

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, JUNE 27, 1990

SESSION OF 1990 174TH OF THE GENERAL ASSEMBLY

No. 46

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 are intrigued by the word "perseverance." Its root is the word "severe," which means to scrupulously observe exacting standards of accuracy and integrity. It also means to require great effort.

Further, it means to persist, to never give up in spite of counter influence or opposition, to labor even when we do not feel like it, to keep the ball rolling and the pot boiling, not taking no for an answer, to stay with it, and to always hang in there.

We also know that it means to not become weary in well-doing, for we shall reap if we feint not.

Grant, Lord, that we will always be persistent in doing Your will.

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 Tuesday, June 26, 1990, will be postponed until printed. The Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2735 By Representatives MAIALE, PIEVSKY and GALLEN

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, revising provisions relating to investments of the Public School Employees' Retirement Board and the State Employees' Retirement Board,

respectively; excepting such boards from terms, conditions, limitations and restrictions imposed on other administrative boards of State government in making investments; adopting prudent-man rule in lieu of specific "legal list" of authorized investments; and permitting use of various vehicles of investment.

Referred to Committee on APPROPRIATIONS, June 27, 1990.

No. 2736 By Representatives MAIALE, PIEVSKY and GALLEN

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, adding and revising provisions relating to authorized investments of the Public School Employees' Retirement Board and the State Employees' Retirement Board, respectively, and excepting such boards from terms, conditions, limitations and restrictions imposed on other administrative boards of State government in making investments.

Referred to Committee on APPROPRIATIONS, June 27, 1990.

No. 2737 By Representatives NOYE, MORRIS, DORR, BARLEY, BELFANTI, HAYDEN, MARKOSEK, OLASZ, VAN HORNE, PETRONE, COLAFELLA, NAILOR, GODSHALL, EVANS, D. W. SNYDER, HASAY, LEH, BROUJOS, COLE, TRELLO, FAIRCHILD, JOHNSON, HERSHEY, HERMAN, D. F. CLARK, BURD, GRUPPO, B. D. CLARK and E. Z. TAYLOR

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing penalties for damage to farm animal and research facilities.

Referred to Committee on JUDICIARY, June 27, 1990.

No. 2738 By Representatives COLAFELLA, LESCOVITZ, ITKIN, KAISER, HARPER, OLASZ, E. Z. TAYLOR, RUDY, GEIST, TIGUE, MELIO, NAILOR, DeLUCA, BUNT, BLAUM, McHALE, LAUGHLIN, BATTISTO, RICHARDSON, JAMES, PISTELLA, FREEMAN and BELARDI

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," providing for instruction in cardiopulmonary resuscitation in high school.

Referred to Committee on EDUCATION, June 27, 1990.

No. 2739 By Representatives GODSHALL, McHALE, NOYE, TRELLO, WOGAN, BUNT, CARLSON, VROON, NAHILL and E. Z. TAYLOR

An Act amending the act of December 15, 1955 (P. L. 865, No. 256), entitled "An act requiring rents and royalties from oil and gas leases of Commonwealth land to be placed in a special fund to be used for conservation, recreation, dams, and flood control; authorizing the Secretary of Forests and Waters to determine the need for and location of such projects and to acquire the necessary land," restricting the use of the Oil and Gas Lease Fund to State park maintenance and expansion; and making editorial changes.

Referred to Committee on CONSERVATION, June 27, 1990.

No. 2740 By Representatives HERMAN, STAIRS, BATTISTO, ANGSTADT, LINTON, CARLSON, TIGUE, SCHULER, FOX, RUDY, ADOLPH, VEON, THOMAS, MELIO, BILLOW, HAGARTY, GEIST, D. W. SNYDER, GODSHALL, MERRY, LASHINGER, O'BRIEN, NOYE, E. Z. TAYLOR, FARMER, JOSEPHS, SCRIMENTI, HOWLETT, BUNT, DEMPSEY and CAWLEY

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), known as the "Public Welfare Code," further providing for eligibility for subsidized child day care.

Referred to Committee on YOUTH AND AGING, June 27, 1990.

No. 2741 By Representative CARN

An Act making an appropriation to the 15th and York Streets Small Businesspersons and Community Association, Inc., for maintenance and the purchase of apparatus, supplies and equipment.

Referred to Committee on APPROPRIATIONS, June 27, 1990.

No. 2742 By Representative CARN

An Act making an appropriation to the Community Concern 13 for maintenance and the purchase of apparatus, supplies and equipment.

Referred to Committee on APPROPRIATIONS, June 27, 1990.

No. 2743 By Representative CARN

An Act making an appropriation to the Residents Inc., of North Philadelphia for maintenance and the purchase of apparatus, supplies and equipment.

Referred to Committee on APPROPRIATIONS, June 27, 1990.

No. 2744 By Representative CARN

An Act making an appropriation to One Day at a Time, Inc., for maintenance and the purchase of apparatus, supplies and equipment.

Referred to Committee on APPROPRIATIONS, June 27, 1990.

No. 2745 By Representative CARN

An Act making an appropriation to the Celebration of Life Festival for maintenance and the purchase of apparatus, supplies and equipment.

Referred to Committee on APPROPRIATIONS, June 27, 1990.

No. 2746 By Representative CARN

An Act making an appropriation to the Advocate Community Development Corporation for maintenance and the purchase of apparatus, supplies and equipment.

Referred to Committee on APPROPRIATIONS, June 27, 1990.

No. 2747 By Representative CARN

An Act making an appropriation to the Upper Strawberry Mansion Civic Association for maintenance and the purchase of apparatus, supplies and equipment.

Referred to Committee on APPROPRIATIONS, June 27, 1990.

No. 2748 By Representative CARN

An Act making an appropriation to the 29th St. Community Service Center for maintenance and purchase of apparatus, supplies and equipment.

Referred to Committee on APPROPRIATIONS, June 27, 1990.

No. 2749 By Representative CARN

An Act making an appropriation to the Community Voyagers, Inc., for maintenance and the purchase of apparatus, supplies and equipment.

Referred to Committee on APPROPRIATIONS, June 27, 1990.

No. 2750 By Representative CARN

An Act making an appropriation to the Community Associates of Strawberry Mansion, Inc., for maintenance and the purchase of apparatus, supplies and equipment.

Referred to Committee on APPROPRIATIONS, June 27, 1990.

No. 2751 By Representative CARN

An Act making an appropriation to the 2500 North 32nd Street Block Club for maintenance and the purchase of apparatus, supplies and equipment.

Referred to Committee on APPROPRIATIONS, June 27, 1990.

No. 2752 By Representative CARN

An Act making an appropriation to the Clara Baldwin Neighborhood House, Inc., for maintenance and the purchase of apparatus, supplies and equipment.

Referred to Committee on APPROPRIATIONS, June 27, 1990.

No. 2753 By Representative CARN

An Act making an appropriation to The Elders Council, Inc., for maintenance and the purchase of apparatus, supplies and equipment.

Referred to Committee on APPROPRIATIONS, June 27, 1990.

No. 2754 By Representative CARN

An Act making an appropriation to the North Penn Community Center for maintenance and the purchase of apparatus, supplies and equipment.

Referred to Committee on APPROPRIATIONS, June 27, 1990.

No. 2755 By Representative CARN

An Act making an appropriation to the Colorado Community Center for maintenance and the purchase of apparatus, supplies and equipment.

Referred to Committee on APPROPRIATIONS, June 27, 1990.

No. 2756 By Representative CARN

An Act making an appropriation to the Strawberry Mansion Unity Playground for maintenance and the purchase of apparatus, supplies and equipment.

Referred to Committee on APPROPRIATIONS, June 27, 1990.

No. 2757 By Representative CARN

An Act making an appropriation to the Strawberry Mansion Citizen Participation Council for maintenance and the purchase of apparatus, supplies and equipment.

Referred to Committee on APPROPRIATIONS, June 27, 1990.

No. 2758 By Representative CARN

An Act making an appropriation to the Committee for a Better North Philadelphia, Inc., for maintenance and the purchase of apparatus, supplies and equipment.

Referred to Committee on APPROPRIATIONS, June 27, 1990.

No. 2759 By Representative CARN

An Act making an appropriation to the North Central Philadelphia Council, Inc., for maintenance and the purchase of apparatus, supplies and equipment.

Referred to Committee on APPROPRIATIONS, June 27, 1990.

No. 2760 By Representative CARN

An Act making an appropriation to the Black Lutheran Community Development Corporation for maintenance and the purchase of apparatus, supplies and equipment, and to provide social services.

Referred to Committee on APPROPRIATIONS, June 27, 1990.

No. 2761 By Representatives RYBAK, VEON, MORRIS, NAILOR, STUBAN, JOHNSON, BOYES, TIGUE, TRELLO, CAWLEY, CALTAGIRONE, PISTELLA, MAYERNIK, KOSINSKI, STISH, PESCI, BELFANTI, GIGLIOTTI, MIHALICH, PRESSMANN, MELIO, SEMMEL and LASHINGER

An Act regulating the use of crash parts in motor vehicle repair.

Referred to Committee on CONSUMER AFFAIRS, June 27, 1990.

No. 2762 By Representatives MURPHY, MICHLOVIC, GAMBLE, PETRARCA and ITKIN

An Act designating a section of Interstate Highway 579 in Allegheny County as the Charles Commando Kelly Memorial Highway.

Referred to Committee on TRANSPORTATION, June 27, 1990.

No. 2763 By Representatives WOGAN, FOX, D. F. CLARK, BATTISTO, STABACK, GODSHALL, BILLOW, DISTLER, BUNT, B. SMITH, TIGUE, CORNELL, TANGRETTI, NAHILL, BLAUM, G. SNYDER, TRELLO, E. Z. TAYLOR, HAGARTY, HESS, HERSHEY, B. D. CLARK, McHALE, GEIST and BUSH

An Act amending the act of May 23, 1945 (P. L. 926, No. 369), referred to as the "Public Drinking Place Law," banning the use of disposable styrofoam food or beverage containers.

Referred to Committee on CONSERVATION, June 27, 1990.

No. 2764 By Representatives COLAFELLA, TRELLO, PISTELLA, TANGRETTI, BATTISTO, ADOLPH and BILLOW

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 certain election of tax relating to leased motor vehicles, trailers and semitrailers.

Referred to Committee on FINANCE, June 27, 1990.

No. 2765 By Representatives FARGO, TRELLO, DEMPSEY, FAIRCHILD, DISTLER, HERSHEY, NOYE, PESCI, GODSHALL, VROON, McVERRY, LANGTRY, CLYMER, FARMER, E. Z. TAYLOR, SERAFINI, SAURMAN, BARLEY, MAIALE, JOHNSON, J. L. WRIGHT, BURD, HESS, MICOZZIE, MERRY, GEIST, ADOLPH, FLICK, LEH and WASS

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," further providing for exemptions from the realty transfer tax.

Referred to Committee on FINANCE, June 27, 1990.

- No. 2766** By Representatives GAMBLE, J. L. WRIGHT, MELIO, NAHILL, STABACK, JOHNSON, FAIRCHILD, FARGO, PESCI, DISTLER, BILLOW, TANGRETTI, DIETTERICK, KENNEY, ANGSTADT, ALLEN, VROON, FARMER, GIGLIOTTI, NOYE, MERRY, HOWLETT, SAURMAN, SCHEETZ, NAILOR, LINTON, ROBBINS, HALUSKA, GODSHALL, VAN HORNE, PHILLIPS, E. Z. TAYLOR, OLASZ, HERSHEY, ARGALL, LANGTRY, D. W. SNYDER, TIGUE, MRKONIC, RYBAK, BATTISTO, LEH, PISTELLA, BARLEY, CARLSON, LEE, CORRIGAN, FLICK, SEMMEL, JAMES, DeLUCA, COLAIZZO, CAWLEY, COY and J. TAYLOR

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for immunity for persons transporting senior citizens.

Referred to Committee on JUDICIARY, June 27, 1990.

- No. 2767** By Representatives PISTELLA, NOYE, JACKSON, WAMBACH, BELFANTI, PESCI, WASS, NAILOR, DEMPSEY, MAINE, COWELL, SAURMAN, MARKOSEK, TIGUE, DOMBROWSKI, CESSAR, NAHILL, ANGSTADT, KENNEY, RYBAK, PETRARCA, MELIO, DALEY, BUSH, TANGRETTI, McVERRY, DIETTERICK, CARLSON, BOYES, MORRIS, F. TAYLOR, McCALL, FAIRCHILD, STABACK, SEMMEL, J. L. WRIGHT, STEIGHNER, DeLUCA, BURD, JOHNSON, BELARDI, GODSHALL, KAISER, HALUSKA, LANGTRY and FOX

An Act amending Title 72 (Taxation and Fiscal Affairs) of the Pennsylvania Consolidated Statutes, exempting certain spousal transfers from inheritance taxation.

Referred to Committee on JUDICIARY, June 27, 1990.

- No. 2768** By Representatives HAGARTY, BLAUM, PICCOLA, McHALE, HECKLER, RITTER, WOGAN, THOMAS, NOYE, D. F. CLARK, BATTISTO, GODSHALL, DEMPSEY, F. TAYLOR, NAHILL, CHADWICK, FOX, SEMMEL, GRUPPO, STISH, BUSH, JOHNSON, CLYMER, MARSICO, MERRY, E. Z. TAYLOR, SAURMAN, MAIALE, DIETTERICK, NAILOR, HERMAN and BELARDI

An Act amending the act of July 27, 1967 (P. L. 186, No. 58), entitled "An act imposing liability upon parents for personal injury, or theft, destruction, or loss of property caused by the wilful, tortious acts of children under eighteen years of age,

setting forth limitations, and providing procedure for recovery," increasing the limit of liability.

Referred to Committee on JUDICIARY, June 27, 1990.

- No. 2769** By Representatives BLAUM, HAGARTY, PICCOLA, McHALE, HECKLER, WOGAN, THOMAS, NOYE, D. F. CLARK, BATTISTO, GODSHALL, DEMPSEY, F. TAYLOR, NAHILL, CHADWICK, FOX, SEMMEL, GRUPPO, STISH, BUSH, JOHNSON, CLYMER, MARSICO, MERRY, E. Z. TAYLOR, SAURMAN, MAIALE, DIETTERICK, NAILOR, HERMAN and BELARDI

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

Referred to Committee on JUDICIARY, June 27, 1990.

- No. 2770** By Representatives HAGARTY, BLAUM, PICCOLA, McHALE, HECKLER, RITTER, WOGAN, NOYE, D. F. CLARK, BATTISTO, GODSHALL, DEMPSEY, F. TAYLOR, NAHILL, CHADWICK, FOX, SEMMEL, GRUPPO, STISH, BUSH, JOHNSON, CLYMER, MARSICO, MERRY, E. Z. TAYLOR, SAURMAN, MAIALE, DIETTERICK, NAILOR, HERMAN and BELARDI

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

Referred to Committee on JUDICIARY, June 27, 1990.

- No. 2771** By Representatives BLAUM, HAGARTY, PICCOLA, McHALE, HECKLER, RITTER, WOGAN, NOYE, D. F. CLARK, BATTISTO, GODSHALL, DEMPSEY, F. TAYLOR, NAHILL, CHADWICK, FOX, SEMMEL, GRUPPO, STISH, BUSH, JOHNSON, CLYMER, MARSICO, MERRY, E. Z. TAYLOR, SAURMAN, MAIALE, DIETTERICK, NAILOR, HERMAN and BELARDI

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

Referred to Committee on JUDICIARY, June 27, 1990.

- No. 2772** By Representatives HAGARTY, BLAUM, PICCOLA, McHALE, HECKLER, RITTER, WOGAN, BATTISTO, GODSHALL, DEMPSEY, F. TAYLOR, NAHILL, CHADWICK, FOX, SEMMEL, GRUPPO, STISH, BUSH, JOHNSON, CLYMER, MARSICO, MERRY, E. Z. TAYLOR, SAURMAN, MAIALE, DIETTERICK, NAILOR, HERMAN and BELARDI

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for juvenile history record information.

Referred to Committee on JUDICIARY, June 27, 1990.

No. 2773 By Representatives HAGARTY, BLAUM, PICCOLA, McHALE, HECKLER, RITTER, WOGAN, D. F. CLARK, BATTISTO, GODSHALL, DEMPSEY, F. TAYLOR, NAHILL, CHADWICK, FOX, SEMMEL, GRUPPO, STISH, BUSH, JOHNSON, CLYMER, MARSICO, MERRY, E. Z. TAYLOR, SAURMAN, MAIALE, DIETTERICK, NAILOR, HERMAN and BELARDI

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for delays in relation to certain juvenile hearings.

Referred to Committee on JUDICIARY, June 27, 1990.

No. 2774 By Representatives HAGARTY, BLAUM, PICCOLA, McHALE, HECKLER, WOGAN, D. F. CLARK, BATTISTO, GODSHALL, DEMPSEY, F. TAYLOR, NAHILL, CHADWICK, FOX, SEMMEL, GRUPPO, STISH, BUSH, JOHNSON, CLYMER, MARSICO, MERRY, E. Z. TAYLOR, SAURMAN, MAIALE, DIETTERICK, NAILOR, HERMAN and BELARDI

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

Referred to Committee on JUDICIARY, June 27, 1990.

No. 2775 By Representatives HAGARTY, BLAUM, PICCOLA, McHALE, HECKLER, RITTER, WOGAN, GODSHALL, DEMPSEY, F. TAYLOR, NAHILL, CHADWICK, FOX, SEMMEL, GRUPPO, STISH, BUSH, JOHNSON, CLYMER, MARSICO, MERRY, E. Z. TAYLOR, SAURMAN, MAIALE, DIETTERICK, NAILOR, HERMAN and BELARDI

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for effect of adjudication in certain juvenile matters.

Referred to Committee on JUDICIARY, June 27, 1990.

No. 2776 By Representatives BLAUM, HAGARTY, PICCOLA, McHALE, HECKLER, RITTER, WOGAN, D. F. CLARK, GODSHALL, DEMPSEY, F. TAYLOR, NAHILL, CHADWICK, FOX, SEMMEL, GRUPPO, STISH, BUSH, JOHNSON, CLYMER, MARSICO, MERRY, E. Z. TAYLOR, SAURMAN, MAIALE, DIETTERICK, NAILOR, HERMAN and BELARDI

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for summary offenses in relation to juveniles.

Referred to Committee on JUDICIARY, June 27, 1990.

No. 2777 By Representatives WOGAN, D. F. CLARK, BATTISTO, FOX, STABACK, GODSHALL, BILLOW, DISTLER, BUNT, B. SMITH, TIGUE, CORNELL, TANGRETTI, NAHILL, BELARDI, BLAUM, G. SNYDER, TRELLO, E. Z. TAYLOR, HAGARTY, HESS, HERSHEY, B. D. CLARK, McHALE, GEIST and BUSH

An Act amending the act of May 23, 1945 (P. L. 926, No. 369), referred to as the "Public Eating and Drinking Place Law," banning the use of disposable styrofoam food or beverage containers.

Referred to Committee on CONSERVATION, June 27, 1990.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 343 By Representatives F. TAYLOR, LUCYK, HALUSKA, PRESTON, HAGARTY, ALLEN, McVERRY, MILLER, BURD and GEIST

Directing the Business and Commerce Committee of the House of Representatives to conduct a thorough review of the investment policies of the public employee retirement systems.

Referred to Committee on RULES, June 27, 1990.

No. 345 By Representatives VEON, STABACK, RYBAK, MELIO, VAN HORNE, HALUSKA, COLAIZZO, TANGRETTI, McVERRY, BELFANTI, F. TAYLOR, PRESSMANN, KOSINSKI, PESCI, BELARDI, GRUPPO, HERMAN, COHEN and GIGLIOTTI

Creating a special select committee to investigate the adequacy of staffing levels in nursing homes.

Referred to Committee on RULES, June 27, 1990.

SENATE BILLS FOR CONCURRENCE

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

SB 1442, PN 2054

Referred to Committee on LABOR RELATIONS, June 27, 1990.

SB 1581, PN 2275

Referred to Committee on STATE GOVERNMENT, June 27, 1990.

SB 1617, PN 2353

Referred to Committee on APPROPRIATIONS, June 27, 1990.

SB 1630, PN 2319

Referred to Committee on EDUCATION, June 27, 1990.

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 1;
SB 1120; and
SB 16.

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

BILLS RECOMMITTED

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

Mr. DeWEESE. Mr. Speaker, I move that the following bills be recommitted to the Committee on Appropriations for fiscal notes:

SB 1;
SB 1120; and
SB 16.

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

REPUBLICAN CAUCUS

The SPEAKER pro tempore. The Chair recognizes the minority caucus chairman, the gentleman from Perry, Mr. Noye.

Mr. NOYE. Thank you, Mr. Speaker.

Mr. Speaker, for the Republican members, the plan is to return here at 2 o'clock, so what we are going to do is ask you to get lunch now and get to the caucus room at 12 o'clock. So please get lunch. We caucus from 12 to 2 and return to the floor at 2. Thank you, Mr. Speaker.

WELCOMES

The SPEAKER pro tempore. Before the members leave, there are a number of guests I would like to acknowledge with the presence of the members of the House in the chamber.

The Chair welcomes the Bristol High School girls' varsity softball team, who are the 1990 Pennsylvania State class AA champs, with their coach, Michael Lalli. They are the guests

today of Representative Tom Corrigan, and they are located in the rear of the House. Would they please stand and be acknowledged.

The Chair also welcomes today Katie Herrold, who is a guest page, and her grandfather, Dr. Lewis Herrold, who are the guests of Representative Michael Bortner. The grandfather should be at the left of the Speaker's podium. Will he please rise and be recognized.

We also wish to welcome Andy Kiser, who is a guest page today as the guest of Representative Ron Marsico and Representative Jean Wilson. Would Andy please rise and be recognized.

Finally, the Chair is pleased to welcome his own intern, Tamara Chasan, who is located to the left of the Speaker. Will she please rise and be acknowledged.

In addition, the Chair welcomes Rashaud Armell Macon, son of Wallace Macon, a House page, and they are today the guests of the majority leader, Mr. DeWeese. Will they please rise and be recognized.

We also have today as guest pages, as guests of Representative George Saurman, Debbie Caplan from Upper Dublin High School and Michele Thompson from Wissahickon High School. Would they please rise and be recognized.

LEAVES OF ABSENCE

The SPEAKER pro tempore. The Chair now recognizes the majority caucus secretary for leaves of absence.

Mr. FEE. Thank you, Mr. Speaker.

We ask leave for the gentleman from Allegheny, Mr. PRESTON, for today.

The SPEAKER pro tempore. Without objection, leave of absence is granted.

Without objection, leaves of absence will be temporarily passed over.

DEMOCRATIC CAUCUS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, the majority caucus chairman, Representative Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, as Representative Noye indicated a few minutes ago, we will not be back until 2 o'clock. There will be an immediate Democratic caucus at 11:15 to discuss important legislation, some of which is tied in with the budget and some of which is not. I urge the attendance of all the members.

The SPEAKER pro tempore. The Chair thanks the gentleman.

**REPORT OF COMMITTEE
OF CONFERENCE PRESENTED**

Mr. COWELL presented the Report of the Committee of Conference on **HB 1083, PN 3839**.

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

HB 1534, PN 1795 By Rep. OLIVER

An Act amending Title 22 (Detectives and Private Police) of the Pennsylvania Consolidated Statutes, authorizing the appointment of special policemen for planned communities; providing for their powers; authorizing the Commissioner of the Pennsylvania State Police to make certain training available; and providing for procedures and penalties.

STATE GOVERNMENT.

HB 1553, PN 1814 By Rep. OLIVER

An Act amending the act of September 30, 1983 (P. L. 160, No. 39), known as the "Public Official Compensation Law," providing for certain expenses for official business of the Attorney General, Auditor General and the State Treasurer.

STATE GOVERNMENT.

HB 1825, PN 3838 (Amended)

By Rep. OLIVER

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the State System of Higher Education, to convey to Michael and Helen Bilinski, of West Goshen Township, Chester County, Pennsylvania, 0.193 of an acre of land, more or less, situate in West Goshen Township, Chester County, Pennsylvania.

STATE GOVERNMENT.

HB 2028, PN 2660 By Rep. OLIVER

An Act authorizing the Department of General Services, with the approval of the Governor and the Department of Transportation, to convey to Thomas Frick a parcel of land situate in White Township, Indiana County, Pennsylvania.

STATE GOVERNMENT.

HB 2687, PN 3728 By Rep. OLIVER

An Act authorizing the State Armory Board of the Department of Military Affairs and the Department of General Services with the approval of the Governor, to sell and convey a tract of land, together with the building and structures thereto, in the City of Chester, Delaware County, Pennsylvania.

STATE GOVERNMENT.

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

SB 730, PN 794 By Rep. OLIVER

An Act amending the act of August 21, 1953 (P. L. 1323, No. 373), entitled "The Notary Public Law," further providing for the embosser on documents to be recorded in the office of recorder of deeds.

STATE GOVERNMENT.

SB 732, PN 1347 By Rep. OLIVER

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," further providing for the information to be provided by signers of nomination petitions and papers and by certain affiants.

STATE GOVERNMENT.

SB 895, PN 1703 By Rep. OLIVER

An Act authorizing and directing the Department of Transportation, with the approval of the Governor, to convey to Bernard C. Banks, Jr., a tract of land situate in Kingston Township, Luzerne County, Pennsylvania.

STATE GOVERNMENT.

SB 1570, PN 2113 By Rep. OLIVER

An Act amending the act of December 22, 1988 (P. L. 1915, No. 193), entitled "An act authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Agriculture, to convey and confirm two tracts of land located in Penn Township, Snyder County, Pennsylvania, to Randall W. Bailey and Ellen S. Bailey, his wife, and Rick L. Bailey and Kathy A. Bailey, his wife;....," further providing for the conveyance of real estate to the Greater Wilkes-Barre Industrial Fund.

STATE GOVERNMENT.

RECESS

The SPEAKER pro tempore. Are there any members who seek recognition at this time?

The Chair will therefore declare this House to be in recess until 2 o'clock.

AFTER RECESS

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

LEAVE OF ABSENCE

The SPEAKER pro tempore. Without objection, the Chair returns to leaves of absence and recognizes the minority whip.

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

The SPEAKER pro tempore. Without objection, leave of absence is granted.

**HOUSE BILL
INTRODUCED AND REFERRED**

No. 2779 By Representative PIEVSKY

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), known as the "Liquor Code," eliminating the transfer of funds to the Enforcement Officers' Retirement Account; providing for the transfer of funds remaining in the account; and providing for the transfer of excess funds transferred to the Enforcement Officers' Benefit Account in the State Employees' Retirement Fund.

Referred to Committee on APPROPRIATIONS, June 27, 1990.

SENATE MESSAGE**HOUSE BILL
CONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, returned **HB 2469, PN 3386**, with information that the Senate has passed the same without amendment.

SENATE MESSAGE**AMENDED SENATE BILL
RETURNED FOR CONCURRENCE**

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House by amending said amendments to **SB 917, PN 2354**.

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

**BILLS REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND TABLED****SB 649, PN 2389 (Amended)**

By Rep. GEORGE

An Act establishing a Statewide hazardous material safety program; creating the Hazardous Material Response Fund; providing for the creation of Hazardous Materials Emergency Response Accounts in each county; further providing for the powers and duties of the Pennsylvania Emergency Management Agency, of the Pennsylvania Emergency Council, and of the counties and local governments; imposing obligations on certain handlers of hazardous materials; imposing penalties; and making an appropriation.

CONSERVATION.**SB 868, PN 989**

By Rep. GEORGE

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

CONSERVATION.**RESOLUTIONS REPORTED FROM COMMITTEE****HR 219, PN 2655**

By Rep. DeWEESE

Urging the Department of Transportation and the Pennsylvania Turnpike Commission to conduct a study of unconnected turnpike interchanges, with particular concern to the I-70 intersection at Breezewood, Pennsylvania, to insure maximum public safety and convenience.

RULES.**HR 340, PN 3809 (Concurrent)**

By Rep. DeWEESE

Creating a task force and advisory committee to develop a plan to diagnose, treat and refer substance abusers.

RULES.**HR 341, PN 3810 (Concurrent)**

By Rep. DeWEESE

Memorializing President Bush to conduct an aerial satellite survey of the forests in this country to determine gypsy moth damage.

RULES.**HR 342, PN 3832**

By Rep. DeWEESE

Acknowledging and supporting acceptance of the Bill of Responsibilities developed by the Freedoms Foundation at Valley Forge.

RULES.**HR 344, PN 3827**

By Rep. DeWEESE

Proclaiming July 29, 1990, as "Modeling and Charm School Day" in Pennsylvania.

RULES.**BILLS ON CONCURRENCE REPORTED
FROM RULES COMMITTEE****HB 368, PN 3778**

By Rep. DeWEESE

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

RULES.**HB 1556, PN 3708**

By Rep. DeWEESE

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," providing for the fees to be levied by clerks of orphans' courts in second through eighth class counties.

RULES.**HB 2221, PN 3885 (Amended)**

By Rep. DeWEESE

An Act amending the act of August 6, 1941 (P. L. 861, No. 323), referred to as the "Pennsylvania Board of Probation and Parole Law," providing for the cost of pre-parole drug screening tests; and further providing for notice of parole hearings.

RULES.**ANNOUNCEMENT BY MR. McHALE**

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lehigh, Mr. McHale.

Mr. McHALE. Thank you, Mr. Speaker.

Mr. Speaker, I am pleased to report that the conferees on SB 576 have deliberated and a report has been released by the conference committee. I now present it to the House for consideration. It is my understanding that the Senate will take up the matter tomorrow, and it is my hope that the House will consider SB 576 on Friday. Thank you, Mr. Speaker.

**REPORT OF COMMITTEE
OF CONFERENCE PRESENTED**

Mr. McHALE presented the Report of the Committee of Conference on **SB 576, PN 2388**.

MASTER ROLL CALL

The **SPEAKER** pro tempore. The Chair is about to take the master roll call. Members will proceed to vote.

The following roll call was recorded:

PRESENT—200

Acosta	Donatucci	Lashingner	Ritter
Adolph	Dorr	Laughlin	Robbins
Allen	Durham	Lee	Robinson
Angstadt	Evans	Leh	Roebuck
Argall	Fairchild	Lescovitz	Rudy
Barley	Fargo	Levdansky	Ryan
Battisto	Farmer	Linton	Rybak
Belardi	Fee	Lloyd	Saloom
Belfanti	Fleagle	Lucyk	Saurman
Billow	Flick	McCall	Scheetz
Birmelin	Foster	McHale	Schuler
Bishop	Fox	McNally	Scrimenti
Black	Freeman	McVerry	Semmel
Blaum	Freind	Maiale	Serafini
Bortner	Gallen	Maine	Smith, B.
Bowley	Gamble	Markosek	Smith, S. H.
Boyes	Gannon	Marsico	Snyder, D. W.
Brandt	Geist	Mayernik	Snyder, G.
Broujos	George	Melio	Staback
Bunt	Gigliotti	Merry	Stairs
Burd	Gladeck	Michlovic	Steighner
Burns	Godshall	Micozzie	Stish
Bush	Gruitza	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.
Cessar	Hayden	Murphy	Telek
Chadwick	Hayes	Nahill	Thomas
Civera	Heckler	Nailor	Tigue
Clark, B. D.	Herman	Noye	Trello
Clark, D. F.	Hershey	O'Brien	Trich
Clark, J. H.	Hess	Olasz	Van Horne
Clymer	Howlett	Oliver	Veon
Cohen	Hughes	Perzel	Vroon
Colafiglia	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	Raymond	Wright, R. C.
Davies	Kondrich	Reber	Yandrisevits
Dempsey	Kosinski	Reinard	
Dietterick	Kukovich	Richardson	O'Donnell,
Distler	LaGrotta	Rieger	Speaker
Dombrowski	Langtry		

ADDITIONS—0

NOT VOTING—0

EXCUSED—2

Dininni Preston

RULES SUSPENDED

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

Mr. DeWEESE. I move that rule 30 be suspended so that when **HB 1294, PN 3468**, is returned from the Senate, it go directly to the calendar and not to the Rules Committee.

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

SENATE MESSAGE

**AMENDED HOUSE BILL
RETURNED FOR CONCURRENCE**

The clerk of the Senate, being introduced, returned **HB 1294, PN 3468**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

POINT OF ORDER

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

Mr. DAVIES. Point of order, Mr. Speaker.

The **SPEAKER** pro tempore. Would the gentleman state his point of order.

Mr. DAVIES. Mr. Speaker, I thought that the suspension of the rules calls for a roll-call vote in all instances.

The **SPEAKER** pro tempore. Mr. Davies, do you object to the suspension of the rules by a voice vote?

Mr. DAVIES. I was under the opinion, Mr. Speaker, that a suspension of the rules was a matter of a recorded vote.

The **SPEAKER** pro tempore. If the gentleman objects, we will have a recorded vote.

Mr. DAVIES. I would prefer so, yes. Thank you.

The **SPEAKER** pro tempore. The majority leader moves that rule 30 be suspended.

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

The following roll call was recorded:

YEAS—197

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

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

NAYS—0

NOT VOTING—3

Noye	Pitts	Smith, B.
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EXCUSED—2

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

CALENDAR

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2710**, **PN 3772**, entitled:

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.

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

NAYS—1

Saurman

NOT VOTING—1

Taylor, J.

EXCUSED—2

Dininni Preston

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 1544, PN 2130, entitled:

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.

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—200

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

- Dempsey Kosinski Reinard
Dieterick Kukovich Richardson
Distler LaGrotta Rieger
Dombrowski Langtry

NAYS—0

NOT VOTING—0

EXCUSED—2

- Dininni Preston

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

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

* * *

The House proceeded to third consideration of SB 1547, PN 2331, entitled:

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.

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—200

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

Civera	Heckler	Nailor	Tigue
Clark, B. D.	Herman	Noye	Trello
Clark, D. F.	Hershey	O'Brien	Trich
Clark, J. H.	Hess	Olasz	Van Horne
Clymer	Howlett	Oliver	Veon
Cohen	Hughes	Perzel	Vroon
Colafrella	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	Raymond	Wright, R. C.
Davies	Kondrich	Reber	Yandrisevits
Dempsey	Kosinski	Reinard	
Dietterick	Kukovich	Richardson	O'Donnell,
Distler	LaGrotta	Rieger	Speaker
Dombrowski	Langtry		

NAYS—0

NOT VOTING—0

EXCUSED—2

Dininni Preston

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

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

* * *

The House proceeded to third consideration of **SB 1548, PN 2145**, entitled:

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.

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

BILL RECOMMENDED

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

Mr. DeWEESE. Mr. Speaker, I move that SB 1548, PN 2145, be recommitted to the Appropriations Committee for a fiscal note.

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

* * *

The House proceeded to third consideration of **SB 1549, PN 2071**, entitled:

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

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—200

Acosta	Donatucci	Lashingier	Ritter
Adolph	Dorr	Laughlin	Robbins
Allen	Durham	Lee	Robinson
Angstadt	Evans	Leh	Roebuck
Argall	Fairchild	Lescovitz	Rudy
Barley	Fargo	Levdansky	Ryan
Battisto	Farmer	Linton	Rybak
Belardi	Fee	Lloyd	Saloom
Belfanti	Fleagle	Lucyk	Saurman
Billow	Flick	McCall	Scheetz
Birmelin	Foster	McHale	Schuler
Bishop	Fox	McNally	Scrimenti
Black	Freeman	McVerry	Semmel
Blaum	Freind	Maiale	Serafini
Bortner	Gallen	Maine	Smith, B.
Bowley	Gamble	Markosek	Smith, S. H.
Boyes	Gannon	Marsico	Snyder, D. W.
Brandt	Geist	Mayernik	Snyder, G.
Broujos	George	Melio	Staback
Bunt	Gigliotti	Merry	Stairs
Burd	Gladeck	Michlovic	Steighner
Burns	Godshall	Micozzie	Stish
Bush	Gruitza	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.
Cessar	Hayden	Murphy	Telek
Chadwick	Hayes	Nahill	Thomas
Civera	Heckler	Nailor	Tigue
Clark, B. D.	Herman	Noye	Trello
Clark, D. F.	Hershey	O'Brien	Trich
Clark, J. H.	Hess	Olasz	Van Horne
Clymer	Howlett	Oliver	Veon
Cohen	Hughes	Perzel	Vroon
Colafrella	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	Raymond	Wright, R. C.
Davies	Kondrich	Reber	Yandrisevits
Dempsey	Kosinski	Reinard	
Dietterick	Kukovich	Richardson	O'Donnell,
Distler	LaGrotta	Rieger	Speaker
Dombrowski	Langtry		

NAYS—0

NOT VOTING—0

EXCUSED—2

Dininni Preston

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

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

WELCOME

The SPEAKER pro tempore. The Chair at this time wishes to welcome M. Pierre Langeron, professor of government and law from Marseille, France, who is the guest of the Philadelphia delegation. Would the distinguished professor please rise and be recognized.

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:

SB 1002, PN 1164; and SB 1033, PN 1205.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 2557, PN 3519**, entitled:

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.

On the question,

Will the House agree to the bill on third consideration?

Mr. PISTELLA offered the following amendment No. A2912:

Amend Sec. 6 (Sec. 618-A), page 27, lines 12 through 14, by striking out all of lines 12 and 13 and "(3)" in line 14 and inserting

(2)

On the question,

Will the House agree to the amendment?

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

Mr. PISTELLA. Thank you, Mr. Speaker.

I would like to draw the attention of the members to page 27, lines 12 through 14, of HB 2557. The amendment that I am offering will strike out those two lines, 12 and 13, and change the number "3" in line 14 to "2." What in effect my amendment will do is remove the restoration fee of \$20 for a vehicle registration from that list of fees that are going to be charged by the Department of Transportation.

I would appreciate the support of the members in adopting this amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—200

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Dininni Preston

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?

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?

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

Mr. WASS. Mr. Speaker, may I interrogate Mr. Pievsky, please?

The SPEAKER pro tempore. The gentleman does not appear to be on the floor at the present time, Mr. Wass.

Mr. WASS. Thank you, Mr. Speaker.

Mr. Speaker, my question to somebody is, what is the total increase of fees in this particular legislation? What is the total increase?

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

Mr. PISTELLA. Mr. Speaker, I apologize. In the confusion that surrounded us on the floor, I was unable to hear the question that you had asked. Would you be so kind as to repeat it, please?

Mr. WASS. Mr. Speaker, HB 2557 relates to increases in many, many fees. Do you have the total amount that this is an increase over the other fees that were in place before this legislation?

Mr. PISTELLA. If I understand your question, Mr. Speaker, what you are asking is, what is the total amount of increase for all the fees over and above what is currently being charged for those fees at the current time? Is that correct, Mr. Speaker?

Mr. WASS. That is correct, Mr. Speaker.

Mr. PISTELLA. Thank you.

The total is \$6,788,648.

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

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

Mr. PISTELLA. If the gentleman from Indiana has concluded his interrogation, I would like to draw the attention of the members to the following information.

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

Mr. PISTELLA. Thank you.

Mr. Speaker, the figure that I had quoted to you in the amount of the \$6,788,648 is the total amount of money in fees that will be raised if we were to adopt HB 2557. There is, however, the fact that you must take into consideration that these fees break down into different categories - for example, the Banking Fund, the State Store Fund and the Liquor License Fund, the Motor License Fund, and the General Fund. What we are proposing to do with these fees is to use that revenue that Mr. Wass has raised a question of for the purpose of paying for the running, the administration, and the maintenance of those organizations that are served by the fees that are levied and the fees that we would intend to increase under HB 2557.

That \$6-million figure breaks down to approximately \$1.4 million for the Banking Fund, \$2.4 million for the State Store

Fund and the Liquor License Fund, \$256,528 for the Motor License Fund, and \$2,600,000 for the General Fund. In answer to the question that was brought forth by Mr. Wass, that, sir, is the total amount of fees to be raised by this bill. That is how they are broken down according to category and will be distributed.

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—148

Acosta	Dombrowski	Linton	Rieger
Angstadt	Donatucci	Lloyd	Ritter
Barley	Evans	Lucyk	Robbins
Battisto	Fargo	McCall	Robinson
Belardi	Fee	McHale	Roebuck
Belfanti	Foster	McNally	Ryan
Billow	Fox	Maiale	Rybak
Bishop	Freeman	Maine	Scheetz
Blaum	Freind	Markosek	Schuler
Bortner	Gamble	Marsico	Scriminti
Boyes	Gannon	Mayernik	Staback
Brandt	Geist	Melio	Steighner
Broujos	George	Merry	Stish
Bunt	Gigliotti	Michlovic	Strittmatter
Burns	Gruitza	Micozzie	Stuban
Bush	Hagarty	Mihalich	Tangretti
Caltagirone	Haluska	Miller	Taylor, F.
Cappabianca	Harper	Moehlmann	Taylor, J.
Carlson	Hayden	Morris	Telek
Carn	Hayes	Mrkonic	Thomas
Chadwick	Hershey	Murphy	Tigue
Civera	Howlett	Nahill	Trello
Clark, B. D.	Hughes	O'Brien	Trich
Clymer	Itkin	Olasz	Van Horne
Cohen	Jackson	Oliver	Veon
Colafella	James	Perzel	Wambach
Colaizzo	Jarolin	Pesci	Weston
Cole	Josephs	Petrarca	Williams
Cornell	Kaiser	Petrone	Wilson
Corrigan	Kasunic	Piccola	Wogan
Cowell	Kenney	Pievsky	Wozniak
Coy	Kosinski	Pistella	Wright, D. R.
DeLuca	Kukovich	Pitts	Wright, J. L.
DeWeese	LaGrotta	Pressmann	Yandrisevits
Daley	Laughlin	Reber	
Davies	Leh	Reinard	O'Donnell,
Dempsey	Lescovitz	Richardson	Speaker
Dietterick	Levdansky		

NAYS—52

Adolph	Durham	Jadlowiec	Saloom
Allen	Fairchild	Johnson	Saurman
Argall	Farmer	Kondrich	Semmel
Birmelin	Fleagle	Langtry	Serafini
Black	Flick	Lashingier	Smith, B.
Bowley	Gallen	Lee	Smith, S. H.
Burd	Gladeck	McVerry	Snyder, D. W.
Cawley	Godshall	Mowery	Snyder, G.
Cessar	Gruppo	Nailor	Stairs
Clark, D. F.	Hasay	Noye	Taylor, E. Z.
Clark, J. H.	Heckler	Phillips	Vroon
Distler	Herman	Raymond	Wass
Dorr	Hess	Rudy	Wright, R. C.

NOT VOTING—0

EXCUSED—2

Dininni Preston

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 2618, PN 3826**, entitled:

An Act amending the act of June 2, 1915 (P. L. 762, No. 340), referred to as the "State Workmen's Insurance Fund Law," providing for the transfer of money from the State Workmen's Insurance Fund to the General Fund, the Sunny Day Fund and the Tax Stabilization Reserve Fund; establishing an Advisory Council to the State Workmen's Insurance Board; requiring the State Workmen's Insurance Fund to undergo an independent actuarial study annually; and making repeals.

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?

The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, would the majority leader consent to interrogation?

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

Mr. RYAN. Mr. Speaker, it is my understanding and I think it is everyone's understanding and everyone has knowledge of the fact that a lawsuit was settled some time ago, and as part of the settlement, a stipulation was entered into that called for certain treatment of the SWIF (State Workmen's Insurance Fund) funds. Are you familiar with that lawsuit with the State Chamber of Commerce, Mr. Speaker?

Mr. DeWEESE. Staff indicates an awareness, Mr. Speaker.

Mr. RYAN. Would staff care to be interrogated?

Mr. DeWEESE. Staff will, as usual, be very helpful, and we will try to answer your question.

Mr. RYAN. Thank you.

The chamber of commerce has contacted a number of our members and your members, I am sure, over, I would say, the past 2 or 3 weeks, asking that we go along with the transfer of the SWIF funds as represented in the Governor's printout—Mr. Speaker, may I have order?

I will rephrase the question, Mr. Speaker.

Mr. Speaker, a stipulation was entered into, was it not, between a plaintiff, I believe, the chamber of commerce, and the Commonwealth of Pennsylvania as represented by the Governor's Office or the executive branch in some way?

Mr. DeWEESE. The stipulation was not entered into because the Attorney General did not sign it.

Mr. RYAN. Are you saying then there is no court stipulation whatsoever existing between the State chamber and the Commonwealth of Pennsylvania?

Mr. DeWEESE. There has been no legal execution of the memo of understanding.

Mr. RYAN. The memo of understanding that the chamber has entered into with the Governor's Office, although not signed yet or maybe never to be signed by the Attorney General, do you believe we are complying with that stipulation in this bill?

Mr. DeWEESE. To the best of my knowledge, yes, sir.

Mr. RYAN. Now, Mr. Speaker, in the Appropriations Committee—and I am relying on staff now, too—in the Appropriations Committee, certain amendments were attached to the bill. Are you familiar with them, by chance?

Mr. DeWEESE. As of this morning, yes.

Mr. RYAN. All right. And is it still your belief that with these amendments in the bill, the bill as amended still lives up to the memorandum of agreement or memorandum of understanding?

Mr. DeWEESE. Mr. Speaker, in future years these transfers to the Sunny Day and to the Rainy Day are available for consideration, certainly.

Mr. RYAN. Mr. Speaker, let us see if between the two of us and our respective staff, we can reach a couple of agreements.

It is my understanding that the memorandum of agreement that the chamber of commerce signed or agreed to had a provision in it that substantially said that the moneys that were transferred, some portion of them went into the Rainy Day and Sunny Day Funds this year, this 1990-91 year. Do you know if that is accurate?

Mr. DeWEESE. I am told that is correct; yes, sir.

Mr. RYAN. Now, the bill that is before us, these 35 millions of dollars that at one time we talked about as sunny/rainy day funds, are they earmarked for those funds in accordance with that agreement?

Mr. DeWEESE. They are going to the General Fund as amended.

Mr. RYAN. Now, then under the amendment, these moneys go into the General Fund; yet under the agreement or memorandum of agreement, the moneys were to go directly to the Rainy Day/Sunny Day Funds. Is that right?

Mr. DeWEESE. In lieu of tax payments for 1985-86.

Mr. RYAN. So the answer is, yes, the agreement has been changed by the amendments in Appropriations.

Mr. DeWEESE. The dollar amounts have been changed. The spirit of the agreement has not been changed.

Mr. RYAN. Well, it is my belief, Mr. Speaker, that the spirit of the agreement has been changed. In fact, the letter of the agreement has been changed, because in the one case, the chamber said this money went to Sunny Day/Rainy Day, and the Appropriations Committee is sending it into the General Fund to be used however it need be used.

Mr. DeWEESE. Mr. Speaker, all these changes have been deemed acceptable and, I believe, within the spirit of the agreement.

Mr. RYAN. Acceptable by whom, the chamber of commerce?

Mr. DeWEESE. Our leadership has heard nothing to the contrary.

Mr. RYAN. Well, do you have a copy of the stipulation or the memorandum of agreement?

Mr. DeWEESE. Yes, sir; we do.

Mr. RYAN. I notice your staff person going for it.

Would you accept my statement that that memorandum of agreement calls for these moneys to go—calls for these moneys to go into Rainy Day and Sunny Day as opposed to the General Fund?

Mr. DeWEESE. Could you repeat that question? You got interrupted and I—

Mr. RYAN. I do not know whether I can.

Would you agree that under this agreement or memorandum, certain funds for this coming fiscal year were to be earmarked for Rainy Day and Sunny Day, under the agreement with the chamber?

Mr. DeWEESE. Yes, sir; of course.

Mr. RYAN. And would you not agree and did you not already agree when you were talking about the spirit of things— Forget the spirit of things; let us look at the letter of the law. If this bill becomes law, HB 2618, do you not agree that then the law would provide otherwise - in other words, that the money can go into the General Fund? You told us that.

Mr. DeWEESE. The law would be different than the stipulation, but it is only our or your hypothesis that the chamber would stick with that stipulation. We are trying to reach an agreement, and I think in light of that mutual effort on your part, on our part, and by the chamber, this is not anything exceptional and should receive affirmative consideration.

Mr. RYAN. Do you think, Mr. Speaker, that it is up to us to decide what they will or will not agree to? Should it not purely come from them?

What I am concerned about, Mr. Speaker, is— And I would like to put this bill over till tomorrow until we get an opportunity to check it out. We did not know it was going to run this afternoon, as you know.

Mr. DeWEESE. No, no; I was not aware that you did not have that knowledge.

Mr. RYAN. At a quarter of 2 we were told that it was going to run, when you joined us over across the hall here. But the fact remains, it is my belief that what we are doing here today is in contravention to what the chamber of commerce agreed to do under their memorandum of agreement. We breached that agreement when our Appropriations Committee amended this. And further, it seems to me—and this is highly speculative on my part and I admit it—that the lawsuit that was attempted to be stopped by this memorandum and by this agreement could very easily start up again, because a big portion of that agreement was to take SWIF money and really reinvest it, if you will, into the Rainy Day and Sunny Day Funds, not reinvest it into the General Fund to be used for the wages of the workers of Pennsylvania.

Mr. DeWEESE. Mr. Speaker, I understand and accept that that is a credible hypothesis on your part. I met with the Governor this morning. He indicated that he had met with Mr. Clifford Jones, or had dialogue with Mr. Clifford Jones of the State Chamber of Commerce, and we have been hopeful that as our budget negotiations proceed, this very important vehicle will not only receive the support of our membership but some of the more progressive-thinking gentlemen and ladies on the other side.

So if Mr. Jones' and the chamber's structure seem to be identifying with Robert Casey and the Democratic Caucus this morning, I do accept your comments as hypothetically possible, but I do not understand why we must embrace them as the only way we could go forward from this point.

Mr. RYAN. Oh, I do not think you have to embrace them as the only way to go forward, but I would ask you to review your own words. They are not hypothetically possible; they are factually accurate. You are breaching the deal, and if Mr. Jones wants to sell out the chamber—

Mr. PISTELLA. Mr. Speaker?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Pistella. For what purpose does the gentleman rise?

Mr. PISTELLA. Mr. Speaker, I am a little confused. I am trying to follow what the minority and my majority leader are discussing. However, I am a little bit behind. Representative Ryan is making reference to an agreement that was reached between the chamber and the Commonwealth, and following your discussion, Mr. Speaker, I thought I understood—

Mr. RYAN. Is this gentleman interrogating me or what?

The SPEAKER pro tempore. Mr. Pistella, you are out of order.

Mr. PISTELLA. No; I am just trying to follow the debate, and I was confused—

Mr. DeWEESE. Mr. Speaker, I would yield to the gentleman. I would yield to the gentleman from Allegheny. He has a point of—

Mr. PISTELLA. Thank you, Mr. Speaker.

Mr. RYAN. Mr. Speaker, a point of parliamentary inquiry. I am interrogating the majority leader. He cannot yield.

The SPEAKER pro tempore. If the majority leader refuses now to be further interrogated, he will have won his point.

Mr. RYAN. If the majority leader says he is not willing to be further interrogated, he is a coward, and that is one thing he is not.

Mr. DeWEESE. Mr. Speaker, in very good spirit, I will allow the interrogation to continue. I would like the gentleman from Allegheny to come down and we can chat sidebar.

The SPEAKER pro tempore. That is fine. The minority leader has the floor and he has not relinquished it yet.

Mr. RYAN. Back to my statement, which hopefully will answer some of the questions of the gentleman, Mr. Pistella.

It seems to me—

Mr. DeWEESE. Mr. Speaker, would you yield for just 2 or 3 minutes? Thank you.

FILMING PERMISSION

The SPEAKER pro tempore. The Chair wishes to advise the members of the House that it has given permission to John Sanks of WPVI-TV to film on the floor of the House for the next 10 minutes.

WELCOME

The SPEAKER pro tempore. The Chair at this time would like to welcome Mr. Garnett Littlepage, president, and Mr. James Nix, manager, of Scotland Yard Security Services, Ltd., who are the guests of Representative Richardson and the entire Philadelphia delegation. Would the guests please rise and be recognized.

BILL REREPORTED FROM COMMITTEE

HB 1996, PN 2607 By Rep. DeWEESE
An Act providing for agency shop in political subdivisions.

RULES.

BILL RECOMMITTED

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

Mr. DeWEESE. Mr. Speaker, I move that HB 1996 be recommitted to the Committee on Appropriations for a fiscal note.

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

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

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

HB 247, PN 2266

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for deposits into the Judicial Computer System Augmentation Account; imposing additional fees; and making refunds.

HB 1921, PN 2478

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining the term "street rod."

HB 2469, PN 3386

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

SB 725, PN 789

An Act amending the act of July 7, 1947 (P. L. 1368, No. 542), entitled, as amended, "Real Estate Tax Sale Law," further providing for the distribution of moneys collected and for notice of distribution of moneys obtained from tax sales.

CONSIDERATION OF HB 2618 CONTINUED

The SPEAKER. The Chair recognizes the minority leader.
Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, we have had this 4- or 5-minute interruption, and very frankly, I have lost my train of thought, so I will have to start over again and try on a different angle.

Mr. Jones, you point out, the president of the chamber of commerce, apparently—according to what I think you just said—met with the Governor and—

Mr. DeWEESE. There was some contact made between the two gentlemen. I am not sure whether it was by phone or—

Mr. RYAN. Okay; met conversationally or however—and indicated that the chamber was in support of the transfer of the SWIF moneys, the State Workmen's Insurance Fund moneys, the workmen's insurance fund moneys that have been set aside for injured workers of the Commonwealth. I am curious as to whether or not you have had any communication from members of the small business bureaus, such as the NFIB (National Federation of Independent Business), and if they have had anything to say about their feelings on this.

Mr. DeWEESE. I think the NFIB has expressed their concern over the legislation.

Mr. RYAN. Would it be fair to say they have expressed their opposition to it?

Mr. DeWEESE. I have not seen any of those correspondences, Mr. Speaker.

Mr. RYAN. Well, I am sending over with one of the pages a letter that is simply—from the NFIB—saying that it is in opposition to the transfer, just for your records, not that it is going to affect your vote.

Mr. DeWEESE. Well, the business community does not always agree. I am sure that the chamber and Mr. Anton's group, the PMA (Pennsylvania Manufacturers Association), have had different perspectives on workmen's comp and unemployment comp, and that would not be unusual to have different perspectives on those kinds of matters.

Mr. RYAN. I agree; I do not quarrel with that. I am just curious as to who is and who is not behind this.

Mr. DeWEESE. Well, the Small Business Council of the Chamber of Commerce is an entity that would be comparable. So, I mean, we do have some small-business people out there that are not finding this to be an abomination.

Mr. RYAN. That is what I am curious about.

I am curious as to whether you think we in the General Assembly should change agreements, and it seems to me that the chamber and the Commonwealth entered into an agreement and we in the Appropriations Committee, by amendment, changed part of it, and that was that portion that deals with putting money into Rainy Day/Sunny Day versus the general appropriations bill. Now, my question is, has the Appropriations Committee made any other changes to the bill that contravene the agreement between the chamber and the Commonwealth?

Mr. DeWEESE. Well, first of all, while staff is conferring about that, I will not quite embrace the fact that we are contravening the stipulation. On page 6 of the agreement, section

4, "The Board will, upon enactment of appropriate legislation...." That is what we are doing here today.

So I think, with all due respect, sir, you are a little bit off target in characterizing it as a contravention of the stipulation.

Mr. RYAN. Well, Mr. Speaker, the reason I believe that I am on target is that that makes reference to our adopting legislation that will be similar to at least that which the agreement refers to, and that is, money goes to Rainy Day/Sunny Day, not to the General Fund, and I believe that is what they are referring to.

But my question, Mr. Speaker, is, were there any other changes made, by amendment, to the agreement between the chamber and the Commonwealth?

Mr. DeWEESE. Counsel tells me that the actuarial changes in the original document were to be private and the Appropriations Committee did make some changes to allow those actuarial changes to be made public. That is one alteration that I am aware of, Mr. Speaker.

Mr. RYAN. Under the original agreement, Mr. Speaker—I am looking at the top of page 9 of the bill— Okay. Mr. Speaker, while you are waiting for someone to get the bill, under the provisions of the bill, a committee is set up, an advisory council, and it has representatives of labor and the chamber of commerce on that committee. That committee, under the bill as originally introduced and under the agreement as I understood it and understand it, would have the responsibility to make future distributions from the State Workmen's Insurance Fund. That was amended on the top of page 9, and other places, but I am referring you just to page 9 now, to allow the General Assembly to make those distributions.

My concern, Mr. Speaker, is that the General Assembly will have the right, at its whim, to raid the Workmen's Insurance Fund without regard to this committee or commission. Do you agree with that concern?

Mr. DeWEESE. Absolutely not.

Mr. RYAN. We are not raiders. Is that what you are saying?

Mr. DeWEESE. That is correct.

Mr. RYAN. Despite the fact that we have raided the State Workmen's Insurance Fund for this, the third straight year. We have taken the money that was set aside to take care of the needs of the workmen of Pennsylvania to balance our budget to the tune of some 400 millions of dollars. I have no further questions.

Mr. DeWEESE. Mr. Speaker, the money becomes available only if the board says it is available. We are not raiding anything.

Mr. RYAN. But under the original bill and under the agreement, the people who are most concerned with the fund, the employers and the employees of Pennsylvania, they had the right to make a decision as to its distribution, and the Appropriations Committee, in contravention of the House rules, made a substantive change to this bill, which they are not supposed to do, and changed it to the General Assembly having the right to decide where that money is distributed.

You would agree that our rules provide that the Appropriations Committee make no substantive changes; they simply deal in matters of money.

Mr. DeWEESE. I would like to ask the members of the Democratic Caucus— Mr. Speaker, if I could be recognized?

The SPEAKER. The gentleman, Mr. Ryan, has the floor on interrogation. Has the gentleman, Mr. Ryan, concluded?

Mr. RYAN. Yes.

The SPEAKER. The Chair recognizes the majority leader.

Mr. DeWEESE. I would like to affirm that my opinion is we as a General Assembly are certainly not contravening a stipulation given to us by our friends in the chamber.

I would also like to affirm for the record one more time that on page 6, section 4, line 1 of the agreement, "The Board will, upon enactment of appropriate legislation,..." et cetera, et cetera, et cetera. HB 2618 is the appropriate legislation. I fail to see why this has to be a matter of such vehement contest.

It seems to me that with Mr. Jones and Mr. Casey in contact as recently as a few hours ago, with our caucus prepared to send this vehicle to the Senate as a part of our budget deliberations, it would be appropriate for us to make this a bipartisan moment, and I would contest the observations of the gentleman from Delaware County, because I do not feel that this is in any way going against a stipulation that was forwarded to us and generally agreed to.

The SPEAKER. The Chair recognizes Mr. Mowery.

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

In all due respect to our Governor and to the State Chamber of Commerce, I have spoken on the floor of this House previously about my concern of taking money from the Workmen's Compensation Fund, which was paid by the small employers of Pennsylvania for the benefit of the employees who are injured while they work for the employer.

I have concern because, Mr. Speaker, it very clearly points out in the section relating to the Workmen's Insurance Fund that any money that is in excess of what is needed to pay the premiums and to pay the claims is to be returned to the employers. There is no question of how the law reads.

Based on how the law reads, the State chamber did file a suit, as was discussed earlier, in regard to stopping any further money from coming from the workers' fund. As a result, the chamber worked out a compromise: a compromise that I do not agree with; a compromise that goes against the bill that I had introduced at the beginning of this session to prohibit more money from being taken from this fund.

There was an independent actuarial study done back in 1987 that showed that the Workmen's Insurance Fund had an excess of the money needed for the proper reserves of \$320 million. That money has gradually over the last 2 years and now in this year been taken from the fund for the purpose of funding general budget expenses.

I would like to share with you the addition, and I do not know how it adds up, but let me ask you how it adds up: If we had \$320 million in excess and in the past 2 years took out \$205 million, and this year, due to changing our accounting procedures, et cetera, we are proposing to take out another

\$270 million, I ask you how we can take out from a \$320-million excess approximately \$475 million?

Mr. Speaker, this is not the way to fund the budget. It does not give us a way to come back next year, because there will be no money next year. This money should have gone back to the small employers of Pennsylvania who put the money in, paid the premiums. It is not our money to spend.

I think it is the wrong direction to go, and I can only tell you that what we are doing today is adding another \$275-million tax to the small-business employers in Pennsylvania. I ask that this bill be defeated and that we do not take money that is not ours and raid it from the small employers of Pennsylvania. Thank you very much.

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

Mr. DORR. Thank you, Mr. Speaker.

Mr. Speaker, when this General Assembly, this House of Representatives, established a subcommittee of the Committee on Business and Commerce specifically for the purpose of dealing with small business issues, that committee traveled this State in about a 2-year period and talked with the small-business people of Pennsylvania in practically every area of the State. Mr. Speaker, in those hearings—discussions, if you will—without exception the two problems of small businesses that were mentioned every time were unemployment compensation and workers' compensation. Those of us who have continued to visit with our small-business constituents over the years know that those problems have not yet been solved. Workers' compensation is a serious difficulty for the small-business people of Pennsylvania, and when you get to the bottom line, the bottom line is the cost of that program. We purely and simply add to the cost of that program when we take funds away from the SWIF Fund and use it for the General Fund.

Mr. Speaker, when a government confiscates money, that is a tax. We might be able to justify saying, when we impose a fee or a duty or whatever other terminology you might want to use and we keep that money in the fund to be used for the purpose for which we have ostensibly taken it, we might be able to justify saying that that is not a tax. But, Mr. Speaker, when we take the money out of that fund and add it to the General Fund, it is purely and simply a tax. Therefore, it is the height of political cynicism for this Chief Executive to propose this bill and then say to the people of Pennsylvania that he has not increased taxes, because this is an increase in taxes and it befalls that particular community which is providing jobs for Pennsylvanians.

I do not have to recite again the statistics regarding the fact that small business creates most of the new jobs in this State as well as across this country, and to the extent that we add taxes and burdens on them, we defeat their purpose of providing new jobs for our constituents.

Mr. Speaker, those members of the House who are interested in providing jobs for our constituents by improving the climate for small business in Pennsylvania will vote against this bill.

The SPEAKER. The Chair recognizes Mr. Fargo.

Mr. FARGO. Thank you, Mr. Speaker.

Representative Mowery has given you a good history of the SWIF Fund and what has happened in the last few years, but I guess what I am most concerned about here is what is going to happen to the balance that is in that fund if we are to pass this bill.

The definition of a balanced budget, and we are required in Pennsylvania to have a balanced budget, the definition of a balanced budget is that revenue must equal the appropriations. Revenue in Pennsylvania in the past has meant such things as sales tax, income tax, inheritance taxes, various fees, and interest, not a transfer from a trust fund, and this is a trust fund. This trust fund came to the State for the explicit purpose of paying claims to workers in Pennsylvania who have been injured on the job. That is what the State was to hold this money for. If in fact because those small businesses did a fine job of taking care of their claims, if in fact this money was invested well, the money that is in there belongs to those small businesses and should be returned to those small businesses, should not be confiscated to the General Fund.

The National Federation of Independent Business has made their survey on this factor and found that the small businesses in Pennsylvania agree that the SWIF Fund is not to be used for the General Fund. We have already heard today that the chamber's agreement is no longer in existence if we are to agree with the bill that we are presently looking at.

All of these reasons mitigate to the fact that for the good of Pennsylvania's small businesses, for the good of what I consider to be what is right and wrong when it comes to building this budget and coming up with a balanced budget, we should be voting against this bill, and I would hope that we see it that way. Thank you.

The SPEAKER. The Chair recognizes Mr. Trello.

Mr. TRELLO. Mr. Speaker, the dialogue on this is, this is somebody else's money that we should not be using for the General Fund. I can remember during the Thornburgh administration when we raided the Lottery Fund to put in the General Fund. Well, that money was specifically used for our senior citizens, but we, as members of this General Assembly, on both sides of the aisle, made sure that we put that money back.

Now, we know where this money came from and what it is for, but I have all the confidence in the world that this General Assembly will make sure that that money goes back. So, I mean, we cannot have two sets of rules - one for one Governor and one for another Governor. If the former Governor can use the lottery money for the General Fund, I think we can use the SWIF money for the General Fund, because we will pay it back. 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.

(Members proceeded to vote.)

VOTE CHALLENGED

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

Mr. RYAN. Is the gentleman, Mr. Fred Taylor, on the floor?

The SPEAKER. The Chair believes that the gentleman, Mr. Taylor, is within the sound of the proceedings of the House and ought to come immediately to the floor.

Has the gentleman, Mr. Ryan, completed his verification?

Mr. RYAN. Yes, sir.

The SPEAKER. The Chair thanks the gentleman.

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—102

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

NAYS—97

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

NOT VOTING—1

McVerry

EXCUSED—2

Dininni Preston

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 2635, PN 3637**, entitled:

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.

On the question,

Will the House agree to the bill on third consideration?

Mr. ITKIN offered the following amendment No. A2712:

Amend Sec. 1 (Sec. 2), page 2, line 5, by inserting after "Book")
, but does not mean a drug product found on the United States Food and Drug Administration's list of Narrow Therapeutic Range Drugs unless approved by the secretary, with the advice of the Pennsylvania Drug, Device and Cosmetic Board

On the question,

Will the House agree to the amendment?

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

Mr. ITKIN. Mr. Speaker, in order to explain the amendment, I have to discuss briefly the bill.

What HB 2635 does is to automatically place on our State's formulary those drugs which are approved by the Federal Drug Administration. Presently, drugs, after they are approved by the FDA (Food and Drug Administration), then go through an extensive State review of those drugs before they appear on our formulary. This has taken an additional 12, 14 months, in fact, sometimes as much as 2 years for these drug products to be placed on our generic formulary, and our Department of Health believes that this is no longer necessary and that the information review we do is redundant.

Consequently, HB 2635 was introduced in order to have, with the approval of the FDA, those drugs automatically appear on our formulary. The bill further provides, however, that the Secretary of Health, in consultation with the Pennsylvania Drug, Device and Cosmetic Board, may prohibit a drug approved by the FDA from going on that formulary.

There are drugs which appear on the FDA's list of narrow-therapeutic-range drugs which there has been some objection to have them go automatically onto the formulary. This amendment was introduced to meet those concerns, and the amendment would provide the authority to the Secretary of Health to approve those particular drugs first before they would appear in the drug formulary.

I believe that those persons who have requested our attention to this particular small group of drugs, that their concerns have been met through this amendment, and I urge a favorable vote on the amendment.

The SPEAKER. The Chair recognizes Mr. Saurman.

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, I commend the maker of this amendment for recognizing that there are some drugs that are specifically sensitive with regard to the generic situation. There is another amendment, as I understand it, that would just eliminate those from this category. In the case of this narrow group, the Federal Government does in fact certify that these are safe, and therefore, in essence what we are doing if we adopt this amendment, instead of going the other route, is to now superimpose the structure which we have heretofore utilized for all of the drugs for a very small or narrow group, and it is that group that is really dependable, while we are going to be ignoring all of the other drugs where there is no specific verification by the Food and Drug Administration.

I would suggest that this is not the way to go. There is a second amendment that would address this, and I would think that we would go in that direction. I ask for a "no" vote on this one. Thank you.

The SPEAKER. The Chair recognizes Mr. Itkin.

Mr. ITKIN. If I understand the gentleman, he is objecting to this amendment in view of the fact that there will be a second amendment to be offered to the bill?

Mr. SAURMAN. Mr. Speaker, it was my understanding that there was another amendment. It is being distributed at this moment, the Veon amendment.

Mr. ITKIN. Mr. Speaker, we believe that whether or not these narrow-therapeutic-range drugs ought to be placed in the formulary is a medical issue. We believe that the chief health officer of the Commonwealth, the Secretary of Health, in consultation with the Pennsylvania Drug, Device and Cosmetic Board, is sufficiently capable of making that determination, and right now in fact there are 10 of these drugs on our formulary. It is my feeling that the Secretary and the board have the necessary expertise to make those judgments without denying their appearance on the formulary.

Therefore, I would reject the gentleman's contention that the amendment is not sufficiently well written, and I would urge the members to agree to the amendment.

The SPEAKER. The Chair recognizes Mr. Godshall.

Mr. GODSHALL. Thank you, Mr. Speaker.

On behalf of the pharmaceutical industry, the 30,000 people who are employed in the pharmaceutical industry, again, in Pennsylvania, I also respectfully ask this caucus to consider amendment A2376 as a substitute to the Itkin amendment.

I ask a "no" vote on the Itkin amendment and a "yes" vote on the Veon amendment, which I believe will be offered next. Thank you.

The SPEAKER. The Chair recognizes Mr. Veon.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, I would also ask that we vote against the Itkin amendment. The problem I have with his amendment is that it gives the Secretary of Health and the Pennsylvania board some latitude that my amendment would not give them. My amendment would only allow those drugs that are on the list approved by the FDA, narrow therapeutic range, and would not give the Secretary of Health and the State board the option of using those drugs or giving approval for those drugs here in Pennsylvania.

I would ask for a negative vote.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—116

Acosta	Evans	Levdansky	Roebuck
Adolph	Fargo	Linton	Rudy
Allen	Fee	Lloyd	Ryan
Angstadt	Freeman	Lucyk	Rybak
Argall	Gamble	McCall	Saloom
Battisto	Gannon	McHale	Scrimenti
Belardi	George	McVerry	Serafini
Belfanti	Gigliotti	Maiale	Smith, S. H.
Billow	Gruitza	Maine	Snyder, D. W.
Bishop	Hagarty	Markosek	Steighner
Blaum	Haluska	Mayernik	Stish
Boyes	Harper	Melio	Stuban
Brandt	Hasay	Michlovic	Tangretti
Broujos	Hayden	Micozzie	Taylor, F.
Callagirone	Hayes	Mihalich	Thomas
Cappabianca	Howlett	Morris	Tigue
Carn	Hughes	Mrkonic	Trello
Cawley	Itkin	Murphy	Trich
Clark, B. D.	James	Olasz	Van Horne
Cohen	Jarolin	Oliver	Wambach
Colafella	Johnson	Pesci	Wass
Cole	Josephs	Petrarca	Williams
Corrigan	Kaiser	Petrone	Wozniak
Cowell	Kasunic	Phillips	Wright, D. R.
DeLuca	Kosinski	Pievsky	Wright, J. L.
DeWeese	Kukovich	Pistella	Yandrisevits
Daley	LaGrotta	Pressmann	
Dietterick	Langtry	Richardson	O'Donnell,
Dombrowski	Laughlin	Rieger	Speaker
Donatucci	Lescovitz		

NAYS—83

Barley	Distler	Kondrich	Robbins
Birmelin	Dorr	Lashinger	Robinson
Black	Fairchild	Lee	Saurman
Bortner	Farmer	Leh	Scheetz
Bowley	Fleagle	McNally	Schuler
Bunt	Flick	Marsico	Semmel
Burd	Foster	Merry	Smith, B.
Burns	Fox	Miller	Snyder, G.
Bush	Freind	Moehlmann	Staback
Carlson	Gallen	Mowery	Stairs
Cessar	Geist	Nahill	Strittmatter
Chadwick	Gladeck	Nailor	Taylor, E. Z.
Civera	Godshall	Noye	Taylor, J.
Clark, D. F.	Gruppo	O'Brien	Telek
Clark, J. H.	Heckler	Perzel	Veon
Clymer	Herman	Piccola	Vroon
Colaizzo	Hershey	Pitts	Weston
Cornell	Hess	Raymond	Wilson
Coy	Jackson	Reber	Wogan
Davies	Jadlowiec	Reinard	Wright, R. C.
Dempsey	Kenney	Ritter	

NOT VOTING—1

Durham

EXCUSED—2

Dininni Preston

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

On the question,

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

Mr. VEON offered the following amendment No. A2376:

Amend Sec. 1 (Sec. 2), page 2, line 5, by inserting after "Book")."
Drug products found by the United States Food and Drug Administration to have a narrow therapeutic range shall not, however, be considered generically equivalent for the purposes of this act.

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair requests the gentleman, Mr. Itkin, to preside.

AMENDMENT WITHDRAWN

The SPEAKER. The gentleman, Mr. Veon, is recognized on the amendment.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, in light of the previous vote, I will now withdraw my amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

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

Mr. SAURMAN offered the following amendments No. A2755:

Amend Title, page 1, line 4, by removing the period after "drugs" and inserting
; and further providing for certain liability.

Amend Sec. 3, page 3, line 17, by striking out "and 5" and inserting
, 5 and 6

Amend Sec. 3, page 5, by inserting between lines 13 and 14
Section 6. [(a) No pharmacist complying with the provisions of this act shall be liable in any way for the dispensing of a generically equivalent drug unless the generically equivalent drug was incorrectly substituted.

(b) In no event when a pharmacist substitutes a drug shall the prescriber be liable in any action for loss, damage, injury or death or any person occasioned by or arising from the use of the substituted drug unless the original drug was incorrectly prescribed.

(c) Nothing in this act shall affect hospitals or other health care facilities licensed or approved by the Department of Health with the development and/or maintenance of a hospital formulary system in accordance with that institution's policies and procedures that pertain to its drug distribution system developed by the medical staff in cooperation with the hospital's pharmacist and administration.

On the question,

Will the House agree to the amendments?

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

Mr. SAURMAN. Mr. Speaker, when we first allowed the expansion of the use of generic drugs through the one-line prescription form that we adopted, we did something else—and maybe we were not aware; maybe we were—but what we said was that because the Commonwealth has had its own formulary, we as the Commonwealth would accept the responsibility for this substitution.

If this bill passes and we therefore accept the "Orange Book," we will be accepting something that is not certified but rather is issued as an advice - an advisory document to the States indicating that these drugs have met certain qualifications but should be looked at further. There is no form of certification. Now, therefore, if we as the State pass this new law, we then must be prepared to accept the responsibility for any substitutes that are made.

My amendment, Mr. Speaker, would take the language out that established that immunity for the pharmacist and the provider and simply remains silent with regard to whose fault it is, even if the person should die, because as it is now, it is our fault. I think we need to relieve ourselves of that responsibility, as we now accept the FDA "Orange Book" rather than our own formulary, which has been, as the previous speaker indicated, checked out very carefully, even though it takes some time.

We are talking about the health of our people. We are talking about our elderly; we are talking about our poor; we are talking about our own families. Unless we do this, we as the State are going to accept that responsibility, and I think that we have to make certain that those who make these substitutions recognize that the responsibility is going to lie with them and not with us.

I would ask your support of this amendment.

The SPEAKER. The Chair recognizes Mr. Itkin.

Mr. ITKIN. Mr. Speaker, I consider this to be a terrible amendment. This would put all the pharmacists in Pennsylvania at risk.

We purposely put this into the law. This is not part of the bill. What the gentleman is seeking to do is to provide the protection from liability for pharmacists that we now provide in Pennsylvania for dispensing generically equivalent drugs as long as they follow their profession professionally well, putting them at risk.

It is interesting that the gentleman has no reference here to the drug manufacturer, who may be the person responsible for a potential problem. In the gentleman's amendment, he gets at only the pharmacist. He wants to hold the pharmacist culpable for the pharmacist just repackaging and rebottling a bunch of pills.

We think that this is inappropriate, and we feel that the House does not want to be punitive to all the pharmacists in Pennsylvania by putting them at risk, and I strongly urge a negative vote on the Saurman amendment.

The SPEAKER. The Chair recognizes Mr. Saurman.

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, the reason that I did not mention the manufacturer is that he is already culpable and it is not necessary to include him in this language.

I would like to read from the Federal Register though, under section 1.4, "Practitioner's Responsibilities":

There is a need to exercise professional care and performance in using the List.

The "Orange Book."

If such products are substituted for each other, there is a potential for such problems as patient confusion due to differences in color or shape of tablets, less patient acceptance of certain products because of flavor, better stability of one product over another under adverse conditions of storage, allergic reactions in rare cases due to a coloring or a preservative ingredient, as well as differences in purchase price to the patient. An FDA evaluation of therapeutic equivalence in no way relieves practitioners of their professional responsibilities in prescribing and dispensing such products with due care and with appropriate information to individual patients.

Mr. Speaker, my amendment simply follows the language of the Federal Government in their recommendation of the use of the FDA "Orange Book," and I think that we have to vote for this amendment if we are going to pass this bill. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—78

Acosta	Distler	Jackson	Pitts
Adolph	Durham	Johnson	Raymond
Barley	Fairchild	Kenney	Reber
Birmelin	Fargo	Kondrich	Reinard
Black	Farmer	Langtry	Ryan
Brandt	Fleagle	Lashingner	Saurman
Bunt	Fli	Leh	Scheetz
Burd	Foster	McVerry	Schuler
Burns	Fox	Marsico	Semmel
Bush	Freind	Merry	Smith, B.
Carlson	Gallen	Micozzie	Stairs
Cessar	Geist	Miller	Strittmatter
Chadwick	Gladeck	Moehlmann	Taylor, E. Z.
Civera	Godshall	Mowery	Taylor, J.
Clark, D. F.	Gruppo	Nahill	Vroon
Clark, J. H.	Hayes	Noye	Weston
Clymer	Heckler	O'Brien	Wilson
Cornell	Herman	Perzel	Wright, J. L.
Dempsey	Hershey	Piccola	Wright, R. C.
Dieterick	Hess		

NAYS—122

Allen	Dorr	Lloyd	Rudy
Angstadt	Evans	Lucyk	Rybak
Argall	Fee	McCall	Saloom
Battisto	Freeman	McHale	Scrimenti
Belardi	Gamble	McNally	Serafini
Belfanti	Gannon	Maiale	Smith, S. H.
Billow	George	Maine	Snyder, D. W.
Bishop	Gigliotti	Markosek	Snyder, G.
Blaum	Gruitza	Mayernik	Staback
Bortner	Hagarty	Melio	Steighner
Bowley	Haluska	Michlovic	Stish

Boyes	Harper	Mihalich	Stuban
Broujos	Hasay	Morris	Tangretti
Caltagirone	Hayden	Mrkonjic	Taylor, F.
Cappabianca	Howlett	Murphy	Telek
Carn	Hughes	Nailor	Thomas
Cawley	Itkin	Olasz	Tigue
Clark, B. D.	Jadlowiec	Oliver	Trello
Cohen	James	Pesci	Trich
Colafella	Jarolin	Petrarca	Van Horne
Colaizzo	Josephs	Petrone	Veon
Cole	Kaiser	Phillips	Wambach
Corrigan	Kasunic	Pievsky	Wass
Cowell	Kosinski	Pistella	Williams
Coy	Kukovich	Pressmann	Wogan
DeLuca	LaGrotta	Richardson	Wozniak
DeWeese	Laughlin	Rieger	Wright, D. R.
Daley	Lee	Ritter	Yandrisevits
Davies	Lescovitz	Robbins	
Dombrowski	Levdansky	Robinson	O'Donnell,
Donatucci	Linton	Roebuck	Speaker

NOT VOTING—0

EXCUSED—2

Dininni Preston

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—182

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

Colafella	Jackson	Perzel	Wass
Colaizzo	Jadlowiec	Pesci	Weston
Cole	James	Petrarca	Williams
Cornell	Jarolin	Phillips	Wilson
Corrigan	Johnson	Piccola	Wogan
Cowell	Josephs	Pievsky	Wozniak
Coy	Kaiser	Pistella	Wright, D. R.
DeLuca	Kasunic	Pitts	Wright, J. L.
DeWeese	Kenney	Pressmann	Wright, R. C.
Daley	Kondrich	Raymond	Yandrisevits
Davies	Kosinski	Richardson	
Dempsey	Kukovich	Rieger	O'Donnell,
Dieterick	LaGrotta	Ritter	Speaker

NAYS—14

Burns	Gamble	Merry	Saurman
Clark, J. H.	Gladeck	Reber	Stairs
Clymer	Heckler	Reinard	Trello
Gallen	Hershey		

NOT VOTING—4

Durham	Miller	Moehlmann	Petrone
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EXCUSED—2

Dininni	Preston
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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 SPEAKER PRO TEMPORE
(IVAN ITKIN) PRESIDING
BILLS ON CONCURRENCE
IN SENATE AMENDMENTS**

The clerk of the Senate, being introduced, returned the following **HB 2312, PN 3684**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act making appropriations from a restricted revenue account within the General Fund and from Federal augmentation funds to the Pennsylvania Public Utility Commission.

On the question,

Will the House concur in Senate amendments?

The SPEAKER pro tempore. Moved by the gentleman, Mr. Pievsky, 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—200

Acosta	Donatucci	Lashinger	Ritter
Adolph	Dorr	Laughlin	Robbins
Allen	Durham	Lee	Robinson
Angstadt	Evans	Leh	Roebuck
Argall	Fairchild	Lescovitz	Rudy
Barley	Fargo	Levdansky	Ryan

Battisto	Farmer	Linton	Rybak
Belardi	Fee	Lloyd	Saloom
Belfanti	Fleagle	Lucyk	Saurman
Billow	Flick	McCall	Scheetz
Birmelin	Foster	McHale	Schuler
Bishop	Fox	McNally	Scrimenti
Black	Freeman	McVerry	Semmel
Blaum	Freind	Maiale	Serafini
Bortner	Gallen	Maine	Smith, B.
Bowley	Gamble	Markosek	Smith, S. H.
Boyes	Gannon	Marsico	Snyder, D. W.
Brandt	Geist	Mayernik	Snyder, G.
Broujos	George	Melio	Staback
Bunt	Gigliotti	Merry	Stairs
Burd	Gladeck	Michlovic	Steighner
Burns	Godshall	Micozzie	Stish
Bush	Gruitz	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.
Cessar	Hayden	Murphy	Telek
Chadwick	Hayes	Nahill	Thomas
Civera	Heckler	Nailor	Tigue
Clark, B. D.	Herman	Noye	Trello
Clark, D. F.	Hershey	O'Brien	Trich
Clark, J. H.	Hess	Olasz	Van Horne
Clymer	Howlett	Oliver	Yeon
Cohen	Hughes	Perzel	Vroon
Colafella	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	Raymond	Wright, R. C.
Davies	Kondrich	Reber	Yandrisevits
Dempsey	Kosinski	Reinard	
Dieterick	Kukovich	Richardson	O'Donnell,
Distler	LaGrotta	Rieger	Speaker
Dombrowski	Langtry		

NAYS—0

NOT VOTING—0

EXCUSED—2

Dininni	Preston
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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 2313, PN 3685**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Consumer Advocate.

On the question,

Will the House concur in Senate amendments?

The SPEAKER pro tempore. Moved by the gentleman from Philadelphia, Mr. Pievsky, 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—200

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Dininni	Preston
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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.

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS AS AMENDED**

The House proceeded to consideration of concurrence in Senate amendments to the following **HB 1374, PN 3737**, as further amended by the House Rules Committee:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for the disposition of the proceeds of rentals and sales of State armories; and further providing for expenditures from the State Treasury Armory Fund.

On the question,

Will the House concur in Senate amendments as amended by the Rules Committee?

The SPEAKER pro tempore. Moved by the gentleman from Allegheny, Mr. Kaiser, 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 as amended by the Rules Committee?

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

YEAS—200

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

Clymer	Howlett	Oliver	Veon
Cohen	Hughes	Perzel	Vroon
Colafrella	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	Raymond	Wright, R. C.
Davies	Kondrich	Reber	Yandrisevits
Dempsey	Kosinski	Reinard	
Dietterick	Kukovich	Richardson	O'Donnell,
Distler	LaGrotta	Rieger	Speaker
Dombrowski	Langtry		

NAYS—0

NOT VOTING—0

EXCUSED—2

Dininni Preston

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

Ordered, That the clerk inform the Senate accordingly.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 2508, PN 3540**, entitled:

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.

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—200

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

Bowley	Gamble	Markosek	Smith, S. H.
Boyes	Gannon	Marsico	Snyder, D. W.
Brandt	Geist	Mayernik	Snyder, G.
Broujos	George	Melio	Staback
Bunt	Gigliotti	Merry	Stairs
Burd	Gladeck	Michlovic	Steighner
Burns	Godshall	Micozzie	Stish
Bush	Gruitza	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.
Cessar	Hayden	Murphy	Telek
Chadwick	Hayes	Nahill	Thomas
Civera	Heckler	Nailor	Tigue
Clark, B. D.	Herman	Noye	Trello
Clark, D. F.	Hershey	O'Brien	Trich
Clark, J. H.	Hess	Olasz	Van Horne
Clymer	Howlett	Oliver	Veon
Cohen	Hughes	Perzel	Vroon
Colafrella	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	Raymond	Wright, R. C.
Davies	Kondrich	Reber	Yandrisevits
Dempsey	Kosinski	Reinard	
Dietterick	Kukovich	Richardson	O'Donnell,
Distler	LaGrotta	Rieger	Speaker
Dombrowski	Langtry		

NAYS—0

NOT VOTING—0

EXCUSED—2

Dininni Preston

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 1376, PN 3773**, entitled:

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.

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

Mr. BORTNER offered the following amendments No. A2752:

Amend Title, page 1, line 4, by striking out "mass transit" and inserting

urban and rural public transportation

Amend Sec. 1 (Sec. 11), page 2, line 5, by striking out "mass transit" and inserting

urban and rural public transportation

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

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

Mr. BORTNER. Thank you, Mr. Speaker.

The purpose of this amendment is rather simple. It is to take the language in the amendment and make perfectly clear that this is to benefit all public transit - urban and rural public transit. Many of you may have public transit that is what you might think of as kind of nontraditional mass transit. You perhaps do not have fixed-route public transportation, but you do have public transportation that serves the elderly in rural communities, that may serve the handicapped in rural communities. I want to make perfectly clear that the moneys that could be allocated for public transit would serve all of these types of public transportation.

I do this and I hope many of you will consider the kind of public transportation you have in your area. Recently I have met with a number of groups - advocates for the handicapped, some people at the blind center in York, also with some elderly groups. Their first number-one priority is public transportation - the lack of it and the high cost of public transportation.

This language inserted into the bill will make it absolutely clear that all of those kinds of public transportation in urban and rural areas will be served. Thank you.

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

The following roll call was recorded:

YEAS—200

Acosta	Donatucci	Lashinger	Ritter
Adolph	Dorr	Laughlin	Robbins
Allen	Durham	Lee	Robinson
Angstadt	Evans	Leh	Roebuck
Argall	Fairchild	Lescovitz	Rudy
Barley	Fargo	Levdansky	Ryan
Battisto	Farmer	Linton	Rybak
Belardi	Fee	Lloyd	Saloom
Belfanti	Fleagle	Lucyk	Saurman
Billow	Flick	McCall	Scheetz
Birmelin	Foster	McHale	Schuler
Bishop	Fox	McNally	Scrimenti
Black	Freeman	McVerry	Semmel
Blaum	Freind	Maiale	Serafini
Bortner	Gallen	Maine	Smith, B.
Bowley	Gamble	Markosek	Smith, S. H.
Boyes	Gannon	Marsico	Snyder, D. W.
Brandt	Geist	Mayernik	Snyder, G.
Broujos	George	Meljo	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.
Cessar	Hayden	Murphy	Telek
Chadwick	Hayes	Nahill	Thomas
Civera	Heckler	Nailor	Tigue
Clark, B. D.	Herman	Noye	Trello
Clark, D. F.	Hershey	O'Brien	Trich
Clark, J. H.	Hess	Olasz	Van Horne

Clymer	Howlett	Oliver	Veon
Cohen	Hughes	Perzel	Vroon
Colafrella	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	Raymond	Wright, R. C.
Davies	Kondrich	Reber	Yandrisevits
Dempsey	Kosinski	Reinard	
Dietterick	Kukovich	Richardson	O'Donnell,
Distler	LaGrotta	Rieger	Speaker
Dombrowski	Langtry		

NAYS—0

NOT VOTING—0

EXCUSED—2

Dininni Preston

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. LEE offered the following amendments No. A2527:

Amend Title, page 1, lines 2 through 5, by striking out "expenditure of gasoline and" in line 2 and all of lines 3 through 5 and inserting

the General Assembly to enact legislation providing for counties to impose taxes on liquid motor fuels for mass transit purposes.

Amend Sec. 1, page 1, lines 10 through 15; page 2, lines 1 through 17, by striking out all of said lines on said pages and inserting

That Article VIII be amended by adding a section to read:
§ 11.1. Regional liquid motor fuels taxes.

The General Assembly may, by statute, authorize counties the power to impose liquid motor fuels taxes for mass transit purposes at such rates as shall be established by the General Assembly.

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

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Wyoming, Mr. Lee.

Mr. LEE. Mr. Speaker, this amendment is actually quite simple. It would gut the current provisions of this joint resolution and insert in its place an authorization for counties to pass their own gas taxes to pay for mass transit purposes. I think this is very important, because first of all, it provides the desperately needed moneys for Philadelphia to obviously pay for their SEPTA (Southeastern Pennsylvania Transportation Authority) system, and other mass transit authorities throughout the State, but at the same time, it does not tax the areas of the State such as mine, very rural areas that do not benefit from mass transit funding.

Finally, it does a very important thing. By taxing gas in and around the Philadelphia area, you will discourage people from driving and encourage them to use mass transit, and that

is a very important part of a mass transit system - getting people to use the system.

I urge an affirmative vote on this amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Linton.

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

Mr. Speaker, I have had a chance over the last 8 years to review numerous studies that have been done by numerous commissions on financing mass transportation in Pennsylvania. In those studies there were a number of options that had been mentioned. One of those options is an amendment to the Constitution to authorize the uses of motor license funds throughout the Commonwealth to be used for mass transportation. That is the measure that we have before us. It is my hope that today we get a chance to address that measure.

What Mr. Lee is in fact offering is something that we may want to consider at some point in time, but I think, once and for all, this House needs to address the issue that is before us. We need to, once and for all, set forth public policy in the Commonwealth of Pennsylvania regarding this issue. I would hope that we would defeat the Lee amendment so that we can move forward; that we, once and for all, can decide whether or not we are going to amend the State Constitution to allow the Motor License Fund to be accessed at some point in the future for mass transit.

So therefore, I would ask for a negative vote on the Lee amendment so that we can move on and deal with the issue at hand and answer, once and for all, this question that has come up over and over again in regards to public policy for mass transit in Pennsylvania.

So therefore, Mr. Speaker, I ask for a negative vote on the Lee amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Berks, Mr. Davies, on the amendment.

Mr. DAVIES. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support Mr. Lee's amendment.

What the previous gentleman spoke to was to resolve the matter once and for all. Well, this amendment is not going to in any way resolve that matter once and for all, because the various systems, the various transportation systems and grids of transportation systems, are completely different throughout the State. They have different operating costs and expenditures. Some are much more frugal than others. So when we talk about expenditure of funds, we have to put the issue where the issue really is, and that is that basically, many of these costs that we have, the differential in costs that we have throughout the Commonwealth, are going to have to be funded by some sort of local base, and the realistic way of doing that is to place it exactly where the cost factor is, and that is on basic car transportation.

The choice is as that price of gasoline increases because of that tax, then it should be more encouraging for those local riders to make that selection and replace the car on the highway with a viable mass transportation system. But the only way that mass transportation system is going to function

is if those people on the local bases are willing to pay for that mass transportation system. If they are willing to pay those premiums that certain areas have and the cost factor in that transportation, that is going to have to be supported by a local tax base. Thank you, Mr. Speaker.

PARLIAMENTARY INQUIRY

REQUEST TO DIVIDE AMENDMENTS

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

Mr. McNALLY. Thank you, Mr. Speaker.

I just have a point of parliamentary inquiry. I wanted to ask whether this amendment is divisible, beginning with the line, "That Article VIII be amended by adding a section to read:".

The SPEAKER pro tempore. That would be your line of division?

Mr. McNALLY. Yes. I wanted to ask whether this amendment is divisible, that we might be able to vote on the provision that amends Article VIII of the Pennsylvania Constitution by adding another section, 11.1.

The SPEAKER pro tempore. It appears from a review of the amendment that the amendment is only divisible in one place, and that is to separate the amendment of the title from the amendment of the verbiage in the bill, and that would accomplish no useful purpose. So for all practical purposes, the amendment is not divisible.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—45

Allen	Dempsey	Lloyd	Piccola
Argall	Dietterick	Lucyk	Rudy
Barley	Fairchild	Marsico	Saurman
Birmelin	Fleagle	Mayernik	Scheetz
Burd	Gallen	Miller	Schuler
Bush	Gruitza	Morris	Serafini
Carlson	Hasay	Nailor	Smith, S. H.
Chadwick	Heckler	Olasz	Strittmatter
Clark, B. D.	Hess	Pesci	Taylor, J.
Clark, D. F.	Lee	Petrarca	Wass
Colaizzo	Leh	Phillips	Yandrisevits
Davies			

NAYS—154

Acosta	Durham	Kukovich	Robbins
Adolph	Evans	LaGrotta	Robinson
Angstadt	Fargo	Langtry	Roebuck
Battisto	Farmer	Lashinger	Ryan
Belardi	Fee	Laughlin	Rybak
Belfanti	Flick	Lescovitz	Saloom
Billow	Foster	Levdansky	Scrimenti
Bishop	Fox	Linton	Semmel
Black	Freeman	McCall	Smith, B.
Blaum	Freind	McHale	Snyder, D. W.
Bortner	Gamble	McNally	Snyder, G.
Bowley	Gannon	McVerry	Staback
Boyes	Geist	Maiale	Stairs
Brandt	George	Maine	Steighner
Broujos	Gigliotti	Markosek	Stish
Bunt	Gladeck	Melio	Stuban
Burns	Godshall	Merry	Tangretti
Caltagirone	Gruppo	Michlovic	Taylor, E. Z.
Cappabianca	Hagarty	Micozzie	Taylor, F.

Carn	Haluska	Mihalich	Telek
Cawley	Harper	Moehlmann	Thomas
Cessar	Hayden	Mowery	Tigue
Civera	Hayes	Mrkonic	Trello
Clark, J. H.	Herman	Murphy	Trich
Clymer	Hershey	Nahill	Van Horne
Cohen	Howlett	O'Brien	Veon
Colafiglia	Hughes	Oliver	Vroon
Cole	Itkin	Perzel	Wambach
Cornell	Jackson	Petrone	Weston
Corrigan	Jadlowiec	Pievsky	Williams
Cowell	James	Pistella	Wilson
Coy	Jarolin	Pitts	Wogan
DeLuca	Johnson	Pressmann	Wozniak
DeWeese	Josephs	Raymond	Wright, D. R.
Daley	Kaiser	Reber	Wright, J. L.
Distler	Kasunic	Reinard	Wright, R. C.
Dombrowski	Kenney	Richardson	
Donatucci	Kondrich	Rieger	O'Donnell,
Dorr	Kosinski	Ritter	Speaker

NOT VOTING—1

Noye

EXCUSED—2

Dininni

Preston

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

FILMING PERMISSION

The SPEAKER pro tempore. The Chair wishes to advise the members of the House that it has given permission to John Dille of "The People's Business" to film on the floor of the House.

CONSIDERATION OF HB 1376 CONTINUED

On the question recurring,

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

Mr. DAVIES offered the following amendments No. A2681:

Amend Title, page 1, line 1, by striking out "an amendment" and inserting

amendments

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

; and enabling counties and cities of the first class to impose taxes for certain limited purposes.

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

amendments

Amend Sec. 1, page 1, line 9, by striking out "is" and inserting

are

Amend Sec. 1, page 1, line 10, by inserting before "That"

(1)

Amend Sec. 1, page 2, by inserting after line 17

(2) That Article IX be amended by adding a section to read:

§ 8.1. Authorization to impose tax on liquid fuels.

The governing body of any county or any city of the first class may impose a tax, in whole cent amounts, on gallons of gasoline, diesel fuel or other liquid fuels now taxed by the Commonwealth, the proceeds of which shall be used for mass transit purposes.

On the question,

Will the House agree to the amendments?

AMENDMENTS WITHDRAWN

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Davies.

Mr. DAVIES. Mr. Speaker, that is the one that is being withdrawn. The second amendment is A2673. That is the one that stands.

The SPEAKER pro tempore. Amendment 2681 is withdrawn.

On the question recurring,

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

Mr. DAVIES offered the following amendment No. A2673:

Amend Sec. 1 (Sec. 11), page 2, line 16, by inserting after "year."

However, only 1¢ per gallon or 20% of the amount of any tax increase imposed after the effective date of this amendment, whichever is less, may be used for mass transit capital projects.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Berks, Mr. Davies.

Mr. DAVIES. Thank you, Mr. Speaker.

Mr. Speaker, this is an effort to limit the sales tax that is used for mass transit capital improvements or projects to either 1 cent a gallon or 20 percent of any amount of any increase imposed after the effective date of this amendment - in other words, whichever, of course, is the lesser of those two figures.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Linton.

Mr. LINTON. Thank you, Mr. Speaker.

Mr. Speaker, I was wondering if the gentleman, Mr. Davies, would stand for a brief period of interrogation.

The SPEAKER pro tempore. The gentleman from Berks consents to being interrogated. The gentleman from Philadelphia may proceed.

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

Mr. Speaker, the constitutional amendment that is before us, HB 1376, proposes an amendment to the Constitution to access the Motor License Fund. There are several fees, taxes, that are included in the Motor License Fund. Could you clarify for me, Mr. Speaker, what impact your amendment has on the motor vehicle registration; the oil franchise tax; any of the other levies and fees regarding motor vehicle suspensions, violations of the Vehicle Code; all of those other fees that are within the Motor License Fund? What impact would your proposed amendment have on raising or changing any of those fees or taxes?

Mr. DAVIES. It has none. It only has a limitation on what is considered the liquid fuel portion of those funds.

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

Mr. Speaker, would I be in order for a statement?

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

Mr. LINTON. Mr. Speaker, I understand the intent of Mr. Davies, and I think that what he is proposing is something that I am willing to talk about and I think something that this House needs to be addressing as we get forth to dealing with how we are going to finance mass transit in Pennsylvania and as we get into later discussions to deal with all of the financing needs that we have in the Commonwealth, but I think the gentleman, Mr. Davies, is moving forth with this a bit early.

I also have some questions, Mr. Speaker, as to whether or not the language in this amendment creates some problems with some other fees and taxes that are in the Motor License Fund, such as the oil franchise tax. There are other things within this Motor License Fund in which the words "gallon" and "tax" do not necessarily have any relevance or clarity. Because of the lack of clarity to this amendment and where in fact it may affect fees within the Motor License Fund, I would request that we oppose this amendment.

In addition to that, I think the discussions that Mr. Davies would like to put forth to this House today are discussions that we should be engaging in later on - later on when in fact the voters in this Commonwealth decide that they want to pass the referendum and later on when in fact the members of this House decide that they want a second crack at amending the Constitution. At that point we would be in a better position to determine how we want to levy taxes and in fact even if we want to deal with taxes in this regard at all.

So I think the gentleman, Mr. Davies, is premature in what he is offering today, and I would question the appropriateness of putting that in our Constitution. So therefore, I would ask for a negative vote.

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

Mr. DAVIES. Mr. Speaker, there is nothing premature about talking about what portion of the gasoline tax would be used for mass transit. The basic issue, if it is going to be put to the voters of this Commonwealth, has to have certain parameters. It has to have some kind of concept of just what kind of commitment is going to be made to mass transit capital projects. In fact, probably what we should be addressing is all of mass transit, not just the matter of the capital project. But essentially, in delimiting the amount of money, people who have the concerns about highways and even the simple completion of our interstate, which, for example, in my county we have never completed, the concerns of the constituents are as to how we are going to answer those pressing problems which are fundamental to the development of the entire region and area and in fact the entire State, if we want to get down to it, as far as an economic basic issue. If we are going to deal with that, I think the people and the constituency out there, the people of Pennsylvania, have a right to know what type of commitment we are going to make to these mass transportation capital projects.

Therefore, I would ask for support of this amendment, Mr. Speaker. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Linton, for the second time on the amendment.

Mr. LINTON. Thank you, Mr. Speaker.

Mr. Speaker, all I am suggesting to this House is that I think it is too premature for us to make definite decisions on how we are going to fund anything at this point. I think that as we move forward, the members of this House, as we always do, will determine how we are going to appropriate funds, how we are going to levy taxes, what amounts we are going to levy, and I think when we get into that arena, that is the time to make that decision. I am suggesting once again that the gentleman, Mr. Davies, is premature in suggesting that we do that today. We may decide that we might not even want to use the gasoline tax as a provision that we want to deal with. There are many other revenue sources within the Motor License Fund.

I would suggest that, once again, the gentleman, Mr. Davies, is being premature in suggesting that we impose this restriction within the Constitution. I therefore ask for a negative vote.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Vroon.

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

The SPEAKER pro tempore. The gentleman from Berks consents to being interrogated, and, Mr. Vroon, you are in order to proceed.

Mr. VROON. Mr. Speaker, do you have a fiscal note on this amendment to indicate how much money that would amount to if we were to limit it to 1 cent a gallon or that 20 percent?

Mr. DAVIES. No. From my previous experiences as far as the amount, it would be in excess of some \$50 million.

Mr. VROON. I am sorry. Could you repeat that? I did not hear it.

Mr. DAVIES. The figures that I have would be in excess of some \$50 million at the previous rate of taxation, based on the previous full year of taxation.

Mr. VROON. In excess of \$50 million?

Mr. DAVIES. Yes, Mr. Speaker.

Mr. VROON. So in other words, \$50 million or more?

Mr. DAVIES. \$50 million or more of just that fund, of that particular tax, only on gasoline, just on that tax alone.

Mr. VROON. Thank you, Mr. Speaker. That is all I wanted to know.

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

The following roll call was recorded:

YEAS—49

Allen	Distler	Kondrich	Pesci
Argall	Fairchild	Lee	Piccola
Barley	Fleagle	Leh	Pitts
Birmelin	Foster	Lloyd	Rudy
Bush	Gallen	Lucyk	Scheetz

Carlson	Hasay	McVerry	Schuler
Cessar	Heckler	Marsico	Serafini
Chadwick	Herman	Miller	Snyder, D. W.
Clark, B. D.	Hershey	Moehlmann	Snyder, G.
Clark, D. F.	Jackson	Mowery	Strittmatter
Davies	Jadlowiec	Nailor	Taylor, J.
Dempsey	Johnson	Olasz	Wilson
Dieterick			

NAYS—151

Acosta	Durham	Laughlin	Roebuck
Adolph	Evans	Lescovitz	Ryan
Angstadt	Fargo	Levdansky	Rybak
Battisto	Farmer	Linton	Saloom
Belardi	Fee	McCall	Saurman
Belfanti	Flick	McHale	Scrimenti
Billow	Fox	McNally	Semmel
Bishop	Freeman	Maiale	Smith, B.
Black	Freind	Maine	Smith, S. H.
Blaum	Gamble	Markosek	Staback
Bortner	Gannon	Mayernik	Stairs
Bowley	Geist	Melio	Steighner
Boyes	George	Merry	Stish
Brandt	Gigliotti	Michlovic	Stuban
Broujos	Gladeck	Micozzie	Tangretti
Bunt	Godshall	Mihalich	Taylor, E. Z.
Burd	Gruitza	Morris	Taylor, F.
Burns	Gruppo	Mrkonic	Telek
Caltagirone	Hagarty	Murphy	Thomas
Cappabianca	Haluska	Nahill	Tigue
Carn	Harper	Noye	Trello
Cawley	Hayden	O'Brien	Trich
Civera	Hayes	Oliver	Van Horne
Clark, J. H.	Hess	Perzel	Veon
Clymer	Howlett	Petrarca	Vroon
Cohen	Hughes	Petrone	Wambach
Colafella	Itkin	Phillips	Wass
Colaizzo	James	Pievsky	Weston
Cole	Jarolin	Pistella	Williams
Cornell	Josephs	Pressmann	Wogan
Corrigan	Kaiser	Raymond	Wozniak
Cowell	Kasunic	Reber	Wright, D. R.
Coy	Kenney	Reinard	Wright, J. L.
DeLuca	Kosinski	Richardson	Wright, R. C.
DeWeese	Kukovich	Rieger	Yandrisevits
Daley	LaGrotta	Ritter	
Dombrowski	Langtry	Robbins	O'Donnell,
Donatucci	Lashingier	Robinson	Speaker
Dorr			

NOT VOTING—0

EXCUSED—2

Dininni Preston

The question was determined in the negative, and the amendment was not 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?

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

Mr. DORR. Mr. Speaker, this bill reminds me of the kind of talk we used to get from our conservative Congressman back home when we were talking about revenue sharing with

local government people. He used to say revenue sharing would be fine if you had any revenue to share, but we did not, and, Mr. Speaker, we do not have any gasoline tax to share either.

The roads in Pennsylvania are in need of repair. We are in need of construction projects. There is simply no revenue from the gasoline tax, motor fuels fund, to share for mass transit. If that program needs funding, it ought to come out of the General Fund, where it has come from before this time, and we should be using the funds that motorists of Pennsylvania pay for the privilege of driving on the roads of Pennsylvania to make those roads decent for those people to travel on.

I recommend that we vote against this bill and allow Pennsylvania to do the kind of road construction projects and the kind of road maintenance that our motorists deserve.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Union, Mr. Fairchild.

Mr. FAIRCHILD. Mr. Speaker, will the sponsor of the bill stand for a brief interrogation?

The SPEAKER pro tempore. The gentleman from Philadelphia, Mr. Linton, consents to being interrogated, and the gentleman from Union may proceed.

Mr. FAIRCHILD. Mr. Speaker, do the users of mass transit presently pay gasoline and other motor fuel taxes?

Mr. LINTON. Well, I use mass transit and I currently pay gasoline and other motor vehicle taxes, and I imagine there are other people who use both mass transit as well as drive their vehicles. Absolutely.

Mr. FAIRCHILD. Mr. Speaker, let me rephrase my question a little bit.

Do the vehicles or those authorities pay gasoline and motor fuel taxes in their everyday operations such as you stated you pay in your everyday operation?

Mr. LINTON. It is my belief, and I am not sure, to be honest with you, but I do believe that there are some exemptions to public transit and others from the various motor license fees that we have.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

So what you are saying is that if I am paralleling a mass transit vehicle, which may have been used for a long period of time in this Commonwealth and they have not paid any gasoline or motor fuel taxes, there are no provisions in your bill to require them to pay an operating cost. So as you are going down the road, I think it is very inequitable to even think about assessing the rest of us while that very vehicle that is using motor fuel, that is using gasoline, is using that, and you are expecting us to pay for this?

Mr. LINTON. Well, if the gentleman wants me to answer that, I can say to you quite frankly that we in the General Assembly, by law, have exempted those transit authorities in our liquid fuels tax legislation, and as I was suggesting when the gentleman, Mr. Davies, was debating, that is an issue that we can deal with further down the line. If we decide after the Constitution is amended to do something regarding imposing taxes, we can at that time deal with the issue that you are

speaking of, and if it is felt by the members of this General Assembly that we should impose that tax on public transit, then we could do so, but that is not something that we do within the framework of the State's Constitution.

Mr. FAIRCHILD. Mr. Speaker, it sounds like wanting to have your cake and eat it, too.

Let me ask you another question, please.

If the situation were reversed and we were going to mass transit users, how would you feel if we imposed a tax on you as a rider in that system, to tax your ticket to create, improve capital improvements in infrastructure where mass transit was not a part of that infrastructure system?

Mr. LINTON. I would think that the members of the General Assembly would have to make decisions on what they think is appropriate for funding transportation. As a member of that General Assembly, I welcome debate on that issue and maybe we can talk about it in the future when we move forward on trying to find a funding solution.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

May I make a brief statement?

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

Mr. FAIRCHILD. Mr. Speaker, I would like to say that I am very opposed to this House bill. I certainly understand the gentleman's concern. I understand a lot of your concerns in the House of Representatives and this State. I do not think this is a fair and equitable way to address the problem.

I kind of liked the concept of Representative Lee's amendment. However, since that did not pass, I think every rural legislator should take a very, very strong look at that. For urban legislators, I think you have to take a look at this and say, is this fair for everyone in this State?

I am opposed to this, and I think that every time you see someone in mass transit, you have to ask yourself, are they helping to pay? They are not even helping to pay for their own system, because they are exempt from a lot of the taxes that we are talking about.

This is unfair, and until it is addressed, I urge you to vote against this bill. Thank you very much.

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

Mr. WASS. Thank you, Mr. Speaker.

Mr. Speaker, I will be brief.

Mr. Speaker, I certainly commend the folks that are working with this type of legislation, because I know there is a desperate need for funds for mass transit. But I would share with the gentleman that this is very, very untimely. At a time when we are struggling for dollars for transportation, for roads; in my district we do not have a four-lane highway into our city. We have a bridge to nowhere, a bridge that has gone nowhere for 20 years, and at this time then, I cannot support this legislation.

I would hope that the gentleman would go back to square one and come up with some other means that we could support that would make just a little more sense and would make us feel a little more comfortable back home as we go

back home and tell them we voted for additional dollars for mass transit without the expense of our transportation system.

I would vote "no" and ask others to vote "no."

The SPEAKER pro tempore. Is the lady from Montgomery, Mrs. Hagarty, seeking recognition?

Mrs. HAGARTY. Yes.

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

Mrs. HAGARTY. Thank you.

Mr. Speaker, this debate and the debate that has preceded this floor debate today is unfortunate, because it has pitted one type of transportation need against another. It has pitted the needs of those of all of us who need highway funding, who need infrastructure improvements for our highways, bridges, road expansion. It has suggested that somehow this constitutional amendment before us today will take away from those limited resources there. This is not true. It is unfortunate, because instead of bringing us together to recognize the transportation needs of this Commonwealth, to recognize that we will not prosper in the southeast and we will not prosper across the State unless both transportation needs are addressed, unless we have the fortitude to strengthen our bridges, to strengthen our roads, to expand our highways, that we will not have prosperity.

To suggest, though, that this takes away from roads is incorrect. This is merely a constitutional amendment to allow a portion of the gas tax to be used for mass transit.

I think it is naive today to think that there is anyone who suggests that the existing fund is sufficient to support mass transit and needed roads. That is simply not the case. I think we all understand that what we need to do today is to pass a constitutional amendment simply to authorize before June 30 of this year that first-round approval so that we may keep this option open to debate next session when we further debate formulas, when we further debate gas taxes, when we further address the entire transportation picture - what portion of the moneys should go to mass transit and how we can improve transportation in this Commonwealth for everyone.

This is not a novel or a radical idea. Other States have come to grips with this and have succeeded far better than us. Nineteen States, including New York and New Jersey, have long shared gas tax revenues with mass transit.

Every driver in Pennsylvania has a stake in mass transit. Let us remember that by virtue of there being mass transit, drivers can get on the highways. Mass transit is far more efficient by carrying far more people; by requiring far less of the gas tax because we need many less roads, because people do ride mass transit.

It is not fair to suggest somehow that cars and mass transit are equal. We need less roads because we have mass transit. We need less bridges because we have mass transit. We better protect our environment because we have mass transit.

This is an opportunity today to set the stage for the future so that we can move forward in Pennsylvania and responsibly address what is a lagging infrastructure throughout the Com-

monwealth. We should work together to pass this constitutional amendment, not engage in this dialogue of debate that somehow we are at odds with each other, because there is nothing in this constitutional amendment that suggests that anyone has to support mass transit at the risk of what is best for their own area.

I strongly urge an affirmative vote. Thank you.

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

Mr. COLAFELLA. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose HB 1376. The State of Pennsylvania has 44,000 miles of roads to take care of. The State of Pennsylvania takes care of more miles of roads than the State of New York and all of New England, and we barely do it with the amount of money that we have now. If this bill would pass, western Pennsylvania would barely have enough funds to take care of their roads and bridges under the existing liquid fuels tax.

This bill would take road and bridge moneys from western Pennsylvania and it would go to fund mass transit in Pennsylvania. I think we are funding mass transit enough. We are giving \$240 million to SEPTA in Philadelphia. I mean, how much more money do we need to provide for mass transit whenever mass transit companies continue to lose millions and millions of dollars?

Mr. Speaker, let us not let our roads and bridges deteriorate in Pennsylvania. Roads are the key to economic development and growth. I urge you to vote against HB 1376.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lancaster, Mr. Schuler.

Mr. SCHULER. Thank you, Mr. Speaker.

I rise in opposition to this bill. I think some of the comments that have been made here regarding the fact that it will not affect road development, I think that is incorrect. I disagree with that assessment.

In my own district, and I am sure it is true in many other districts here of members of this House, I have a road that has been vacant since 1974. At this time it amounts to about a \$19-million project. Bridges, the roadbed, and everything is in place except there is no money. What this bill would do is take more money away from that project and the projects that other members have in this House. Some of you probably have heard of this road, known as the famous goat path in Lancaster County.

This bill I see as not helping anyone's cause as far as road development. So I ask for a negative vote. Thank you, Mr. Speaker.

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

Mr. OLASZ. Thank you, Mr. Speaker.

As soon as I get this microphone adjusted, I am going to give my colleagues something to think about.

Let me qualify my remarks by saying I recognize the necessity of mass transit. I also recognize the necessity of good highways. Good highways mean more job opportunities, and that is something those of us in western Pennsylvania are direly in need of.

I ask all of my colleagues, in particular those from western Pennsylvania, how many steel coils, how many steel beams, how many tons of cement do you see being hauled on buses? How many bus trips are there daily from Penn Hills, from Monroeville, from West Mifflin to the Greater Pitt Airport?

We are presently undergoing a major reconstruction at the Greater Pitt Airport. The only way to that airport is to access a major highway system. If you want to bog down all that construction, you take that money away from PennDOT, baby, and you had better get yourself a donkey, because that is the only way you are going to get there. And you watch the demise in property values and the improved economic conditions that are taking place in that area.

I was here when you had to lobby—and I am speaking of the leadership—and go out and scrounge up the necessary fuel tax votes for improved highways. I can remember when my constituents were bombarding me because of the blowouts of their tires, their losing their hubcaps, the many, many accidents that were taking place because you could not get a load of asphalt to fill a pothole. There were legislators here that took it upon themselves to buy asphalt and to fill those potholes in some of those areas.

Ask yourself, if you take that money away from PennDOT, from where are you going to get that money back for those necessary jobs? You are going to see those projects grind to a halt, and then I challenge you, come up with the votes to raise that fuel tax; be as anxious to raise that fuel tax. You had better think about it, Mr. Speaker, because it is coming. Pick up the paper and see what the Federal Government's proposals are. They are already talking about a 9-cent-a-gallon fuel tax increase. Are you going to have the guts to nail out another nickel? Think about it.

I am telling you, find another way. Find better management and cut out the waste that is so indicative and apparent in many of these transit systems. Go find out why faulty buses were purchased that cannot make it up the hills of western Pennsylvania, why they break down; why the tow trucks have to go out there and bring them in. That is all added expense.

I am telling you, the proper way to go is to reject a raid on these funds. Keep that money where it belongs in the way of new roads. When you go home when this session is over, go take a look at that interstate system and see how it is crumbling and ask yourself, how many buses do I see on here? And then vote accordingly.

You had better think about it and vote against this bill. Thank you.

The SPEAKER pro tempore. The Chair now recognizes the lady from Philadelphia, Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I want to echo in part the words of my colleague, Representative Lois Hagarty, from Montgomery County. I think it is also very unfortunate that we are in a we-and-they adversarial position here. The we-and-they position assumes and it assumes wrongly that people who live in rural areas have no need for public transportation.

I was at a conference not too long ago held by the Department of Aging in which rural people talked about the problems they had as they grew older, and I heard over and over and over again that the lack of public, easily accessible transportation was one of their most major problems. Rural people, suburban people, urban people - all of us need an integrated approach to transportation in which the private car and the public carrier share in helping people to move to jobs, to move to their doctor's appointments, to do shopping, and to get about in their daily lives.

The adversarial position also assumes that people who live in rural areas never travel to urban areas; that they are not going to want to park their cars on the outskirts of an urban area and use good, safe, cheap, efficient, and comfortable transportation as they go about their pleasure in the urban area or they do their business.

And I would also like to say again that as we improve our mass transit, we are going to find that fewer people want to drive, and the needs on the system, the highway system, are going to be somewhat eased.

Again, it is a shame that we are in an adversarial position in this State in terms of the environment. It does not matter where you live. You breathe the same air as the people who live in other parts of the State. The more mass transit we have, the more public transit we have, the more we can attack the environmental problem - the very serious environmental problem - of air pollution.

I am sorry to hear some of the claims made that one cannot run an airport without a highway. Clearly one needs mass transit to take people to airports. That is the way all the major airports in this world are run, that is the way many of them in this country are run, and that is what we need to start developing here in Pennsylvania.

I think it helps everybody in the State. I very enthusiastically support this bill, and I hope that those of us who truly have their rural constituents' best interests at heart will vote for this bill along with myself. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the chairman of the Transportation Committee, the gentleman from Westmoreland, Mr. Petrarca.

Mr. PETRARCA. Thank you, Mr. Speaker.

I rise to oppose this bill. As you all know, I sent a letter out earlier this week. To add to that, I called the Secretary of Transportation and ran some figures by him.

One scenario: On a 5-cent gasoline tax, if we pass it and Mr. Linton has his way, 70-some cents goes to Philadelphia, 25 cents goes to the Port Authority of Allegheny County, and the other 4 cents or 5 cents goes to the other 65 counties.

Our roads are in deplorable shape. Our 12-year plan, we need \$6,700,000,000, and no one is looking at a gasoline tax; no one talks about a gasoline tax. And just because our Congressmen in their wisdom cut the mass transportation money, we cannot make it up. We should come up with another formula. This formula is not going to work.

I oppose the bill.

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

Mr. MERRY. Mr. Speaker, I rise to oppose this amendment. I acknowledge that there is a problem in Philadelphia and other transit systems throughout Pennsylvania, but I do not believe that it needs to be handled in this manner.

Let me remind you that this bill proposes to invade our highway trust fund. I have suggested previously that for anyone to do this, we would have to be bandits for us to throw out a trust that people had given to us previously when we created this highway trust fund.

Our highway systems are in disrepair. We need more money, not less money. The danger here is that we are going to permit the possibility of another interest invading the vested interest of the highway trust fund.

I will be one of the first to address mass transit needs in Pennsylvania by addressing separate legislation. But why should we permit the transit authorities of the southeastern part of Pennsylvania to reach out and grab what they feel is a successful mechanism of funding, yes, funding for our highway system, but to eventually promote a constitutional amendment and authorizing legislation then to permit them to take their share? And what is their share? I suggest it is going to be a larger share than most of us will want to give.

I realize that most of us have had telephone calls from our county authorities, both transit and commissioners, suggesting that they had been promised a part of the pie. But if we pass this and it eventually gets confirmed by a public referendum, becomes a part of our Constitution, then yes, they will share in the pie. I do not share any kind of trust that that will ever happen.

Mr. Speaker, we do not dare to let someone invade these funds that have been put in trust for regular transportation needs. Let us defeat HB 1376 and address the much-needed needs of our transit authorities by having separate legislation that does not tie it to something that is already dedicated.

I urge the defeat of HB 1376.

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

Mr. MURPHY. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the legislation.

I find it ironic that we are arguing about funds that none of us have voted on. What we are talking about is future increases in the gasoline tax. For that future increase to happen, it will require the votes of many urban legislators, as it has in the past. I for one voted for the last four gas taxes. I do not intend to vote for another gas tax unless it includes mass transit, and I hope that my colleagues from the urban areas will take that position also. Then I hope that those of you who have stood up and spoken so eloquently about your road needs and about the need for more bridge money will be prepared to vote for those gas taxes when the time comes. My feeling is that you will then come to us and ask for our assistance as we are asking for your assistance today. We are all in this together.

I look at southwestern Pennsylvania, and I listened with real disappointment to one of my colleagues from southwestern Pennsylvania speak against this proposal, a colleague that represents an area that will benefit greatly from the airport if you have an automobile. But there are hundreds of thousands of people in this Commonwealth that do not have automobiles, that cannot afford it, that rely on mass transit as a means of transportation to and from jobs. The fact that buses do not carry concrete or steel makes no difference to them if they cannot get to those jobs.

Do not assume that everybody has an automobile, because in cities like Pittsburgh and Philadelphia, there are hundreds of thousands of people that do not, and those jobs are not accessible to them unless there is good mass transit. That is what we are asking, for you to help us today create that mass transit system. We are not talking about investing in operating costs; we are talking about investing in the capital cause, in our ability to expand the mass transit system to the airport, into communities that are growing, and that it should be able to provide their residents opportunities to reach the jobs that are being created. Do not be narrow-sighted on this, because we will all be working together to build better highway systems also. But those highway systems should go hand in hand with a better mass transit system.

I urge you to be statesmanly on this issue, not parochial. Thank you.

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

Mr. FOX. Thank you, Mr. Speaker.

I rise, too, to support this legislation.

Representative Murphy well pointed out some of the important intricacies of why mass transit is so vital to this State. We have many students who travel to school who are not yet 16 and depend on mass transit. We have many senior citizens who do not drive and must go to the doctor or the hospital. By voting for this legislation we are keeping the options open and we are also helping the inner cities that are served by mass transit, like Philadelphia and Pittsburgh, to prevent further gridlock. In Philadelphia alone we need 45 new highways going into the city to take off the capacity that trains and buses now serve.

Not the least of which could be the environmental concerns. In our California city of L.A. and those environments, we have seen with temperature inversions what the problems can be with just having cars as the only means of transportation. And do not forget tourism in Pennsylvania becoming a very important industry that is part of our economic vitality, and if you want to make sure that tourism is enhanced, we need mass transit to get around those cities. Further, in the future, cities that are not yet served by mass transit may want to be, and this legislation would be for their benefit as well.

Therefore, I would ask you to vote affirmatively on HB 1376. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Northumberland, Mr. Phillips.

Mr. PHILLIPS. Thank you, Mr. Speaker.

I rise to oppose HB 1376. I fully realize that many of our mass transit systems have financial problems, but I first think we should look at why they have financial problems. A mass transit system is just like any other business. We have to look at the source of the problem.

I know that many committees have been formed and many studies have been made, but what has been done with those studies? Have actions been taken? I have been in contact with many committees throughout the Nation that studied the problems in mass transit, and you can take many cities where mass transit systems were turned around and today are financially sound. I do not believe that this has been done in many of our mass transit systems.

If we find out at that point that money is needed to help with these mass transit systems, then we should look at another source. We should not look at the source of our gas tax, a tax that is sorely needed in many of our rural areas and many of our communities. We have 40 percent of our bridges throughout the State that are in dire need of repair. We have many highways that are really deathtraps, and yet when we go for money to correct the situation, there is no money there.

I travel on a highway to come to Harrisburg where lives are lost practically every week, and yet we do not have money to take care of that situation. I have many of my constituents who will travel 100 miles round-trip each and every day to go to work. They pay their fair share, and I just wonder if they are doing that in mass transit.

So therefore, I would ask that we vote against HB 1376.

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

Mr. MELIO. I will be brief, Mr. Speaker.

I rise in support of HB 1376. We are in dire need of a funding vehicle to support mass transportation, and all my colleagues have to realize that if this goes down the tubes and we do not have mass transportation, then you are going to find the highways a lot worse than they are today, because the people who do not drive their vehicles will have to. We have gridlock in the area now; it will get worse, and it is just going to make the road situation deplorable and you will never get it taken care of.

So I ask my colleagues to support this bill. Thank you very much.

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

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of this bill. We have, I think, missed the point here today. And in all due respect to everybody that has spoken on this issue, this is not an issue today that is dealing with mass transit or dealing with highway funds or even dealing with taxation. This, in my opinion, is a procedural vote. We need to pass this bill two consecutive terms and then put it on the ballot.

What we do here today will not provide one penny for mass transit funds. What we do here next session will not even do that. It will still have to be voted by the population at large.

So all we are doing here today is allowing this issue to turn over until next session where we can again debate it then, and even next session that will only be a vote dealing with whether or not we should let the people decide through a referendum.

So what we are doing here today is really a procedural vote. It is not a vote of any substance in terms of taxation or road building or mass transit. So I would ask the members for their support of this bill for that reason. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Monroe, Mr. Battisto.

Mr. BATTISTO. Thank you, Mr. Speaker.

Mr. Speaker, I rise to strongly support HB 1376. The membership must understand that we are talking about possibly using motor license funds for capital projects only, and the fact remains, there is no money out there for capital projects.

I represent a county that has a small transportation system, but we carry 500,000 riders a year. We rent a building that is highly inadequate. We pay \$50,000 a year to rent that building. We are in dire need of a new transportation building but we cannot build it; there is no capital money. There is no capital money in Cambria County. There is no capital money for the Lehigh Valley. We sorely need it. We are not talking about SEPTA. We are not talking about Allegheny County. We are talking about this whole State. There are 19 rural transportation authorities, and they are in dire need of capital money.

Let us give an honest vote today for a procedure that might end up being something like what Representative Davies talked about a little while ago. We might agree to what he said. We might pass a 5-cent gas tax to allocate 1 penny for capital projects. We do not know about that, but we need money now for capital projects.

Let us give the process a chance and vote "yes" on HB 1376. Thank you very much.

The SPEAKER pro tempore. The Chair now recognizes the prime sponsor of the bill, the gentleman from Philadelphia, Mr. Linton.

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

Mr. Speaker, it is my hope that we can bring this debate and discussion to a vote, and I think we have heard some misconceptions and some misinformation stated earlier. This is not a tax vote. This will not dilute funds that are currently available for highways and bridges in Pennsylvania. This will not propose to distribute moneys in any formula in any form. This will not provide 70 percent of the dollars to SEPTA. We do not have a formula for capital projects in Pennsylvania. This General Assembly passes on legislation that proposes capital projects.

We are not today going to do anything that is going to change the current status of highways and bridges in Pennsylvania. What we are talking about is in fact the future, and I would hope that we in this General Assembly begin to think about not just what is before us today but I think our task and our job is to think, what are we doing to make it a better future? And that is what we are attempting to do here, because as was stated earlier, this is a procedural vote that will

require a second vote by the members of this General Assembly as well as the passage of a referendum by the voters around the State, as well as a vote to authorize and to designate the moneys that those voters have decided they want to put forth for mass transit. All of that is before us. All of that is before us. But we cannot even get to those steps, those discussions, not even to be able to talk about 1 cent, as Mr. Davies proposed, if we fail to cast this vote today.

That is what we are attempting to do. We are attempting to maintain choices and to keep our options open. We all know that the northeast region of this country is going through numerous fiscal problems. We also know that the President of this country now recognizes that even the Nation needs to deal with revenue enhancement.

So let us not be silly. Let us not sit by and think that at some point in time we in this Commonwealth are going to have to address all of the fiscal needs of this Commonwealth, and in doing so we need to make sure that we have many, many options. We just preserve those options by voting for this bill today.

If we vote against this measure, we eliminate options. What we end up doing is having all those needs in the Commonwealth looking toward a very narrow revenue base, a very narrow revenue source. The Motor License Fund does not just include the gasoline or liquid fuels taxes but it includes oil franchise taxes; it includes motor vehicle registration; it includes permit registration; it includes penalties for drivers who do not operate within our Vehicle Code. All of those things are being excluded by our Constitution. We cannot even talk about including those in the mix as we try to solve the problems of mass transit in Pennsylvania.

I am encouraged by many of the members of this House who stated that they support the need for mass transit and they want to join with many of us to try to satisfy that need in the future. I will ask them to give us options to satisfy that need by voting for this legislation.

That is all you are doing; you are providing options so that you can sit down and we can discuss the needs for highways, the needs for bridges, and the needs for transportation in this Commonwealth. We have to think about the future and make sure that smart people, folks who want to make sure that they have numerous options have those options as we sit down and discuss solutions to the problems of all of transportation.

I can join with the chairman of the Transportation Committee. I know that our highways and bridges have some needs that must be addressed, and I am willing to be part of that coalition as we address that. But as Representative Murphy said, I cannot be part of that coalition if in fact we do not address all of the needs of transportation in Pennsylvania.

Many States have moved forward. Let us not let Pennsylvania stand in the decades of the past. Let us move forward like the other States. Let us not be lost and stand in the cement and not move forward.

I would ask that the progressive, thoughtful members of this House think about the future, and I would ask that they take the courage to support HB 1376 so that we can get on

into next year discussing dealing with the problems of all of the transportation needs in Pennsylvania.

I therefore ask for a positive vote, a vote of courage for the members of this Commonwealth. Thank you very much.

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

Mr. BELFANTI. Thank you, Mr. Speaker.

I am one of those courageous, progressive young members of the General Assembly Mr. Gordon Linton just referred to, and I still stand and rise to oppose this bill.

This legislation is not the end to all means. If the makers of this legislation were sincerely interested in a gasoline tax to fund mass transit, why not be aboveboard and say so? Why not put a formula out there in advance of any voter referendum and let the people who are going to vote on this referendum see what they are voting for?

I have no problem with a dedicated mass transit fund that will come out of an addition to the gasoline tax. If the urban areas that have mass transit would like to dedicate 1 cent or 2 cents of gasoline tax to mass transit, fine. But those of us from northeastern and central Pennsylvania, northwestern and southwestern Pennsylvania who do not have SEPTA and do not have mass transit should not be expected to use our highway moneys to pay for SEPTA.

I would like to see any additional taxes raised in my particular part of the State used to pay for highway improvement, highway infrastructure repair, and new highway projects. So why not have a formula up front, in advance, where the urban folks that have mass transit can dedicate their money the way they want it, and we, without mass transit, can dedicate any extra revenues raised as a result of an anticipated gas tax, we could use those funds the way we would like to.

Let us do it up front. Let us put the formula on paper and then revisit this issue so that our voters know what they are voting on if a referendum is to be placed on the ballot.

The way it stands, I oppose the legislation.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Flick.

Mr. FLICK. Thank you, Mr. Speaker.

In the 8 years I have served here I have not had many opportunities to stand with my colleague from Philadelphia and support legislation which he is proposing. This is one chance that I did not want to miss, and I would urge my colleagues from the southeastern part of the State to support this bill, support Representative Linton. Thank you, Mr. Speaker.

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—87

Acosta	Freeman	Levdansky	Richardson
Adolph	Freind	Linton	Rieger
Battisto	Gamble	McHale	Ritter
Bishop	Gannon	McNally	Robinson
Blaum	Gigliotti	McVerry	Roebuck
Bunt	Gladeck	Maiale	Ryan
Burns	Godshall	Markosek	Serafini
Caltagirone	Hagarty	Melio	Taylor, E. Z.

Cappabianca	Haluska	Michlovic	Thomas
Carn	Harper	Micozzie	Tigue
Civera	Hayden	Miller	Van Horne
Clark, J. H.	Heckler	Morris	Veon
Cohen	Howlett	Mowery	Vroon
Cornell	Hughes	Murphy	Wambach
Corrigan	Itkin	Nahill	Williams
Cowell	James	Oliver	Wilson
DeLuca	Josephs	Petrone	Wright, J. L.
DeWeese	Kaiser	Pievsky	Wright, R. C.
Donatucci	Kosinski	Pistella	Yandrisevits
Durham	Kukovich	Raymond	
Evans	Langtry	Reber	O'Donnell, Speaker
Flick	Lashinger	Reinard	
Fox			

NAYS—113

Allen	Dempsey	LaGrotta	Rybak
Angstadt	Dietterick	Laughlin	Saloom
Argall	Distler	Lee	Saurman
Barley	Dombrowski	Leh	Scheetz
Belardi	Dorr	Lescovitz	Schuler
Belfanti	Fairchild	Lloyd	Scrimenti
Billow	Fargo	Lucyk	Semmel
Birmelin	Farmer	McCall	Smith, B.
Black	Fee	Maine	Smith, S. H.
Bortner	Fleagle	Marsico	Snyder, D. W.
Bowley	Foster	Mayernik	Snyder, G.
Boyes	Gallen	Merry	Staback
Brandt	Geist	Mihalich	Stairs
Broujos	George	Moehlmann	Steighner
Burd	Gruitza	Mrkoncic	Stish
Bush	Gruppo	Nailor	Strittmatter
Carlson	Hasay	Noye	Stuban
Cawley	Hayes	O'Brien	Tangretti
Cessar	Herman	Olasz	Taylor, F.
Chadwick	Hershey	Perzel	Taylor, J.
Clark, B. D.	Hess	Pesci	Telek
Clark, D. F.	Jackson	Petrarca	Trello
Clymer	Jadlowiec	Phillips	Trich
Colafella	Jarolin	Piccola	Wass
Colaizzo	Johnson	Pitts	Weston
Cole	Kasunic	Pressmann	Wogan
Coy	Kenney	Robbins	Wozniak
Daley	Kondrich	Rudy	Wright, D. R.
Davies			

NOT VOTING—0

EXCUSED—2

Dininni Preston

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill fell.

STATEMENT BY MINORITY LEADER

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

Mr. RYAN. Mr. Speaker, I would like to make a short statement and then ask the majority leader for perhaps an answer as opposed to interrogation.

We in the joint leadership have attempted to meet on a number of occasions in connection with the resolution of the budget. We have been, I am not going to say frustrated by our inability to get together, but I guess essentially that is in fact what it is because of all the action that we have been having on the floor and the Senate in turn has had on the floor, our

natural reluctance to leave the floor during session and the Senate leadership's reluctance to do the same thing. We had a meeting scheduled for, I think it was 11 o'clock this morning, another one for 1 o'clock this afternoon, another one for 4 o'clock this afternoon - joint leadership. We have been unable to put any of them together.

I am going to suggest, I guess, Mr. Speaker, to the majority leader that the balance of this calendar be looked at very, very closely to see if we run anything, if at all, to give the leadership an opportunity to meet with the Senate, without the distraction of the floor, if you will, and hopefully get this budget in a position to pass it. Otherwise, any hope, speaking for myself, if we do not get to work— We worked till 12, 12:30, 1 o'clock this morning, but if we are not given time to work without the floor interrupting these meetings of joint leadership, there is no way, in my judgment, that we will pass a budget prior to the beginning of the next fiscal year. I think it is important that the people of the Commonwealth have a budget, if we can work one out, and the only way we are going to find out is if we have an opportunity to meet and discuss it.

So at this point, Mr. Speaker, I am going to invite the majority leader to perhaps advise us as to what his best thoughts are on how we should handle our schedule and the budget.

HOUSE SCHEDULE

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

Mr. DeWEESE. Respectfully, there are a variety of perspectives concerning our method of negotiation and the simultaneous actions that we are taking on the floor. I certainly understand and appreciate the point of view of the gentleman. It seems that our negotiating team, consisting of Mr. Pievsky, Mr. O'Donnell, and myself, is of one point of view and our counterparts have a different point of view. Both, I might add, are absolutely valid.

Mr. O'Donnell is as we speak ensconced in Mr. Jubelirer's domain along with a variety of other people and our budgeteers, and Chairman Pievsky is at his side. That is the first time I ever lost track of Max; he has lost track of me many times. But nevertheless, I was anxious to accommodate and legislate, and I had one perspective as to the best way to accomplish that end. It does seem to me that the Grand Old Party has a legitimate and different point of view. The view of Mr. Ryan, Mr. Hayes, and Mr. Pitts, from our chamber, is that their negotiating effort would be better if all three were in the room on an ongoing basis, and I certainly accept that as a valid point of view.

With that in mind, with that in mind, I would agree that we should debate the central matter at hand right now, and that is our 1990-91 budget. I would ask that the debate, now that we have deliberated and passed significant measures this afternoon, be postponed until later and that we go on a call, as our brothers and sisters in the Senate have done, as a 6-hour call of the Chair; that we recess and allow your staff tomorrow to

tune in to the squawk box and be aware of our impending actions.

I think a strong tentative, after lengthy discussions with the gentleman, Mr. Ryan, and the gentleman, Mr. Hayes, is that we will negotiate honestly and feverishly over the next couple of days. I think that we will not be doing any legislative business on this floor, but the desk will remain open during Thursday. I think you should all be on call. I think it would be comparatively imprudent to go home or to retire away from the Hill, but nevertheless, I cannot envision any action on the final document at least until Friday at the earliest. We have a very positive goal of doing this business by midnight on Saturday, and I think that is attainable.

There is a very, very good possibility that a significant number of legislative issues, including antitrust and impact fees and others, will be debated and voted upon when we come back Friday night, Friday afternoon, Saturday morning. I cannot think at this stage of the game that it will be any later than Saturday morning at 10 o'clock when we will return, but again, there is a strong element of the tentative. But in agreement with Mr. Ryan, Mr. Hayes, and Mr. Pitts' request that we repair to Mr. Jubelirer's office and get on with the business, I would ask that we recess at this time.

Mr. Speaker, there are only some housekeeping and one reconsideration motion that will be offered, some housekeeping bills today—Mr. Ryan and I are in agreement—and I would like for you to stay around just for a few moments for those particular votes.

The Chair would acquiesce to Mr. Ryan.

~~Mr. RYAN.~~ Mr. Speaker, it is my understanding that the Chair may have to receive and move bills around for the purpose of getting ready for the budget, but other than that type housekeeping during the interval, there will be—I am saying this to assure our members—there will be no record votes as such prior to being called back in connection with the final budget.

The SPEAKER pro tempore. The Chair wishes to advise the members that there will be a vote taken before you leave the chamber today, so I urge the members to just remain. There are some committee meetings; one meeting scheduled for today. So, members, do not leave the chamber. We have information to provide the members before we recess the House, and votes will be taken.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the chairman of the Appropriations Committee, Mr. Pievsky.

Mr. PIEVSKY. Thank you, Mr. Speaker.

Mr. Speaker, there will be a brief meeting at the rear of the chamber of the House Appropriations Committee immediately after you take the next vote.

HB 2557 RECONSIDERED

The SPEAKER pro tempore. The Chair now has in its possession a motion to reconsider a vote, filed by the gentleman,

Mr. Geist, who moves that the vote by which HB 2557, PN 3519, was passed on the 27th day of June be reconsidered.

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

The following roll call was recorded:

YEAS—199

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

NAYS—0

NOT VOTING—1

Howlett

EXCUSED—2

Dininni Preston

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—102

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

NAYS—97

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

NOT VOTING—1

Howlett

EXCUSED—2

Dininni Preston

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.

EDUCATION COMMITTEE MEETING

The SPEAKER pro tempore. The Chair now recognizes the gentleman from Allegheny, Mr. Cowell, who has a committee announcement.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, the meetings previously discussed for the Education Committee on Thursday and Friday are canceled. For sunshine purposes, I want to call a meeting for Saturday at 1 o'clock in room 39E of the East Wing. Thank you, Mr. Speaker.

COMMITTEE MEETINGS CANCELED

The SPEAKER pro tempore. The Chair recognizes Mr. George, who seeks recognition for a committee announcement.

Mr. GEORGE. Mr. Speaker, the Committee on Conservation wishes to cancel its meetings tomorrow morning and Friday morning.

STATE GOVERNMENT COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Oliver, who calls a meeting of the State Government Committee to the rear of the House immediately.

**HEALTH AND WELFARE
COMMITTEE MEETING**

The SPEAKER pro tempore. The Chair now recognizes the gentleman from Philadelphia, Mr. Richardson.

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

Mr. Speaker, I would like to announce the fact that the House Health and Welfare Committee will in fact hold the recessed public hearing that was held on the Handler Center on Friday morning commencing at 9 o'clock in the Senate conference room in the East Wing. We will also at that time be considering some House bills for the House Health and Welfare Committee meeting which was scheduled for tomorrow, which will now have to be moved until Friday morning at 9 o'clock.

WELCOMES

The SPEAKER pro tempore. Before the House adjourns, the Chair would like to welcome Mr. Joe Kennedy, who is the guest of Representative Gaynor Cawley and Representative Fred Belardi. He is located to the left of the Speaker. Will he please rise.

The Chair would also like to welcome Munhall Borough councilman Bob Floyd; his wife, Linda; and his son, Lee, who are the guests of the gentleman from Allegheny, Mr. McNally. Our guests are to the left of the Speaker. Will they please rise and be acknowledged.

DEMOCRATIC CAUCUS

The SPEAKER pro tempore. The Chair at this time recognizes the gentleman from Philadelphia, Mr. Cohen.

Mr. COHEN. Mr. Speaker, there will be a meeting of the House Democratic Caucus on important internal caucus business tomorrow at 11 o'clock for those who want to come. It is advisable that people come; it is not necessary that any member of the House attend the majority caucus tomorrow at 11 a.m. We will be discussing, among other things, what the schedule is, and we will be discussing important internal caucus business at 11 o'clock tomorrow.

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

Mr. DeWEESE. Mr. Speaker, I cannot stress enough to the House Democrats the crucial nature of tomorrow's caucus. The internal concerns that will be discussed are such that Mr. Cohen and myself and the other members of leadership would value a very healthy attendance at tomorrow's 11 a.m. caucus. So on behalf of Chairman Cohen, I again reiterate, please come to caucus tomorrow if at all possible. Thank you.

**HOUSE BILL
INTRODUCED AND REFERRED**

No. 2785 By Representatives CORRIGAN, SALOOM and STISH

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), known as the "Liquor Code," further providing for qualifications and fees for Sunday sales permits.

Referred to Committee on LIQUOR CONTROL, June 27, 1990.

SENATE BILL FOR CONCURRENCE

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

SB 1111, PN 2352

Referred to Committee on APPROPRIATIONS, June 27, 1990.

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

Mr. BELFANTI. Point of personal privilege, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his point of personal privilege.

Mr. BELFANTI. Mr. Speaker, it might be advisable for the Chair to advise the pages not to discard all of the amendments that people are leaving on their desks, since when we return on Friday or Saturday and we decide to vote many of the bills we did not get to today, those amendments are going to be in the trash bucket. I would suggest that the Chair advise the pages to put these amendments in our desks. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

SUNSHINE NOTICE

The SPEAKER. The clerk will read the following sunshine notice.

The following communication was read:

House of Representatives
Commonwealth of Pennsylvania
Harrisburg

**NOTICE
SESSION TIME
HOUSE OF REPRESENTATIVES**

Notice is hereby given, in accordance with the Act of July 3, 1986, P.L. 388, No. 84, that the House of Representatives will convene in open session in the Hall of the House on the following date and time:

Thursday, June 28, 1990 at 11:00 a.m.

John J. Zubeck
Chief Clerk
House of Representatives

June 27, 1990

House of Representatives
Commonwealth of Pennsylvania
Harrisburg

I hereby certify that thirty copies of the foregoing notice were delivered to the Supervisor of the Newsroom of the State Capitol Building in Harrisburg, and a copy was also posted on the bulletin board outside the main entrance to the Chief Clerk's Office on the following date:

Wednesday, June 27, 1990

John J. Zubeck
Chief Clerk
House of Representatives

June 27, 1990

RULES SUSPENDED

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

Mr. DeWEESE. Mr. Speaker, I move to suspend rule 22 so that HB 2779 will go directly to the table rather than 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 2779, PN 3886 By Rep. PIEVSKY

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), known as the "Liquor Code," eliminating the transfer of funds to the Enforcement Officers' Retirement Account; providing for the transfer of funds remaining in the account; and providing for the transfer of excess funds transferred to the Enforcement Officers' Benefit Account in the State Employees' Retirement Fund.

APPROPRIATIONS.

SB 1111, PN 2352 By Rep. PIEVSKY

An Act amending the act of November 24, 1976 (P. L. 1163, No. 259), entitled "Generic Equivalent Drug Law," further providing for the addition and deletion of generic drugs from the formulary.

APPROPRIATIONS.

SB 1617, PN 2353 By Rep. PIEVSKY

An Act amending the act of July 2, 1984 (P. L. 527, No. 106), entitled "Recreational Improvement and Rehabilitation Act," further defining "recreation purposes"; further providing for additional rehabilitation projects; changing the allocation of funds and the availability of funds to cities of the first class; and making a repeal.

APPROPRIATIONS.

BILLS REREPORTED FROM COMMITTEE

HB 618, PN 2295 By Rep. PIEVSKY

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," providing for res-ind State troopers; and making appropriations.

APPROPRIATIONS.

SB 558, PN 1102 By Rep. PIEVSKY

An Act amending the act of February 19, 1980 (P. L. 15, No. 9), entitled "Real Estate Licensing and Registration Act," providing for continuing education.

APPROPRIATIONS.

SB 756, PN 2367 By Rep. PIEVSKY

An Act providing for the certification of real estate appraisers; specifying requirements for certification; providing for sanctions and penalties; and making an appropriation.

APPROPRIATIONS.

SB 967, PN 2390 (Amended)

By Rep. PIEVSKY

An Act authorizing the Department of Environmental Resources to defend, indemnify and hold harmless the Consolidated Rail Corporation in actions arising under the acceptance of a certain railroad line; and providing for an advisory committee.

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:

SB 558, PN 1102; SB 756, PN 2367; and SB 967, PN 2390.

BILL REMOVED FROM TABLE

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

Mr. DeWEESE. I move that HB 2779 be removed from the table and placed on the active calendar.

On the question,

Will the House agree to the motion?
Motion was agreed to.

BILLS REMOVED FROM TABLE

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

Mr. DeWEESE. Mr. Speaker, I move that SB 1111 and SB 1617 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.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

SB 577, PN 841 By Rep. OLIVER

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," further providing for Commonwealth reimbursement for certain election expenses, for the form of absentee ballots for qualified electors, for the mailing of absentee ballots, and for the number of signers required for nomination petitions.

STATE GOVERNMENT.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 142, PN 155**, entitled:

An Act amending the act of June 29, 1953 (P. L. 304, No. 66), known as the "Vital Statistics Law of 1953," further providing for certain records relating to birth and adoption; and making a repeal.

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

BILL TABLED

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

Mr. LASHINGER. Mr. Speaker, I move that HB 142, PN 155, be placed on the table.

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

BILL REMOVED FROM TABLE

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

Mr. LASHINGER. I move that HB 142, PN 155, be removed from the table and placed again on the active calendar.

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

BILLS RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that SB 1002, PN 1164, and SB 1033, PN 1205, be recommitted to the Appropriations Committee.

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

BILLS AND RESOLUTIONS PASSED OVER

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

RECESS

The SPEAKER pro tempore. Without objection, the Chair now declares this House in recess until the call of the Chair. The Chair hears no objection.

AFTER RECESS

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

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

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

Mr. TRICH. Mr. Speaker, I move that this House do now adjourn until Thursday, June 28, 1990, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,
Will the House agree to the motion?
Motion was agreed to, and at 10:59 p.m., e.d.t., the House adjourned.