensees.

Except as hereinafter provided, such license shall authorize the holder thereof to sell or deliver malt or brewed beverages in quantities above specified anywhere within the Commonwealth of Pennsylvania, which, in the case of distributors, have been purchased only from persons licensed under this act as manufacturers or importing distributors, and in the case of importing distributors, have been purchased from manufacturers or persons outside this Commonwealth engaged in the legal sale of malt or brewed beverages or from manufacturers or importing distributors licensed under this article.

Each out of State manufacturer of malt or brewed beverages whose products are sold and delivered in this Commonwealth shall give distributing rights for such products in designated geographical areas to specific importing distributors, and such importing distributor shall not sell or deliver malt or brewed beverages manufactured by the out of State manufacturer to any person issued a license under the provisions of this act whose licensed premises are not located within the geographical area for which he has been given distributing rights by such manufacturer. Should a [licensee] distributor accept the delivery of such malt or brewed beverages in violation of this section, said [licensee] distributor shall be subject to a suspension of his license for at least thirty days: Provided, That the importing distributor holding such distributing rights for such product shall not sell or deliver the same to another importing distributor without first having entered into a written agreement with the said secondary importing distributor setting forth the terms and conditions under which such products are to be resold within the territory granted to the primary importing distributor by the manufacturer.

When a Pennsylvania manufacturer of malt or brewed beverages licensed under this article names or constitutes a distributor or importing distributor as the primary or original supplier of his product, he shall also designate the specific geographical area for which the said distributor or importing distributor is given distributing rights, and such distributor or importing distributor shall not sell or deliver the products of such manufacturer to any person issued a license under the provisions of this act whose

licensed premises are not located within the geographical area for which distributing rights have been given to the distributor and importing distributor by the said manufacturer: Provided, That the importing distributor holding such distributing rights for such product shall not sell or deliver the same to another importing distributor without first having entered into a written agreement with the said secondary importing distributor setting forth the terms and conditions under which such products are to be resold within the territory granted to the primary importing distributor by the manufacturer. Nothing herein contained shall be construed to prevent any manufacturer from authorizing the importing distributor holding the distributing rights for a designated geographical area from selling the products of such manufacturer to another importing distributor also holding distributing rights from the same manufacturer for another geographical area, providing such authority be contained in writing and a copy thereof be given to each of the importing distributors so affected.

Section 2. Sections 437(f) and 461(a) of the act are amended to read:

Amend Sec. 2, page 3, line 18, by striking out "2" and inserting

3

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Warren, Mr. Bowley.

Mr. BOWLEY. Thank you, Mr. Speaker.

Amendment 2321 makes one change. On page 2 it changes the word "licensee" to "distributor" twice. I am trying to correct a problem which is the result of the interpretation by the Pennsylvania State Police Bureau of Liquor Control Enforcement relating to Act 14, the Liquor Code.

Two taverns within my area would like to purchase their beverages from a distributor across the county line in an adjoining county. However, the State Police have interpreted the existing Liquor Code to say that those tavern owners cannot purchase across the county line because it is in a different importing distributor's geographical area.

I would like to change that to say a tavern could purchase its product from any distributor, because under current law a distributor can sell anywhere within the Commonwealth, and two of my tavern owners now have to purchase their beverage from a town approximately 30 miles away where before they were purchasing it from a distributor only approximately 3 or 4 miles away.

It is a simple correction. I think it was the intent of the General Assembly when we passed this legislation to say that a distributor can only buy from an importing distributor within his geographical area, not a licensee. I would ask for an affirmative vote.

The SPEAKER pro tempore. The Chair thanks the gentleman and now recognizes the gentleman from Lehigh, Mr. Pressmann.

Mr. PRESSMANN. Thank you, Mr. Speaker.

Mr. Speaker, will the gentleman from Warren stand for a brief period of interrogation?

The SPEAKER pro tempore. The gentleman from Warren consents to being interrogated, and the gentleman from Lehigh may proceed.

Mr. PRESSMANN. Mr. Speaker, under the gentleman's amendment, could a licensee in Warren buy their beer from a distributor in, say, Harrisburg?

Mr. BOWLEY. Yes, Mr. Speaker.

Mr. PRESSMANN. Thank you, Mr. Speaker.

Mr. Speaker, if I could make a statement on the amendment.

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

Mr. PRESSMANN. Mr. Speaker, I regretfully ask for a "no" vote on this amendment.

Mr. Speaker, there is a serious problem in our Commonwealth with distributors undercutting other distributors, undercutting local businessmen, with the very large distributors coming into areas and undercutting small businessmen who are in the beer distribution business. There is also a real quality control product problem in that there has been dumping in this State of products far removed from other areas of the State in order to undercut local businessmen.

I understand what Mr. Bowley is trying to do with his amendment. Maybe if he had some kind of geographic parameters or some kind of mileage, within so many miles of the licensee or something like that, I could support it. But by opening up the distribution to the whole State, what in effect could happen is the little beer distributor in your county that is distributing beer to the local bars could be undercut by the big beer distributors from other areas in the State.

The SPEAKER pro tempore. The Chair now recognizes the gentleman from Warren, Mr. Bowley, for the second time.

Mr. BOWLEY. Mr. Speaker, I would like to correct a statement that the previous speaker made. Under current law, it is already permissible for a distributor to sell anywhere within the Commonwealth, and I have that in writing from Col. Ronald Sharpe, Commissioner of the Pennsylvania State Police.

Under current law, a distributor, not an importing distributor but a distributor, can sell beverages anywhere within the Commonwealth. So your previous comments are not correct. Under current law though, a licensee cannot buy from any distributor. They have to buy from the distributor within their geographical area. That is the problem. It is okay for a distributor to sell, but the State Police are interpreting the current Liquor Code to say a licensee cannot buy from a distributor. That is the difference.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Cumberland, Mr. Mowery.

Mr. MOWERY. Thank you, Mr. Speaker.

This is really a technical amendment, and I ask for its support. Thank you very much, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lehigh, Mr. Pressmann, for the second time.

Mr. PRESSMANN. Mr. Speaker, if the gentleman, Mr. Bowley, would stand again for interrogation.

The SPEAKER pro tempore. The gentleman from Warren consents to being interrogated, and the gentleman may proceed.

Mr. PRESSMANN. There has to be a buyer and a seller in a purchase. All right. You are saying that the bar cannot purchase from the beer distributor outside his county.

Mr. BOWLEY. No; I am not saying that. I am saying that a particular tavern cannot, supposedly under the State Police interpretation, cannot buy from a distributor outside of their geographical area. It may not be within a particular county. It is the geographical area of the importing distributor. As we know, first the importing distributor has a geographical area in which he or she sells to the distributors. The State Police are interpreting that law to say that a distributor can only then sell to tavern owners within the geographical area. Although the current law says technically the distributor can sell anywhere within the Commonwealth, the State Police are saying, as a tavern owner, as a licensee, you can only buy from those distributors within your geographical area.

Mr. PRESSMANN. But what you are saying though, a distributor then can sell to any tavern within the whole State?

Mr. BOWLEY. Under current law, that is correct.

Mr. PRESSMANN. But a bar can only buy from within their jurisdiction.

Mr. BOWLEY. That is correct. That is the State Police's interpretation.

Mr. PRESSMANN. Now, my last question is, we have a buyer and a seller here. How can one be legal and the other not?

Mr. BOWLEY. Well, Mr. Speaker, that was my exact question to the State Police. There is a difference of opinion between the Liquor Control Board and the State Police. The State Police are interpreting the particular section that I am trying to amend that the word "licensee" would include a tavern owner. So while under current law it is legal for a distributor to sell anywhere within the Commonwealth, they are interpreting it to say a licensee can only buy from a distributor within its geographical area, and I think that is wrong. If it is more profitable for a tavern owner to go somewhere down the road to buy his product back at his own expense, then it should be legal. Since a distributor can sell it anywhere, why cannot a licensee buy it from anywhere?

Mr. PRESSMANN. Mr. Speaker, let us vote "yes" and maybe we can clean this up later.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Montgomery, Mr. Bunt.

Mr. BUNT. Mr. Speaker, in listening to the interrogation by Mr. Pressmann of the gentleman, Mr. Bowley, it reminded me of Abbott and Costello with their little rendition of "Who's on first?" Now, I know the question that Mr. Pressmann asked, and in reading Mr. Bowley's amendment it would have appeared that Mr. Bowley would have answered in the affirmative to Mr. Pressmann's question.

For the benefit of the House, Mr. Speaker, would you describe the amendment a little bit more carefully to the members of the General Assembly?

Mr. BOWLEY. I would be happy to, Mr. Speaker.

Currently under the law, the Pennsylvania State Police are saying that a licensee—meaning your tavern owners—can only accept malt or brewed beverages from a distributor within their geographical area. However, under the current law a distributor can sell anywhere within the Commonwealth, which to me, as the gentleman from Allentown, Mr. Pressmann, said, does not make sense. If a distributor can sell it within the Commonwealth, why cannot a licensee buy from any distributor?

I am attempting to change the law to say that a distributor has to accept the product from the importing distributor that is licensed to sell within the geographical area that that distributor resides in. That is the current law, and I want to keep that. I am just trying to say that as a tavern owner, you are a licensee. You can buy from any distributor in the Commonwealth as long as that distributor bought the product from the importing distributor assigned to that area. I am not changing that at all. I am saying that if a tavern owner can get a better price by going down the road a few miles to buy from a distributor, he should have that option of doing that versus having to buy from a distributor perhaps 30 or 40 miles away and having to pay a higher price.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—197

Acosta	Dombrowski	Lashinger	Rieger
Adolph	Dorr	Laughlin	Ritter
Allen	Durham	Lee	Robbins
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	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	Mihalich	Strittmatter
Caltagirone	Hagarty	Miller	Suban
Cappabianca	Haluska	Moehlmann	Tangretti
Carlson	Harper	Morris	Taylor, E. Z.
Carn	Hasay	Mowery	Taylor, F.
Cawley	Hayden	Mrkoncic	Taylor, J.
Cessar	Hayes	Murphy	Telek
Chadwick	Heckler	Nahill	Thomas
Civera	Herman	Nailor	Tigue
Clark, B. D.	Hershey	Noye	Trello
Clark, D. F.	Hess	O'Brien	Trich
Clark, J. H.	Howlett	Olasz	Van Horne
Clymer	Hughes	Oliver	Veon
Cohen	Itkin	Perzel	Vroon
Colafella	Jackson	Pesci	Wambach
Colaizzo	Jadlowiec	Petrarca	Wass
Cole	James	Petrone	Weston

Cornell	Jarolin	Phillips	Williams
Corrigan	Johnson	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	Yandrisevits
Davies	Kosinski	Raymond	
Dempsey	Kukovich	Reber	O'Donnell,
Dietterick	LaGrotta	Reinard	Speaker
Distler	Langtry	Richardson	

NAYS—0

NOT VOTING—1

Donatucci

EXCUSED—4

Dininni Freind Robinson Wright, R. C.

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

The question is, shall the bill pass finally?

On the question, the Chair recognizes the gentleman from Crawford, Mr. Merry.

Mr. MERRY. Mr. Speaker, may I interrogate the maker of HB 1946, Representative Saloom?

The SPEAKER pro tempore. We do not see the gentleman on the floor of the House. Is there someone you might like to interrogate instead?

Mr. MERRY. The second name on the amendment is Representative Mowery's. Would he be available for interrogation?

The SPEAKER pro tempore. The gentleman from Cumberland, Mr. Mowery, consents to being interrogated, and the gentleman from Crawford may proceed.

Mr. MERRY. Mr. Speaker, would you tell me the original intent of HB 1946 and whatever version of the printer's number we are now working on? I believe it was isolated to only two lines or two major issues. What were those, please?

Mr. MOWERY. Thank you.

Mr. Speaker, I will try to answer your question.

The intent is to try and reduce the number of taverns and beverage distributorships throughout Pennsylvania. One of the problems is—and I just happened to look at the chart before I came up—as far as taverns, for an example, the law now says that you may have 1 for every 2,000. This bill changes it to 1 for every 3,000, the reason being that in most of our counties throughout Pennsylvania, we have as high as 4, 5, and in some cases 8 to 1 more than we should have under the current law. Since there is no way currently to terminate licenses except for criminal injustice and so forth, we have continually had more and more bars, and therefore, there is a

concern by many of the constituents with trying to keep that in line.

I might just like to add that there is no way that you can reduce the number of bars that are now in your area. In other words, this bill in no way, if you have a very high ratio, would affect the number of bars or the foreclosing of any that you now have.

Mr. MERRY. Would you tell us then, what benefit would the passage of this bill do in the way of controlling the sale of liquor or beer throughout the Commonwealth? If it does not reduce the number there, what is the reason of changing these numbers?

Mr. MOWERY. Mr. Speaker, I cannot hear the question.

The SPEAKER pro tempore. Would the gentleman from Crawford repeat his question, please?

Mr. MERRY. Mr. Speaker, the question is, if changing these numbers does not in any way reduce the number of retail licenses out there or malt beverage distributors, what is the purpose of manipulation? What are we going to gain from the passage of this bill?

Mr. MOWERY. Well, Mr. Speaker, in the future it would require that those ratios, once they were to come down into the proper sequence, as I mentioned earlier, then the rules under this bill would apply. For an example, for retail liquor licenses, it would be 1 in every 3,000 instead of 1 in every 2,000, and it would require, as far as your beverage distributors, 1 in 30,000 rather than currently 1 for every 15,000.

Mr. MERRY. Mr. Speaker, that completes my interrogation. May I remark on the bill on final passage?

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

Mr. MERRY. Mr. Speaker, the point of these questions is to point out to the members that there is really no need of passing this bill. It accomplishes no good, really.

For the first thing, we are passing this bill in 1990, just moments before the census results are going to be announced for the next 10 years. We do not know the need for adjustment in various populated areas because everything that we are operating under now is still based on the 1980 census. And here is the problem, and I have asked the Liquor Control Board to give me information to pass on to you. I do not have it for the retail licensed establishments but I do have it for the malt distributors, the beer distributors, and I would like to share my concern with you, though I am sure it works for both retail licenses as well as malt.

For instance, in Erie County we have 280,000 people. We are allowed a quota of 18. There are now 52 beer distributors in Erie County. Now, what point is there in taking our quota of 18 and reducing it to 9 if there are still going to remain 52 beer distributors? I would ask you whether you would even want to see Erie County or your own county reduced to a figure of 9 if there were any way to actually reduce licenses.

Crawford County is another county that I represent. It has slightly less than 90,000 people. The present quota would permit five licensees. If you reduce it to the 1 to 30,000, theoretically that could go down to three. Would you want to have

only three in a county that is 50 miles from one end to the other, 30 miles from north to south? There is a redeeming feature here that no one has mentioned: Current law, which is not even suggested to be changed, provides for a minimum of five in any county.

There are right now only five malt liquor licenses available in the State of Pennsylvania. They occur in five counties, four of which are already to the minimum. They have five allotted; they will continue to have five allotted. The law would not affect them in any way, except the county of Cameron, which has a quota of five, would continue to have five, but right now there is one vacancy.

I suggest that the only purpose that this would do other than just manipulating numbers is to at some time in the future perhaps make the existing licenses worth a great deal more money for resale. Now, is that the intent of the maker of this bill, to actually reduce the number of retail licenses or wholesale beer distributors? It might be for some. If you think the passage of this bill will in any way limit the consumption of alcohol in Pennsylvania, that might be one reason to vote for it. But does the bill do that? As the previous speaker has said, it does not in any way reduce the number of licenses out there at the present time.

What I suggest to you, Mr. Speaker, the real objection out there in the public, if there be one, is the need to eliminate unwanted liquor licenses and malt distributorships, unwanted from the standpoint that they are either running a bad business or perhaps they are too close together. I oftentimes quote about a small township that I have that is not even large enough to be a borough; has around 600 people in it. It has two beer distributors. Can you believe that? Two malt distributors, based on the ratio of 1 to 15,000, and they have two of them in a municipality of 600, located about one-half mile apart.

Now, this happened because our present law, and future law as we now know it, provides that if there is a license available in the county, you may buy that license and transfer it to wherever within the county. If there be an objection in Springfield Township, Erie County, it is because an individual went into the city of Erie, bought an existing license, and moved it to Springfield, creating two licenses in that area.

Now, those same things I know happened in Philadelphia and Dauphin County and Perry County, creating an uneven distribution of retail licenses or wholesale licenses. I have got the list right here. I could tell you for any county. Berks County is allotted 20; they have 46. Is there any point in reducing our legislative number to 10 if you are still going to permit 46? Somerset County has 10; they are only allowed 5. They will continue to be allowed 5, but they have 10.

Someone said how about Montgomery County. There is a population of 643,000 in Montgomery County which allows them to have 42 licenses. They have 59. Those 59 under current law could be all in a few square miles. They could be unevenly distributed.

By increasing our numbers from 15,000 to 30,000 does not accomplish in reducing the number of available licenses out

there. Neither does it accomplish a redistribution of those numbers.

I suggest there is something wrong with our current law, but it is not because the numbers are 15 instead of 30, or it is not 3,000 instead of 20,000 for retail licenses. It is because of other problems. It is because of problem bars; it is because of placing them too close together; it is because of uneven distribution.

Mr. Speaker, for the reasons that I have said and others that I feel are in this piece of legislation that do nothing but increase the value from time to time of licenses being put on sale, that it is not in the best interests of the Commonwealth, and I urge the defeat of HB 1946.

The SPEAKER pro tempore. The Chair thanks the gentleman and now recognizes the gentleman, Mr. Saloom, from Westmoreland County.

Mr. SALOOM. Mr. Speaker, just for the reasons the previous speaker spoke, I would encourage the passage of HB 1946.

HB 1946 will put a cap on any new licenses throughout the Commonwealth of Pennsylvania. The legislation was designed to take care of the counties and the municipalities that had a migration of people from the metropolitan areas of this Commonwealth, to tell the Liquor Control Board that we do not need more beer distributors nor do we need any more taverns in these areas. As the population comes out, there are enough distributors and enough taverns and enough liquor licenses in those areas to accommodate the migration of the people from the metropolitan areas. Of course, it does grandfather those existing licenses in, and if the gentleman has some viable method of reducing these licenses, we would be happy to hear about it.

Thank you. I encourage an affirmative vote.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Mr. B. D. CLARK. Thank you, Mr. Speaker.

I just wanted to raise an important point about this new quota that this bill proposes to make. It does not solve the two major problems that exist with liquor licenses today; that is, the need for new licenses in areas of growing population and the need to do away with licenses in areas of shrinking population. This bill is designed to raise the value of a liquor license in those communities that are growing, and that is the only thing that will be accomplished.

The second thing that was done through the Bowley amendment would be to encourage the practice of transshipping malt and brewed beverages in Pennsylvania, and I do not believe that was the intent of the maker of that amendment, but that is the effect of that amendment. When we encourage transshipping, we lose control over the product and we lose control over the taxes that are paid. For that reason I oppose this bill.

The SPEAKER pro tempore. The Chair now recognizes the gentleman from Crawford for the second time, Mr. Merry.

Mr. MERRY. Briefly, Mr. Speaker, I would like to address the remarks of a previous speaker.

It might be interesting to note that Westmoreland County, having about 400,000 people, is entitled, under current law, to 26 wholesale malt liquor licenses. That would be reduced to 13. But would it be reduced? No. They have 55. Currently allotted 26, they have 55, almost twice what they are allowed to. I feel that if there be a need, you need to address new legislation that would actually reduce the number of liquor licenses. I do not suggest that, because there is the matter of convenience. I do not think it is convenient to have two establishments within a half mile of each other. But can you imagine a new area—and we do have many of them developing that could very well develop to a 30,000 population—being told they can only have one distributorship? You could have people traveling 30 miles for just an innocent case of malt products. I do not think that is the intent. The intent of this legislation should have been to more evenly distribute the available licenses out there and to eliminate the objections that we are hearing about bad operations.

For those reasons, again, Mr. Speaker, I urge the defeat of HB 1946.

On the question recurring,

Shall the bill pass finally?

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

YEAS—157

Acosta	Daley	Kondrich	Reinard
Adolph	Davies	Kosinski	Rieger
Allen	Dempsey	Kukovich	Roebuck
Angstadt	Dieterick	LaGrotta	Rudy
Argall	Dombrowski	Langtry	Ryan
Barley	Donatucci	Lashinger	Saloom
Belardi	Dorr	Laughlin	Saurman
Belfanti	Durham	Lescovitz	Scheetz
Birmelin	Evans	Levdansky	Schuler
Bishop	Fairchild	Linton	Scrimenti
Blaum	Farmer	Lloyd	Semmel
Bortner	Fee	Lucyk	Smith, B.
Bowley	Fleagle	McVerry	Smith, S. H.
Boyes	Flick	Maiale	Snyder, D. W.
Brandt	Foster	Maine	Snyder, G.
Broujos	Fox	Marsico	Staback
Bunt	Gallen	Mayernik	Stairs
Burd	Gamble	Melio	Steighner
Burns	Gannon	Micozzie	Stish
Bush	Geist	Mihalich	Strittmatter
Caltagirone	Gigliotti	Miller	Stuban
Cappabianca	Gladeck	Moehlmann	Tangretti
Carlson	Hagarty	Morris	Taylor, E. Z.
Carn	Harper	Mowery	Taylor, F.
Cawley	Hasay	Mrkonic	Telek
Cessar	Hayden	Murphy	Thomas
Chadwick	Hayes	Nahill	Trello
Civera	Heckler	Nailor	Van Horne
Clark, D. F.	Herman	Noye	Veon
Clark, J. H.	Hess	Olasz	Wambach
Clymer	Howlett	Oliver	Wass
Cohen	Hughes	Petrone	Williams
Colafella	Itkin	Phillips	Wilson
Cole	Jackson	Piccola	Wozniak
Cornell	James	Pievsky	Wright, D. R.
Corrigan	Jarolin	Pistella	Wright, J. L.
Cowell	Johnson	Pitts	
Coy	Josephs	Preston	O'Donnell,
DeLuca	Kaiser	Raymond	Speaker

DeWeese

Kasunic

Reber

NAYS—40

Battisto	Gruitza	McNally	Robbins
Billow	Gruppo	Markosek	Rybak
Black	Haluska	Merry	Serafini
Clark, B. D.	Hershey	Michlovic	Taylor, J.
Colaizzo	Jadlowiec	O'Brien	Tigue
Distler	Kenney	Perzel	Trich
Fargo	Lee	Pesci	Vroon
Freeman	Leh	Petrarca	Weston
George	McCall	Pressmann	Wogan
Godshall	McHale	Ritter	Yandrisevits

NOT VOTING—1

Richardson

EXCUSED—4

Dininni

Freind

Robinson

Wright, R. C.

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

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

HB 2284 RECONSIDERED

The SPEAKER pro tempore. The Chair has in its possession a reconsideration motion presented by Representatives Hasay and Hayes, who move that the vote by which HB 2284, PN 3069, was passed on the 19th day of June be reconsidered.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—194

Acosta	Distler	Langtry	Reinard
Adolph	Dombrowski	Lashinger	Richardson
Allen	Dorr	Laughlin	Ritter
Angstadt	Durham	Lee	Robbins
Argall	Fairchild	Leh	Roebuck
Barley	Fargo	Lescovitz	Rudy
Battisto	Farmer	Levdansky	Ryan
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	Gallen	McVerry	Serafini
Bortner	Gamble	Maiale	Smith, B.
Bowley	Gannon	Maine	Smith, S. H.
Boyes	Geist	Markosek	Snyder, D. W.
Brandt	George	Marsico	Snyder, G.
Broujos	Gigliotti	Mayernik	Staback
Bunt	Gladeck	Melio	Stairs
Burd	Godshall	Merry	Steighner
Burns	Gruitza	Michlovic	Stish
Bush	Gruppo	Micozzie	Strittmatter
Caltagirone	Hagarty	Mihalich	Stuban
Cappabianca	Haluska	Miller	Tangretti
Carlson	Harper	Moehlmann	Taylor, E. Z.
Carn	Hasay	Morris	Taylor, F.
Cawley	Hayden	Mowery	Taylor, J.
Cessar	Hayes	Mrkonic	Telek
Chadwick	Heckler	Murphy	Thomas
Civera	Herman	Nahill	Tigue
Clark, B. D.	Hershey	Nailor	Trello
Clark, D. F.	Hess	Noye	Trich

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

NAYS—0

NOT VOTING—4

Donatucci	Evans	Rieger	Rybak
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EXCUSED—4

Dininni	Freind	Robinson	Wright, R. C.
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The question was determined in the affirmative, and the motion was agreed to.

On the question recurring,

Shall the bill pass finally?

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

YEAS—193

Acosta	Dombrowski	Langtry	Rieger
Adolph	Donatucci	Lashingier	Ritter
Allen	Dorr	Laughlin	Robbins
Angstadt	Durham	Lescovitz	Roebuck
Argall	Evans	Levdansky	Rudy
Barley	Fairchild	Linton	Ryan
Battisto	Fargo	Lloyd	Rybak
Belardi	Farmer	Lucyk	Saloom
Belfanti	Fee	McCall	Scheetz
Billow	Fleagle	McHale	Schuler
Birmelin	Flick	McNally	Scrimenti
Bishop	Foster	McVerry	Semmel
Black	Fox	Maiale	Serafini
Blaum	Freeman	Maine	Smith, B.
Bortner	Gallen	Markosek	Smith, S. H.
Bowley	Gamble	Marsico	Snyder, D. W.
Boyes	Gannon	Mayernik	Snyder, G.
Brandt	Geist	Melio	Staback
Broujos	George	Merry	Stairs
Bunt	Gigliotti	Michlovic	Steighner
Burd	Gladeck	Micozzie	Stish
Burns	Godshall	Mihalich	Strittmatter
Bush	Gruitza	Miller	Suban
Caltagirone	Gruppo	Moehlmann	Tangretti
Cappabianca	Hagarty	Morris	Taylor, E. Z.
Carlson	Haluska	Mowery	Taylor, F.
Carn	Harper	Mrkoncic	Taylor, J.
Cawley	Hasay	Murphy	Telek
Cessar	Hayden	Nahill	Thomas
Chadwick	Hayes	Nailor	Tigue
Civera	Heckler	Noye	Trello
Clark, B. D.	Herman	O'Brien	Trich
Clark, D. F.	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	Pitts	Wright, D. R.
DeWeese	Kasunic	Pressmann	Wright, J. L.
Daley	Kenney	Preston	Yandrisevits
Davies	Kondrich	Raymond	
Dempsey	Kosinski	Reber	O'Donnell,
Dietterick	Kukovich	Reinard	Speaker
Distler	LaGrotta	Richardson	

NAYS—5

Clark, J. H.	Lee	Leh	Saurman
Hershey			

NOT VOTING—0

EXCUSED—4

Dininni	Freind	Robinson	Wright, R. C.
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

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

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The House proceeded to third consideration of HB 2098, PN 2765, entitled:

An Act amending the act of July 1, 1981 (P. L. 193, No. 58), entitled "An act establishing certain fees to be charged by clerks of the orphans' courts of counties of the fifth, sixth, seventh and eighth class and providing for fees in counties of the second, second A, third and fourth class," further providing for fees in counties of the second class.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—196

Acosta	Dombrowski	Lashingier	Richardson
Adolph	Dorr	Laughlin	Ritter
Allen	Durham	Lee	Robbins
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	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	Mihalich	Strittmatter
Caltagirone	Hagarty	Miller	Suban

Cappabianca	Haluska	Moehlmann	Tangretti
Carlson	Harper	Morris	Taylor, E. Z.
Carn	Hasay	Mowery	Taylor, F.
Cawley	Hayden	Mrkonc	Taylor, J.
Cessar	Hayes	Murphy	Telek
Chadwick	Heckler	Nahill	Thomas
Civera	Herman	Nailor	Tigue
Clark, B. D.	Hershey	Noye	Trello
Clark, D. F.	Hess	O'Brien	Trich
Clark, J. H.	Howlett	Olasz	Van Horne
Clymer	Hughes	Oliver	Veon
Cohen	Itkin	Perzel	Vroon
Colaella	Jackson	Pesci	Wambach
Colaizzo	Jadlowiec	Petrarca	Wass
Cole	James	Petrone	Weston
Cornell	Jarolin	Phillips	Williams
Corrigan	Johnson	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	Yandrisevits
Davies	Kosinski	Raymond	
Dempsey	Kukovich	Reber	O'Donnell,
Dietterick	LaGrotta	Reinard	Speaker
Distler	Langtry		

NAYS—0

NOT VOTING—2

Donatucci Rieger

EXCUSED—4

Dininni Freind Robinson Wright, R. C.

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 2309**, **PN 3621**, entitled:

An Act amending the act of May 2, 1945 (P. L. 382, No. 164), known as the "Municipality Authorities Act of 1945," regulating an owner's liability for a tenant's bill.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—197

Acosta	Dombrowski	Lashinger	Rieger
Adolph	Dorr	Laughlin	Ritter
Allen	Durham	Lee	Robbins
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	Schoetz

Birmelin	Foster	McHale	Schuler
Bishop	Fox	McNally	Scrimenti
Black	Freeman	McVerry	Semmel
Blaum	Gallen	Majale	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	Mihalich	Strittmatter
Caktagirone	Hagarty	Miller	Stuban
Cappabianca	Haluska	Moehlmann	Tangretti
Carlson	Harper	Morris	Taylor, E. Z.
Carn	Hasay	Mowery	Taylor, F.
Cawley	Hayden	Mrkonc	Taylor, J.
Cessar	Hayes	Murphy	Telek
Chadwick	Heckler	Nahill	Thomas
Civera	Herman	Nailor	Tigue
Clark, B. D.	Hershey	Noye	Trello
Clark, D. F.	Hess	O'Brien	Trich
Clark, J. H.	Howlett	Olasz	Van Horne
Clymer	Hughes	Oliver	Veon
Cohen	Itkin	Perzel	Vroon
Colaella	Jackson	Pesci	Wambach
Colaizzo	Jadlowiec	Petrarca	Wass
Cole	James	Petrone	Weston
Cornell	Jarolin	Phillips	Williams
Corrigan	Johnson	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	Yandrisevits
Davies	Kosinski	Raymond	
Dempsey	Kukovich	Reber	O'Donnell,
Dietterick	LaGrotta	Reinard	Speaker
Distler	Langtry	Richardson	

NAYS—0

NOT VOTING—1

Donatucci

EXCUSED—4

Dininni Freind Robinson Wright, R. C.

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 2374**, **PN 3622**, entitled:

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), known as "The Borough Code," providing for residence requirements for councilmen.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—198

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

NAYS—0

NOT VOTING—0

EXCUSED—4

Dininni	Freind	Robinson	Wright, R. C.
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

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

* * *

The House proceeded to third consideration of **HB 2480**, **PN 3654**, entitled:

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.

On the question,

Will the House agree to the bill on third consideration?

Mr. STUBAN offered the following amendment No. A2274:

Amend Bill, page 10, lines 12 through 17, by striking out "effective date prior to January 1, 1991," in line 12, all of lines 13 through 17 and inserting expiration date after December 31, 1990, and before July 1, 1991, shall remain in effect until a licensing decision is made by the Department of Aging.

Section 23. Effective date.

This act shall take effect as follows:

(1) Section 10 and this section shall take effect immediately.

(2) The remainder of this act shall take effect January 1, 1991.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman, Mr. Stuban.

Mr. STUBAN. Thank you, Mr. Speaker.

Mr. Speaker, this is an amendment that just makes the process of transition from the Department of Welfare to the Department of Aging a regulatory process and does not create any problems there. It just clarifies it and makes the process a lot simpler. It is an agreed-to amendment.

What is happening is we are taking the process from the Department of Public Welfare to the Department of Aging, and the way the bill is written, there will be possibilities that some of the adult day-care centers that are licensed now will be in that transition process, and what we are trying to do is just make sure that everybody has a license while they are going through the regulatory process.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—198

Acosta	Dombrowski	Langtry	Richardson
Adolph	Donatucci	Lashinger	Rieger
Allen	Dorr	Laughlin	Ritter
Angstadt	Durham	Lee	Robbins
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	Mayernik	Snyder, G.
Bunt	Gigliotti	Melio	Staback
Burd	Gladeck	Merry	Stairs

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

NAYS—0

NOT VOTING—0

EXCUSED—4

Dininni	Freind	Robinson	Wright, R. C.
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The question was determined in the affirmative, and the amendment was agreed to.

On the question,

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

Mr. STAIRS offered the following amendment No. A2336:

Amend Sec. 2, page 3, line 4, by inserting after "of"
a population of

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman, Mr. Stairs.

Mr. STAIRS. Thank you, Mr. Speaker.

I offer this technical amendment, which has been agreed to, requested by the department, to help to clarify the legislation.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—198

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

NAYS—0

NOT VOTING—0

EXCUSED—4

Dininni	Freind	Robinson	Wright, R. C.
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The question was determined in the affirmative, and the amendment was agreed to.

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—198

Acosta	Dombrowski	Langtry	Richardson
Adolph	Donatucci	Lashinger	Rieger
Allen	Dorr	Laughlin	Ritter
Angstadt	Durham	Lee	Robbins
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	Mayernik	Snyder, G.
Bunt	Gigliotti	Melio	Staback
Burd	Gladeck	Merry	Stairs
Burns	Godshall	Michlovic	Steighner
Bush	Gruitza	Micozzie	Stish
Caltagirone	Gruppo	Mihalich	Strittmatter
Cappabianca	Hagarty	Miller	Suban
Carlson	Haluska	Mochlmann	Tangretti
Carn	Harper	Morris	Taylor, E. Z.
Cawley	Hasay	Mowery	Taylor, F.
Cessar	Hayden	Mrkonc	Taylor, J.
Chadwick	Hayes	Murphy	Telek
Civera	Heckler	Nahill	Thomas
Clark, B. D.	Herman	Nailor	Tigue
Clark, D. F.	Hershey	Noye	Trello
Clark, J. H.	Hess	O'Brien	Trich
Clymer	Howlett	Olasz	Van Horne
Cohen	Hughes	Oliver	Veon
Colafella	Itkin	Perzel	Vroon
Colaizzo	Jackson	Pesci	Wambach
Cole	Jadlowiec	Petrarca	Wass
Cornell	James	Petrone	Weston
Corrigan	Jarolin	Phillips	Williams
Cowell	Johnson	Piccola	Wilson
Coy	Josephs	Pievsky	Wogan
DeLuca	Kaiser	Pistella	Wozniak
DeWeese	Kasunic	Pitts	Wright, D. R.
Daley	Kenney	Pressmann	Wright, J. L.
Davies	Kondrich	Preston	Yandrisevits
Dempsey	Kosinski	Raymond	
Dietterick	Kukovich	Reber	O'Donnell,
Distler	LaGrotta	Reinard	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—4

Dininni Freind Robinson Wright, R. C.

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

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

BILLS ON CONCURRENCE IN SENATE AMENDMENTS

The clerk of the Senate, being introduced, returned the following **HB 387, PN 3641**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for allocation of certain assessments; and providing for deposits in the First Class City Taxicab Regulatory Fund.

On the question,

Will the House concur in Senate amendments?

The SPEAKER pro tempore. Moved by the gentleman, Mr. Haluska, that the House do concur in the amendments inserted by the Senate.

The question recurs, will the House concur in the amendments inserted by the Senate?

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

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—198

Acosta	Dombrowski	Langtry	Richardson
Adolph	Donatucci	Lashingier	Rieger
Allen	Dorr	Laughlin	Ritter
Angstadt	Durham	Lee	Robbins
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	Mayernik	Snyder, G.
Bunt	Gigliotti	Melio	Staback
Burd	Gladeck	Merry	Stairs
Burns	Godshall	Michlovic	Steighner
Bush	Gruitza	Micozzie	Stish
Caltagirone	Gruppo	Mihalich	Strittmatter
Cappabianca	Hagarty	Miller	Suban
Carlson	Haluska	Mochlmann	Tangretti
Carn	Harper	Morris	Taylor, E. Z.
Cawley	Hasay	Mowery	Taylor, F.
Cessar	Hayden	Mrkonc	Taylor, J.
Chadwick	Hayes	Murphy	Telek
Civera	Heckler	Nahill	Thomas
Clark, B. D.	Herman	Nailor	Tigue
Clark, D. F.	Hershey	Noye	Trello
Clark, J. H.	Hess	O'Brien	Trich
Clymer	Howlett	Olasz	Van Horne
Cohen	Hughes	Oliver	Veon
Colafella	Itkin	Perzel	Vroon
Colaizzo	Jackson	Pesci	Wambach
Cole	Jadlowiec	Petrarca	Wass
Cornell	James	Petrone	Weston
Corrigan	Jarolin	Phillips	Williams
Cowell	Johnson	Piccola	Wilson
Coy	Josephs	Pievsky	Wogan
DeLuca	Kaiser	Pistella	Wozniak
DeWeese	Kasunic	Pitts	Wright, D. R.
Daley	Kenney	Pressmann	Wright, J. L.
Davies	Kondrich	Preston	Yandrisevits
Dempsey	Kosinski	Raymond	
Dietterick	Kukovich	Reber	O'Donnell,
Distler	LaGrotta	Reinard	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—4

Dininni Freind Robinson Wright, R. C.

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

Ordered, That the clerk inform the Senate accordingly.

* * *

The clerk of the Senate, being introduced, returned the following **HB 946, PN 3635**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act amending the act of May 2, 1947 (P. L. 143, No. 62), entitled "An act regulating the sale and resale for profit and the carrying on of the business of selling or reselling tickets or other devices for admission to places of amusement; providing for the licensing of persons reselling such tickets for profit; providing for the suspension and revocation of such licenses; imposing duties on licensees and owners or operators of places of amusement; imposing powers and duties on the Department of Revenue, county treasurers, district attorneys, and the receiver of taxes, and city solicitors in cities of the first class; making disposition of moneys collected and providing penalties," further defining terms; extending the provisions of the act; providing exceptions; prohibiting the purchase of tickets with intent to resell; providing for a surcharge upon conviction; and further providing for penalties.

On the question,

Will the House concur in Senate amendments?

The **SPEAKER pro tempore**. Moved by the gentleman, Mr. Taylor, from Philadelphia that the House concur in the amendments inserted by the Senate.

The question recurs, will the House concur in the amendments inserted by the Senate?

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

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—197

Acosta	Donatucci	Lashinger	Rieger
Adolph	Dorr	Laughlin	Ritter
Allen	Durham	Lee	Robbins
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	Gallen	Maiale	Serafini
Bortner	Gamble	Maine	Smith, B.
Bowley	Gannon	Markosek	Smith, S. H.
Boyes	Geist	Marsico	Snyder, D. W.
Brandt	George	Mayermik	Snyder, G.
Broujos	Gigliotti	Melio	Staback
Bunt	Gladeck	Merry	Stairs
Burd	Godshall	Michlovic	Steighner
Burns	Gruitza	Micozzie	Stish
Bush	Gruppo	Mihalich	Strittmatter
Caltagirone	Hagarty	Miller	Stuban
Cappabianca	Haluska	Moehlmann	Tangretti
Carlson	Harper	Morris	Taylor, E. Z.
Carn	Hasny	Mowery	Taylor, F.
Cawley	Hayden	Mrkonic	Taylor, J.
Cessar	Hayes	Murphy	Telek

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

NAYS—0

NOT VOTING—1

Cole

EXCUSED—4

Dininni Freind Robinson Wright, R. C.

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

Ordered, That the clerk inform the Senate accordingly.

RESOLUTIONS

Mr. **STEIGHNER** called up **HR 330, PN 3702**, entitled:

Recognizing the contributions of sportsmen and sportswomen to the preservation and enhancement of Pennsylvania's natural resources.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

Acosta	Dombrowski	Langtry	Richardson
Adolph	Donatucci	Lashinger	Rieger
Allen	Dorr	Laughlin	Ritter
Angstadt	Durham	Lee	Robbins
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
Burd	Gladeck	Merry	Stairs
Burns	Godshall	Michlovic	Steighner
Bush	Gruitza	Micozzie	Stish
Caltagirone	Gruppo	Mihalich	Strittmatter
Cappabianca	Hagarty	Miller	Stuban

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

NAYS—0

NOT VOTING—0

EXCUSED—4

Dininni	Freind	Robinson	Wright, R. C.
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The question was determined in the affirmative, and the resolution was adopted.

* * *

Mrs. TAYLOR called up **HR 334, PN 3730**, entitled:

Designating June 22, 1990, as "Jim Henson Day" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—197

Acosta	Dombrowski	Langtry	Richardson
Adolph	Donatucci	Lashingier	Ritter
Allen	Dorr	Laughlin	Robbins
Angstadt	Durham	Lee	Roebuck
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	Scrimenti
Black	Fox	McNally	Semmel
Blaum	Freeman	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	Mihalich	Stuban
Cappabianca	Hagarty	Miller	Tangretti
Carlson	Haluska	Moehlmann	Taylor, E. Z.
Carn	Harper	Morris	Taylor, F.

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

NAYS—0

NOT VOTING—1

Rieger

EXCUSED—4

Dininni	Freind	Robinson	Wright, R. C.
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The question was determined in the affirmative, and the resolution was adopted.

HB 1946 RECONSIDERED

The SPEAKER pro tempore. The Chair has in its possession a reconsideration motion filed by the gentlemen, Mr. Clark and Mr. Lescovitz, who move that the vote by which HB 1946, PN 3058, was passed on the 19th day of June be reconsidered.

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

The following roll call was recorded:

YEAS—198

Acosta	Dombrowski	Langtry	Richardson
Adolph	Donatucci	Lashingier	Rieger
Allen	Dorr	Laughlin	Ritter
Angstadt	Durham	Lee	Robbins
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	Mayernik	Snyder, G.
Bunt	Gigliotti	Melio	Staback
Burd	Gladeck	Merry	Stairs
Burns	Godshall	Michlovic	Steighner
Bush	Gruitza	Micozzie	Stish
Caltagirone	Gruppo	Mihalich	Strittmatter

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

NAYS—0

NOT VOTING—0

EXCUSED—4

Dininni Freind Robinson Wright, R. C.

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

On the question recurring,
Shall the bill pass finally?

BILL PLACED ON FINAL PASSAGE POSTPONED CALENDAR

The SPEAKER pro tempore. Without objection, HB 1946, PN 3058, will be placed on the final passage postponed calendar. The Chair hears no objection.

SENATE MESSAGE

JOINT SESSION

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
June 19, 1990

RESOLVED, (the House of Representatives concurring), That the Senate and House of Representatives meet in Joint Session, Wednesday, June 20, 1990, at 10:30 a.m. in the Hall of the House of Representatives for the purpose of hearing an address by the Honorable William Bennett, Director of the Office of National Drug Control Policy; and be it further

RESOLVED, That a committee of three on the part of the Senate be appointed to act with a similar committee on the part of the House of Representatives to escort the Honorable William Bennett to the Hall of the House of Representatives; and be it further

RESOLVED, That a committee of three on the part of the Senate be appointed to act with a similar committee on the part of

the House of Representatives to escort His Excellency, Robert P. Casey, Governor of the Commonwealth of Pennsylvania, to the Hall 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.

The SPEAKER pro tempore. For the information of the members, there will be no more roll-call votes but there will be a meeting of the Appropriations Committee. So, Appropriations Committee members, remain on the floor.

Also, the Chair wishes to announce it is very important that the members be present on the floor of the House at 10:15 a.m., which is a departure from our original 11 o'clock hour. We will come to the floor of the House tomorrow at 10:15 a.m.

FINANCE COMMITTEE MEETING

The SPEAKER pro tempore. The Chair now recognizes the gentleman from Allegheny, Mr. Trello, for the purpose of a committee announcement.

Mr. TRELLO. Mr. Speaker, there will be a meeting of the House Finance Committee Thursday morning at 10 o'clock in the minority caucus room. I would appreciate everybody's attendance. We will be setting our summer agenda. Thank you.

COMMITTEE MEETING CANCELED

The SPEAKER pro tempore. The Chair also wishes to announce that the Consumer Affairs Committee meeting scheduled for 10 a.m. on Wednesday has been canceled.

JUDICIARY COMMITTEE MEETING

The SPEAKER pro tempore. The Chair now at this time wishes to recognize the gentleman from Berks, Mr. Caltagirone, for the purpose of a committee announcement.

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

I would like to let the members of the House Judiciary Committee know that we are going to be calling a meeting off the floor of the House at the call of recess or the adjournment, whichever occurs first, to consider SB 1193. Thank you.

VOTE CORRECTIONS

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

Mr. PETRARCA. Thank you, Mr. Speaker.

On HB 8, amendment 2738, I would like to be recorded in the affirmative, and on amendment 2129 to HB 1950, in the affirmative also. Thank you, Mr. Speaker.

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

HOUSE BILL INTRODUCED AND REFERRED

No. 2710 By Representative PIEVSKY

An Act amending the act of October 5, 1972 (Sp. Sess. No. 1, P. L. 2019, No. 4), entitled, as amended, "An act implementing the provisions of clause (1) of subsection (a) of section 7 of Article VIII of the Constitution of the Commonwealth of Pennsylvania authorizing the incurring of debt for the rehabilitation of areas affected by the Great Storm and Floods of September, 1971 and June, 1972, and the Great Flood of July, 1977 through urban redevelopment assistance; imposing duties upon the Governor, the Auditor General and State Treasurer; prescribing the procedures for the issuance, sale and payment of general obligations bonds, the funding of debt and refunding of bonds; exempting said bonds from State and local taxation; creating certain funds; and making an appropriation," further providing for the disposition of funds in the Disaster Relief Fund.

Referred to Committee on APPROPRIATIONS, June 19, 1990.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER pro tempore. The Chair now recognizes the gentleman, Mr. Pievsky, who announces a committee meeting of Appropriations in the rear of the chamber. All committee members are urged to go to the back of the chamber.

VOTE CORRECTIONS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Gamble.

Mr. GAMBLE. Mr. Speaker, I would like to be voted in the affirmative on HB 255. My switch was not pushed. I would also like to be voted in the affirmative on amendment 2017 to HB 1380, which was recorded on the 12th of June, and I would also like to be voted in the affirmative on HB 2460, which was voted on the 30th of May. Thank you, Mr. Speaker.

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

The Chair recognizes the gentleman from Chester, Mr. Hershey.

Mr. HERSHEY. Thank you, Mr. Speaker.

On HB 2416 I was recorded in the negative. I wish to be recorded in the affirmative.

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

JUDICIARY COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Berks, Mr. Caltagirone.

Mr. CALTAGIRONE. Mr. Speaker, I have just been notified that room 123 in the South Office Building will be

available tomorrow at the call of the recess for the House Judiciary Committee. Thank you.

The SPEAKER pro tempore. House Judiciary Committee meeting tomorrow at the call of the recess in room 123, South Office Building.

BILLS REMOVED FROM TABLE

The SPEAKER pro tempore. The Chair now recognizes the majority leader.

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

SB 373;
SB 1091; and
SB 1458.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER pro tempore. All remaining bills and resolutions on today's calendar will go over. The Chair hears no objection.

RULES SUSPENDED

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves to suspend the rules so that if HB 2603 and HB 2557 get reported from the Appropriations Committee, they will go directly to the tabled calendar and not to the Rules Committee.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 2557, PN 3519

By Rep. PIEVSKY

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," further providing for fees collected by the various administrative departments, boards or commissions; and making repeals.

APPROPRIATIONS.

HB 2603, PN 3777 (Amended)

By Rep. PIEVSKY

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," further providing for the disclosure of the cost of pharmaceutical products sold in this Commonwealth and the establishment of a pharmaceutical manufacturers' discount program.

APPROPRIATIONS.

BILLS REMOVED FROM TABLE

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. DeWEESE. Mr. Speaker, I move that HB 2557 and HB 2603 be taken from the table and placed on the active calendar.

On the question,

Will the House agree to the motion?

Motion was agreed to.

VOTE CORRECTION

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

Mr. J. H. CLARK. Thank you, Mr. Speaker.

Mr. Speaker, I rise to correct the record.

On June 11, the matter of HB 941, amendment 1851, I was recorded as having voted in the affirmative. My switch malfunctioned. I wish to be recorded as having voted in the negative.

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

Mr. J. H. CLARK. Thank you, Mr. Speaker.

BILLS REREPORTED FROM COMMITTEE**HB 235, PN 3770 (Amended)**

By Rep. PIEVSKY

An Act amending the act of December 8, 1982 (P. L. 848, No. 235), known as the "Highway-Railroad and Highway Bridge Capital Budget Act for 1982-1983," adding State and local projects in various counties; and making mathematical corrections.

APPROPRIATIONS.**HB 444, PN 3625**

By Rep. PIEVSKY

An Act amending the act of May 2, 1945 (P. L. 382, No. 164), known as the "Municipality Authorities Act of 1945," further providing for powers.

APPROPRIATIONS.**HB 1228, PN 3612**

By Rep. PIEVSKY

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the statute of limitations involving certain sexual offenses.

APPROPRIATIONS.**HB 1229, PN 1417**

By Rep. PIEVSKY

An Act designating the bridge between Charleroi and Monessen on State Route 2018 in Washington and Westmoreland Counties as the C. Vance DeiCas Memorial Bridge.

APPROPRIATIONS.**HB 1361, PN 3620**

By Rep. PIEVSKY

An Act amending the act of July 31, 1968 (P. L. 805, No. 247), known as the "Pennsylvania Municipalities Planning Code," providing for transportation and sewer and water impact fees; and making repeals.

APPROPRIATIONS.**HB 1376, PN 3773 (Amended)**

By Rep. PIEVSKY

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, authorizing expenditure of gasoline and other motor fuel taxes and vehicle registration and operator's license fees for mass transit capital projects.

APPROPRIATIONS.**HB 1885, PN 3265**

By Rep. PIEVSKY

An Act amending the act of November 1, 1971 (P. L. 495, No. 113), entitled, as amended, "An act providing for the compensation of county officers in counties of the second through eighth classes, for compensation of district attorneys in cities and counties of the first class, for the disposition of fees, for filing of bonds in certain cases and for duties of certain officers," further providing for the salary of the coroner.

APPROPRIATIONS.**HB 2199, PN 3774 (Amended)**

By Rep. PIEVSKY

An Act providing for motivational boot camps for certain youthful offenders and providing for selection of participants.

APPROPRIATIONS.**HB 2376, PN 3616**

By Rep. PIEVSKY

An Act prohibiting contracts, combinations and conspiracies in restraint of trade or commerce; prohibiting monopolies and attempts to monopolize trade or commerce; prescribing powers and duties of certain State officers and agencies; providing for remedies, fines and penalties for violations of the act; and barring certain causes of action.

APPROPRIATIONS.**HB 2463, PN 3775 (Amended)**

By Rep. PIEVSKY

A Supplement to the act of (P. L. , No.), entitled "An act providing for the capital budget for the fiscal year 1990-1991," itemizing public highway projects to be constructed by the Department of Transportation, together with the estimated financial costs; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed by the Department of Transportation; stating the estimated useful life of the projects; and making appropriations.

APPROPRIATIONS.**HB 2508, PN 3540**

By Rep. PIEVSKY

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, for the course of instruction and for rights of faculty and staff; and making an editorial change.

APPROPRIATIONS.**HB 2515, PN 3477**

By Rep. PIEVSKY

A Supplement to the act of April 1, 1863 (P. L. 213, No. 227), entitled "An act to accept the grant of Public Lands, by the United States, to the several states for the endowment of Agricultural Colleges," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated.

APPROPRIATIONS.

HB 2516, PN 3478

By Rep. PIEVSKY

A Supplement to the act of July 28, 1966 (3rd Sp. Sess., P. L. 87, No. 3), entitled "An act providing for the establishment and operation of the University of Pittsburgh as an instrumentality of the Commonwealth to serve as a State-related university in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; providing for public support and capital improvements; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the chancellor to make an annual report of the operations of the University of Pittsburgh," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated.

APPROPRIATIONS.

HB 2517, PN 3479

By Rep. PIEVSKY

A Supplement to the act of November 30, 1965 (P. L. 843, No. 335), known as the "Temple University—Commonwealth Act," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated.

APPROPRIATIONS.

HB 2518, PN 3480

By Rep. PIEVSKY

A Supplement to the act of July 7, 1972 (P. L. 743, No. 176), entitled "An act providing for the establishment and operation of Lincoln University as an instrumentality of the Commonwealth to serve as a State-related institution in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; providing for preference to Pennsylvania residents in tuition; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; providing for public support and capital improvements; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the President to make an annual report of the operations of Lincoln University," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated.

APPROPRIATIONS.

HB 2519, PN 3481

By Rep. PIEVSKY

An Act making appropriations to the Trustees of the University of Pennsylvania.

APPROPRIATIONS.

HB 2520, PN 3482

By Rep. PIEVSKY

An Act making appropriations to the Hahnemann University, Philadelphia.

APPROPRIATIONS.

HB 2521, PN 3483

By Rep. PIEVSKY

An Act making appropriations to the Thomas Jefferson University, Philadelphia.

APPROPRIATIONS.

HB 2522, PN 3484

By Rep. PIEVSKY

An Act making appropriations to The Medical College of Pennsylvania, East Falls, Philadelphia.

APPROPRIATIONS.

HB 2523, PN 3485

By Rep. PIEVSKY

An Act making an appropriation to the Philadelphia College of Osteopathic Medicine, Philadelphia.

APPROPRIATIONS.

HB 2524, PN 3486

By Rep. PIEVSKY

An Act making an appropriation to the Trustees of Drexel University, Philadelphia.

APPROPRIATIONS.

HB 2525, PN 3487

By Rep. PIEVSKY

An Act making appropriations to the Delaware Valley College of Science and Agriculture at Doylestown.

APPROPRIATIONS.

HB 2526, PN 3488

By Rep. PIEVSKY

An Act making an appropriation to the Philadelphia University of the Arts, Philadelphia.

APPROPRIATIONS.

HB 2527, PN 3489

By Rep. PIEVSKY

An Act making an appropriation to the Philadelphia College of Textiles and Science.

APPROPRIATIONS.

HB 2528, PN 3490

By Rep. PIEVSKY

An Act making appropriations to the Trustees of the Berean Training and Industrial School at Philadelphia.

APPROPRIATIONS.

HB 2529, PN 3491

By Rep. PIEVSKY

An Act making appropriations to the Downingtown Industrial and Agricultural School, Downingtown.

APPROPRIATIONS.

HB 2530, PN 3492

By Rep. PIEVSKY

An Act making an appropriation to the Johnson Technical Institute of Scranton.

APPROPRIATIONS.

HB 2531, PN 3493

By Rep. PIEVSKY

An Act making an appropriation to the Williamson Free School of Mechanical Trades in Delaware County.

APPROPRIATIONS.

HB 2532, PN 3494

By Rep. PIEVSKY

An Act making an appropriation to the Pennsylvania College of Optometry, Philadelphia.

APPROPRIATIONS.

HB 2533, PN 3495

By Rep. PIEVSKY

An Act making an appropriation to the Pennsylvania College of Podiatric Medicine, Philadelphia.

APPROPRIATIONS.

HB 2534, PN 3496

By Rep. PIEVSKY

An Act making an appropriation to the Fox Chase Institute for Cancer Research, Philadelphia, for the operation and maintenance of the cancer research program.

APPROPRIATIONS.

HB 2535, PN 3497

By Rep. PIEVSKY

An Act making appropriations to the Wistar Institute-Research, Philadelphia.

APPROPRIATIONS.

HB 2536, PN 3498

By Rep. PIEVSKY

An Act making an appropriation to the Central Penn Oncology Group.

APPROPRIATIONS.

HB 2537, PN 3499

By Rep. PIEVSKY

An Act making an appropriation to the Trustees of the University of Pennsylvania for cardiovascular studies.

APPROPRIATIONS.

HB 2538, PN 3500

By Rep. PIEVSKY

An Act making an appropriation to St. Francis Hospital, Pittsburgh.

APPROPRIATIONS.

HB 2539, PN 3501

By Rep. PIEVSKY

An Act making appropriations to St. Christopher's Hospital, Philadelphia.

APPROPRIATIONS.

HB 2540, PN 3502

By Rep. PIEVSKY

An Act making an appropriation to the Lancaster Cleft Palate.

APPROPRIATIONS.

HB 2541, PN 3503

By Rep. PIEVSKY

An Act making an appropriation to the Pittsburgh Cleft Palate.

APPROPRIATIONS.

HB 2542, PN 3504

By Rep. PIEVSKY

An Act making an appropriation to the Trustees of Jefferson Medical College and Hospital of Philadelphia for a comprehensive program relating to Tay-Sachs disease.

APPROPRIATIONS.

HB 2543, PN 3505

By Rep. PIEVSKY

An Act making an appropriation to the Burn Foundation of Greater Delaware Valley.

APPROPRIATIONS.

HB 2544, PN 3506

By Rep. PIEVSKY

An Act making an appropriation to the Home for Crippled Children, Pittsburgh.

APPROPRIATIONS.

HB 2545, PN 3507

By Rep. PIEVSKY

An Act making an appropriation to the Arsenal Family and Children's Center.

APPROPRIATIONS.

HB 2546, PN 3508

By Rep. PIEVSKY

An Act making an appropriation to the Beacon Lodge Camp.

APPROPRIATIONS.

HB 2547, PN 3509

By Rep. PIEVSKY

An Act making an appropriation to the Trustees of the University of Pennsylvania for the general maintenance and operation of the University of Pennsylvania Museum.

APPROPRIATIONS.

HB 2548, PN 3510

By Rep. PIEVSKY

An Act making an appropriation to the Carnegie Museum of Natural History for maintenance and the purchase of apparatus, supplies and equipment.

APPROPRIATIONS.

HB 2549, PN 3511

By Rep. PIEVSKY

An Act making an appropriation to the Franklin Institute Science Museum.

APPROPRIATIONS.

HB 2550, PN 3512

By Rep. PIEVSKY

An Act making an appropriation to the Academy of Natural Sciences.

APPROPRIATIONS.

HB 2551, PN 3513

By Rep. PIEVSKY

An Act making an appropriation to the Trustees of the Buhl Science Center.

APPROPRIATIONS.

HB 2552, PN 3514

By Rep. PIEVSKY

An Act making an appropriation to the Museum of the Philadelphia Civic Center for maintenance and the purchase of apparatus, supplies and equipment.

APPROPRIATIONS.

HB 2553, PN 3515

By Rep. PIEVSKY

An Act making an appropriation to the Afro-American Historical and Cultural Museum for operating expenses.

APPROPRIATIONS.

HB 2554, PN 3516

By Rep. PIEVSKY

An Act making an appropriation to the Everhart Museum in Scranton.

APPROPRIATIONS.

HB 2555, PN 3517

By Rep. PIEVSKY

An Act making an appropriation to the Mercer Museum in Doylestown, Pennsylvania.

APPROPRIATIONS.

HB 2556, PN 3776 (Amended)

By Rep. PIEVSKY

A Supplement to the act of (P. L. , No.), entitled "An act providing for the capital budget for the fiscal year 1990-1991," itemizing public improvement projects, public works and equipment projects, transportation assistance projects, flood control projects and redevelopment assistance projects to be constructed or acquired or assisted by the Department of General Services, the Department of Transportation, the Department of

Environmental Resources or the Department of Community Affairs, together with their estimated financial costs; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed or acquired or assisted by the Department of General Services, the Department of Transportation, the Department of Environmental Resources or the Department of Community Affairs; stating the estimated useful life of the projects; making appropriations; and making repeals.

APPROPRIATIONS.

SB 295, PN 2077

By Rep. PIEVSKY

An Act amending the act of August 13, 1963 (P. L. 774, No. 390), entitled "County Jail Prisoner Temporary Release Law," deleting gender specific language; and authorizing the collection of confinement costs in cases relating to prisoners confined only during weekends or short periods of time.

APPROPRIATIONS.

SB 1140, PN 2329 (Amended)

By Rep. PIEVSKY

An Act amending the act of December 19, 1988 (P. L. 1262, No. 156), entitled "Local Option Small Games of Chance Act," further providing for the conducting of games of chance, the organizations which may conduct such games, how, where and by whom they may be conducted, referendums, powers of the department and penalties.

APPROPRIATIONS.

SB 1368, PN 2330 (Amended)

By Rep. PIEVSKY

An Act amending the act of September 30, 1985 (P. L. 240, No. 61), entitled "Turnpike Organization, Extension and Toll Road Conversion Act," further providing for a turnpike interchange at New Cumberland Army Depot.

APPROPRIATIONS.

BILLS ON SECOND CONSIDERATION

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

HB 444, PN 3625; HB 1228, PN 3612; HB 1229, PN 1417; HB 1361, PN 3620; HB 1376, PN 3773; HB 1885, PN 3265; HB 2199, PN 3774; HB 2508, PN 3540; SB 295, PN 2077; SB 1140, PN 2329; SB 1368, PN 2330; and HB 2376, PN 3616.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

SB 1544, PN 2130

By Rep. PIEVSKY

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 1990, to June 30, 1991, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1990.

APPROPRIATIONS.

SB 1547, PN 2331 (Amended)

By Rep. PIEVSKY

An Act making appropriations from the Professional Licensure Augmentation Account and from restricted revenue accounts within the General Fund to the Department of State for use by the Bureau of Professional and Occupational Affairs in support of the professional licensure boards assigned thereto.

APPROPRIATIONS.

SB 1548, PN 2145

By Rep. PIEVSKY

An Act making appropriations from a restricted revenue account within the General Fund and from Federal augmentation funds to the Pennsylvania Public Utility Commission, the Office of Consumer Advocate and the Office of Small Business Advocate.

APPROPRIATIONS.

SB 1549, PN 2071

By Rep. PIEVSKY

An Act making appropriations to the Treasury Department out of various funds for payment of general obligation debt service.

APPROPRIATIONS.

BILLS REMOVED FROM TABLE

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. DeWEESE. Mr. Speaker, I move that the following bills be taken from the table and placed on the active calendar:

SB 1544;
SB 1547;
SB 1548; and
SB 1549.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILLS SIGNED BY SPEAKER

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

HB 387, PN 3641

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for allocation of certain assessments; and providing for deposits in the First Class City Taxicab Regulatory Fund.

HB 946, PN 3655

An Act amending the act of May 2, 1947 (P. L. 143, No. 62), entitled "An act regulating the sale and resale for profit and the carrying on of the business of selling or reselling tickets or other devices for admission to places of amusement; providing for the licensing of persons reselling such tickets for profit; providing for the suspension and revocation of such licenses; imposing duties on licensees and owners or operators of places of amusement; imposing powers and duties on the Department of Revenue, county treasurers, district attorneys, and the receiver of taxes, and city solicitors in cities of the first class; making disposition of moneys collected and providing penalties," further defining terms; extending the provisions of the act; providing exceptions; prohibiting the purchase of tickets with intent to resell; providing for a surcharge upon conviction; and further providing for penalties.

HB 2314, PN 3108

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Small Business Advocate in the Department of Commerce.

HB 2462, PN 3544

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 1990, to June 30, 1991, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1990.

ADJOURNMENT

The SPEAKER pro tempore. The Chair now recognizes the gentleman from Westmoreland, Mr. Tangretti.

Mr. TANGRETTI. Mr. Speaker, I move that this House do now adjourn until Wednesday, June 20, 1990, at 10:15 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 4:30 p.m., e.d.t., the House adjourned.