

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, SEPTEMBER 25, 1990

SESSION OF 1990

174TH OF THE GENERAL ASSEMBLY

No. 52

### HOUSE OF REPRESENTATIVES

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

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

#### PRAYER

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

Let us pray:

Almighty God, we are mindful that there are so many of Your children who are very dependent upon us and our actions. Their welfare is vitally and directly affected by what we say and do. The education of our children, the welfare of the elderly, the cleanliness of our environment, the equality of our citizens, and so many other things are impacted by our behavior.

Make us realize that we must ever be vigilant and give our very best in all that we do. Grant that we never cease to serve You by our service to our fellow man.

Cause us to remember that even our insignificant actions can have very significant results in the lives of our constituents.

In Your dear name we pray. Amen.

#### PLEDGE OF ALLEGIANCE

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

#### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Monday, September 24, 1990, will be postponed until printed. The Chair hears no objection.

#### HOUSE BILLS INTRODUCED AND REFERRED

**No. 2873** By Representatives TELEK, HAYES, FARGO, ANGSTADT, WASS, HERMAN, CLYMER, NAILOR, DIETTERICK, JACKSON, S. H. SMITH, GLADECK, GANNON, CESSAR, SERAFINI, B. SMITH, KONDRICH, BUNT, NOYE,

CARLSON, VROON, JOHNSON, BOYES, SCHEETZ, TRELLO, JADLOWIEC, LANGTRY, MELIO, DEMPSEY, BISHOP, ROBINSON and SAURMAN

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, exempting ambulance services, emergency medical technicians and volunteer fire companies from the cost containment provisions for vehicle security.

Referred to Committee on TRANSPORTATION, September 25, 1990.

**No. 2874** By Representative LLOYD

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

Referred to Committee on APPROPRIATIONS, September 25, 1990.

**No. 2875** By Representative LLOYD

An Act amending the act of December 8, 1982 (P. L. 848, No. 235), known as the "Highway-Railroad and Highway Bridge Capital Budget Act for 1982-1983," adding a local project in Somerset County.

Referred to Committee on APPROPRIATIONS, September 25, 1990.

**No. 2876** By Representatives McNALLY, TRICH, CARN, STISH, MELIO, LAUGHLIN, JOHNSON, MOEHLMANN, ROBINSON, PISTELLA, HAYDEN, LaGROTTA, SERAFINI, HUGHES, TRELLO and PETRONE

An Act requiring insurance companies which do business in this Commonwealth to invest in certain markets in this Commonwealth; conferring powers and duties upon the Insurance Department; providing penalties; and establishing the Insurance Reinvestment Oversight Committee and giving it powers and duties.

Referred to Committee on INSURANCE, September 25, 1990.

**No. 2877** By Representative CHADWICK

An Act designating a certain bridge in Troy Township, Bradford County, Pennsylvania, as the John Burgess Bridge.

Referred to Committee on TRANSPORTATION, September 25, 1990.

**No. 2878** By Representatives HASAY, GEORGE, JAROLIN, MORRIS, VROON, ARGALL, B. D. CLARK, DIETTERICK, S. H. SMITH, KASUNIC, FAIRCHILD, JOHNSON, DEMPSEY, CAWLEY, NAHILL, GIGLIOTTI, FLICK, NOYE, E. Z. TAYLOR, BUSH, PETRONE, GEIST, GODSHALL, LASHINGER, PESCI, TIGUE, HERMAN, MARSICO and MELIO

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, increasing the penalty for scattering rubbish; and making a repeal.

Referred to Committee on JUDICIARY, September 25, 1990.

**No. 2879** By Representatives HASAY, JAROLIN, MORRIS, CAWLEY, JOHNSON, HECKLER, DIETTERICK, B. SMITH, HERSHEY, LASHINGER, BIRMELIN, NAHILL, GIGLIOTTI, GODSHALL, E. Z. TAYLOR, BUSH, CARLSON, GEIST, MELIO, PESCI, TIGUE, PETRONE and FLICK

An Act providing for a Statewide referendum on the question of whether Pennsylvania should have a Returnable Beverage Container Act.

Referred to Committee on STATE GOVERNMENT, September 25, 1990.

**No. 2880** By Representatives HASAY, CAWLEY, JAROLIN, TIGUE, MORRIS, E. Z. TAYLOR, BUSH, LEE, KASUNIC, VROON, PESCI, DIETTERICK, B. SMITH, FLICK, JOHNSON, HECKLER, NAHILL, GIGLIOTTI, GODSHALL, DEMPSEY, B. D. CLARK, PETRONE, GEIST and MELIO

An Act requiring biodegradable containers for take-out food.

Referred to Committee on CONSERVATION, September 25, 1990.

**No. 2881** By Representatives HASAY, JAROLIN, TIGUE, MORRIS, VROON, DEMPSEY, BUSH, HERMAN, KASUNIC, MELIO, JOHNSON, E. Z. TAYLOR, DIETTERICK, GIGLIOTTI, FLICK, NOYE, PESCI, NAHILL, GEIST, HERSHEY, LASHINGER, CAWLEY, PETRONE, MARSICO and GODSHALL

An Act providing for basic environmental education in public schools; providing for additional duties of the Department of Education; and making an appropriation

Referred to Committee on EDUCATION, September 25, 1990.

**No. 2882** By Representatives STAIRS, SEMMEL, CARLSON, JACKSON, HERMAN, SAURMAN, TANGRETTI, HARPER, DIETTERICK, FARMER, KAISER, FAIRCHILD, MELIO, PETRARCA, JOHNSON, CAWLEY, OLASZ, E. Z. TAYLOR, VROON, FOX, CIVERA, HAGARTY, GRUPPO, MAIALE, B. SMITH, ROBBINS, TELEK, MARSICO, BISHOP, RITTER and BELARDI

An Act amending the act of November 4, 1983 (P. L. 217, No. 63), known as the "Pharmaceutical Assistance Contract for the Elderly Act," providing for the determination of marital status.

Referred to Committee on YOUTH AND AGING, September 25, 1990.

**No. 2883** By Representatives STAIRS, SEMMEL, GODSHALL, VAN HORNE, JACKSON, HERMAN, WASS, HARPER, PETRARCA, JOHNSON, GANNON, FARGO, E. Z. TAYLOR, VROON, BELFANTI, NAHILL, HESS, FOX, CIVERA, HAGARTY, MRKONIC, TELEK, ITKIN, BISHOP and BELARDI

An Act providing for a special State domiciliary care providers supplement to the Federal Supplemental Security Income Program for individuals requiring domiciliary care homes; providing for additional duties of the Department of Public Welfare; and making an appropriation.

Referred to Committee on HEALTH AND WELFARE, September 25, 1990.

**No. 2884** By Representatives HAGARTY, BLAUM, HECKLER, WOGAN, PERZEL, CESSAR, MAINE, HERMAN, BELFANTI, FARMER, JOHNSON, WILSON, LASHINGER, VROON, BILLOW, FOX, GODSHALL, JACKSON, DeLUCA, DEMPSEY, NAHILL, E. Z. TAYLOR, LANGTRY, TELEK, HARPER, GRUPPO, MOEHLMANN, MELIO, NOYE, J. H. CLARK, ARGALL, RAYMOND, CIVERA, DIETTERICK, MICOZZIE, TRELLO, J. TAYLOR, McVERRY and LINTON

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for offenses relating to older adults; and further providing for sentences.

Referred to Committee on JUDICIARY, September 25, 1990.

**No. 2885** By Representatives HAGARTY, BLAUM, HECKLER, WOGAN, PERZEL, CESSAR, MAINE, HERMAN, BELFANTI,

FARMER, JOHNSON, WILSON, LASHINGER, VROON, BILLOW, FOX, GODSHALL, JACKSON, DeLUCA, DEMPSEY, NAHILL, E. Z. TAYLOR, LANGTRY, TELEK, HARPER, GRUPPO, MOEHLMANN, MELIO, NOYE, J. H. CLARK, ARGALL, RAYMOND, CIVERA, DIETTERICK, MICOZZIE, TRELLO, J. TAYLOR, McVERRY and LINTON

An Act amending the act of November 6, 1987 (P. L. 381, No. 79), known as the "Older Adults Protective Services Act," adding definitions; and further providing for the protection of the elderly and for the confidentiality of records.

Referred to Committee on YOUTH AND AGING, September 25, 1990.

**No. 2886** By Representatives HAGARTY, BLAUM, HECKLER, WOGAN, PERZEL, CESSAR, MAINE, HERMAN, BELFANTI, FARMER, JOHNSON, WILSON, LASHINGER, VROON, BILLOW, FOX, GODSHALL, JACKSON, DeLUCA, DEMPSEY, NAHILL, E. Z. TAYLOR, LANGTRY, TELEK, HARPER, GRUPPO, MOEHLMANN, MELIO, NOYE, J. H. CLARK, ARGALL, RAYMOND, CIVERA, DIETTERICK, MICOZZIE, TRELLO, J. TAYLOR, McVERRY and LINTON

An Act amending the act of October 7, 1976 (P. L. 1090, No. 218), known as the "Protection From Abuse Act," further providing for the definition of "family or household members."

Referred to Committee on YOUTH AND AGING, September 25, 1990.

**No. 2887** By Representatives REBER, CORNELL, SAURMAN, LASHINGER, NAHILL, HAGARTY, FOX, BUNT, J. H. CLARK and GLADECK

An Act amending the act of December 13, 1988 (P. L. 1192, No. 147), known as the "Special Ad Hoc Municipal Police and Firefighter Postretirement Adjustment Act," further providing for the amount of the special ad hoc adjustment.

Referred to Committee on LOCAL GOVERNMENT, September 25, 1990.

**No. 2888** By Representatives E. Z. TAYLOR, HAYES, DISTLER, PITTS, CESSAR, NAILOR, JOHNSON, DeLUCA, CARLSON, CLYMER, FARGO, D. F. CLARK, TRELLO, STABACK, BROUJOS, PESCI, FLICK, JACKSON, DEMPSEY, NOYE, HALUSKA, SCHULER, HESS, BELFANTI, NAHILL, VROON, BUNT, OLASZ, BURD, ADOLPH, CIVERA and D. W. SNYDER

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for customary charges for treatment.

Referred to Committee on TRANSPORTATION, September 25, 1990.

**No. 2889** By Representatives E. Z. TAYLOR, NOYE, FARMER, VROON, CARLSON, JAMES, JACKSON, JOHNSON, SAURMAN, PESCI, MORRIS, ANGSTADT, DeLUCA, DEMPSEY, BUNT, TRELLO, PETRONE and MELIO

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for mandatory sentence for certain controlled substance convictions.

Referred to Committee on JUDICIARY, September 25, 1990.

**No. 2890** By Representatives LAUGHLIN, McCALL, MRKONIC, COHEN, PERZEL, VAN HORNE, BELFANTI, LESCOVITZ, E. Z. TAYLOR, NAHILL, PETRONE, FARMER, MICHLOVIC, BISHOP, OLASZ, HARPER, KASUNIC, RYBAK, MELIO and PISTELLA

An Act amending the act of March 11, 1971 (P. L. 104, No. 3), known as the "Senior Citizens Rebate and Assistance Act," extending the act to include certain divorced persons.

Referred to Committee on YOUTH AND AGING, September 25, 1990.

**No. 2891** By Representative ALLEN

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), known as "The Second Class Township Code," providing for payment for certain sewer pumping equipment.

Referred to Committee on LOCAL GOVERNMENT, September 25, 1990.

**No. 2892** By Representatives NAILOR, MOWERY, B. SMITH, MORRIS, ARGALL, GANNON, FARGO, JOHNSON, DIETTERICK, TRELLO, CAWLEY, E. Z. TAYLOR, DEMPSEY, LANGTRY, FLEAGLE, NOYE, BARLEY, CARLSON, SCHULER, DISTLER, FARMER, MELIO, ALLEN, G. SNYDER, LEVDANSKY, MARSICO, D. F. CLARK, BELARDI, OLASZ, SERAFINI, LINTON, MOEHLMANN, CIVERA, MICHLOVIC, COLAFELLA, TELEK, S. H. SMITH, ADOLPH, ROBBINS, VROON, HERMAN, BUSH, JACKSON, RAYMOND, STRITTMATTER, FLICK, MARKOSEK, KONDRICH, GIGLIOTTI, TANGRETTI and FAIRCHILD

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," further providing for reimbursement for the purchase of buildings.

Referred to Committee on EDUCATION, September 25, 1990.

**No. 2893** By Representatives LANGTRY, CAWLEY, FARMER, BILLOW, TRELLO, GANNON, TANGRETTI, GLADECK, DIETTERICK, E. Z. TAYLOR, NAHILL, HERMAN, JOHNSON, FOX, KENNEY, CARLSON, GRUPPO, WILLIAMS, DeLUCA, MELIO, LAUGHLIN, OLASZ, CIVERA, BUNT and J. TAYLOR

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," providing for an exemption from filing a personal income tax return and paying personal income tax for certain persons.

Referred to Committee on FINANCE, September 25, 1990.

**No. 2894** By Representatives LEVDANSKY, TRICH, FOX, PISTELLA, JOSEPHS, E. Z. TAYLOR, MORRIS, FREEMAN, FAIRCHILD, MELIO, BELFANTI, TANGRETTI, JOHNSON, DeLUCA and PRESTON

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, limiting the prohibition on impairment of contracts.

Referred to Committee on STATE GOVERNMENT, September 25, 1990.

**No. 2895** By Representatives D. R. WRIGHT, GEORGE, COY, STISH, FAIRCHILD, BILLOW, PETRARCA, JACKSON, McCALL, STUBAN, LUCYK, HALUSKA, MIHALICH, VEON, TANGRETTI, SCHULER, RYBAK, RUDY, PHILLIPS, DEMPSEY, VAN HORNE, PESCI, ROBBINS, BELARDI, LAUGHLIN, MELIO, CAWLEY, PISTELLA, TRELLO, DeLUCA, MORRIS, DOMBROWSKI, MAINE, COLAIZZO, CAPPABIANCA, LESCOVITZ, FEE, STABACK, TELEK, SERAFINI and COHEN

An Act amending the act of October 18, 1988 (P. L. 756, No. 108), known as the "Hazardous Sites Cleanup Act," further providing for the Hazardous Waste Facility Siting Team.

Referred to Committee on CONSERVATION, September 25, 1990.

**No. 2896** By Representatives D. R. WRIGHT, GEORGE, COY, STISH, FAIRCHILD, BILLOW, PETRARCA, JACKSON, McCALL, STUBAN, LUCYK, HALUSKA, MIHALICH, VEON, TANGRETTI, SCHULER, RYBAK, RUDY, PHILLIPS, DEMPSEY, VAN HORNE, LLOYD, S. H. SMITH, PESCI, BELARDI, ROBBINS, LAUGHLIN, CAWLEY,

MELIO, PISTELLA, TRELLO, DeLUCA, GIGLIOTTI, DOMBROWSKI, COLAIZZO, MAINE, BLACK, MORRIS, CAPPABIANCA, LESCOVITZ, STABACK, TELEK, SERAFINI and COHEN

An Act amending the act of October 18, 1988 (P. L. 756, No. 108), known as the "Hazardous Sites Cleanup Act," further providing for the Hazardous Waste Facility Siting Team.

Referred to Committee on CONSERVATION, September 25, 1990.

**No. 2897** By Representatives D. R. WRIGHT, COY, STISH, FAIRCHILD, BILLOW, PETRARCA, JACKSON, McCALL, STUBAN, LUCYK, HALUSKA, MIHALICH, VEON, TANGRETTI, SCHULER, RYBAK, RUDY, PHILLIPS, DEMPSEY, VAN HORNE, TRELLO, CAPPABIANCA, MAINE, LESCOVITZ, BELARDI, DISTLER, SERAFINI, DOMBROWSKI, MORRIS, S. H. SMITH, FARGO, PESCI, ROBBINS, CAWLEY, LAUGHLIN, MELIO, PISTELLA, DeLUCA, GIGLIOTTI, COLAIZZO, STABACK, BLACK, TELEK and COHEN

An Act amending the act of October 18, 1988 (P. L. 756, No. 108), known as the "Hazardous Sites Cleanup Act," further providing for the Hazardous Waste Facility Siting Team and for the Hazardous Waste Facility Siting Commission.

Referred to Committee on CONSERVATION, September 25, 1990.

## HOUSE RESOLUTIONS INTRODUCED AND REFERRED

**No. 357** By Representatives KOSINSKI, JAROLIN, DOMBROWSKI, PISTELLA, CALTAGIRONE, WAMBACH, BLAUM, HAYDEN, STISH, COWELL, SALOOM, PESCI, DeWEESE, MIHALICH, LAUGHLIN, MARKOSEK, TIGUE, LESCOVITZ, YANDRISEVITS, STABACK, MURPHY, LUCYK, LEVDANSKY, CAWLEY, VEON, MELIO, JOSEPHS, PRESSMANN, MORRIS, LINTON, TANGRETTI, ROBINSON, RYBAK, SCRIMENTI, MAYERNIK, OLASZ, DeLUCA, HARPER, TRELLO, BILLOW, PETRONE, GIGLIOTTI, RICHARDSON, CORRIGAN, WASS, ALLEN, E. Z. TAYLOR, HASAY, JADLOWIEC, HESS, CARLSON, FOX, LANGTRY, FLEAGLE, HERSHEY, VROON, KENNEY, CESSAR, B. SMITH, FAIRCHILD, JACKSON, LASHINGER,



G. SNYDER, ANGSTADT, HERMAN, CLYMER, ARGALL, GRUPPO, BURD, JOHNSON, SAURMAN, DIETTERICK, CIVERA, FARMER, DEMPSEY, GEIST, DISTLER, GODSHALL, WOGAN, RAYMOND, GLADECK, ADOLPH and KONDRICH

A Resolution designating the month of October 1990 as "Polish Heritage Month."

Referred to Committee on RULES, September 25, 1990.

**No. 358** By Representatives F. TAYLOR, GALLEN, ITKIN, HAYES, WAMBACH, RIEGER, FAIRCHILD, SEMMEL, NAILOR, JOHNSON, SCHULER, HERMAN, SAURMAN, MURPHY, PITTS, McCALL, STUBAN, NOYE, TIGUE, S. H. SMITH, PETRONE, KOSINSKI, MAIALE, PISTELLA, FARGO, GANNON, BARLEY, MORRIS, McVERRY, ROBINSON, GIGLIOTTI, D. F. CLARK, E. Z. TAYLOR, GODSHALL, ALLEN, LEH, LASHINGER, MARSICO, ARGALL, D. R. WRIGHT, HUGHES, CLYMER, MARKOSEK, CARLSON, DONATUCCI, BOYES, FOX, VROON, COY, WASS, LaGROTTA, CALTAGIRONE, DEMPSEY, DeLUCA, DIETTERICK, JACKSON, DORR, VAN HORNE, HAGARTY, BUSH, MAINE, CESSAR, B. SMITH, KONDRICH and STEIGHNER

Declaring September 24 through 28, 1990, as "Community Banking Week."

Referred to Committee on RULES, September 25, 1990.

**No. 359** By Representatives E. Z. TAYLOR, PITTS, LANGTRY, SAURMAN, FARMER, KAISER, FAIRCHILD, CLYMER, CESSAR, DISTLER, DOMBROWSKI, DALEY, RUDY, DeLUCA, KOSINSKI, ARGALL, FARGO, COY, ANGSTADT, TRELLO, GEIST, STABACK, PETRARCA, JOHNSON, JACKSON, BATTISTO, DEMPSEY, SCHULER, RAYMOND, BROUJOS, PESCI, ROBBINS, KENNEY, HESS, WILSON, VROON, NOYE, HERSHEY, HERMAN, MOEHLMANN, ITKIN, GIGLIOTTI, HAGARTY, LAUGHLIN, OLASZ, GRUPPO, TELEK, ADOLPH, RYBAK, CIVERA, PETRONE and CORRIGAN

Commemorating the anniversary of "The Star Spangled Banner" on September 14, 1990.

Referred to Committee on RULES, September 25, 1990.

**No. 360** By Representative STAIRS

Recognizing the 100th Anniversary of the Daughters of the American Revolution.

Referred to Committee on RULES, September 25, 1990.

**No. 361** By Representatives STAIRS, ARGALL, JACKSON, NAILOR, HERMAN, DEMPSEY, SAURMAN, MORRIS, TANGRETTI, HARPER, SEMMEL, LANGTRY, FARMER, FAIRCHILD, KONDRICH, MELIO, PETRARCA, TIGUE, JOHNSON, CAWLEY, GANNON, E. Z. TAYLOR, VROON, HESS, FOX, CIVERA, HAGARTY, GRUPPO, BROUJOS, CLYMER, TELEK, BISHOP, RITTER, ITKIN, CARLSON and BELARDI

Memorializing the President of the United States to sign and the United States Senate to further approve the document ratifying the United Nations Convention on the Rights of the Child.

Referred to Committee on RULES, September 25, 1990.

**No. 362** By Representatives KAISER, McVERRY, NAILOR, KENNEY, BLAUM, FAIRCHILD, JACKSON, STISH, VROON, NOYE, TIGUE, MAIALE, B. SMITH, YANDRISSEVITS, CAWLEY, MELIO, JOSEPHS, BIRMELIN, RUDY, CESSAR, STABACK, MOEHLMANN, ANGSTADT, LASHINGER, VAN HORNE, MARKOSEK, HERSHEY, SCHULER, FLEAGLE, LEH, LANGTRY, COY, PISTELLA, LAUGHLIN, FOX, G. SNYDER, DEMPSEY, PESCI, KOSINSKI, FARMER, DeWEESE, STEIGHNER, GEIST, E. Z. TAYLOR, ROBBINS, ALLEN, CLYMER, DISTLER, DeLUCA, BURD, GRUPPO, ARGALL, GODSHALL, RAYMOND, LINTON, WOGAN, JOHNSON, GLADECK, ADOLPH, RYBAK, ROBINSON, SAURMAN, DIETTERICK, SERAFINI, CIVERA, TRELLO, BILLOW and MIHALICH

Declaring October 6, 1990, as "German-American Day" in this Commonwealth.

Referred to Committee on RULES, September 25, 1990.

**No. 363** By Representatives COHEN, RIEGER, RAYMOND, VROON, COLE, JACKSON, PISTELLA, FAIRCHILD, STISH, JOHNSON, WAMBACH, WASS, TIGUE, NOYE, MAIALE, D. F. CLARK, RYBAK, FARMER, ROBINSON, FARGO, CALTAGIRONE, ANGSTADT, HOWLETT, ARGALL, PESCI, LANGTRY, KOSINSKI, B. SMITH, D. R. WRIGHT, MOEHLMANN, MORRIS, LASHINGER,

WOZNIAK, HAGARTY, BELFANTI,  
E. Z. TAYLOR, VAN HORNE, GEIST,  
CARN, MIHALICH, PETRARCA,  
HUGHES, MARKOSEK, BROUJOS,  
TRELLO, BISHOP, TANGRETTI,  
PETRONE, GIGLIOTTI, MELIO,  
CORRIGAN, LINTON, ITKIN,  
DOMBROWSKI and OLASZ

Urging the Governor to proclaim October 20, 1990, as "Committeeperson Day."

Referred to Committee on RULES, September 25, 1990.

**No. 364** By Representatives MRKONIC, NAILOR,  
WASS, DOMBROWSKI, DALEY,  
SALOOM, KOSINSKI, BROUJOS,  
BILLOW, JOHNSON, STEIGHNER,  
PHILLIPS, ADOLPH, CESSAR,  
BELFANTI, SCHULER, CAWLEY,  
STABACK, BLAUM, HOWLETT,  
MOEHLMANN, MAYERNIK, PESCI,  
HERMAN, KAISER, E. Z. TAYLOR,  
JAROLIN, MAINE, DIETTERICK,  
DISTLER, PERZEL, TIGUE, WOZNIAK,  
RUDY, TANGRETTI, TRELLO,  
KONDRICH, STUBAN, NAHILL,  
ANGSTADT, VROON, GEIST,  
PETRARCA, COLAIZZO, ITKIN,  
JACKSON, DEMPSEY, FARMER,  
RAYMOND, HAGARTY, B. D. CLARK,  
PISTELLA, DeLUCA, J. TAYLOR,  
KENNEY, HESS, O'BRIEN, ROBBINS,  
GIGLIOTTI, GODSHALL, LAUGHLIN,  
OLASZ, RYBAK, MELIO, CIVERA,  
D. W. SNYDER, TRICH, MARKOSEK,  
MICHLOVIC, CALTAGIRONE,  
LEVDANSKY, PETRONE and LUCYK

Memorializing the United States Congress to reject all proposed reductions of veterans' benefits.

Referred to Committee on RULES, September 25, 1990.

**No. 365** By Representatives MRKONIC, DeLUCA,  
SALOOM, KOSINSKI, JOHNSON,  
RAYMOND, OLASZ, COHEN,  
CALTAGIRONE, COLAIZZO, PESCI,  
TANGRETTI, MIHALICH, KAISER,  
HUGHES, TRELLO, RUDY, CARLSON,  
FARGO, JACKSON, DISTLER, RYBAK,  
BILLOW, HALUSKA, GODSHALL,  
BROUJOS, McHALE, ITKIN, MELIO,  
LAUGHLIN, FAIRCHILD, PISTELLA and  
RICHARDSON

Memorializing the President, the Federal Bureau of Investigation, the United States Department of Justice and the United States Congress to take swift and corrective action, including prosecution of wrongdoers, regarding the savings and loan scandal.

Referred to Committee on RULES, September 25, 1990.

## SENATE MESSAGE

### ADJOURNMENT RESOLUTION FOR CONCURRENCE

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

In the Senate  
September 24, 1990

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene or Monday, October 1, 1990, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Monday, October 1, 1990, unless sooner recalled by the Speaker of the House of Representatives.

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

On the question,

Will the House concur in the resolution of the Senate?

Resolution was concurred in.

Ordered, That the clerk inform the Senate accordingly.

## BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader. Mr. DeWEESE. Mr. Speaker, I move that HB's 1825, 2028, and 2687 be removed from the table and placed upon the active calendar.

On the question,

Will the House agree to the motion?

Motion was agreed to.

## WELCOME

The SPEAKER. The Chair is pleased to welcome guests of Representative Eugene Saloom from New Stanton, Pennsylvania. Will the guests please rise.

## BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

**HB 194, PN 4051** (Amended)

By Rep. RIEGER

An Act amending the act of July 20, 1974 (P. L. 564, No. 193), known as the "Peer Review Protection Act," extending the protection given by the act to review committees of associations of veterinarians; and redefining "professional health care providers" to include veterinarians.

PROFESSIONAL LICENSURE.

**HB 2730, PN 3818**

By Rep. RIEGER

An Act amending the act of July 9, 1987 (P. L. 220, No. 39), known as the "Social Workers' Practice Act," further providing for exemptions from examination.

**PROFESSIONAL LICENSURE.****SB 1136, PN 2487 (Amended)**

By Rep. TRELLO

An Act providing for control and licensing of video poker machines in this Commonwealth; creating the Video Poker Machine Control Commission and providing for its powers and duties; and providing for local option and for distribution of revenue.

**FINANCE.****BILL REMOVED FROM TABLE**

The SPEAKER. The Chair recognizes the majority leader. Mr. DeWEESE. Mr. Speaker, I move that HB 2730 be taken from the table and placed upon 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 1415, PN 2488 (Amended)**

By Rep. F. TAYLOR

An Act amending the act of December 5, 1972 (P. L. 1280, No. 284), entitled "Pennsylvania Securities Act of 1972," adding a definition of "associated person"; and further providing for registration requirements and procedure, for suspension and revocation of registration, for civil liability, for criminal penalties and for fees.

**BUSINESS AND COMMERCE.****SHIPPENSBURG LITTLE LEAGUE  
BASEBALL TEAM PRESENTED**

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

Mr. COY. Thank you, Mr. Speaker, and members of the House.

I will just take a few minutes of your time, and I would ask your indulgence to join with Representative Noye and myself in welcoming to the House chamber today the United States Champion Little League team from Shippensburg, Pennsylvania.

I just want to take a moment and tell you, needless to say, that folks in Shippensburg and all throughout Pennsylvania are very proud of their accomplishments. This group of young men had a series of victories. They beat a team from South Shores, New York, 6 to 0; beat a team from Brick Township, New Jersey, 3 to 0; beat a team from Newark, Delaware, 8 to 0; beat South, a team from Cottage Hill in Alabama, 3 to 1; and then won the United States Little League championship by beating a team from Cypress, California, a score of 5 to 4.

Just for the record, I want to indicate that the manager was not able to be here - Glen Orndorff, Jr. - but the coach, Greg Mellott, and the scorekeeper, Jerry Diehl, are here; and the members of the team: Greg Mellott, Keith Culbertson, Bobby

Knox, Chuck Halter, Matt Reath, Andrew Ernakovich, Mike Ocker, Randy Clendening, Donnie Miller, Scott Thrush, Jimmy Smith, Bobby Shannon, Dave Orndorff, and Justin Martin. And we also have with us at the back of the hall of the House the District 14 Little League representative, Clarence Boyd.

Guys from Shippensburg, we are proud to have you here, and we just want to say that everyone in Pennsylvania and throughout the United States is proud of your accomplishments. Thanks for your championship series. Thanks for putting Shippensburg and Pennsylvania on the map this year and for bringing a big victory home.

Congratulations again.

**BILL REMOVED FROM TABLE**

The SPEAKER. The Chair recognizes the majority leader. Mr. DeWEESE. Mr. Speaker, I move that SB 649 be removed from the table.

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

**BILL RECOMMITTED**

The SPEAKER. The Chair recognizes the majority leader. Mr. DeWEESE. Mr. Speaker, I move that SB 649 be recommitted to the Appropriations Committee.

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

**LEAVES OF ABSENCE**

The SPEAKER. Are there requests for leaves of absence? The Chair recognizes Mr. Itkin for leaves of absence. Mr. ITKIN. Mr. Speaker, I request a leave for the gentleman from Philadelphia, Mr. PIEVSKY, for today's session, and also a leave for the gentleman from Lehigh, Mr. McHALE, for today's session.

The SPEAKER. Without objection, leaves are granted.

The Chair recognizes Mr. Hayes.

Mr. HAYES. Thank you, Mr. Speaker.

I request a leave for the gentleman from Bucks County, Mr. Jim WRIGHT, for the remainder of the week, and the gentleman from Dauphin County, Mr. DININNI, for the day.

The SPEAKER. The Chair thanks the gentleman.

Without objection, leaves of absence are granted.

**MASTER ROLL CALL**

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

The following roll call was recorded:

PRESENT—196

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—6

Dietterick	Johnson	Pievsky	Wright, J. L.
Dininni	McHale		

CALENDAR

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 1048, PN 1220; and SB 895, PN 1703.

The SPEAKER. We are about to take up the first item of business.

The Chair recognizes Mr. Hayes.

Mr. HAYES. Mr. Speaker, before we take up the first piece of legislative business, there is a piece of news that we should give due recognition to, and I wonder if the Chair would be so kind as to recognize the gentleman from Schuylkill County, Mr. Argall, for a happy announcement.

ANNOUNCEMENT AND VOTE CORRECTION

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

Mr. ARGALL. Thank you, Mr. Speaker.

Yesterday morning, due to the birth of my daughter, Elizabeth Leigh, at 9 pounds 15 1/2 ounces, for obvious reasons I was unable to be recorded on SB 775. I would like to rise to two points: one, to note the presence of another child in the Argall household, and two, to ask that my vote be recorded in the affirmative on SB 775. Thank you.

The SPEAKER. The Chair congratulates the gentleman.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of HB 618, PN 2295, entitled:

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

On the question,

Will the House agree to the bill on third consideration?

Mr. PITTS offered the following amendments No. A3348:

Amend Title, page 1, line 21, by striking out "; and making appropriations"

Amend Sec. 3 (Sec. 713), page 3, line 9, by striking out "NINETY-FIVE per centum of the" and inserting the entire

Amend Sec. 3 (Sec. 713), page 3, line 19, by striking out "actual cost" and inserting full direct and indirect costs

Amend Sec. 3 (Sec. 713), page 3, line 20, by inserting after "protection" as determined by the Commissioner of the Pennsylvania State Police

Amend Sec. 3 (Sec. 713), page 4, lines 15 and 16, by striking out "of ninety per centum of the" and inserting of the entire

Amend Sec. 4, page 5, lines 27 through 30; page 6, lines 1 through 6, by striking out all of said lines on said pages

Amend Sec. 5, page 6, line 7, by striking out "5" and inserting

4

On the question,

Will the House agree to the amendments?

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

Mr. PITTS. Mr. Speaker, this is an agreed-to amendment cosponsored by the majority leader, Representative DeWeese, and myself.

I urge adoption.

The SPEAKER. The Chair recognizes Mr. Lloyd.

Mr. LLOYD. Point of order, Mr. Speaker.

We do not have that amendment, at least in this section.

The SPEAKER. The Chair believes the amendment was distributed yesterday. We will check on its availability.

Mr. LLOYD. I have now seen a copy of the amendment, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—193

Acosta	Donatucci	Langtry	Rieger
Adolph	Dorr	Lashinger	Ritter
Allen	Durham	Laughlin	Robbins
Angstadt	Evans	Lee	Robinson
Argall	Fairchild	Leh	Roebuck
Barley	Fargo	Lescovitz	Rudy
Battisto	Farmer	Levdansky	Ryan
Belardi	Fee	Linton	Rybak
Belfanti	Fleagle	Lloyd	Saloom
Billow	Flick	Lucy	Saurman
Birmelin	Foster	McCall	Scheetz
Bishop	Fox	McNally	Schuler
Black	Freeman	McVerry	Scrimenti
Blaum	Freind	Maiale	Semmel
Bortner	Gallen	Maine	Serafini
Bowley	Gamble	Markosek	Smith, B.
Boyes	Gannon	Marsico	Smith, S. H.
Brandt	Geist	Mayernik	Snyder, D. W.
Broujos	George	Melio	Snyder, G.
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
Colafella	Itkin	Pesci	Wambach
Colaizzo	Jackson	Petrarca	Wass
Cole	Jadlowiec	Petrone	Weston
Cornell	James	Phillips	Williams
Corrigan	Jarolin	Piccola	Wilson
Cowell	Josephs	Pistella	Wogan
DeLuca	Kaiser	Pitts	Wozniak
DeWeese	Kasunic	Pressmann	Wright, R. C.
Daley	Kenney	Preston	Yandrisevits
Davies	Kondrich	Raymond	
Dempsey	Kosinski	Reber	O'Donnell,
Distler	Kukovich	Reinard	Speaker
Dombrowski	LaGrotta	Richardson	

NAYS—0

NOT VOTING—3

Coy	Staback	Wright, D. R.
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EXCUSED—6

Dietterick	Johnson	Pievsky	Wright, J. L.
Dininni	McHale		

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. DISTLER offered the following amendments No. A3364:

Amend Sec. 3 (Sec. 713), page 4, by inserting between lines 18 and 19

(3) Require that, as a prerequisite to applying for the services of a resident State trooper, a municipality or municipalities may not have had a municipal police force within three years prior to applying for a resident State trooper.

Amend Sec. 3 (Sec. 713), page 4, line 19, by striking out "(3)" and inserting

(4)

Amend Sec. 3 (Sec. 713), page 4, line 29, by striking out "(4)" and inserting

(5)

Amend Sec. 3 (Sec. 713), page 5, line 3, by striking out "(5)" and inserting

(6)

Amend Sec. 3 (Sec. 713), page 5, line 6, by striking out "(6)" and inserting

(7)

Amend Sec. 3 (Sec. 713), page 5, line 10, by striking out "(7)" and inserting

(8)

Amend Sec. 3 (Sec. 713), page 5, line 18, by striking out "(8)" and inserting

(9)

Amend Sec. 3 (Sec. 713), page 5, line 21, by striking out "(9)" and inserting

(10)

Amend Sec. 3 (Sec. 713), page 5, line 24, by striking out "(10)" and inserting

(11)

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes Mr. Distler.

Mr. DISTLER. Thank you, Mr. Speaker.

One of the concerns that the Pennsylvania Chiefs of Police Association had with this bill was the possibility that this bill would promote certain municipalities to disband their local police forces and take advantage of this resident trooper program.

My amendment, Mr. Speaker, is an amendment that would require that in order for a municipality to take advantage of or participate in this resident trooper program, that that municipality not have a police force within 3 years prior to applying for the resident trooper program.

I would ask for your affirmative support.

The SPEAKER. The Chair recognizes Mr. Levdansky.

Mr. LEVDANSKY. Mr. Speaker, I would like to inter-rogate the maker of the amendment, if I may?

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

Mr. LEVDANSKY. Mr. Speaker, the question I have is, would this amendment take effect for those communities that presently have State Police that have previously disbanded their local police forces or would this only take effect proactively, from here on out?

Mr. DISTLER. It is my understanding it is from here on out.

Mr. LEVDANSKY. I want to make this clear. So that any community that presently has State Police protection that previously disbanded their police force—they have already done that—

Mr. DISTLER. That is right.

Mr. LEVDANSKY. —it is a historical fact—they will not be covered by this amendment.

Mr. DISTLER. That is exactly right.

Mr. LEVDANSKY. Okay. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, I am going to vote against this amendment, and I think that maybe some other members from rural areas might want to look very carefully at this. I realize this is aimed at trying to address some concerns expressed by the F.O.P. (Fraternal Order of Police) and the Chiefs of Police, but in a lot of small rural communities, it is common for them to have a police department maybe with a part-time officer and then to not have a department and then to have one and not have it, depending upon whether or not they can find an officer and depending upon whether or not they can afford it.

The problem with this amendment is, it is really aimed at large police departments that are going to make people unemployed in order to hire these resident troopers, and it sweeps too far, because it is also going to impact on these small rural communities which have had an intermittent police force.

For that reason I am going to vote against it. Thank you.

The SPEAKER. The Chair recognizes Mr. Fairchild.

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

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

Mr. FAIRCHILD. Mr. Speaker, I have a municipality in my district that was in a cooperative arrangement with an adjoining municipality approximately a year and a half ago or 2 years, whatever the case may be. Would this amendment prohibit them from participating in the program?

Mr. DISTLER. No.

Mr. FAIRCHILD. Could you define, in relation to that scenario, could you define a municipal police force?

Mr. DISTLER. Well, this does not affect what is presently negotiated between the State Police and the local police. All we are saying is, as a prerequisite to applying for the program, that the municipality not have a police force in effect for the previous 3 years. I believe if you have a present contract with the municipality and the State Police, that would continue.

Mr. FAIRCHILD. I am not sure I am on the same vein. This municipality had a contract with an adjoining police force. In other words, they paid X amount of dollars to participate in police protection. They paid them \$25,000 or \$30,000 a year. Now they have terminated that contract. Under the language of your amendment, does this prohibit them from applying within 3 years or until the time of 3 years?

Mr. DISTLER. If they have terminated that contract that they presently have, then they do not have a police force in effect. Therefore, they would not fall under the prerequisite.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

Could I make a brief statement?

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

Mr. FAIRCHILD. Mr. Speaker, for the reasons that I have given concerning my situation and also the reasons given by Representative Lloyd, I think it would probably be in the best interest for every member to take a very hard look at this in how it may or may not affect your municipalities now and in the future. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

#### YEAS—69

Angstadt	Clymer	Hagarty	Rieger
Argall	Corrigan	Heckler	Ritter
Battisto	Davies	Howlett	Robbins
Belardi	Dempsey	Jadlowiec	Saurman
Birmelin	Distler	Kondrich	Schuler
Bishop	Donatucci	Langtry	Semmel
Black	Dorr	Lashinger	Smith, S. H.
Bortner	Durham	Marsico	Snyder, D. W.
Boyes	Fargo	Morris	Snyder, G.
Brandt	Farmer	Mowery	Strittmatter
Bunt	Fox	Nailor	Taylor, J.
Burns	Freeman	O'Brien	Trich
Bush	Gallen	Perzel	Van Horne
Carlson	Geist	Piccola	Weston
Cawley	Gladeck	Pressmann	Wilson
Cessar	Godshall	Reber	Wogan
Chadwick	Gruitza	Reinard	Wright, R. C.
Clark, J. H.			

#### NAYS—125

Acosta	Freind	Lloyd	Rudy
Adolph	Gamble	Lucyk	Ryan
Allen	Gannon	McCall	Rybak
Barley	George	McNally	Saloom
Belfanti	Gigliotti	McVerry	Scheetz
Billow	Gruppo	Maiiale	Scrimenti
Blaum	Haluska	Maine	Serafini
Bowley	Harper	Markosek	Smith, B.
Broujos	Hasay	Mayermik	Staback
Burd	Hayden	Melio	Stairs
Caltagirone	Hayes	Merry	Steighner
Cappabianca	Herman	Michlovic	Stish
Carn	Hershey	Micozzie	Stuban
Civera	Hess	Mihalich	Tangretti
Clark, B. D.	Hughes	Miller	Taylor, E. Z.
Clark, D. F.	Itkin	Moehlmann	Taylor, F.
Cohen	Jackson	Mrkonc	Telek
Colafella	James	Murphy	Thomas
Colaizzo	Jarolin	Nahill	Tigue
Cole	Josephs	Noye	Trelio
Cornell	Kaiser	Olasz	Veon
Cowell	Kasunic	Oliver	Vroon

Coy	Kenney	Pesci	Wambach
DeLuca	Kosinski	Petrarca	Wass
DeWeese	Kukovich	Petrone	Williams
Daley	LaGrotta	Phillips	Wozniak
Dombrowski	Laughlin	Pistella	Wright, D. R.
Evans	Lee	Pitts	Yandrisevits
Fairchild	Leh	Preston	
Fee	Lescovitz	Raymond	O'Donnell,
Fleagle	Levdansky	Robinson	Speaker
Flick	Linton	Roebuck	

NOT VOTING—2

Foster	Richardson
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EXCUSED—6

Dietterick	Johnson	Pievsky	Wright, J. L.
Dininni	McHale		

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

On the question recurring,

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

Mr. FREEMAN offered the following amendment No. A3461:

Amend Sec. 3 (Sec. 713), page 5, by inserting between lines 26 and 27

(d) (1) Except as provided in paragraph (2), this section shall apply only to municipalities having a population of five thousand or less. Two or more municipalities each having a population of five thousand or less may join together for the purposes of this section.

(2) The commissioner shall give priority under this section, regardless of population, to municipalities eligible under the act of October 11, 1984 (P.L.906, No.179), known as the "Community Development Block Grant Entitlement Program for Nonurban Counties and Certain Other Municipalities," and to municipalities declared financially distressed under the act of July 10, 1987 (P.L.246, No.47), known as the "Financially Distressed Municipalities Act."

On the question,

Will the House agree to the amendment?

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

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is designed to try and tighten some of the standards for those who would wish to participate in the program set out in HB 618.

Obviously, the intent of HB 618 is to provide police protection in those communities that do not have their own organized police force. But I think there is a real need to make sure that we target those communities that are most in need.

What this amendment does is attempt to target those communities by setting two standards: First, it calls upon the program only to be offered to those communities with populations of 5,000 or less, the intent being that if they have only 5,000 population, the likelihood is their tax base cannot support a local police force. The second criterion would allow the State Police Commissioner to give priority to those communities that currently are under the Financially Distressed Municipalities Act or who can participate in the Community

Development Block Grant Entitlement Program for Nonurban Counties. To participate in either of these programs, communities must show a financial need, must be in certain economic straits. I think it is incumbent upon us to design a program that would direct this kind of police protection to those communities that simply do not have the tax base or the resources to provide for police for themselves.

One factor about the priority being given to the communities that are financially distressed or can participate in the CDBG program, we would not in that instance hold these communities to the 5,000 population criterion. The rationale for this is simply that since they are already in a state of financial distress or financial need, they are already demonstrating their need to have some sort of support in the way of an outside police force. I think this brings a greater sense of fairness, a greater ability to target priorities as to where the resident State troopers should be.

I would urge the membership to join with me in supporting this amendment.

The SPEAKER. The Chair recognizes Mr. Wass.

Mr. WASS. Mr. Speaker, I want to speak on the legislation when it is before us.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—67

Acosta	Fox	Levdansky	Roebuck
Argall	Freeman	Linton	Saloom
Battisto	Godshall	Lucyk	Staback
Belardi	Gruitza	Maiale	Stish
Billow	Haluska	Maine	Stuban
Bishop	Harper	Melio	Tangretti
Blaum	Hayden	Michlovic	Taylor, F.
Caltagirone	Howlett	Mihalich	Telek
Cappabianca	Hughes	Morris	Thomas
Carn	James	Mrkonic	Trich
Cawley	Jarolin	Oliver	Wambach
Cohen	Josephs	Petrarca	Wass
Cole	Kaiser	Pistella	Williams
Corrigan	Kasunic	Preston	Wozniak
DeLuca	Kosinski	Richardson	
Daley	Kukovich	Rieger	O'Donnell,
Donatucci	Lee	Ritter	Speaker
Evans			

NAYS—128

Adolph	Distler	Langtry	Reinard
Allen	Dombrowski	Lashinger	Robbins
Angstadt	Dorr	Laughlin	Robinson
Barley	Durham	Leh	Rudy
Belfanti	Fairchild	Lescovitz	Ryan
Birmelin	Fargo	Lloyd	Rybak
Black	Farmer	McCall	Saurman
Bortner	Fee	McNally	Scheetz
Bowley	Fleagle	McVerry	Schuler
Boyes	Flick	Markosek	Scrimenti
Brandt	Freind	Marsico	Semmel
Broujos	Gallen	Mayernik	Serafini
Bunt	Gamble	Merry	Smith, B.
Burd	Gannon	Micozzie	Smith, S. H.
Burns	Geist	Miller	Snyder, D. W.
Bush	George	Moehlmann	Snyder, G.
Carlson	Gigliotti	Mowery	Stairs
Cessar	Gladeck	Murphy	Steighner

Chadwick	Gruppo	Nahill	Strittmatter
Civera	Hagarty	Nailor	Taylor, E. Z.
Clark, B. D.	Hasay	Noye	Taylor, J.
Clark, D. F.	Hayes	O'Brien	Tigue
Clark, J. H.	Heckler	Olasz	Trello
Clymer	Herman	Perzel	Van Horne
Colafella	Hershey	Pesci	Veon
Colaizzo	Hess	Petrone	Vroon
Cornell	Itkin	Phillips	Weston
Cowell	Jackson	Piccola	Wilson
Coy	Jadlowiec	Pitts	Wogan
DeWeese	Kenney	Pressmann	Wright, D. R.
Davies	Kondrich	Raymond	Wright, R. C.
Dempsey	LaGrotta	Reber	Yandrisevits

NOT VOTING—1

Foster

EXCUSED—6

Dietterick	Johnson	Pievsky	Wright, J. L.
Diminni	McHale		

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?

Mr. BOWLEY offered the following amendments No. A3479:

Amend Title, page 1, line 21, by inserting after "troopers;" providing for the continuation of underwater search teams;

Amend Sec. 4, page 6, by inserting between lines 6 and 7

(c) The sum of \$100,000, or as much thereof as may be necessary, is hereby appropriated from the General Fund to the Pennsylvania State Police to pay for the continuation of underwater search teams.

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

**PARLIAMENTARY INQUIRY**

**REQUEST TO DIVIDE AMENDMENTS**

The SPEAKER. The Chair recognizes Mr. Bowley.

Mr. BOWLEY. Mr. Speaker, a parliamentary inquiry, please.

The SPEAKER. The gentleman will state his inquiry.

Mr. BOWLEY. Mr. Speaker, if possible, would you please rule on whether this amendment 3479 could be divided into two amendments? The first amendment would start at "Amend Title, page 1, line 21," and end with the semicolon after "teams" as the first amendment.

The SPEAKER. Will the gentleman approach the podium.

(Conference held at Speaker's podium.)

**BILL PASSED OVER TEMPORARILY**

The SPEAKER. HB 618, over temporarily.

\* \* \*

The House proceeded to third consideration of **HB 1885, PN 3265**, entitled:

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

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

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

The question is, shall the bill pass finally?

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

**YEAS—191**

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



NAYS—1

Lloyd

NOT VOTING—4

Broujos	Coy	Mihalich	Petrone
EXCUSED—6			
Dieterick	Johnson	Pievsky	Wright, J. L.
Dininni	McHale		

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 1229, PN 1417**, entitled:

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

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

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

The question is, shall the bill pass finally?

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

YEAS—193

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

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

NAYS—0

NOT VOTING—3

Acosta	Bowley	Michlovic	
EXCUSED—6			
Dieterick	Johnson	Pievsky	Wright, J. L.
Dininni	McHale		

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.

DEMOCRATIC CAUCUS

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

Mr. DeWEESE. Mr. Speaker, I would like the attention of the members of the House. We would like to call a Democratic caucus at 1 o'clock sharp. It is a very important caucus, and as we break for lunch now, I would urge the attendance of all members of our House Democratic Caucus at 1 p.m. Thank you very much.

We will return to the floor at 2 p.m.

VOTE CORRECTION

The **SPEAKER**. The Chair recognizes Mr. Coy.

Mr. COY. Thank you, Mr. Speaker.

My switch failed to function on amendment 3348 to HB 618. I would like to be recorded in the affirmative.

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

REPUBLICAN CAUCUS

The **SPEAKER**. The Chair recognizes Mr. Noye.

Mr. NOYE. Thank you, Mr. Speaker.

Mr. Speaker, for the Republican members, we will caucus at 1 o'clock. Republican members, 1 o'clock in the caucus room.

VOTE CORRECTIONS

The **SPEAKER**. The Chair recognizes Mr. Wright.

Mr. D. R. WRIGHT. I was not recorded, Mr. Speaker, on amendment A3348 to HB 618. I wish to be recorded in the affirmative.

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

The Chair recognizes Mr. Bowley.

Mr. BOWLEY. Thank you, Mr. Speaker.

Mr. Speaker, I was not in my seat for the vote on HB 1229. If I had been, I would have voted in the affirmative. Thank you.

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

RECESS

The SPEAKER. This House is now in recess until 2 p.m.

AFTER RECESS

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

WELCOME

The SPEAKER. The Chair welcomes the Plum Borough senior citizens group, who are the guests of Representative Ted Kondrich. They are located in the back of the hall. Will the guests please rise.

FILMING PERMISSION

The SPEAKER. The Chair grants permission to John Dille of "The People's Business" for filming on the floor this afternoon.

CALENDAR CONTINUED

CONSIDERATION OF HB 618 CONTINUED

BILL PASSED OVER

The SPEAKER. The Chair returns to page 8 of the calendar. HB 618, over for today.

HB 1885 RECONSIDERED

The SPEAKER. The Chair is in possession of a reconsideration motion offered by the gentleman, Mr. Fargo. He moves that the vote by which HB 1885, PN 3265, was passed today be reconsidered.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—187

Adolph	Evans	Lee	Robinson
Allen	Fairchild	Leh	Roebuck
Angstadt	Fargo	Lescovitz	Rudy
Argall	Farmer	Levdansky	Ryan
Barley	Fee	Linton	Rybak
Belardi	Fleagle	Lloyd	Saloom
Belfanti	Flick	McCall	Saurman
Billow	Foster	McNally	Scheetz
Birmelin	Fox	McVerry	Schuler

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

NAYS—0

NOT VOTING—9

Acosta	Civera	James	Lucyk
Battisto	Cole	Josephs	Raymond
Carn			

EXCUSED—6

Dietterick	Johnson	Pievsky	Wright, J. L.
Dininni	McHale		

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

On the question recurring,  
Shall the bill pass finally?

The SPEAKER. The Chair recognizes Mr. Fargo.  
Mr. FARGO. Thank you.

This bill was passed this morning almost unanimously, and I just wanted to make sure that we had a second opportunity to take a look at it.

What it is is a requirement that the county commissioners pay the coroners a wage which is commensurate to the other people who work for the county, and it is a requirement, which means that it is putting our county commissioners in the position of another mandate.

So I just thought it would be a good idea if we had a second opportunity to take a look at the bill, and I appreciate the opportunity to have another vote on it. Thank you.

On the question recurring,  
Shall the bill pass finally?

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

YEAS—163

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

NAYS—18

Allen	Fargo	Perzel	Taylor, J.
Argall	Kenney	Robbins	Wass
Bowley	Lee	Robinson	Weston
Clark, D. F.	Lloyd	Stuban	Wogan
Fairchild	O'Brien		

NOT VOTING—15

Acosta	Civera	Lucyk	Roebuck
Battisto	Cole	McVerry	Serafini
Carn	James	Pitts	Smith, B.
Cawley	Josephs	Raymond	

EXCUSED—6

Dietterick	Johnson	Pievsky	Wright, J. L.
Dininni	McHale		

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.

FILMING PERMISSION

The SPEAKER. The Chair gives permission to Sandy Moore of WHP-TV for 10 minutes of filming this afternoon.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 1861, PN 4040**, entitled:

An Act providing for early intervention services for infants, toddlers and preschool children who qualify; establishing the Interagency Coordinating Council and providing for its powers and duties; and conferring powers and duties upon the Department of Education and the State Board of Education, the Department of Health and the Department of Public Welfare.

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

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

The Chair recognizes Mr. Cowell.  
Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, the legislation before us is HB 1861, which is the early intervention legislation. The Education Committee of the House has worked on this issue for several years. The bill in the form that is before us today is largely the bill that was reported out of the House Education Committee unanimously a couple of months ago. It does include some clarifications that were added this week by the Appropriations Committee. Those clarifications are supported by the Department of Education, the Governor's Office, the Pennsylvania School Boards Association, and a wide range of advocacy groups and provider groups that have worked for this legislation for the past several years.

I would urge that we approve the legislation in the form before us. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Schuler.  
Mr. SCHULER. Thank you, Mr. Speaker.

The chairman of the Education Committee is quite correct. There has been a lot of work into this. There have been some compromises made. I think it is a good bill, and I would ask for our support in the voting of the bill and passage of the bill.  
Thank you, Mr. Speaker.

On the question recurring,  
Shall the bill pass finally?

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

YEAS—193

Adolph	Donatucci	Lashinger	Robbins
Allen	Dorr	Laughlin	Robinson
Angstadt	Durham	Lee	Roebuck
Argall	Evans	Leh	Rudy
Barley	Fairchild	Lescovitz	Ryan
Battisto	Fargo	Levdansky	Rybak
Belardi	Farmer	Linton	Saloom
Belfanti	Fee	Lloyd	Saurman

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

NAYS—0

NOT VOTING—3

Acosta	James	Pitts
		EXCUSED—6

Dietterick	Johnson	Pievsky	Wright, J. L.
Dininni	McHale		

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

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

**VOTE CORRECTION**

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

Mr. PITTS. I missed the vote on HB 1861. I would like to be recorded in the affirmative. Thank you.

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

**BILLS ON THIRD CONSIDERATION CONTINUED**

The House proceeded to third consideration of **HB 1661, PN 2441**, entitled:

An Act entitling employees to family leave in certain cases involving a birth, an adoption or a serious health condition and to temporary medical leave in certain cases involving a serious health condition, with adequate protection of the employee's employment and benefit rights.

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

Mr. PICCOLA offered the following amendments No. A3435:

Amend Bill, page 1, lines 1 through 14; page 2, lines 1 through 10; by striking out all of said lines on said pages and inserting Establishing the Task Force on Family and Medical Leave and conferring powers and duties upon it; and providing for an education and awareness program on family and medical leave.

Amend Bill, page 2, lines 13 through 30; pages 3 through 19, lines 1 through 30; page 20, lines 1 through 11, by striking out all of said lines on said pages and inserting

Section 1. Short title.

This act shall be known and may be cited as the Family and Medical Leave Act.

Section 2. Declaration of policy.

The General Assembly finds and declares as follows:

(1) Leave from jobs to care for newborn children, sick relatives or personal illness is a relatively new social phenomenon.

(2) There is currently no data specific to this Commonwealth which delineates the extent to which employers are voluntarily providing family and medical leave for their employees or at what cost this leave is provided.

(3) There is every indication that employers are meeting their employees' personal needs for leave either through an ad hoc response or through formal or informal policy based on their ability to do so.

(4) State-mandated, standardized family and medical leave policies have the potential of creating a situation which is discriminatory to those employees who can utilize leave benefits, and unfair both to the employer and to those employees that do not or cannot utilize leave benefits.

(5) It is important that State government reach out to employers to provide them with useful information on the leave concept to assist them to voluntarily establish leave policies for their employees.

Section 3. Definitions.

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

"Department." The Department of Labor and Industry of the Commonwealth.

"Employee." An individual who performs work for an employer in exchange for monetary or other valuable consideration.

"Employer." A person for whom an employee performs work in exchange for monetary or other valuable consideration. The term includes an individual, an entity and a personal representative. The term includes the Commonwealth, a political subdivision and an agency or instrumentality of either.

"Task force." The Task Force on Family and Medical Leave established in section 4.

Section 4. Task force.

(a) Establishment.—The Task Force on Family and Medical Leave is established within the department.

(b) Composition.—The task force shall consist of 17 members:

(1) The Majority Chairman and the Minority Chairman of the Senate Labor and Industry Committee.

(2) The Majority Chairman and the Minority Chairman of the House of Representatives Labor Relations Committee.

(3) Four representatives of business, at least two of whom are representatives of small business. One member shall be appointed by the Majority Leader of the Senate, one member shall be appointed by the Minority Leader of the Senate, one member shall be appointed by the Majority Leader of the House of Representatives and one member shall be appointed by the Minority Leader of the House of Representatives, from a submitted list of qualified candidates recommended by organizations representing business.

(4) Four representatives of labor. One member shall be appointed by the Majority Leader of the Senate, one member shall be appointed by the Minority Leader of the Senate, one member shall be appointed by the Majority Leader of the House of Representatives and one member shall be appointed by the Minority Leader of the House of Representatives, from a submitted list of qualified candidates recommended by organizations representing labor.

(5) Four representatives of local government. One member shall be appointed by the Majority Leader of the Senate, one member shall be appointed by the Minority Leader of the Senate, one member shall be appointed by the Majority Leader of the House of Representatives and one member shall be appointed by the Minority Leader of the House of Representatives, from a submitted list of qualified candidates recommended by organizations representing local governments and school boards.

(6) The Secretary of Labor and Industry, who shall serve as a nonvoting ex officio member of the task force and who shall chair the task force.

(c) Powers and duties.—The task force has the following powers and duties:

(1) To conduct a comprehensive study of family and medical leave practices in this Commonwealth. Specific items which the task force shall consider are:

(i) The number of employers that currently provide family and medical leave either through formal or informal policy, or on an ad hoc basis.

(ii) The type and length of leave that is currently provided by employers.

(iii) The cost of family and medical leave benefits to employers.

(2) Based on findings under paragraph (1), to develop a set of recommended family and medical leave employee policies which employers can use as a guide in voluntarily developing family and medical leave policies for their employees.

(3) To compile the findings under paragraph (1), the recommendations under paragraph (2) and other recommendations into a report. The report under this paragraph shall be presented to the Chief Clerk of the Senate and the Chief Clerk of the House of Representatives within one year of the effective date of this act.

Section 5. Cooperation with other agencies.

Administrative agencies of the Commonwealth shall provide assistance and information to the task force upon request.

Section 6. Public information.

The task force shall disseminate the report under section 3(c)(3) to employers.

Section 7. Awareness program.

The department, in consultation with the task force, shall develop and implement a family and medical leave education and

awareness program. The program shall have the following objectives and purposes:

(1) To raise awareness among employers and employees about family and medical leave.

(2) To encourage employers to ascertain voluntarily their employees' family and personal needs and to try to meet those needs when possible.

(3) To provide useful information to employers and employees on how the recommended family and medical leave policies developed by the task force can be utilized or adapted in the most productive and effective manner.

Section 8. Effective date.

This act shall take effect in 60 days.

On the question,

Will the House agree to the amendments?

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

Mr. PICCOLA. Thank you, Mr. Speaker.

I believe the House is somewhat familiar with the issues contained in HB 1661 - that issue, of course, and those issues being the effort on the part of State Government to impose upon the private sector a scheme of mandated family and medical leave.

This issue has been around for a number of years, and specifically in this term of the General Assembly, HB 1661 was introduced and referred to the House Labor Relations Committee last year. Acting upon that referral, Chairman Cohen at that time, chairman of the committee, scheduled five public hearings on HB 1661 throughout the Commonwealth. And I would commend Chairman Cohen for doing that at this time, because a concept such as this deserves a public hearing and in fact it deserved the five public hearings in four locations - Philadelphia, Harrisburg, Pittsburgh, and Erie.

We heard from over 67 witnesses during the course of those five public hearings. We heard from the business community, we heard from labor organizations, and we heard from other groups both for and against the concept of HB 1661. And I believe, Mr. Speaker, that I was the only member of that committee on either side of the aisle that attended all five of those hearings and I believe listened to almost, if not all of those witnesses and the answers to the questions that were posed to those witnesses.

The old phrase that has been attached to the concept of mandated family and medical leave, that it is a legislative and governmental initiative in search of a problem, certainly came to light during those five hearings, because during the course of those five hearings, after question upon question and request upon request, the committee received not one, not one single documented case of a Pennsylvania citizen who had a problem or lost a job or could not get time off from his work in order to attend to a sick family member; in order to have a baby; in order to take care of themselves if they became sick.

Now, I am not suggesting that perhaps there are not a handful of such individuals in the State of Pennsylvania, but they did not come to the House Labor Relations Committee and urge that we adopt a huge scheme of mandates on the private sector in order to accommodate whatever problem they might have had.

In fact, the reverse was the case. We asked specifically whether there were specific cases of people that had this particular problem, needed this kind of mandated legislation, and in fact some of the members from organized labor testified that they really did not need, they did not need mandated government leave because they negotiate these kinds of things in terms of the kinds of benefits their employees - the employees that they represent - need. And, Mr. Speaker, it came to my mind that that is precisely what collective bargaining and employee-employer relationships are all about. If there is an employee need, he seeks to get that need met through his negotiations with his employer either collectively or individually.

Quite frankly, Mr. Speaker, this bill is, as the critics say, a legislative initiative in search of a problem. The Labor Relations Committee found no problem in Pennsylvania on this score. That is why, Mr. Speaker, I am offering this amendment.

This amendment up until I guess the beginning of this week was known as the Van Horne amendment; it is now known as the Piccola amendment, but it is an amendment to deal with this problem, if there is a problem, on the basis that it should be dealt with, and that is, first of all, let us gather the data. Let us determine what Pennsylvania employees actually need, what Pennsylvania employers are actually giving, and let us compile that information in a comprehensive and meaningful way, and let us disseminate that information to the public, both the employee sector and the employer sector. And based upon that kind of information, rational, intelligent decisions can be made with respect to the kinds of leave policies that particular employee groups need.

One of the things that we discovered which this bill will actually accomplish in hurting employees is that some employees have no need for the kind of leave that this bill provides for, and the employer is going to, if we enact this into law, is going to have to pay for that as a fringe benefit, because the law says he has got to provide it. And if he has to pay for it and have it provided, that is another benefit that he might be able to provide to that employee that that employee really needs that he simply will not be able to afford to pay for for that particular employee.

The entire concept of family and medical leave mandated by State Government is simply irrational. In this day and age, in 1990, as we appear to be headed toward an economic downturn at best and perhaps a recession at worst and where the northeast part of the Nation is particularly hard hit, we are dragging this kind of antibusiness, antiprivate-sector legislation and trying to force it down the throats of business, particularly small business, which creates more jobs than any other sector of the economy, at a time when we should be doing favors, trying to make this kind of State have a favorable climate for small business. We are waging war on small business with this kind of legislation.

Let us do it on a rational basis, Mr. Speaker. Let us create the task force contained in this amendment. Let us gather the data on a rational basis to determine, number one, whether

there is a problem, and number two, if there is a problem, how do we best meet that problem and those needs without this broad-based attack on small business in the Commonwealth of Pennsylvania.

This legislation is bad in its present form. It is bad in any form that I have seen relative to amendments that have been circulated, except for this amendment, and I would urge that the House adopt the formerly Van Horne amendment, now Piccola amendment. Thank you, Mr. Speaker.

#### AMENDMENTS WITHDRAWN

The SPEAKER. Before the gentleman leaves the microphone, the Chair would request that the gentleman temporarily withdraw his amendment.

Mr. PICCOLA. May I parliamentarily inquire why, Mr. Speaker? It is not that I do not trust you, Mr. Speaker.

The SPEAKER. Certainly not.

On the advice of distinguished counsel, it appears that HB 1661 when it was last before the House was in a position where Mr. DeWeese had offered an amendment. The amendment had been divided. The first half of the amendment had been voted upon, the second half had not, and therefore, on the advice of learned counsel—

Mr. PICCOLA. Which learned counsel, Mr. Speaker?

The SPEAKER. Learned counsel that would be persuasive to the gentleman. The former Speaker.

Mr. PICCOLA. I have been persuaded, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The matter now before the House is HB 1661, amendment—

Mr. PICCOLA. Mr. Speaker, point of information. Do I have to repeat my debate?

The SPEAKER. Definitely not.

The matter before the House is amendment A0778 offered by the gentleman, Mr. DeWeese.

On the question recurring,

Will the House agree to the amendments?

#### AMENDMENTS WITHDRAWN

The SPEAKER. The Chair recognizes the majority leader.

Mr. DeWEESE. Mr. Speaker, I would withdraw that amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. PICCOLA reoffered the following amendments No. A3435:

Amend Bill, page 1, lines 1 through 14; page 2, lines 1 through 10; by striking out all of said lines on said pages and inserting Establishing the Task Force on Family and Medical Leave and conferring powers and duties upon it; and providing for an education and awareness program on family and medical leave.

Amend Bill, page 2, lines 13 through 30; pages 3 through 19, lines 1 through 30; page 20, lines 1 through 11, by striking out all of said lines on said pages and inserting Section 1. Short title.

This act shall be known and may be cited as the Family and Medical Leave Act.

## Section 2. Declaration of policy.

The General Assembly finds and declares as follows:

(1) Leave from jobs to care for newborn children, sick relatives or personal illness is a relatively new social phenomenon.

(2) There is currently no data specific to this Commonwealth which delineates the extent to which employers are voluntarily providing family and medical leave for their employees or at what cost this leave is provided.

(3) There is every indication that employers are meeting their employees' personal needs for leave either through an ad hoc response or through formal or informal policy based on their ability to do so.

(4) State-mandated, standardized family and medical leave policies have the potential of creating a situation which is discriminatory to those employees who can utilize leave benefits, and unfair both to the employer and to those employees that do not or cannot utilize leave benefits.

(5) It is important that State government reach out to employers to provide them with useful information on the leave concept to assist them to voluntarily establish leave policies for their employees.

## Section 3. Definitions.

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

"Department." The Department of Labor and Industry of the Commonwealth.

"Employee." An individual who performs work for an employer in exchange for monetary or other valuable consideration.

"Employer." A person for whom an employee performs work in exchange for monetary or other valuable consideration. The term includes an individual, an entity and a personal representative. The term includes the Commonwealth, a political subdivision and an agency or instrumentality of either.

"Task force." The Task Force on Family and Medical Leave established in section 4.

## Section 4. Task force.

(a) Establishment.—The Task Force on Family and Medical Leave is established within the department.

(b) Composition.—The task force shall consist of 17 members:

(1) The Majority Chairman and the Minority Chairman of the Senate Labor and Industry Committee.

(2) The Majority Chairman and the Minority Chairman of the House of Representatives Labor Relations Committee.

(3) Four representatives of business, at least two of whom are representatives of small business. One member shall be appointed by the Majority Leader of the Senate, one member shall be appointed by the Minority Leader of the Senate, one member shall be appointed by the Majority Leader of the House of Representatives and one member shall be appointed by the Minority Leader of the House of Representatives, from a submitted list of qualified candidates recommended by organizations representing business.

(4) Four representatives of labor. One member shall be appointed by the Majority Leader of the Senate, one member shall be appointed by the Minority Leader of the Senate, one member shall be appointed by the Majority Leader of the House of Representatives and one member shall be appointed by the Minority Leader of the House of Representatives, from a submitted list of qualified candidates recommended by organizations representing labor.

(5) Four representatives of local government. One member shall be appointed by the Majority Leader of the

Senate, one member shall be appointed by the Minority Leader of the Senate, one member shall be appointed by the Majority Leader of the House of Representatives and one member shall be appointed by the Minority Leader of the House of Representatives, from a submitted list of qualified candidates recommended by organizations representing local governments and school boards.

(6) The Secretary of Labor and Industry, who shall serve as a nonvoting ex officio member of the task force and who shall chair the task force.

(c) Powers and duties.—The task force has the following powers and duties:

(1) To conduct a comprehensive study of family and medical leave practices in this Commonwealth. Specific items which the task force shall consider are:

(i) The number of employers that currently provide family and medical leave either through formal or informal policy, or on an ad hoc basis.

(ii) The type and length of leave that is currently provided by employers.

(iii) The cost of family and medical leave benefits to employers.

(2) Based on findings under paragraph (1), to develop a set of recommended family and medical leave employee policies which employers can use as a guide in voluntarily developing family and medical leave policies for their employees.

(3) To compile the findings under paragraph (1), the recommendations under paragraph (2) and other recommendations into a report. The report under this paragraph shall be presented to the Chief Clerk of the Senate and the Chief Clerk of the House of Representatives within one year of the effective date of this act.

## Section 5. Cooperation with other agencies.

Administrative agencies of the Commonwealth shall provide assistance and information to the task force upon request.

## Section 6. Public information.

The task force shall disseminate the report under section 3(c)(3) to employers.

## Section 7. Awareness program.

The department, in consultation with the task force, shall develop and implement a family and medical leave education and awareness program. The program shall have the following objectives and purposes:

(1) To raise awareness among employers and employees about family and medical leave.

(2) To encourage employers to ascertain voluntarily their employees' family and personal needs and to try to meet those needs when possible.

(3) To provide useful information to employers and employees on how the recommended family and medical leave policies developed by the task force can be utilized or adapted in the most productive and effective manner.

## Section 8. Effective date.

This act shall take effect in 60 days.

On the question recurring,

Will the House agree to the amendments?

The SPEAKER. The Chair now recognizes Mr. Piccola. The previous remarks of the gentleman on this subject are included in the record.

The matter before the House is the Piccola amendment. The Chair recognizes Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the amendment. If one thing has happened to parental leave and family and medical leave

across this country, it is that it has been studied and studied and studied and studied. The most recent study done on the issue was done by the Health and Human Services Agency in the Federal Government, the Reagan-Bush Federal Government that recommended up to 1 year of leave for parents of newborn children, and that if possible, that 6 months of that leave be paid for. That was done by the Federal Government and I think it indicates what every other study we have seen—and I would be happy to show them to the gentleman—shows, and that is that this kind of job protection for the people of Pennsylvania is needed.

There is no need to study it any further. The Governor of the Commonwealth, who is in support of this measure, has made it known to me and has said I can make it known to all of you that we do not need another study; that a study will be vetoed out of hand; that this is an attempt only to kill this legislation.

We know what the reality is. David Wilt, David Wilt of York County knows what the reality is when he was a chef for Mister Donut and his daughter with Down's syndrome needed heart bypass surgery in Washington, DC. That gentleman testified before the United States Congress and does not testify anymore. Do you know why? People who find themselves in these positions are now employed in other occupations, are trying to look for employment in other businesses, and do not want a label of "troublemaker" attached to them. But David Wilt lost his job at Mister Donut because he took the time off, time off that was promised him up until the last moment, and then the employer reneged on that promise. That gentleman from York County went to the hospital in Washington, DC, for his daughter's operation and lost his job as a chef at Mister Donut.

Throughout the hearings of the Labor Relations Committee, we have had people testify. Joann Mills from the Philadelphia hearing testified that she had used up her vacation and sick leave and could not take any more leave, or she would lose her job, to care for her chronically ill father. Anna Forbes from Action Aids presented the case of a Mrs. C - Mrs. C whose son died of AIDS (acquired immune deficiency syndrome). These people are very, very hesitant to come forward and discuss their problems. A constituent of mine in the city of Wilkes-Barre whose 1 1/2-year-old daughter needed heart surgery at Danville - needed heart surgery; had the surgery; needed to have her blood cleaned—a 42-day process. She had to go to Geisinger in Danville. Employed by one of our major employers in the city of Wilkes-Barre, she was sitting and sleeping next to her child's bed in Danville for those 42 days. She was gone 2 weeks and was called on a Friday and told to get back to work or she would lose her job on Monday. She said she was staying with her daughter; she lost her job.

Mr. Speaker, we are talking about a minimal labor standard. We are saying that if you need a reasonable amount of time off, unpaid—unpaid—for only three reasons - the birth or adoption of a child or the serious illness of a family member - if you need a reasonable amount of time off,

unpaid, for any one of those three reasons, you cannot be fired in Pennsylvania. The people of New Jersey have that job protection as of the end of 1989, when Governor Tom Kean signed the New Jersey bill into law. The people of New Jersey have that kind of job protection. The people of Pennsylvania do not.

This so-called study, Mr. Speaker, is an attempt to gut this legislation and to kill our efforts to enact this job protection for the people of Pennsylvania. Not only should it be defeated here but I again repeat that it has the assurances of Governor Casey that if it ever reached his desk, it would be vetoed out of hand; that what he wants, what we want, is true job protection for the people of Pennsylvania when they find themselves between the rock and the hard place for only three specific situations.

Mr. Speaker, I ask for a negative vote.

The SPEAKER. The Chair recognizes Mr. Piccola.

Mr. PICCOLA. Thank you, Mr. Speaker.

In reply to the gentleman, Mr. Blaum, we did hear from the Mr. C's and the Mrs. J's and the Mrs. C's, and I do not know whether those people exist or do not exist, and in my view, before we jump to a conclusion in an act - broad-sweeping, mandatory, fiscally impacting legislation - that is going to impact on the economy of this State, we ought to find out whether in fact these people do exist. In furtherance of that effort, in February of this year I wrote to Miss Judith Heh, who is one of the chairpersons of the Pennsylvania Family and Medical Leave Coalition, and I asked her if she would provide me with the identity of these people on a confidential basis so we could determine whether they actually existed, and Mr. Blaum got a copy of that letter. I was informed those people's names are not going to be released. We are supposed to say, well, let us just enact this because somebody says Mr. C or Mr. B or Mr. A exists and they have a problem.

I have been a legislator for 14 years. No one in the 14 years that I have represented the 58,000 people of my district has brought this kind of a problem to my attention and said, we need a law, a mandated law, to deal with this. I know one member of the House surveyed his colleagues to find out whether any of them had such problems, that we needed a law, a mandated law, to deal with the problem.

Mr. GALLEN. Mr. Speaker?

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

Mr. GALLEN. A point of order, Mr. Speaker. We would like to have some order in this House. I am sitting close to the gentleman, and I cannot hear him. It is turmoil in here.

The SPEAKER. The Chair appreciates the advice of the gentleman.

The gentleman may continue.

Mr. PICCOLA. I was on a roll, Mr. Speaker. Thank you.

I know one of our colleagues surveyed some of us or most of us, if not all of us, to find out whether we had any specific examples in our districts that we could bring to the attention of the committee or the House to see whether or not such a problem is out there in the Pennsylvania working community



that needs to be addressed by a mandated benefit, and I do not think he got more than a handful of replies, maybe three or four, and those were tenuous at best.

Now, maybe these people do exist. Maybe there is a problem out there that no one wants to bring to our attention and document. Maybe there should be confidentiality, and maybe— In fact, I believe, certainly, that is precisely what the kind of task force that we are suggesting be created is in the best position to do - to develop that information that nobody wants to put out into the public arena, especially when it should be out in the public arena, when it is going to have such an impact, and let them do it on a confidential basis. I am willing to trust this task force which we have weighted in favor of Mr. Blaum's Governor. If you look at the appointments on the task force, they are weighted in favor of the executive branch, and I am willing to trust his appointments to come up with that information.

Mr. Speaker, my concern is this: We are going to have a system of mandated benefits in this State to give people leaves from jobs that will not exist, because they are going to go elsewhere, Mr. Speaker. We are going to drive this State into recession, not Saddam Hussein.

The SPEAKER. The Chair recognizes Mr. Blaum.

Mr. BLAUM. Once again, Mr. Speaker, I just repeat that we are not mandating anything. We do not mandate that people take leave. We do not mandate that David Wilt's 2-year-old daughter become seriously, seriously ill. All we are saying is that when somebody's child does become ill, you are not going to be able to fire them for a reasonable amount of time. That is it - unpaid leave. There is no reason to study the need for that kind of minimal, minimal job protection in Pennsylvania.

I would also suggest that Pennsylvania is not the first State to do this. There are in excess of a dozen or two States that have already enacted this kind of job protection for their people. Republican Governor Tom Kean of New Jersey was the most recent Governor to sign that kind of law into effect, and I hope and pray, Mr. Speaker, that Governor Bob Casey is the next Governor of this United States who signs this kind of job protection into law.

I ask for a negative vote, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader.

Mr. DeWEESE. Mr. Speaker, the great German philosopher, Wolfgang von Goethe, once said that "For man to earn his life and freedom, he must take every day by storm." I contend that it is time to take the day by storm. It is time to vote affirmatively on the whole package, and it is time to negate the advance of Mr. Piccola's amendment.

I ask for a negative vote. Thank you.

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

The following roll call was recorded:

YEAS—95

Adolph	Distler	Jackson	Reber
Allen	Dorr	Jadlowiec	Reinard
Angstadt	Durham	Kenney	Robbins
Argall	Fairchild	Kondrich	Ryan

Barley	Fargo	Langtry	Saurman
Battisto	Farmer	Lashinger	Scheetz
Birmelin	Fleagle	Lee	Schuler
Black	Flick	Leh	Semmel
Boyes	Foster	McVerry	Serafini
Brandt	Fox	Marsico	Smith, B.
Bunt	Freind	Merry	Smith, S. H.
Burd	Gallen	Micozzie	Snyder, D. W.
Burns	Gannon	Miller	Snyder, G.
Bush	Geist	Moehlmann	Stairs
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	Weston
Clymer	Heckler	Phillips	Wilson
Cornell	Herman	Piccola	Wogan
Davies	Hershey	Pitts	Wright, R. C.
Dempsey	Hess	Raymond	

NAYS—101

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

NOT VOTING—0

EXCUSED—6

Dietterick	Johnson	Pievsky	Wright, J. L.
Dininni	McHale		

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

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

Mr. GANNON offered the following amendments No. A0413:

Amend Title, page 1, line 5, by removing the period after "rights" and inserting ; and providing for tax credits.

Amend Table of Contents, page 2, by inserting between lines 8 and 9

Section 17. Tax credit.

Amend Table of Contents, page 2, line 9, by striking out "17" and inserting

Amend Table of Contents, page 2, line 10, by striking out "18" and inserting

19

Amend Bill, page 19, by inserting between lines 28 and 29 Section 17. Tax credit.

(a) Entitlement.—Any employer who incurs family leave expenses in complying with the requirements of this act shall be entitled to a credit for the payment of such expenses against taxes imposed by Article III, IV, VII, VIII, IX or XV of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971. The tax credit shall be 50% of the amount by which the family leave expenses incurred for each employee taking such leave exceeds the amount of any cost saving that accrues to the employer as a result of the family leave. The tax credit relative to any employee taking family leave shall not exceed the cash remuneration received by that employee in the six calendar months immediately preceding the taking of leave. The credit shall be taken for the tax year in which the family leave expenses were incurred and shall not exceed the tax liability of the employer, provided, however, that the tax credit may be carried over against tax liabilities of the employer in the three immediately subsequent taxable years. No part of any family leave expense which is or will be taken as a credit pursuant to this act may be taken as a tax deduction or tax credit otherwise available to the employer under the Tax Reform Code of 1971.

(b) Family leave expenses.—For purposes of this section, family leave expenses shall include, but not be limited to, reasonable and necessary expenses incurred to train, recruit, compensate and relocate any person who is employed or assigned to fill the position of any employee taking family leave in accordance with this act or any necessary and reasonable expenses incurred to contract for a temporary replacement worker.

(c) Administration.—The Department of Revenue, in cooperation with the Department of Labor and Industry, shall administer the provisions of this section, promulgate appropriate rules, regulations and forms for that purpose and make such determinations as may be required. Determinations with respect to the family leave tax credit provided for in this section may be reviewed and appealed in the manner provided by law for other corporate or personal tax credits.

Amend Sec. 17, page 19, line 29, by striking out "17" and inserting

18

Amend Sec. 18, page 20, line 5, by striking out "18" and inserting

19

On the question,

Will the House agree to the amendments?

The SPEAKER. For the information of the members, we have a significant number of visitors today, some of whom have used the back of the House. We have an extended debate today, which has prompted many of the members to move around the hall. We have a number of press and media people on the floor today, which has added something to the confusion. So if the members would go beyond their usual measure of courtesy toward each of the speakers, it would be appreciated.

The Chair recognizes, on the amendment, the gentleman, Mr. Gannon.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, I think that no matter where you are on this particular bill, this is an amendment that you should be able to support. The amendment very simply provides for a 50-

percent tax credit to employers for the cost of implementing this measure in the workplace.

The proponents of the legislation have stressed the minimal cost to the employer of this proposal and the maximum benefit that it will provide. For that modest cost, it is my view that there should be a partnership between the private and public sectors to share that modest cost, if you will, for the cost of imposing this mandated benefit on the employers of Pennsylvania. I am particularly thinking of those costs, for example, of training a temporary employee to replace the employee who is on leave; the additional cost, in terms of dollars per hour, that a temporary employee may require since he or she knows that they will be employed only temporarily. The additional cost for benefits that may be required to be paid to that temporary employee. Now, I know the proponents of this legislation have said that those costs will be modest, so I do not think the proponents of the legislation will have any difficulty in saying, yes, I agree, to get this moving forward, we should at least share some of the costs with the private sector.

Based upon numbers that were put into an editorial by the Philadelphia Inquirer sometime back, their estimate is that the total cost may be in the area, for this legislation as it is, of about \$10 million. This gives a 50-percent tax credit, so based upon the numbers that showed up in the Philadelphia Inquirer editorial, it is estimated that the total cost of this to the Commonwealth would be about \$5 million. So for that modest cost, I think the proponents of this legislation would enthusiastically support this amendment to provide some little assistance to the small employer to help him defray some of the costs that would be involved in implementing this program. Thank you, Mr. Speaker.

## WELCOMES

The SPEAKER. The Chair is pleased to welcome 37 foreign lawyers who are students at the University of Pennsylvania, studying for their master's degree in law. They are the guests of the majority leader.

Also, the Chair welcomes the Pennsylvania Coalition of Citizens with Disabilities, who are here as the guests of Representative Blaum. Will the House please welcome the guests.

## CONSIDERATION OF HB 1661 CONTINUED

The SPEAKER. The Chair recognizes Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

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

I think Mr. Gannon accurately states that the cost of this proposal is minimal. It is the continuation of any health insurance benefits that the employer may already be providing to its employee during the course of that leave. However, the magic of family and medical leave is that it is self-policing; that is, that the employee cannot abuse it because it is unpaid. Also, the employer has to keep his eye on the bottom line, which is why the various protections are written into the legislation.

We, the proponents of family and medical leave, do not want this law abused in any way, shape, or form by the employers and certainly not by the employees. It is this mutual self-policing that makes family and medical leave work in the various States throughout this country where it has already been enacted.

Once you say that the State will pick up 50 percent of the cost, you begin to remove the self-policing nature of this legislation, because if Governor Casey and the legislature are going to pay for this, well, then everybody can begin to go take on leave and abuses are bound to occur on both sides. We do not want that to happen, Mr. Speaker, in addition to the fact, as accurately pointed out by Mr. Gannon in citing the cost of this legislation, that it is a fraction of the tax break that was given yesterday by this House.

So we know the budget situation of the Commonwealth. But while that would be a problem, that is secondary to the fact of what makes family and medical leave work in the States where it has been enacted, and I would point to testimony before the various congressional committees, where members of those committees, Senators and members of the House of Representatives, representing the States that already have enacted their own family and medical leave legislation, surveyed their businesses, asking for complaints about the State law. They all, whether it was Congresswoman Snowe in Maine or Senator Dodd in Connecticut or Senator Packwood in Oregon, they all received not one complaint, not one, from the businesses on the operation of this legislation in their respective States, because, finally, the magic of this legislation is it is self-policing, but not if the State is going to begin picking up the tab. Then it is going to be a free ride for everybody, and it begins to break down.

For those reasons, Mr. Speaker, I ask all the members of the House to defeat this amendment.

On the question recurring,  
Will the House agree to the amendments?  
(Members proceeded to vote.)

VOTES CHALLENGED

Mr. RYAN. Mr. Speaker?

The SPEAKER. For what purpose does the gentleman rise?

Mr. RYAN. Mr. Speaker, is the gentleman, Mr. Acosta, on the floor of the House? The gentleman, Mr. Petrone?

The SPEAKER. The gentleman, Mr. Petrone, is on the floor of the House.

Mr. RYAN. The gentleman, Mr. Richardson?

The SPEAKER. Strike the vote of Mr. Richardson until he returns.

Mr. RYAN. The gentleman, Mr. Fred Taylor?

The SPEAKER. The gentleman is not voting.

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

The following roll call was recorded:

YEAS—96

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

NAYS—97

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

NOT VOTING—3

Acosta	Richardson	Taylor, F.
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EXCUSED—6

Dietterick	Johnson	Pievsky	Wright, J. L.
Dininni	McHale		

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

On the question recurring,  
Will the House agree to the bill on third consideration?  
Mr. STRITTMATTER offered the following amendments  
No. A2583:

Amend Title, page 1, line 5, by removing the period after "rights" and inserting  
; and providing for State financing of the program.  
Amend Table of Contents, page 2, by inserting between lines 7 and 8

## Section 16. Cost reimbursement.

Amend Table of Contents, page 2, line 8, by striking out "16" and inserting

17

Amend Table of Contents, page 2, line 9, by striking out "17" and inserting

18

Amend Table of Contents, page 2, line 10, by striking out "18" and inserting

19

Amend Bill, page 19, by inserting between lines 25 and 26

## Section 16. Cost reimbursement.

(a) General rule.—No employer shall be required to assume additional costs that are the result of providing benefits in this act. Additional costs associated with compliance with this act by an employer shall be reimbursed to the employer by the Commonwealth. Application for reimbursement shall be made to the secretary. Reimbursement shall be made within three months of the mailing date of the application.

(b) Appropriation required.—This act, and any regulation or executive order promulgated under authority of this act, shall not take effect or remain in effect unless an appropriation is made to provide sufficient funds to reimburse each affected employer in full the additional costs.

(c) Legislative intent.—It is the intent of this section to hold employers financially harmless for all costs associated with the benefits in this act that are over and above those costs that an employer has incurred voluntarily as a result of providing family or temporary medical leave as part of the employer's overall compensation to employees. The General Assembly, although it finds the additional costs to employers to be minimal, declares that the costs imposed on the Commonwealth's employers by the benefits in this act are the financial liability and responsibility of the Commonwealth.

Amend Sec. 16, page 19, line 26, by striking out "16" and inserting

17

Amend Sec. 17, page 19, line 29, by striking out "17" and inserting

18

Amend Sec. 18, page 20, line 5, by striking out "18" and inserting

19

On the question,

Will the House agree to the amendments?

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

Mr. STRITTMATTER. Mr. Speaker, Representative Gallen has asked to sponsor this amendment.

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

Mr. GALLEN. Mr. Speaker, we had two amendments that were drawn to different printer's numbers, so I opted to introduce this one, which is drawn to the proper printer's number.

This is a similar amendment to Mr. Gannon's amendment, except for the fact that under this amendment the State will pick up the entire cost. If we want to be so generous to people and, as Mr. Blaum said, he wants true job protection for Pennsylvanians, this will give it to them, but it will have Mr. Blaum put up his vote to pay for it and not have somebody else do it.

The countries in eastern Europe are trying to get away from this Big Brother type of government, with the government

shoving things down everybody's throat. This will allow for us to put our money where our mouth is and pick up the tab for this benefit. Thank you, Mr. Speaker.

The SPEAKER. The Chair misunderstood the gentleman, Mr. Strittmatter. His amendment is 2583. The gentleman is withdrawing his amendment?

Mr. STRITTMATTER. No, Mr. Speaker. Mr. Gallen is offering 2583.

The SPEAKER. Okay. The gentleman, Mr. Gallen, is not offering 3463 at this time. Not at all.

The Chair thanks the gentleman.

The Chair recognizes Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, Mr. Gallen wants us to advocate the theory that each time the State mandates something, the State ought to pay for it. I think we ought to look at all the other things the State mandates.

The State mandates clean restaurants. Are we going to start getting a bill introduced to mandate that we pay the cost of keeping all restaurants clean?

The State mandates that products be safe. Are we going to get a bill demanding that we pay the cost of making safe products?

Sticking to the labor relations area, the State mandates 40-hour weeks with time and a half for overtime. We obviously cannot afford to pay for that. We cannot afford to pay for restrictions on child labor. We cannot afford to pay the cost of minimum wage.

We are chosen by our constituents to set general rules for the governing of this society, to protect all the people in this society. It is not our constituents' duty to pay for rules making this a decent society. It is the duty of people who are employing other citizens to treat those citizens with dignity and with decency.

I strongly urge the defeat of this amendment by an overwhelming margin.

The SPEAKER. The Chair recognizes Mr. Strittmatter.

Mr. STRITTMATTER. Thank you, Mr. Speaker.

I would like to point out to the members of the House that when the prime sponsor of this bill, Representative Blaum, testified before the House Labor Relations Committee, he stated and testified during our hearing that instead of cost, there would be savings, and what this amendment is trying to do is to just say that those savings might not develop and that there might be a few costs that we would pay in the form of a reimbursement. I think that is only fair since the prime sponsor has gotten us to this position, on one hand talking about savings and now today he is talking about being a policeman.

I would ask for an affirmative vote, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—96

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

NAYS—99

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

NOT VOTING—1

Acosta

EXCUSED—6

Dietterick	Johnson	Pievsky	Wright, J. L.
Dininni	McHale		

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

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. DeWEESE offered the following amendments No. A3357:

Amend Table of Contents, page 1, lines 12 through 14; page 2, lines 1 and 2, by striking out all of said lines on said pages and inserting

Section 6. Combined leave limitation; leave conditions.

Section 7. Certification.

Section 8. Employment and benefits protection.

Section 9. Prohibited acts.

Section 10. Administrative enforcement and civil remedy.

Amend Table of Contents, page 2, lines 8 through 10, by striking out all of said lines and inserting

Section 16. Task force.

Section 17. Severability.

Section 18. Effective date.

Amend Sec. 3, page 3, lines 23 through 30; pages 4 through 19; lines 1 through 30; page 20, lines 1 through 11, by striking out all of said lines on said pages and inserting

Section 3. Definitions.

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

“Child.” The term includes the following:

(1) A biological, adopted or foster child, or a stepchild of an employee.

(2) A legal ward of the employee toward whom the employee assumes the obligations and discharges the duties incidental to the parental relationship or stands in loco parentis.

(3) A child towards whom the employee assumes the obligations and discharges the duties incidental to the parental relationship or stands in loco parentis.

“Department.” The Department of Labor and Industry of the Commonwealth.

“Eligible employee.” A person employed by an employer for at least 12 months, for not less than 1,000 base hours during the immediately preceding 12-month period. The term includes all of the following:

(1) Employees of the Commonwealth or a political subdivision.

(2) Employees within the meaning of section 3(e) of the Fair Labor Standards Act of 1938 (52 Stat.1060, 29 U.S.C. § 203(e)) and the interpretation given to that section.

“Employ.” To suffer or permit to work for consideration. The term shall be interpreted consistently with the interpretation given to the term under section 3(g) of the Fair Labor Standards Act of 1938 (52 Stat. 1060, 29 U.S.C. § 203(g)).

“Employee.” Any individual employed by an employer.

“Employer.” Any person who employs 50 or more employees for each working day during each of 20 or more calendar workweeks in the current or preceding calendar year commencing January 1, 1991; who employs 40 or more employees in the current or preceding calendar year commencing January 1, 1993; who employs 30 or more employees in the current or preceding year commencing January 1, 1994; and who employs 20 or more employees in the current or preceding year commencing January 1, 1995, and thereafter. The term includes any person, or group of persons, who acts, directly or indirectly, in the interest of an employer with respect to one or more employees, and any successor in interest of such an employer. The term includes the Commonwealth, a political subdivision and an agency or instrumentality of either.

“Employment benefits.” Benefits other than salary or wages provided or made available to employees by an employer, including group life insurance, health insurance, disability insurance, sick leave, annual leave, seniority rights, educational benefits and pensions, regardless of whether such benefits are provided by a policy or practice of an employer or by an employee benefit plan as defined in section 3(3) of the Employee Retirement Income Security Act of 1974 (Public Law 93-406, 29 U.S.C. § 1002(1)).

“Family member.” A sibling, parent, grandparent, child or spouse of the employee.

“Health care provider.” The term includes the following:

(1) Any person licensed under Federal, State or local law to provide health care services.

(2) Any other person determined by the Secretary of Labor and Industry to be capable of providing health services.

“Parent.” A biological, foster or adoptive parent, a parent-in-law, a stepparent or a legal guardian.

“Person.” Any individual, firm, partnership, mutual company, joint stock company, corporation, association, organization, unincorporated organization, labor union, government agency (including the Commonwealth and all its entities), incorporated society, statutory or common law trust, estate, executor, administrator, receiver, trustee, conservator, liquidator, trustee in bankruptcy, committee, assignee, officer, employee, principal or agent, or the legal or personal representative of any of the foregoing.

“Physician.” Any person licensed to practice osteopathic medicine pursuant to the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, or any person licensed to practice medicine and surgery within the scope of the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985.

“Reduced leave schedule.” Leave scheduled for fewer than an employee’s usual number of hours per workweek or hours per workday.

“Serious health condition.” An illness, injury, impairment, or physical or mental condition which requires:

(1) inpatient care in a hospital, hospice or residential health care facility; or

(2) continuing treatment or continuing supervision by a health care provider.

“Task force.” The Task Force on Family and Medical Leave established in section 16.

#### Section 4. Family leave requirement.

(a) General rule.—

(1) An eligible employee shall be entitled to a total of 12 workweeks of family leave during any 12-month period for any of the following reasons:

(i) The birth of a child.

(ii) The placement of a child in the employee’s household for adoption.

(iii) In order for the employee to care for a family member who has a serious health condition.

(2) The entitlement to begin leave under paragraph (1)(i) and (ii) shall expire at the end of the 12-month period beginning after the date of the birth or placement.

(3) In the case of a family member who has a serious health condition, leave under this section may be taken intermittently when medically necessary, subject to subsection (e)(2).

(b) Reduced leave.—Upon agreement between the employer and the eligible employee, leave under this section may be taken on a reduced leave schedule; however, such reduced leave schedule shall not result in a reduction in the total amount of leave to which the employee is entitled.

(c) Unpaid leave permitted.—Leave under this section may consist of unpaid leave, except as provided in subsection (d).

(d) Relationship to paid leave.—An eligible employee may elect, or an employer may require, the employee to substitute for family leave as provided for in subsection (a) any of the employee’s paid vacation leave, personal leave or family leave for any part of the 12-week period of such leave. If the eligible employee elects to substitute or is required by his employer to substitute paid leave for family leave, and if such paid leave is less than 12 weeks, the employer shall provide such additional weeks of leave as may be necessary to obtain such 12 weeks; except that nothing in this act shall require an employer to provide paid leave in any situation in which the employer does not normally provide such leave.

(e) Forseeable leave.—

(1) In any case in which the necessity for leave under this section is forseeable, based on an expected birth or adoption, the eligible employee shall provide the employer with prior notice of such expected birth or adoption in a manner which is reasonable and practicable.

(2) In any case in which the necessity for the leave under this section is forseeable, based on planned medical treatment or supervision, the eligible employee shall:

(i) Make a reasonable effort to schedule elective treatment or supervision so as not to disrupt unduly the operations of the employer, subject to the approval of the family member’s health care provider.

(ii) Provide the employer with prior notice of the date of the anticipated leave and its approximate duration, insofar as this is ascertainable, in a manner which is reasonable and practicable.

(f) Employees employed by the same employer.—In any case in which a husband and wife entitled to leave under subsection (a) are employed by the same employer, the aggregate number of workweeks of leave to which both may be entitled may be limited to 12 workweeks during any 12-month period, if such leave is taken:

(1) under subsection (a)(1)(i) or (ii); or

(2) to care for a sick sibling, parent or grandparent under subsection (a)(1)(iii).

#### Section 5. Temporary medical leave requirement.

(a) General rule.—

(1) An eligible employee who, because of a serious health condition, becomes unable to perform the functions of the employee’s position shall be entitled to temporary medical leave for as long as the employee is unable to perform such functions, except that this leave shall not exceed 12 workweeks during any 12-month period.

(2) Leave under this section may be taken intermittently when medically necessary, subject to subsection (e).

(b) Reduced leave.—Upon agreement between the employer and the eligible employee, leave under this section may be taken on a reduced leave schedule if authorized by the employee’s health care provider; however, such reduced leave schedule shall not result in a reduction in the total amount of leave to which the employee is entitled.

(c) Unpaid leave permitted.—Leave may consist of unpaid leave, except as provided in subsection (d).

(d) Relationship to paid leave.—

(1) If an employer provides paid temporary medical leave or paid sick leave for fewer than 12 weeks, the additional weeks of leave added to attain the 12-week total may be unpaid.

(2) An eligible employee may elect or an employer may require the employee to substitute any paid leave which the employee has accrued for any part of the 12-week period, except that nothing in this act shall require an employer to provide paid medical or sick leave in any situation in which the employer does not normally provide such leave.

(e) Foreseeable leave.—In any case in which the necessity for leave under this section is foreseeable based on planned medical treatment or supervision, the eligible employee shall:

(1) Make a reasonable effort to schedule elective treatment or supervision so as not to disrupt unduly the operations of the employer, subject to the approval of the employee’s health care provider.

(2) Provide the employer with prior notice of the date of the anticipated leave and its approximate duration, insofar as this is ascertainable, in a manner which is reasonable and practicable.

#### Section 6. Combined leave limitation; leave conditions.

(a) General rule.—An employer may limit the number of workweeks of leave provided under sections 4 and 5 to a maximum of 18 workweeks in a 24-month period. The 24-month period shall commence with the first day leave is taken under section 4 or 5.

(b) Student or other employment.—No employee who receives any number of workweeks of leave as authorized by section 4 or 5 may be a full-time student or have other gainful employment during the time the employee is on such leave unless the employer consents or unless, in the case of other employment, the employee had that employment prior to the granting of leave under section 4 or 5.

#### Section 7. Certification.

(a) General rule.—An employer may require that a claim for family leave under section 4(a)(1)(iii), or temporary medical leave under section 5, be supported by certification issued by the physician of the family member or of the employee, whichever is appropriate. The employee shall provide a copy of this certification to the employer.

(b) Additional opinions.—In any case in which the employer has reason to doubt the validity of the certification provided pursuant to subsection (a), the employer may require, at its own expense and after the employee has been on leave one week, that an employee obtain an opinion regarding the serious health condition from a second physician designated or approved, but not employed, by the employer. If the second opinion differs from the certification provided pursuant to subsection (a), the employer may require, at its own expense, that the employee obtain the opinion of a third physician designated or approved jointly by the employer and the employee concerning the serious health condition. The opinion of the third physician shall be considered to be final and shall be binding on the employer and the employee.

(c) Confidentiality.—For purposes of protecting patient confidentiality, the certification under this section shall not disclose the patient's diagnosis but shall be sufficient if it contains the following:

(1) The date on which the serious health condition commenced.

(2) The probable duration of the condition.

(3) For purposes of leave under section 5, a statement that, due to a serious health condition, the employee is unable to perform the functions of the employee's position; or, for purposes of leave under section 4(a)(1)(iii), a statement that, due to the family member's serious health condition, the employee must take the requested leave in order to care for the family member.

#### Section 8. Employment and certain benefits protected.

(a) Restoration to position.—

(1) Upon return from leave under section 4 or 5, the employee shall be entitled to be:

(i) restored by the employer to the position of employment held by the employee when the leave commenced; or

(ii) restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment held by the employee when the leave commenced.

(2) The taking of leave under this act shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced.

(3) The taking of leave under this act shall not result in the loss of any accrual of seniority to which the employee would have been entitled had the employee not taken the leave.

(4) Nothing in this section shall be construed to entitle any restored employee to any right, employment benefit or position of employment other than any right, employment

benefit or position to which the employee would have been entitled had the employee not taken the leave.

(5) If during a leave provided by this act, the employer experiences a reduction in force or layoff and the employee would have lost their position had the employee not been on leave, as a result of the reduction in force or pursuant to the good faith operation of a bona fide layoff and recall system including a system under a collective bargaining agreement where applicable, the employee shall not be entitled to reinstatement to the former or an equivalent position. The employee shall retain all rights under any applicable layoff and recall system, including a system under a collective bargaining agreement, as if the employee had not taken the leave.

(b) Denial of restoration.—An employer may deny restoration as provided for in subsection (a) to any salaried eligible employee who is among the highest paid 10% of the employees employed by the employer if:

(1) such denial is necessary to prevent substantial and grievous economic injury to the employer's operations;

(2) the employer notifies the employee of its intent to deny restoration on such basis at the time the employer determines that such injury would occur; and

(3) in any case in which the leave has commenced, the employee elects not to return to employment after receiving such notice.

(c) Maintenance of health benefits.—During any period an eligible employee takes leave under section 4 or 5, the employer shall maintain coverage under any group health plan, as defined in section 162(i)(3) of the Internal Revenue Code of 1954 (68A Stat. 3, 26 U.S.C. § 162(i)(3)), for the duration of such leave at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously from the date the employee commenced the leave until the date the employee is restored under subsection (a). The employee shall be responsible for reimbursement to the employer of the costs of health benefits if the employee fails to return to employment without good cause at the expiration of the leave.

#### Section 9. Prohibited acts.

(a) Interference with rights.—

(1) It shall be unlawful for any employer to interfere with, restrain or deny the exercise of or attempt to exercise, any right provided under this act.

(2) It shall be unlawful for any employer to discharge or in any other manner discriminate against any individual for opposing any practice made unlawful by this act.

(b) Interference with proceedings or injuries.—It shall be unlawful for any person to discharge or in any other manner discriminate against any individual because such individual:

(1) has filed a complaint with the department, or has instituted or caused to be instituted any proceeding, under or related to this act;

(2) has given or is about to give any information in connection with any inquiry or proceeding relating to any right provided under this act; or

(3) has testified or is about to testify in any proceeding relating to any right provided under this act.

#### Section 10. Administrative enforcement and civil remedy.

(a) Complaint.—Any person claiming to be aggrieved by a violation of any provision of this act shall file a complaint with the Department of Labor and Industry within six months of the alleged violation. The department shall conduct a hearing according to 2 Pa.C.S. Ch. 5 (relating to practice and procedure).

(b) Complaint not to be foreclosed.—If a person files a complaint with the department, that person's right of action in the courts of the Commonwealth shall not be foreclosed. If within one year after the filing of the complaint, the department has dismissed the complaint or has not concluded its proceedings, the department shall notify the aggrieved person. On receipt of

such notice, the aggrieved person shall be able to bring an action in the court of common pleas of the Commonwealth based on this act. If the employer is an agency or political subdivision of the Commonwealth, then the civil action must be filed in the Commonwealth Court.

#### Section 11. Relief.

(a) General rule.—Upon a finding of a violation under section 10, the aggrieved party may receive the following relief:

(1) In any civil action or departmental proceeding brought under section 10, the court may grant as relief any permanent or temporary injunction, temporary restraining order and other equitable relief as the court deems appropriate.

(2) Any employer that violates any provision of this act shall be liable to the injured party in an amount equal to any wages, salary, employment benefits or other compensation denied or lost to the employee by reason of the violation, plus interest on the total monetary damages calculated at the prevailing rate.

(3) Any employer that violates any provision of this act may also be liable to the injured party in the amount of \$100 for each day the violation occurs. The maximum penalty imposed under this subsection shall not exceed \$5,000.

(4) A prevailing employee may be awarded a reasonable attorney fee as part of the costs, in addition to any relief awarded. The Commonwealth shall be liable for costs the same as a private person.

(b) Limitation.—Damages awarded under subsection (a)(2) may not accrue from a date more than two years before the date on which the complaint was filed with the department under section 10.

#### Section 12. Notice.

(a) General rule.—Each employer shall post and keep posted, in conspicuous places upon its premises where notices to employees and applicants for employment are customarily posted, a notice setting forth excerpts from, or summaries of, the pertinent provisions of this act and information pertaining to the filing of a complaint.

(b) Penalty.—Any employer that willfully violates this section shall be assessed a civil penalty of not more than \$100 for each separate offense.

#### Section 13. Effect on other laws.

Nothing in this act shall be construed to supersede any law which provides greater employee family or medical leave rights than the rights established under this act.

#### Section 14. Effect on existing employment benefits.

(a) More protective.—Nothing in this act shall be construed to diminish an employer's obligation to comply with any collective bargaining agreement or any employment benefit program or plan which provides greater family and medical leave rights to employees than the rights provided under this act.

(b) Less protective.—The rights provided to employees under this act may not be diminished by any collective bargaining agreement or any employment benefit program or plan.

#### (c) Limited exemption.—

(1) Any employer who, on or before March 1, 1990, has an established family leave policy as part of its employee benefits package and maintains a family leave policy, shall be exempt from this act until January 1, 1994.

(2) As used in this subsection, the term "family leave policy" means a policy incorporated by an employer for the benefit of its employees which permits an employee family leave for reasonable time due to family illness, birth of a child, newborn child care, including newborn adoption and temporary medical leave for employee illness. A family leave policy shall also guarantee employees reinstatement to the position of employment prior to leave or equivalent position with equivalent employment benefits, and in the case of

unpaid leave, shall, at a minimum, provide for the continuation of health care benefits, to be paid by the employer for the full period of leave.

#### Section 15. Encouragement of more generous leave policies.

Nothing in this act shall be construed to discourage employers from adopting leave policies more generous than any policies which comply with the requirements under this act.

#### Section 16. Task force.

(a) Establishment.—The Task Force on Family and Medical Leave is established within the department.

(b) Composition.—The task force shall consist of 13 members:

(1) The Secretary of Labor and Industry, who shall serve as a voting member of the task force and who shall chair the task force.

(2) The Majority Chairman and the Minority Chairman of the Senate Labor and Industry Committee, or their designees.

(3) The Majority Chairman and the Minority Chairman of the House of Representatives Labor Relations Committee, or their designees.

(4) Four representatives of employers, at least one of whom is representative of small business and one who is a representative of local government. All appointees shall be named by the Governor.

(5) Four representatives of employees, two of whom shall represent private employees and two of whom shall represent public employees. All appointees shall be named by the Governor.

#### (c) Powers and duties.—

(1) The task force shall conduct a comprehensive study of the family and medical leave practices as provided in this act; existing and proposed policies relating to family and medical leave; and potential costs, benefits and impacts on productivity of family and medical leave policies on the private and the public sectors.

(2) The task force shall make a written report, within two years after the effective date of this act, to the Chief Clerk of the Senate, the Chief Clerk of the House of Representatives and the Governor. The report shall indicate:

(i) The number of employers that currently provide family and medical leave either through formal or informal policy, or on an ad hoc basis.

(ii) The type and length of leave that is currently provided by employers.

(iii) The cost of this act to employers.

(iv) The extent that this act will impact on the collective bargaining process.

(v) The number of employees who took leave, the length of leave taken and the reasons for the leaves of absence taken under the provisions of this act.

(vi) The benefits of this act to the well-being of the families of this Commonwealth to improvements in employer-employee relations and to increased productivity in the workplaces in this Commonwealth.

(d) Cooperation.—Administrative agencies of the Commonwealth shall provide assistance and information to the task force upon request.

#### Section 17. Severability.

The provisions of this act are severable. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application.

#### Section 18. Effective date.

This act shall take effect in 60 days.



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

The SPEAKER. The Chair recognizes Mr. DeWeese.

Mr. DeWEESE. Mr. Speaker, today Pennsylvanians must make a crucial choice. We must decide whether we will work for a kinder and gentler Pennsylvania or whether we will simply pay lip service to family values. George Bush faced this test in June. He failed. Today we cannot fail. Today I offer an amendment designed to do one thing: protect Pennsylvania's families.

The family is the basic building block of our society. Families are the foundation of our past and of our traditions. They are the guarantee of our future. We ask them to bring new workers and leaders into our society. We expect them to care for the sick and the aged. We ask them to clothe and feed the young and the old.

Today most families with children are maintained by a couple in which both partners work or by a single parent who is employed. The average American woman will spend 17 years caring for her children and 18 years helping her aging parents. Our families are under tremendous stress in the modern world. Couples and single parents are torn between family needs and the demands of the workplace. This legislation is designed to bring a greater balance to these interests.

Family leave legislation is needed because Pennsylvania should not force a working mother to choose between her job and her baby. Family leave is needed because we should not force a working son to choose between his job and his dad who is dying with cancer. It is needed because we should not force an employee to choose between his health and his job.

Working men and women of Pennsylvania have asked for our help. They have shown their overwhelming support for this legislation. Virtually all industrialized nations in the world, including our toughest competitors, Germany and Japan, require family leave for their workers, and in many countries this is paid leave. We are asking for unpaid leave here today in Pennsylvania.

Across the Nation, 20 other States, 20 of our sister States, have enacted similar legislation. A bipartisan majority in the Congress support this profamily legislation - Henry Hyde and Curt Weldon and other prolife legislators in the Congress. Henry Hyde, the Steve Freind of the United States Congress, has endorsed this kind of legislation. If you do not believe me, stay up till 4 in the morning and watch C-SPAN. They are on there, and they are supporting it.

We have walked the extra mile; we have walked the extra mile, and many of my caucus members realize that keenly in responding to the legitimate needs of Pennsylvania's business community. Our compromise package offers many safeguards for all of our employers. It is now our turn to show our commitment to children, mothers, aged, and sick. It is time to let our people know that we will respond to their fundamental needs. It is our turn to assure that as we ask our families to fulfill their roles as parents and caregivers, as we do that, we give them a simple, basic job security.

Mr. Speaker, I call for the adoption of this amendment. Thank you.

The SPEAKER. The Chair recognizes Mr. Piccola.

Mr. PICCOLA. Thank you, Mr. Speaker.

Would the gentleman, Mr. DeWeese, yield to interrogation?

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

Mr. PICCOLA. Mr. Speaker, on the first page of your amendment, the definition of "child" contains three subsections. I see no limitation on age. Am I reading that section accurately?

Mr. DeWEESE. That is correct.

Mr. PICCOLA. Then may I infer that if I am the parent of a 25-year-old child who is married who is ill, I can take time off, unpaid leave, from my job to care for that emancipated child?

Mr. DeWEESE. As a family member, if the child is sick, yes, he or she would come under this proposal. We could see no difference between the person whom you are describing and an aged person, so we thought this was an appropriate inclusion.

Mr. PICCOLA. What if that emancipated child is married and has a family of his own? I, as his parent, can take time off to go across the country and care for him?

Mr. DeWEESE. In Connecticut, 40 out of 400,000 people took advantage of this kind of legislation. I would have to aver that the situation you are speculating about would be a one-in-a-thousand situation. It could conceivably happen under the phraseology of the proposal. I will not deny that, but I think, realistically speaking, sir, your question is off the mark.

Mr. PICCOLA. Well, I will determine that, Mr. Speaker. But I have another question.

On page 2 of the amendment, under the definition of "health care provider," subsection (2), you define it as "Any other person determined by the Secretary of Labor and Industry to be capable of providing health services." What bureau or subagency of the Department of Labor and Industry has any expertise in determining who is capable of providing health care services in Pennsylvania?

Mr. DeWEESE. Mr. Speaker, could you please repeat the question as far as what part of the bill you are referring to?

Mr. PICCOLA. The pages are not numbered, Mr. Speaker, but it is the second page, definition section. It is under the definition of "health care provider" and it is the second sub-bracketed section of that definition. It says that a health care provider is "Any other person determined by the Secretary of Labor and Industry to be capable of providing health services." I am just wondering what part of the Department of Labor and Industry has the capability of making that determination. Are we going to have to hire another bureaucrat over there to do this?

Mr. DeWEESE. Mr. Speaker, the Secretary of Labor and Industry has a capacious staff, and I am certain that since this language was included in the original bill, it was included also

in our amendment and that the Secretary of Labor and Industry will have a staff person suitable for the assignment. As to whether that person will be a health care specialist or not will be determined by the Secretary. I would anticipate that they would have a significant background in that area.

Mr. PICCOLA. Now, on page— And I will have some comments to make about your responses in a few minutes. But on— I do not even know what page it is on because these pages are not numbered.

Mr. DeWEESE. Mr. Speaker, my pages are numbered.

Mr. PICCOLA. Well, mine are not. The bottom is cut off.

Page 5, Mr. Speaker. I had a defective copy.

Page 5, under section 7 dealing with certification and specifically the section dealing with confidentiality, subsection (c). "For purposes of protecting patient confidentiality, the certification under this section shall not disclose the patient's diagnosis but shall..." contain the following: number one, the date which this serious health condition commenced; two, the duration of the condition; and three, a statement that due to the condition, the employee must take the leave.

Now, am I reading that correctly, Mr. Speaker? .....

Mr. DeWEESE. I believe you are.

Mr. PICCOLA. Where, if anywhere, either there or in some other section of the bill, does it state that the serious health condition must be disclosed to the employer, or are we to take the word of this certified health care provider that such a condition exists?

Mr. DeWEESE. I am under the impression, sir, that we will be taking the word of medical doctors, M.D.'s, and that, in our view, was sufficient.

Mr. PICCOLA. May I ask where in the bill it says M.D.'s? Or is it whoever the Secretary of Labor and Industry says is a health care provider?

Mr. DeWEESE. As you are aware, Mr. Speaker, if the employee has a physician who asserts that the condition would require leave and the employer has a physician who contravenes that point of view, a third physician is brought into the picture. So there would be a significant rejoinder possible by the employer.

Mr. PICCOLA. Thank you, Mr. Speaker.

That concludes my interrogation. I would like to make a comment on the amendment.

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

Mr. PICCOLA. Thank you, Mr. Speaker.

I think the ladies and gentlemen of the House saw at least three, at least three, serious defects in this amendment, and Mr. DeWeese made an extraordinary effort to describe how some Republicans in Washington at the national level, I might add, have endorsed the concept of family and medical leave. I would point out to the gentleman that the Federal bill has an age limitation of 18 years, and the wide-open proposal that you are being asked to vote upon today—and I think Mr. DeWeese admitted to this—would permit me to go, as an excuse to take off work, to go and care for an emancipated child who is having an appendectomy out in California

because he is my child, but he is no longer under my care. There is no age restriction in this bill, no emancipation limitation, none whatsoever. It is a wide-open bill.

Secondly, you see that the Department of Labor and Industry is now all of a sudden going to get into the business of certifying health care providers. Now, I am not on the Health and Welfare Committee, but I always thought that was the province of the Department of Health in Pennsylvania. I am on the Labor Relations Committee. I have worked with the Secretary of Labor and Industry. They do have a lot of capable staff in the Department of Labor and Industry, but none that I am aware of, none that I am aware of, who are able to determine who is a qualified health care provider. So I presume the Department of Labor and Industry is going to have to hire some more staff to provide for at least this portion of the bill, not to mention some of the other stuff that is in this legislation.

And, finally, the portion of the amendment that says what the certification of the health care provider must contain gives nobody a clue as to what is wrong with that employee that requires him to take the medical leave. There is no basis, in terms of the information that is given to the employer, as to why the person has to have the time off.

Mr. Speaker, I think describing the concept of mandated benefits at a national level, one that is certainly more restrictive than the bill that we have before us or the amendment that we have before us, and to say that we should be doing the same thing in Pennsylvania because certain people in Washington say we ought to have a national program, I think is absolutely ludicrous and is mixing apples with oranges. If we enact a program of mandated benefits such as this, as Mr. DeWeese is suggesting we do, even with his so-called compromise, we are taking Pennsylvania alone way out in front of all of our sister States, and I am not even sure what the Connecticut statute says that he referred to, but I am sure this is more expansive than virtually every State that has gotten into this field, and we are going to make us, in a time when we should be competitive, totally noncompetitive when it comes to attracting business and job creation.

Mr. Speaker, this amendment is defective, the bill is clearly defective, but the amendment is defective for the reasons that we have outlined, and we should defeat this amendment.

In addition, Mr. Speaker, I got some correspondence not too long ago from the new president of the AFL-CIO, Bill George, my good friend, Bill George, and he said he wanted no weakening amendments. Well, this is a weakening amendment, Mr. Speaker, so I urge that we defeat it.

The SPEAKER. The Chair recognizes Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

I think the comments that we just heard are typical of the discussions of the last 9 months, and that is to stand in the way, stand in the way, stand in the way of family and medical leave. And when the majority leader and the members of this caucus get together and begin to go over the concerns, serious concerns and interests of small business, when two groups - the proponents and the opponents - begin to come together, it is met again with yet another opposition.

The fact is that in this compromise amendment - the DeWeese-Blaum amendment - we provide that you document the serious illness which is requiring you to take the leave; that it has to be documented not by the health care provider but by a physician; that if the employer does not agree with that, he gets to go and get his own physician, and if they do not agree, then they mutually agree upon a third M.D. who makes the determination that is binding. We do not believe that it will ever come to that, but that is the procedure that we have established to protect the interest of small businessmen.

What we have in here in the confidentiality and the smoke screen that Mr. Piccola begins to throw up, all we are saying is that your employer does not have a right to know the illness that your wife has. Your employer, whom you may or may not be a personal friend with, has no reason to know the actual medical problem that your child has. But a doctor does, and his doctor, paid for by the employer, would do the examination to determine whether or not that employee can take leave. All they are prohibited from telling the employer is the nature of that illness. Also, for any grievances that may be filed where people do not obey this, it is solved administratively before the Department of Labor and Industry, and that is why they will be determining a lot of things including whether or not somebody is an adequate health care provider.

Mr. Speaker, we have before us a compromise amendment which is going to extend broad job protection to the people of Pennsylvania who face very difficult situations when confronted with the birth or adoption of a child or the serious illness of a family member. We exempt 95 percent of the businesses covered by this legislation and still cover some 70 percent of the employees of Pennsylvania. This is a great step and a great step forward.

I ask for approval of the DeWeese-Blaum amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Ms. Ritter.

Ms. RITTER. Thank you, Mr. Speaker.

I rise to support this amendment as well, although it drastically waters down the bill, as has been noted, because I know that it is the only way that we will, in this General Assembly, be able to secure this right for our working men and women.

As has been noted, this amendment represents months of negotiating with the business community, so that we now have before us the bare minimum version of the Family and Medical Leave Act. We will go from 18 weeks to 12 weeks, and we will go from 10 employees to 50 employees with a phase-in to 20 over 4 years. We will tighten up significantly the controls for overeligibility. In short, we will further weaken this bill through this amendment, but we have to do this because there are too many members in this General Assembly who are more concerned about the special interests of the business community and not concerned enough about the overwhelming majority of the people of Pennsylvania who want this protection of our family.

You know, Mr. Speaker, I have been here less than 4 years, although sometimes it seems to me that I have been here for

decades, because we continue to hear the same empty rhetoric over and over again, and I am tired of hearing the radical right wing pay lip service to family values and talk about the decline of the family in our society and otherwise bemoan our faith, and then when they have an opportunity to actually do something to support our families, to support family values, they are falling over themselves to vote against this concept, to oppose this amendment, and to oppose this legislation.

The business community has already had substantial input on this amendment. It is time for us to listen to the working men and women of Pennsylvania and to do something for a change for our families. This amendment is the only hope for passage of a Family and Medical Leave Act in the State of Pennsylvania, and it is time for us to end the rhetoric, to end the smoke screen, and to stand up for real family values and support this amendment. Thank you.

The SPEAKER. The Chair recognizes Mr. Gannon.

Mr. GANNON. Mr. Speaker, I would like to interrogate the prime sponsor.

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

Mr. GANNON. Mr. Speaker, I notice in reading this amendment, which I received on my desk today, that there are lots and lots of provisions penalizing an employer who does not subscribe to the letter of this proposal should it become law.

Now, let us suppose an employee by fraudulent means decides to get this planned leave and conspires with a health care provider, whoever that may be, with false certificates and whatever and is caught. Exactly what penalties does this bill provide against an employee who fraudulently obtains this planned leave and its benefits?

Mr. DeWEESE. Mr. Speaker, the employee would, if the employer took the case to the Department of Labor and Industry and was found to have fraudulently taken advantage of the program, the employee would repay the benefits.

Mr. GANNON. Is that provided for in the amendment?

Mr. DeWEESE. Yes. And that would also be the end of the leave. He would no longer be under the provisions of our legislation once he violated—

Mr. GANNON. I am sorry. Where in the amendment does it provide that, Mr. Speaker? I mean, just read the language to me. That is all I wanted.

Mr. DeWEESE. Mr. Speaker, staff is researching the exact paragraph. But if you do not come under the provisions of the act, you can obviously be fired from your workplace assignment.

Mr. Speaker, on page 6 near the bottom, about 2 inches up, "The employee shall be responsible for reimbursement to the employer of the costs of health benefits if the employee fails to return to employment without good cause at the expiration of the leave." And I might add, Mr. Speaker, that good cause will be a Labor and Industry determination.

Mr. GANNON. Does the— Just bear with me a minute, Mr. Speaker. I cannot find the language I am looking for.

Mr. DeWEESE. No problem.

Mr. GANNON. No, Mr. Speaker, that language does not address my question. This simply says, "...if the employee fails to return...without good cause at the expiration of the leave." My question is, if the employee fraudulently and even perhaps in conspiracy with someone else would obtain the 12-week leave, what penalty—with full intent to come back, by the way, after the 12 weeks—what penalty does this bill provide specifically so far as that employee who fraudulently obtained the leave?

Mr. DeWEESE. Mr. Speaker, on page 7 at the top, subsection (a), "Complaint.—Any person claiming to be aggrieved by a violation of any provision of this act shall file a complaint with the Department of Labor and Industry within six months of the alleged violation. The department shall conduct a hearing according to..." our codes and related to the practices and procedures of Pennsylvania law. I cannot for the life of me figure out what is troubling you, because if the employer wants to take it before L&I or the employee wants to take it before L&I, both are appropriate.

I also might add, just to further hammer home a point, when this kind of legislation was enacted in the State of Connecticut, 400,000 public employees came under its umbrella, and, Mr. Speaker, only 40, repeat, only 40 out of 400,000 took advantage of this kind of proposal. This is going to be utilized in comparatively rare circumstances, and I wanted to embellish my answer with that final comment.

Mr. GANNON. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Gannon, is recognized.

Mr. GANNON. Mr. Speaker, I would like to speak particularly focusing on the majority leader's response.

I guess he responded as best he could, but in looking at the bill, you know, he talks about the fact that an aggrieved person can file a complaint in the Commonwealth, perhaps go to court, an aggrieved person, and all these generalities. An aggrieved person could do that today. Everyone in this Commonwealth has access to our courts, and that is an important right that we want to preserve.

But I was trying to focus in on the specific penalties to an employee who would fraudulently obtain this 12 weeks of planned leave, and, Mr. Speaker, based upon the answers to my interrogatories and looking over this proposed amendment, there are absolutely none. However, the employer—Whoever drafted this amendment went to great ends to make sure that any employer who violated a single letter of this proposed law would be nailed solidly - \$100 a day for each violation up to \$5,000; has to pay in an amount equal to the wages, salary, and employment benefits and other compensation to somebody who would be aggrieved, plus interest calculated at the prevailing rate, plus attorney fees, plus any other additional relief that would be inclined to be awarded.

But the employee, well, take him to court and see what you get. Nothing is set out specifically in this proposal to address the other side of the issue, and that is that small number, and I would hope there would be none but they are out there, who

would think of this as an opportunity to get a 12-week vacation at their employer's expense with benefits—maybe get a part-time job down at the shore—by fraudulently conspiring with some health care provider to come up with some phony certificate, if the employer happens to realize that he needs one and requests it, because the bill says he does not need it unless the employer requests it, and get away scot-free and there is not one single penalty set out in this bill against that employee. Mr. Speaker, that is a serious deficiency in this proposed legislation.

The other thing that really is not addressed and was addressed very eloquently by Representative Pievsky in his fiscal note that he sent to me on my amendment is the real cost of this legislation. Now, this amendment really does not differ that greatly from the original bill that we had before us, so we have to take a look at the cost that Representative Pievsky set out in his fiscal note, and he talks in terms of billions of dollars. In fact, to quote page 3, he said that if only 1 percent of the employees were to take family leave, it would cost 1.159 billions of dollars to the employers of the Commonwealth of Pennsylvania. Now, we are not talking about the big business. We are not talking about U.S. Steel. We are not talking about Pittsburgh Plate Glass. We are not talking about Rite Aid.

Mr. DeWEESE. Point of order, Mr. Speaker. Point of order.

Mr. GANNON. We are talking about the little employer of this Commonwealth. He is the one—

The SPEAKER. Will the gentleman suspend?

### POINT OF ORDER

The SPEAKER. The gentleman will state his point of order.

Mr. DeWEESE. I would just like to know if the gentleman, Mr. Gannon, is referring to a fiscal note on his own amendment instead of what is before the House at this moment.

The SPEAKER. The gentleman is arguing the cost of the amendment. He referred to a fiscal note that had been prepared to his own amendment.

Mr. DeWEESE. Not to the bill but to his amendment.

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

Mr. GANNON. Mr. Speaker, if I may, I believe I adequately laid the groundwork to address the question raised by the majority leader in my prefatory remarks, and I believe that this fiscal note applies as equally to this amendment as it does to anything else contained in this bill.

So the cost is onerous. I would guess I would have to characterize this; the proponents of this bill have really attempted to shy away from this. A little while ago we heard the prime sponsor speak against the amendment because it cost too little. Amazing. I do not know how they could keep a straight face and talk about the noncost of this bill. It just amazes me when their own chairman of their Appropriations Committee put such a big cost on it.

Mr. Speaker, the other point that I made is there is absolutely no penalty in here against any employee who would fraudulently and deceptively attempt to obtain a 12-week vacation, and I think that is wrong. I think there should be penalties on employees who try to steal 12 weeks of time from their employers.

If I may, Mr. Speaker, one more question to the prime sponsor.

The SPEAKER. Is the gentleman now seeking to interrogate Mr. DeWeese?

Mr. GANNON. Whomever.

The SPEAKER. The gentleman, Mr. Gannon, is seeking to interrogate Mr. DeWeese. The gentleman indicates he is willing to be interrogated. The gentleman may proceed.

Mr. GANNON. Now, in many agency shops in this Commonwealth, the bargaining unit requires that after a person has been with that employer for a certain number of weeks, usually substantially less than 12, that that individual must join the union. Now, if that person who is hired to replace this employee comes into that workplace that has an agency shop with a bargaining unit with that type of an agreement, how does this and where does this proposal address that situation where that employee, because of the fact that he is there more than the necessary number of weeks, would be required to join the bargaining unit and come under all of the agreements between the employer and the employee? Specifically, how does this address when the returning employee comes back and wants his job to replace the employee who has been on the 12 weeks of planned leave?

Mr. DeWEESE. Obviously, the new employee would not be eligible for the leave. The new employee would not have been there long enough.

Mr. GANNON. Pardon me?

Mr. DeWEESE. The new employee would not be eligible. He needs to be there for 1 year.

We made significant compromises with the business community, and we extended it to 1 year. So you cannot just come on board for a few months or even 6 months or three-quarters of a year. You have to be there for a year.

Mr. GANNON. No. I am sorry, Mr. Speaker. Maybe I did not make myself clear. I am referring to the employee who replaces the employee who is on leave.

Mr. DeWEESE. The labor contract would remain in effect.

Mr. GANNON. Suppose the union bargaining agreement had a provision that an employee could not be dismissed without cause once he became a member of the bargaining unit. Now, where does this bill address the situation where that employee is simply hired to replace an employee on a 12-week leave?

Mr. DeWEESE. I am told, Mr. Speaker, by staff that the burden of proof rests upon the employer against the employee in any kind of action that would be taken.

Mr. GANNON. Pardon me? I am sorry. Say that again. I did not hear you.

Mr. DeWEESE. Mr. Speaker, people being brought on as temporaries would not be covered. They would not be covered.

Mr. GANNON. Even if the employer and the union had a contract agreement that provided that any employee who was, say, working in the workplace for 30 days would be required to join the bargaining unit? This bill says he does not have to be a member of the union? This supersedes that contract agreement between the employer and the employee?

Mr. DeWEESE. This bill honors whatever contracts exist. This bill was embraced by the same people who embraced you the other night down in Delaware County - the American Federation of Labor and the Congress of Industrial Organizations.

This bill is a worthy bill, and I would ask that you support the bill from a full-life perspective, from a labor perspective, from multitudinous perspectives, Mr. Speaker. Your time has come. This is a day for you to come forward and join us and support this measure.

Mr. GANNON. I just want you to answer the question. I mean, I am trying to get some information here.

Mr. DeWEESE. I have answered the question, sir, about six times.

Mr. GANNON. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Fairchild.

Mr. FAIRCHILD. Mr. Speaker, will the maker of the amendment calmly submit to interrogation?

The SPEAKER. The gentleman has calmly declined.

Mr. FAIRCHILD. I am not sure, Mr. Speaker; I think he was waving to someone over here.

The SPEAKER. The gentleman, Mr. Blaum, appears available if the gentleman would like to interrogate him.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

Since the maker of the amendment has declined to answer questions, Mr. Blaum will do.

Mr. Speaker, under the confidentiality portion of this amendment, can a person that has AIDS or hepatitis or herpes or any other disease still be permitted to work in a hospital, as an ambulance attendant, or in any other critical industry where these types of diseases are transmitted either by physical contact or through contact with interaction with blood?

Mr. BLAUM. What? Repeat that again, please. I—

Mr. FAIRCHILD. If a person works in an establishment that would distribute food or a manufacturing establishment and has hepatitis, does the confidentiality portion of this bill prohibit the employer from identifying that disease?

Mr. BLAUM. Only for the purposes of taking leave. If a person has to take leave to take care of a sick child, a sick spouse, an ill parent or grandparent, that parent is at home. I do not have to take care of them, I do not have to take care of them if they are still at the workplace in the situations that you describe. You only have to take care of them if they are in need of this care, because your physician has to document that this on-site care is needed. Then the employer, if he does not believe—and knows your family member—does not believe that they are that bad off that they need you home and away from the workplace, gets to pay to have his physician go and examine your family member. That does not mean that the employer's physician comes back to your employer and

says what the nature of the illness is that your parent may have. That has nothing to do with the business that you work in. But what the doctor does describe is whether or not Mr. Fairchild is required at home, and therefore, the reason for the leave is paramount enough that it should be granted.

Mr. FAIRCHILD. Mr. Speaker, I concur with the statement made by Representative Blaum. However, I think that there is no differentiation in the bill, and I would request Representative Blaum to read page 5, section 7, paragraph (a), and then respond, and I particularly refer to the section where it says, "...the physician of the family member or of the employee...." By your earlier statement, are you saying that this does not apply to an infected employee?

Mr. BLAUM. Mr. Speaker, if the employees themselves are sick or injured— That is what you are asking about?

Mr. FAIRCHILD. Yes; that is correct.

Mr. BLAUM. Okay. They go to a doctor and, you know, they cannot work any longer. They are leaving the workplace. Your concerns do not even come into play here because the employee wants to get out of the workplace, cannot come to work. His doctor will not let him come to work. All he is saying is, please do not fire me for 12 weeks. He has 12 weeks of leave time to get himself back together, back on his feet. If the employer believes that the employee is not that ill, does not require the 10, 12 weeks of medical leave, the employer can get his physician and go get a second opinion. If he gets that second opinion and the doctor comes back and tells the employer, you are wrong; your employee is that ill and I recommend that he be granted the leave, the employer has no reason to know the nature of that illness. Let me further say that under current law, if somebody is sick and has 6 or 7 sick days left and they call in sick, they do not describe to their employer what illness it is that they have.

Mr. FAIRCHILD. Mr. Speaker, the very nature of infectious diseases, I think, lends a little different light on this subject. You have to have an illness or disease before you take leave. You said that the employee will take leave because he or she is sick or ill, but the infectious stage of that disease may very well have happened and probably did happen and in fact had to have happened before that employee applied for leave.

Mr. BLAUM. Mr. Speaker, without our bill, today, a person becomes seriously ill and has whatever disease you want them to have. They have it and they have to take the leave, and their illness is such that they cannot go back to work. There is no requirement under any law that says that their employer should know the nature of their disease now that they are not coming back to work. All our bill does is say you cannot be fired for 12 weeks. Under current law you can be fired whenever, but the employer still does not get to know what it is—that employee who now has been out for 4 weeks; I have fired him and he is not coming back; he did not contest it; he cannot come back anyway—the employer does not find out what illness that person has. He does not have a right to know.

Mr. FAIRCHILD. No, there may not be a right now, but I think you have to take a look at what would happen in that scenario.

This legislation prohibits, prohibits a doctor from informing. If you have a severe—

Mr. BLAUM. My doctor cannot now inform my employer what disease I have.

Mr. FAIRCHILD. What would your doctor do now? What happens in the case of hepatitis?

Mr. BLAUM. If I went to my doctor, if the Commonwealth was a normal employer and I went to my doctor and he told me, you know, that I cannot go to work—he says absolutely not; you cannot go to work—he does not then go and inform my employer what illness I have. Do you understand?

All our law will do is protect that employee for a period of 12 weeks so that he cannot be fired, because they may need that time to get back on their feet and get back to work.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

May I make a statement?

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

Mr. FAIRCHILD. Mr. Speaker, I have some feelings on this bill, but I will reserve those until later. I think we all do.

I think we have to be extremely aware of the consequences of what we are doing. We are putting now into statute language that is going to prohibit your hospital, possibly your emergency services, possibly businesses and restaurants, if you have a food processor, let us take a butcher shop, that doughnut shop we talked about, now we are going to put in statute that a doctor cannot notify the employer.

The employer and the public have a right to know. I think the public has a right to be protected. Let us not take that away from them, and that is what this clause in this amendment does. Thank you.

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

The following roll call was recorded:

YEAS—112

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

Dorr Lloyd

## NAYS—83

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

## NOT VOTING—1

Battisto

## EXCUSED—6

Dietterick	Johnson	Pievsky	Wright, J. L.
Dininni	McHale		

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

The Chair recognizes Mr. Leh.

Mr. LEH. Mr. Speaker, may I be permitted to speak on the bill very briefly?

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

Mr. LEH. Thank you.

Mr. Speaker, I would just like to respond, and there are many things that could be said about this bill, a lot worth said.

I want to respond from a perspective that has not been brought up today, and I do not know about many of you, whether you are on my side of the aisle or on the far side of the aisle. I have worked in labor, and I think you know this; I brought this up before. I spent 21 years in labor, union labor, and I am proud of that, and I am proud of my union brothers and sisters. But let me just say that the economic climate in our State is deteriorating, and the passage of this bill, what it is going to do, what it is going to do to the people that I used to work with back home in Berks County and in Montgomery County, it is going to require that they make more wage concessions because their employers are going to be put under a greater burden. Passage of this bill will require that those wage recessions be made.

If there is one thing we all learn up here when we come up here, folks, there is no free lunch. There is always a risk, and there is always a payment required for services rendered. This bill is going to require a payment. It is going to require a reduced wage for many of your constituents, whether they are union members or nonunion members. There is no way out of it.

Let me just say that I have had four manufacturers in my own area that have left the State in the past 4 years because of the economic climate in Pennsylvania, and I can guarantee you, I can guarantee you that none of those workers that are now out of a job give one darn about this legislation. They want paychecks and they want paychecks that they can raise and they can take care of their families on. This is an area that does not need this legislation, and I recommend that we think twice.

We have heard a lot of rhetoric here today that we really think of not the union bosses that are going to benefit by this bill but the union people and the workers, the little guy that we hear so much about. I was one of those little guys and I still consider myself to be. Personally, I do not want this. Many of the people that I worked with, that I have talked to in the recent months back there do not want this. They want to make these decisions. They want the money in their pockets.

Think twice about this and vote this bill down. Thank you.

The SPEAKER. The Chair recognizes Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker. On final passage.

Mr. Speaker, I would like to add a human dimension to this side of the argument, and that is on the side of the employer. Many people have said and rightfully so that the small businessman is the economic backbone of future growth in this Commonwealth, and they are very correct. But many of these businesses were started by men and women by themselves, and when they started, the State said to them, if you want to get started, yes, you are going to have to work long hours, but that is your option; and you may have to work weekends, and many, and maybe you will not be able to take vacation for your family for several years, but if you want to start a business, that is your problem.

Then when it comes to meeting the payroll, the State does not say, yes, we will give you the money to meet your payroll. Or when the real estate taxes come in or sewer and water bills come in, that person is responsible. The employer is responsible for those bills.

Then how about when we have fluctuating interest rates? The employer is also responsible. We do not say we are going to pay your rental or mortgage payments, high liability insurance rates, though we are trying to do something presently with that. But we say to that entrepreneur, hey, that is your responsibility; you started the business. How about health insurance costs - escalating, prohibitive. We say, too bad; that is part of the responsibility that goes with the job.

Changing markets. Well, we say to them, you have got to just become more creative; you have got to become more imaginative in order to make the company last, to keep it



from sinking. Then we say, well, what about competition, domestic and foreign competition which could be unfair. Well, that is too bad, we say; you wanted to be an entrepreneur in the Commonwealth of Pennsylvania; that is the risks that go with it.

There is the increase of materials to make the products. The recent oil increases certainly impacted very negatively for our manufacturers, but again we say, you have just got to find a way to make a profit.

How about the times when there are ongoing employee training programs that the employer must train them on different machines, use different methods to make new products? Here again we tell the employer, you have to handle that yourself. Conformity with State and Federal work regulations, we ask him to take care of that.

Each day, each week, each month, 12 months out of the year, for these people that we are going to mandate this program, we say to them, you make those tough decisions. You know, that is part of the risk. You want the profits? Fine; you have to take the risk.

Then we tell them we need money for this cause and we need money for that cause, and those are good community causes I am referring to, and they give generously. Sometimes a candidate may come up and even ask them for a contribution from their own pocket for a reelection, and I am sure they do that as well.

What happens, Mr. Speaker, in this bill that we now have is more bureaucracy. I heard the debate that went on today. The employer can get a third opinion from a physician or he can go to the administrative judge with Labor and Industry. When does he have time? Has anyone really talked to an employer, a manufacturer, and said, when do you have time? I submit to you, when you go to your chamber meetings, the manufacturers usually are not represented because they do not have the time. The small business person does not have the 3 hours to give up on a Friday afternoon. You get other service representative businesses but very seldom the manufacturer.

What I am saying is that we are putting another burden upon his back and saying, yeah, after you make all these decisions and you do all the work to become profitable, this General Assembly, individually or collectively, knows how to handle your problems on the family benefit program. We know more than you do, after you spent a lifetime of sweat and blood and hard work to make your business profitable. That does not make sense.

And so, Mr. Speaker, on the human side of this bill I am asking for the employer, for his sake really, that we vote "no" on HB 1661. Thank you.

The SPEAKER. The Chair recognizes Mr. Fargo.

Mr. FARGO. Thank you, Mr. Speaker.

As has already been said once today, this particular piece of legislation is really legislation looking for a problem. I know, because I surveyed all the members of the House of Representatives back several months ago just asking if they knew of any kind of a problem, if they had heard of any situation

where someone had lost a job, had had a problem because this type of a leave arrangement was not provided for that employee. I had three people who responded to it. One person was the maker of the bill, Mr. Blaum, who did bring me several different examples, and it turns out that these are the same examples that were given in the public hearings and had already been tracked down by Representative Piccola and found out not really to be valid examples. I had two other examples, and I tracked those two down and found out, once more, they really do not fit into the situation here as far as the problem is concerned.

Actually, I think we have to realize that presently we do have this kind of help for most large businesses. You will not find too many of the really large companies fighting this particular proposal because it has already been negotiated.

I noticed in the item that came from the Appropriations Committee, when we asked for the cost of this particular program, it indicates, and I will read it, "There are currently in place"—and they are talking about the State of Pennsylvania—"There are currently in place, for contract and management employees, generous provisions for family leave for childbirth and adoption and medical leave. These leave policies meet or exceed the bill's requirements."

So for the State, we already have this program in, and I think you will find that that is true with the larger businesses also. So who is it that it really is going to affect? Well, it is going to affect our smaller businesses.

You know, there was an article in the Wall Street Journal in August, August 9 of this year, and that article was written by an organization called Communications Consortium. Communications Consortium was trying to show the people in Congress that this particular bill was badly needed, and they came up with an article in which they had surveyed employers in the four States that presently have this kind of legislation. The headline of this article says "Survey Fortifies Parental-Leave Backers."

In this particular article they indicate that, of all the people that were surveyed in these four States, an average of 75 percent said they had no problem with this, the employers. They found that the percentage of the employers were experiencing no change in costs of training, in their unemployment compensation costs, or in their administrative costs. They found that 75 percent on an average did not have any additional costs in training employees. Eighty percent on an average did not have any additional costs as far as unemployment comp is concerned. About 60 percent said that they did not have any additional costs as far as administration was concerned.

Those are pretty impressive figures. But my problem as I looked at this particular article was, how about the other 20 and 25 percent? How about the other 40 percent as far as administration is concerned? So I went to our unemployment compensation people and asked them for information about just how many employers do we have in Pennsylvania that would be affected by this, and the information that I got is that the number of employers that we have who have between



20 employees and 250 employees—and I feel sure that that is where the problem is going to be—is approximately 30,200 employers. That means there are 30,200 small employers out there, some of which do have programs, the vast majority of which do not.

What does that mean as far as training costs are concerned applying the same percentages to Pennsylvania employers? That means that 7,540 of our small businesses are going to experience a problem in training costs. It means that 6,040 are going to experience additional unemployment compensation costs. It means that 12,800 are going to evidence additional administration costs.

Now, what does this mean? It means our small businesses, those that are being affected by this, are going to have to find a way to make it up. So what do they do? Well, as we have mentioned before in situations like this, they will increase the price of what they are selling in order to make up for the difference. Either that or they will reduce the quality or they will take less of a profit or even create a loss, and of course, that ultimately means they will go out of business. And whenever they go out of business, that does exactly the wrong kind of thing. We are sending the wrong message to our employers out there, to the people that are the backbone of what we do in Pennsylvania.

Actually, the irony of the whole thing is that in order to do this, we are not helping the people that you want to help. We are not helping those people who are the low-income people who really do need this kind of support and cannot find it any other way. They cannot afford to take 18 weeks off. They are going to be in there working regardless. It is going to be the yuppie people. It is going to be the people with the two-income families, the people that really do not have this kind of a problem. And what are you doing whenever you give them this particular benefit? You are hurting the businesses of Pennsylvania.

It is important in my mind that we do not pass this legislation, and I sincerely hope you feel the same way. Thank you.

The SPEAKER. The Chair recognizes Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

I ask the members to vote "yes" for a family and medical leave law for Pennsylvania.

The SPEAKER. The Chair recognizes Mr. Strittmatter.

Mr. STRITTMATTER. Thank you, Mr. Speaker.

Just a few comments, Mr. Speaker.

More mandated benefits is not the policy that we should be establishing for Pennsylvania, I feel. We should be fostering opportunity and more jobs and not hurting the workers of our Commonwealth. This bill will only help the wealthy few and hurt those most in need of help.

A voluntary educational program would allow flexibility and benefit all workers. More mandated benefits and government overregulation is the wrong direction to take our Commonwealth.

Please vote against this bill as now proposed. Thank you.

The SPEAKER. The Chair recognizes Mr. Gallen.

Mr. GALLEN. Mr. Speaker, would the gentleman, Mr. Blaum, stand for interrogation?

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

Mr. GALLEN. This question came up, Mr. Speaker: If an employee takes the leave for an extended period of time and someone else is hired to take his place, the employee comes back; now that substitute is laid off. How will that affect his record with the unemployment compensation people?

Mr. BLAUM. It probably will not, Mr. Speaker, unless—

Mr. GALLEN. Well, people are charged. Your rate goes up—

Mr. BLAUM. I know.

Mr. GALLEN. —if you lay people off, and he indeed would be laying off this substitute. Would that have that kind of adverse effect? Have you thought about this or thought about additional legislation which would be aimed at not allowing that to happen to his record, if you will?

Mr. BLAUM. Yes, Mr. Speaker, and the part of the amendment which reduces it to 12 weeks is part of that thinking, in addition to the fact that the overwhelming number of cases where replacements are hired and in other States where this kind of law is in effect, in only very few cases are temporary replacements ever hired. But where temporaries are, they usually come from a temporary service, and the unemployment compensation laws do not affect them.

Mr. GALLEN. But you are willing to allow his record as an employer who lays people off go without any assistance. Is that correct?

Mr. BLAUM. No, Mr. Speaker. By reducing it to 12 weeks, we helped that cause.

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—111

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

Dombrowski	Linton	Rudy	Speaker
Donatucci			

NAYS—85

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

NOT VOTING—0

EXCUSED—6

Dietterick	Johnson	Pievsky	Wright, J. L.
Dininni	McHale		

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

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

WELCOME

The SPEAKER. The Chair welcomes Leah Bailey, Scott Link, and Linda McHenry, who are Legislative Fellows for this session. I think they are still to the left of the Speaker. Will the guests please rise.

CONSIDERATION OF HB 618 CONTINUED

The SPEAKER. Without objection, the Chair reconsiders its decision that HB 618 was over for today.

The gentleman, Mr. Bowley, has offered an amendment, which the clerk has read.

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

AMENDMENTS WITHDRAWN

The SPEAKER. The gentleman, Mr. Bowley, withdraws amendment 3479.

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

Mr. BOWLEY offered the following amendments No. A3117:

Amend Sec. 1, page 2, line 3, by inserting after "amended" where it appears the second time

and the section is amended by adding a subsection

Amend Sec. 1 (Sec. 205), page 2, by inserting between lines 20 and 21

(g) The Pennsylvania State Police force shall include, but not be limited to, two underwater search teams, one of which shall be in eastern Pennsylvania and one of which shall be in western Pennsylvania.

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

The SPEAKER. The Chair recognizes Mr. Bowley.  
Mr. BOWLEY. Thank you, Mr. Speaker.

Mr. Speaker, amendment No. A3117 would attempt to amend this legislation to establish that the Pennsylvania State Police continue to operate two underwater search teams, one in eastern Pennsylvania and one in western Pennsylvania.

It came to my attention earlier this spring, and over the summer months I attempted to correct it through the administration to no avail, that the Pennsylvania State Police are attempting to eliminate the four underwater search teams which they currently operate. My amendment would simply require the State Police to condense the four teams into two teams - one in eastern Pennsylvania, one in western Pennsylvania - and I would ask for your support.

The money for this continued operation is currently already in the budget which we passed at the end of June.

The SPEAKER. The Chair recognizes Mr. Pitts.  
Mr. PITTS. Thank you, Mr. Speaker.  
I support the amendment.

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

The following roll call was recorded:

YEAS—189

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

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

NAYS—6

Fairchild	Nahill	Saurman	Tigue
Gallen	Noye		

NOT VOTING—1

Linton

EXCUSED—6

Dietterick	Johnson	Pievsky	Wright, J. L.
Dininni	McHale		

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

On the question recurring,

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

The SPEAKER. The Chair recognizes Mr. Freeman, who offers the following amendment, which the clerk will read.

Mr. FREEMAN. Mr. Speaker?

The SPEAKER. The gentleman is recognized.

Mr. FREEMAN. Mr. Speaker, my amendments are on their way down. I was under the impression we were voting HB 618 tomorrow, so they were upstairs. They will be down shortly though.

The SPEAKER. The Chair urges the gentleman to consult with the majority leader.

For what purpose does the gentleman, Mr. Mayernik, rise?

Mr. MAYERNIK. I wish to speak on the bill, Mr. Speaker.

The SPEAKER. The gentleman is recognized.

Mr. MAYERNIK. Thank you, Mr. Speaker.

As I look at this piece of legislation, HB 618, I have to question, what is a resident State trooper? Looking at the legislation, it defines it as a trooper assigned to municipalities that do not have an organized police force, or two, a trooper assigned to a municipality—

The SPEAKER. Will the gentleman suspend.

The bill is not yet on final passage. The only thing that would be appropriate at this point is the offering of an amendment or a motion.

Mr. MAYERNIK. I will yield till final passage, Mr. Speaker.

On the question recurring,

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

Mr. FREEMAN offered the following amendment No. A3490:

Amend Sec. 3 (Sec. 713), page 5, by inserting between lines 26 and 27

(d) Unless otherwise provided, this section shall apply only to municipalities having a population of six thousand or less. Two or more municipalities each having a population of six thousand or less may join together for the purposes of this section.

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes Mr. Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is similar to the one that was offered earlier in the day. I divided the earlier amendment into two parts and made a slight change.

What this amendment would do is require that only those municipalities with populations of 6,000 or less, or if they were merged together as far as the application for this program, would qualify for the Resident State Trooper Program.

The intent of this amendment, again, as we mentioned earlier in the day, is to make sure that the program is directed at those municipalities that do not have a sufficient tax base to support their own police force. By holding it to 6,000 or less, we would direct the program to where it is most needed, to those small rural or small-based municipalities that really do need to be able to participate in this program. I think if we do not have some sort of population standard, we could very well end up putting the State Police resident trooper in an area where it is not nearly as needed as other areas.

I would urge the membership to support this amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—115

Acosta	Cowell	Lee	Robinson
Allen	DeLuca	Lescovitz	Roebuck
Angstadt	DeWeese	Linton	Rybak
Argall	Daley	Lucyk	Saloom
Battisto	Donatucci	McCall	Schuler
Belardi	Evans	McNally	Scrimenti
Belfanti	Fee	McVerry	Staback
Billow	Freeman	Maine	Steighner
Bishop	Gamble	Markosek	Stish
Black	George	Mayernik	Strittmatter
Blaum	Godshall	Melio	Suban
Bortner	Gruitza	Michlovic	Tangretti
Bowley	Haluska	Mihalich	Taylor, F.
Boyes	Harper	Miller	Taylor, J.
Brandt	Hayden	Mochlmann	Telek
Broujos	Hughes	Morris	Thomas
Bunt	Itkin	Mrkoncic	Trello
Burd	Jackson	Murphy	Trich
Caltagirone	Jadlowiec	O'Brien	Van Horne
Carlson	James	Oliver	Veon
Carn	Jarolin	Petrarca	Wambach
Cawley	Josephs	Petrone	Weston
Chadwick	Kaiser	Piccola	Williams
Clark, B. D.	Kondrich	Pistella	Wogan

Cohen	Kosinski	Pressmann	Wozniak
Colaifella	Kukovich	Preston	Wright, D. R.
Colaizzo	LaGrotta	Richardson	
Cole	Langtry	Rieger	O'Donnell,
Cornell	Laughlin	Ritter	Speaker
Corrigan			

NAYS—78

Adolph	Fleagle	Lashinger	Robbins
Barley	Flick	Leh	Rudy
Birmelin	Foster	Levdansky	Ryan
Burns	Fox	Lloyd	Saurman
Bush	Freind	Marsico	Scheetz
Cappabianca	Gallen	Merry	Semmel
Cessar	Gannon	Micozzie	Serafini
Clark, D. F.	Geist	Mowery	Smith, B.
Clark, J. H.	Gigliotti	Nahill	Smith, S. H.
Clymer	Gladeck	Nailor	Snyder, D. W.
Coy	Gruppo	Noye	Snyder, G.
Davies	Hagarty	Olasz	Stairs
Dempsey	Hasay	Perzel	Taylor, E. Z.
Distler	Hayes	Pesci	Tigue
Dombrowski	Heckler	Phillips	Vroon
Dorr	Herman	Pitts	Wass
Durham	Hershey	Raymond	Wilson
Fairchild	Hess	Reber	Wright, R. C.
Fargo	Kasunic	Reinard	Yandrisevits
Farmer	Kenney		

NOT VOTING—3

Civera	Howlett	Maiale
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EXCUSED—6

Dietterick	Johnson	Pievsky	Wright, J. L.
Dininni	McHale		

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

On the question recurring,

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

Mr. FREEMAN offered the following amendment No. A3491:

Amend Sec. 3 (Sec. 713), page 5, by inserting between lines 26 and 27

(d) The commissioner shall give priority under this section, regardless of population, to municipalities eligible under the act of October 11, 1984 (P.L.906, No.179), known as the "Community Development Block Grant Entitlement Program for Nonurban Counties and Certain Other Municipalities," and to municipalities declared financially distressed under the act of July 10, 1987 (P.L.246, No.47), known as the "Financially Distressed Municipalities Act."

On the question,

Will the House agree to the amendment?

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

Mr. FREEMAN. Mr. Speaker, this is the second half of the amendment that was offered earlier in the day. What it would do is direct the State Police Commissioner to give priority under this program to those communities that would qualify either for the Community Development Block Grant Entitlement Program for Nonurban Counties and Certain Other Municipalities or for those communities that would qualify for assistance under the Financially Distressed Municipalities Act.

Again, the attempt here is to direct the Resident State Trooper Program to those municipalities most in need. Obviously, those that are faced with financial problems or whose populations fall below a certain median income are the ones most in need of having this kind of police service, and I think it is incumbent upon us to direct this program to those communities first, in list of priority.

I would urge the membership to support this amendment.

The SPEAKER. The Chair recognizes Mr. Fairchild.

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

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

Mr. FAIRCHILD. Mr. Speaker, I have a question that I hope you can answer.

In my district I have a couple municipalities that are classified as "distressed communities," evidently under the 1987 law, and I have a letter in to the Department of Commerce, who administered the grants, asking them to clarify what is a distressed community. The question I have is that in my district it seemed that it was exactly reversed in that the two towns that got the grants were college towns and enjoy a rather high income. My question is—and maybe if you cannot answer it, someone else can—who determines distressed communities, and are college students included in there as an income level of zero, which I think happened to qualify those two communities as a distressed community?

Mr. FREEMAN. It is my understanding, Mr. Speaker, that there is a very limited ability to qualify as a financially distressed municipality. I am not familiar with the circumstances of the communities the gentleman states or mentioned. However, it is my understanding that the only distressed municipalities that exist are currently in very impoverished areas of the southwest. I could be wrong on that count, but as I understand the Financially Distressed Municipalities Act, better known as Public Law 246, No. 47, there is a list of criteria before a community can qualify, and it is geared towards the kind of high unemployment, poor tax-based communities that exist in certain parts of the southwest in particular.

Mr. FAIRCHILD. Mr. Speaker, if I understood you correctly—and I apologize for the din—but are you saying that distressed municipalities are different than distressed communities? Was that the gist?

Mr. FREEMAN. Well, I am not quite sure of the circumstances of the communities that the gentleman is referring to in his own district, but the Distressed Municipalities Act deals specifically with those communities that have fallen on particularly hard times, that have lost a good portion of their tax base, such as the old mill towns of the southwest. There is a list of criteria, I believe administered through the DCA, the Department of Community Affairs, which sets out what communities qualify for assistance under this program.

To become a distressed municipality and to obtain support under this act, there is a very rigorous test. The community has to give up a lot of its own certain provisions of self-gov-

ernment because of their financial state and more or less adhere to a very rigid plan laid down by DCA to try and put their finances and their local economic situation on an even keel. So under this act, as highlighted in my amendment, it would really be a tough-case-scenario town that would qualify. I cannot imagine that your communities would qualify, but you may want to check with the Department of Community Affairs.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

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

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

Mr. LLOYD. Mr. Speaker, I am having a hard time understanding the first part of this amendment where it says that you get a priority if you are eligible under the Community Development Block Grant Program. Eligible for what - eligible to be an entitlement municipality, eligible to apply for the Secretary's discretionary money, eligible to apply to the county commissioners for part of their entitlement? Could you explain what you mean by "eligible"?

Mr. FREEMAN. It is quite simple. Actually, it is just a matter of being eligible for the program, for the CDBG Program, which is an entitlement program given to nonurban counties that qualify.

The gentleman may recall that when we passed this legislation in 1984, the intent was to try and provide funding for those communities of a smaller nature that met the HUD (Department of Housing and Urban Development) criterion within those counties but previously had had a very difficult time of obtaining CDBG money. Under that legislation, we directed grants directly to certain communities of a certain population figure, but the reference made within my amendment refers to those communities, I believe, of 4,000 or less that would qualify for the CDBG moneys, going through either the county process or, if the county were to kick that process back to the Secretary, through the Department of Community Affairs for CDBG moneys.

Mr. LLOYD. Mr. Speaker, on the amendment?

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

Mr. LLOYD. Mr. Speaker, I appreciate what the gentleman is trying to do, but I do not think that is a correct interpretation of the entitlement law. In my county those municipalities which are above 4,000 in population are entitlement; those which are below 4,000 are not entitlement, and they have to go either to the Secretary's discretionary money or they have to go to the county commissioners and compete for part of that entitlement.

I am not sure what "eligible" means. If it means that an eligible municipality is anybody who can apply for any of those particular funds, the answer is, then the amendment does not do anything because everybody qualifies for that. If it means that it is those people who are entitlement, the entitlements are not the people under 4,000; it is the people over 4,000.

I think that we ought to defeat the amendment, or at least if you are going to vote for it, you ought to recognize, under my interpretation or understanding of the law, that what you are voting to do is to give a preference to municipalities with a population between 4,000 and 6,000, to the disadvantage of those below 4,000. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—30

Belardi	Harper	Levdansky	Thomas
Carn	Howlett	Maiale	Trich
Cawley	James	Michlovic	Van Horne
Clark, B. D.	Josephs	Oliver	Veon
Cohen	Kukovich	Pressmann	Wozniak
Colafella	LaGrotta	Ritter	
Corrigan	Laughlin	Roebuck	O'Donnell,
Freeman	Lescovitz	Rybak	Speaker

NAYS—163

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

NOT VOTING—3

Acosta	Hayden	Linton
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EXCUSED—6

Dietterick	Johnson	Pievsky	Wright, J. L.
Dininni	McHale		

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

The question is, shall the bill pass finally?

The Chair recognizes Mr. Mayernik.

Mr. MAYERNIK. Thank you, Mr. Speaker.

On final passage, as I look at this legislation, I see the definition of "resident State trooper" being one of two definitions: a trooper assigned to a municipality that does not have an organized police force, and two, a trooper where a municipality has agreed to pay 95 percent of the cost of the trooper.

I see two problems with this legislation as it sits in front of us. One is one of policy. Why should the State subsidize municipalities who choose not to have police departments or hire police officers? As I sat in on the Local Government Committee meeting, there was a member there who brought up a point who says he has two municipalities that are approximately the same size side by side, same population, same income revenue, yet one has nine police officers; the other has none. As a result, the State is subsidizing the other municipality and we are footing the bill for that police department. I question if we want to do that as a matter of policy.

The other one is, why would a police department or why would a municipality want to have a resident State trooper, because we are looking at the elimination of jobs of local police officers. I think this is something that we should all pay attention to, because your local chief of police is concerned with this; your local police officers in your municipalities are concerned with this. In fact, if you have been reading your mail lately, you will see that regarding this legislation, the State Police Lodge themselves have a lot of questions regarding this legislation and have asked that this bill be tabled. The State F.O.P., which is all the local municipal police officers, asked that we vote against this bill. The Pennsylvania Chiefs of Police Association is against this bill.

### MOTION TO TABLE

Mr. MAYERNIK. I have not found anyone in favor of this bill yet except our colleague, Mr. Pitts, and as a result of all the opposition, I believe that there needs to be some work done. I am not saying I am opposed to this bill philosophically, but right now, the way it stands, I would ask that we table the bill.

The SPEAKER. The gentleman, Mr. Mayernik, has moved to table the bill.

On the question,

Will the House agree to the motion?

The SPEAKER. The Chair recognizes Mr. Ryan.

Mr. RYAN. Mr. Speaker, I object to tabling this bill. This bill has been around a long time. The concept has been around even longer.

Going back into last May and June, there was a great deal of thought given to the proper time to run the bill. We did not want to tie up the budget negotiations with it, and this is the proper time. It is not a political-type bill. It is something that is needed in many of the communities of Pennsylvania, and there is really no excuse to delay it another year, which essentially is what takes place if we put it off now. If it is tabled now, odds are it will not be taken up until next session, because it is a House bill and has to go through the Senate, and a lot of our smaller communities and distressed communities—some that are distressed; some that are not—need this type legislation.

The funding for 50 State troopers, additional State troopers, has already passed the House and Senate and has been signed by the Governor as part of the 1990-91 budget. So there really would seem to be no good reason to tie it up at this time.

The SPEAKER. The Chair recognizes the majority leader.

Mr. DeWEESE. I would ask the members of the Democratic Caucus to listen to a phrase, and that phrase is "integrity of budget negotiations." Now, a lot of you know one of my favorite words is "oxymoron," but the integrity of the budget negotiations is not oxymoronic. The integrity of the budget negotiations is something that we should consider in this chamber to be quite fundamental.

I made a deal. You have all made a deal, most of you. The Speaker once told me that I do not play my cards close enough to the vest. I am holding the cards out here. We made a deal when we negotiated the budget. Mr. Pitts and Mr. Ryan and Mr. Hayes, et al., have maintained the deal, and this is a part of it, and I think that our rural communities - our townships and boroughs - and especially Franklin Township, where I live, and many rural areas could benefit from this proposal.

I would ask that the bill not be tabled and that the suggestion of Mr. Ryan be adhered to.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

### YEAS—20

Cawley	Fargo	Markosek	Tangretti
Cohen	Gigliotti	Mayernik	Tigue
Colaizzo	Kukovich	Mrkonic	Trello
Daley	LaGrotta	Preston	Van Horne
Dombrowski	Levdansky	Robinson	Wozniak

### NAYS—175

Acosta	Donatucci	Langtry	Rieger
Adolph	Dorr	Lashingier	Ritter
Allen	Durham	Laughlin	Robbins
Angstadt	Evans	Lee	Roebuck
Argall	Fairchild	Leh	Rudy
Barley	Farmer	Lescovitz	Ryan
Battisto	Fee	Linton	Rybak
Belardi	Fleagle	Lloyd	Saloom
Belfanti	Flick	Lucyk	Saurman
Billow	Foster	McCall	Scheetz
Birmelin	Fox	McNally	Schuler

Bishop	Freeman	McVerry	Scrimenti
Black	Freind	Maiale	Semmel
Blaum	Gallen	Maine	Serafini
Bortner	Gamble	Marsico	Smith, B.
Bowley	Gannon	Melio	Smith, S. H.
Boyes	Geist	Merry	Snyder, D. W.
Brandt	George	Michlovic	Snyder, G.
Broujos	Gladeck	Micozzie	Staback
Bunt	Godshall	Mihalich	Stairs
Burd	Gruitza	Miller	Steighner
Burns	Gruppo	Moehlmann	Stish
Bush	Hagarty	Morris	Strittmatter
Caltagirone	Haluska	Mowery	Stuban
Cappabianca	Hasay	Murphy	Taylor, E. Z.
Carlson	Hayden	Nahill	Taylor, F.
Carn	Hayes	Nailor	Taylor, J.
Cessar	Heckler	Noye	Telek
Chadwick	Herman	O'Brien	Thomas
Civera	Hershey	Olasz	Trich
Clark, B. D.	Hess	Oliver	Veon
Clark, D. F.	Howlett	Perzel	Vroon
Clark, J. H.	Hughes	Pesci	Wambach
Clymer	Itkin	Petrarca	Wass
Colaifella	Jackson	Petrone	Weston
Cole	Jadlowiec	Phillips	Williams
Cornell	James	Piccola	Wilson
Corrigan	Jarolin	Pistella	Wogan
Cowell	Josephs	Pitts	Wright, D. R.
Coy	Kaiser	Pressmann	Wright, R. C.
DeLuca	Kasunic	Raymond	Yandrisevits
DeWeese	Kenney	Reber	
Davies	Kondrich	Reinard	O'Donnell,
Dempsey	Kosinski	Richardson	Speaker
Distler			

NOT VOTING—1

Harper

EXCUSED—6

Dietterick	Johnson	Pievsky	Wright, J. L.
Dininni	McHale		

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

On the question recurring,  
Shall the bill pass finally?

DECISION OF CHAIR RESCINDED

The SPEAKER. Without objection, the Chair rescinds its announcement that this bill has been considered on three different occasions.

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

AMENDMENT A3490 RECONSIDERED

The SPEAKER. The Chair is in possession of a reconsideration motion from Mr. Pitts. He moves that the vote by which amendment 3490 to HB 618, PN 2295, was passed be reconsidered.

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

The following roll call was recorded:

YEAS—190

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

NAYS—2

Bunt	Gannon
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NOT VOTING—4

Broujos	Harper	Michlovic	Preston
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EXCUSED—6

Dietterick	Johnson	Pievsky	Wright, J. L.
Dininni	McHale		

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

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

The SPEAKER. The matter before the House is amendment 3490, offered by the gentleman, Mr. Freeman, which the clerk has read. The question is, will the House agree to the amendment?

On that question, the Chair recognizes Mr. Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

Again, the intent of this amendment, which passed the House by a good margin, is simply to establish a population criterion. Only communities of 6,000 population or less, unless, of course, they were to join with adjacent communities of 6,000 or less, would qualify for the program, the intent, again, being to direct this program where it is most needed - in those small communities that cannot support their own police force. I think we do a disservice to this program if we try and open the door to all kinds of townships and boroughs that have substantial tax bases. We should make sure that it goes to the smaller communities, the ones that oftentimes are neglected in State programs and the ones that most need this kind of support in the area of police protection.

I would urge the members to stand by their support of this amendment.

The SPEAKER. The Chair recognizes Mr. Pitts.

Mr. PITTS. Thank you, Mr. Speaker.

I oppose the amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—43

Acosta	Freeman	Lucyk	Smith, S. H.
Argall	Godshall	Maiale	Staback
Belardi	Gruppo	Melio	Tangretti
Bishop	Howlett	Michlovic	Trich
Bowley	James	Mihalich	Van Horne
Caltagirone	Josephs	Nahill	Wambach
Carn	Kukovich	Oliver	Wozniak
Cohen	LaGrotta	Pressmann	Wright, D. R.
Colafrella	Laughlin	Ritter	
Corrigan	Lee	Robinson	O'Donnell,
Evans	Lescovitz	Rybak	Speaker
Fee			

NAYS—149

Adolph	Distler	Kenney	Reinard
Allen	Dombrowski	Kondrich	Rieger
Angstadt	Donatucci	Kosinski	Robbins
Barley	Dorr	Langtry	Roebuck
Battisto	Durham	Lashingner	Rudy
Belfanti	Fairchild	Leh	Ryan
Billow	Fargo	Levdansky	Saloom
Birmelin	Farmer	Lloyd	Saurman
Black	Fleagle	McCall	Scheetz
Blaum	Flick	McNally	Schuler
Bortner	Foster	McVerry	Scrimenti
Boyes	Fox	Maine	Semmel
Brandt	Freind	Markosek	Serafini
Broujos	Gallen	Marsico	Smith, B.
Bunt	Gamble	Mayernik	Snyder, D. W.
Burd	Gannon	Merry	Snyder, G.
Burns	Geist	Micozzie	Stairs
Bush	George	Miller	Steighner
Cappabianca	Gigliotti	Moehlmann	Stish
Carlson	Gladeck	Morris	Strittmatter
Cawley	Gruitza	Mowery	Stuban
Cessar	Hagarty	Mrkonc	Taylor, E. Z.
Chadwick	Haluska	Murphy	Taylor, F.
Civiera	Hasay	Nailor	Taylor, J.
Clark, B. D.	Hayden	Noye	Telek
Clark, D. F.	Hayes	O'Brien	Thomas
Clark, J. H.	Heckler	Olasz	Tigue
Clymer	Herman	Perzel	Trello
Colaizzo	Hershey	Pesci	Veon
Cole	Hess	Petrarca	Vroon

Cornell	Hughes	Petrone	Wass
Cowell	Itkin	Phillips	Weston
Coy	Jackson	Piccola	Williams
DeLuca	Jadlowiec	Pistella	Wilson
DeWeese	Jarolin	Pitts	Wogan
Daley	Kaiser	Raymond	Wright, R. C.
Davies	Kasunic	Reber	Yandrisevits
Dempsey			

NOT VOTING—4

Harper	Linton	Preston	Richardson
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EXCUSED—6

Dietterick	Johnson	Pievsky	Wright, J. L.
Dininni	McHale		

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. 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—143

Allen	Fairchild	Laughlin	Robbins
Angstadt	Fargo	Lee	Roebuck
Argall	Farmer	Leh	Rudy
Barley	Fee	Lescovitz	Ryan
Battisto	Fleagle	Levdansky	Rybak
Belardi	Flick	Linton	Saloom
Belfanti	Foster	Lloyd	Saurman
Billow	Freeman	Lucyk	Scheetz
Birmelin	Freind	McCall	Semmel
Bishop	Gallen	Maiale	Smith, B.
Black	Gamble	Marsico	Smith, S. H.
Bortner	Geist	Merry	Snyder, D. W.
Bowley	George	Michlovic	Snyder, G.
Brandt	Gladeck	Mihalich	Staback
Broujos	Gruppo	Miller	Stairs
Bunt	Haluska	Moehlmann	Steighner
Burd	Hasay	Morris	Strittmatter
Burns	Hayden	Mowery	Stuban
Bush	Hayes	Murphy	Taylor, E. Z.
Carlson	Heckler	Nahill	Taylor, J.
Carn	Herman	Nailor	Telek
Chadwick	Hershey	Noye	Thomas
Clark, B. D.	Hess	O'Brien	Trich
Clark, D. F.	Howlett	Oliver	Veon
Clymer	Hughes	Perzel	Vroon
Colafrella	Jackson	Pesci	Wambach
Corrigan	Jadlowiec	Petrarca	Wass
Coy	James	Petrone	Weston
DeWeese	Jarolin	Phillips	Williams
Daley	Josephs	Piccola	Wilson
Davies	Kaiser	Pistella	Wogan
Dempsey	Kenney	Pitts	Wright, D. R.
Distler	Kosinski	Pressmann	Wright, R. C.
Donatucci	LaGrotta	Reinard	
Dorr	Langtry	Richardson	O'Donnell,
Durham	Lashingner	Ritter	Speaker
Evans			



**NAYS—48**

Adolph	Cornell	McNally	Robinson
Blaum	Cowell	McVerry	Schuler
Boyes	DeLuca	Maine	Scrimenti
Caltagirone	Dombrowski	Markosek	Serafini
Cappabianca	Fox	Mayermik	Stish
Cawley	Gannon	Melio	Tangretti
Cessar	Gigliotti	Micozzie	Taylor, F.
Civera	Godshall	Mrkonic	Tigue
Clark, J. H.	Gruitza	Olasz	Trello
Cohen	Itkin	Raymond	Van Horne
Colaizzo	Kasunic	Reber	Wozniak
Cole	Kondrich	Rieger	Yandrisevits

**NOT VOTING—5**

Acosta	Harper	Kukovich	Preston
Hagarty			

**EXCUSED—6**

Dietterick	Johnson	Pievsky	Wright, J. L.
Dininni	McHale		

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.

**RULES SUSPENDED**

The SPEAKER. The Chair recognizes the majority leader. Mr. DeWEESE. Mr. Speaker, I move that the rules be suspended to permit immediate consideration of HR 367.

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

The following roll call was recorded:

**YEAS—190**

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

Clark, D. F.	Hershey	Oliver	Van Horne
Clymer	Hess	Perzel	Veon
Cohen	Howlett	Pesci	Vroon
Colaifella	Hughes	Petrarca	Wambach
Colaizzo	Itkin	Petrone	Wass
Cole	Jackson	Phillips	Weston
Corrigan	Jadlowiec	Piccola	Williams
Cowell	James	Pistella	Wilson
Coy	Jarolin	Pitts	Wogan
DeLuca	Josephs	Pressmann	Wozniak
DeWeese	Kaiser	Preston	Wright, D. R.
Daley	Kasunic	Raymond	Wright, R. C.
Davies	Kenney	Reber	Yandrisevits
Dempsey	Kondrich	Reinard	
Distler	Kosinski	Rieger	O'Donnell,
Dombrowski	Kukovich	Ritter	Speaker

**NAYS—0**

**NOT VOTING—6**

Clark, J. H.	Linton	Murphy	Richardson
Cornell	Mihalich		

**EXCUSED—6**

Dietterick	Johnson	Pievsky	Wright, J. L.
Dininni	McHale		

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

**RESOLUTION ADOPTED**

The SPEAKER. The lady, Ms. Josephs, calls up HR 367, which will be read by the clerk.

The following resolution was read:

**House Resolution No. 367**

**A RESOLUTION**

Designating the week of September 30, 1990, as "Nursing Home Residents' Rights Week."

WHEREAS, October 1, 1990, marks the long awaited and celebrated date of the implementation of the provisions of the Omnibus Budget Reconciliation Act of 1987 (P.L.100-203, 101 Stat. 1330) regulating the quality of care in nursing homes; and

WHEREAS, The spirit of the new law speaks to the importance of the person and directs nursing homes to care for their residents in such a manner and in such an environment as to promote maintenance or enhancement of the quality of life of each resident; and

WHEREAS, Nursing home residents, as senior citizens, have given this Commonwealth the gifts of their talents and wisdom throughout their lives and continue to do so in their new places of residence; and

WHEREAS, Nursing home residents need and deserve the continued support of their communities, neighbors, families, friends and those working tirelessly to serve them in the nursing homes; and

WHEREAS, It is important to celebrate the implementation of the nursing home reforms mandated by Congress; and

WHEREAS, It is important to recognize the acts of courage, dignity and self-determination by residents organized to speak on their own behalf; and

WHEREAS, It is important to commend the long-term care ombudsman program and citizen advocacy groups which have worked with spirit to protect and promote the rights of residents; and

WHEREAS, It is important to commend the Federal and State surveyors who have worked so diligently to protect the health, safety, welfare and rights of residents; and

WHEREAS, It is important to commend those caregivers who are both family of nursing home residents and staff of nursing homes and who have given their hearts and souls to the welfare of residents; therefore be it

RESOLVED, That September 30, 1990, through October 7, 1990, be designated as "Nursing Home Residents' Rights Week."

Babette Josephs

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—195

Table listing names of members who voted 'YEAS' (195 total). Includes Acosta, Adolph, Allen, Angstadt, Argall, Barley, Battisto, Belardi, Belfanti, Billow, Birmelin, Bishop, Black, Blaum, Bortner, Bowley, Boyes, Brandt, Broujos, Bunt, Burd, Burns, Bush, Caltagirone, Cappabianca, Carlson, Carn, Cawley, Cessar, Chadwick, Civera, Clark, B. D., Clark, D. F., Clark, J. H., Clymer, Cohen, Colafella, Colaizzo, Cole, Cornell, Corrigan, Cowell, Coy, DeLuca, DeWeese, Daley, Davies, Dempsey, Distler, Dombrowski, Donatucci, Dorr, Durham, Evans, Fairchild, Fargo, Farmer, Fee, Fleagle, Flick, Foster, Fox, Freeman, Freind, Gallen, Gamble, Geist, George, Gigliotti, Gladeck, Godshall, Gruitza, Gruppo, Hagarty, Haluska, Harper, Hasay, Hayden, Hayes, Heckler, Herman, Hershey, Hess, Howlett, Hughes, Itkin, Jackson, Jadowiec, James, Jarolin, Josephs, Kaiser, Kasunic, Kenney, Kondrich, Kosinski, Kukovich, LaGrotta, Langtry, Lashinger, Laughlin, Lee, Leh, Lescovitz, Levdansky, Linton, Lloyd, Lucyk, McCall, McNally, McVerry, Maiale, Maine, Markosek, Marsico, Mayernik, Melio, Merry, Michlovic, Micozzie, Mihalich, Miller, Moehlmann, Morris, Mowery, Mrkonic, Murphy, Nahill, Nailor, Noye, O'Brien, Olasz, Oliver, Perzel, Pesci, Petrarca, Petrone, Phillips, Piccola, Pistella, Pitts, Pressmann, Preston, Raymond, Reber, Reinard, Richardson, Rieger, Ritter, Robbins, Robinson, Roebuck, Rudy, Ryan, Rybak, Saloom, Saurman, Scheetz, Schuler, Scrimenti, Semmel, Serafini, Smith, B., Smith, S. H., Snyder, D. W., Snyder, G., Staback, Stairs, Steighner, Stish, Strittmatter, Stuban, Tangretti, Taylor, E. Z., Taylor, F., Taylor, J., Telek, Thomas, Tigue, Trello, Trich, Van Horne, Veon, Vroon, Wambach, Wass, Weston, Williams, Wilson, Wogan, Wozniak, Wright, D. R., Wright, R. C., Yandrisevits, O'Donnell, Speaker

NAYS—0

NOT VOTING—1

Gannon

EXCUSED—6

Table listing names of members who were excused: Dietterick, Dininni, Johnson, McHale, Pievsky, Wright, J. L.

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

The SPEAKER. The lady, Ms. Josephs, is recognized.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I request that the resolution be left at the desk for those people who would like to cosponsor. I did not have time to circulate a cosponsorship request. Thank you, Mr. Speaker.

The SPEAKER. The resolution will be left at the desk for signature, cosponsorship, by any of the other members.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of HB 1817, PN 2326, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for exemptions from special permit requirements.

On the question,

Will the House agree to the bill on third consideration?

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader. Mr. DeWEESE. Mr. Speaker, I move that HB 1817 be placed upon the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader. Mr. DeWEESE. Mr. Speaker, I move that HB 1817 be taken from the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER. All other bills are over for today.

VOTE CORRECTIONS

The SPEAKER. The Chair recognizes the lady, Ms. Bishop.

Ms. BISHOP. Thank you, Mr. Speaker.

Mr. Speaker, I would like to correct the record. I voted in the affirmative on amendment No. 3364 to HB 618. I would like to show that I voted in the negative.

The SPEAKER. The Chair recognizes Mr. Kenney.  
Mr. KENNEY. Thank you, Mr. Speaker.

Mr. Speaker, I would like the record to record, on final passage of HB 1661, I was recorded in the affirmative, and I should have been recorded as a negative. Thank you.

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

### RULES COMMITTEE MEETING

The SPEAKER. For members of the Rules Committee, there is a meeting at the majority leader's desk immediately.

### VOTE CORRECTIONS

The SPEAKER. The Chair recognizes Mr. Wozniak.  
Mr. WOZNIAK. Thank you, Mr. Speaker.

To correct the record. Yesterday's floor vote on HB 2361, amendment 3429, I would like to be registered in the affirmative. Thank you.

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

The Chair recognizes Mr. Coy.

Mr. COY. Thank you, Mr. Speaker.

To correct the record. On final passage of HB 1885, my switch failed to function. I would like to be recorded in the affirmative.

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

The Chair recognizes Mr. Cole.

Mr. COLE. Thank you, Mr. Speaker.

I would like to be recorded "yea" on HB 1661.

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

The Chair recognizes Mr. Staback.

Mr. STABACK. Correction of the record, Mr. Speaker. On HB 618, amendment No. 3348, I would like to be recorded in the affirmative.

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

The Chair recognizes Mr. Battisto.

Mr. BATTISTO. Thank you, Mr. Speaker.

To correct the record. On HB 1661 on final passage, I was recorded in the affirmative. I would like to be recorded in the negative. Thank you.

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

The Chair recognizes Mr. Howlett.

Mr. HOWLETT. Mr. Speaker, to correct the record.

As of Monday, September 24, my button malfunctioned on SB 775. I would like to be recorded in the affirmative, and on the amendment A3424 to SB 775, I would like to be recorded in the affirmative.

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

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

**SB 1442, PN 2054**

By Rep. BELARDI

An Act amending the act of June 1, 1937 (P. L. 1168, No. 294), entitled "Pennsylvania Labor Relations Act," further providing for the salaries of board members; and making repeals.

LABOR RELATIONS.

### RESOLUTIONS REPORTED FROM COMMITTEE

**HR 357, PN 4077**

By Rep. DeWEESE

A Resolution designating the month of October 1990 as "Polish Heritage Month."

RULES.

**HR 358, PN 4078**

By Rep. DeWEESE

Declaring September 24 through 28, 1990, as "Community Banking Week."

RULES.

**HR 359, PN 4079**

By Rep. DeWEESE

Commemorating the anniversary of "The Star Spangled Banner" on September 14, 1990.

RULES.

**HR 360, PN 4080**

By Rep. DeWEESE

Recognizing the 100th Anniversary of the Daughters of the American Revolution.

RULES.

**HR 362, PN 4082**

By Rep. DeWEESE

Declaring October 6, 1990, as "German-American Day" in this Commonwealth.

RULES.

**HR 363, PN 4083**

By Rep. DeWEESE

Urging the Governor to proclaim October 20, 1990, as "Committeeperson Day."

RULES.

The SPEAKER. The Chair recognizes Mr. Hershey.

Mr. HERSHEY. Thank you, Mr. Speaker.

On HB 618, the resident trooper bill, I request that my name be added as a sponsor while it is reprinted.

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

Mr. HERSHEY. Thank you.

The SPEAKER. The Chair suggests to the gentleman that he may want to submit that to the clerk or otherwise get advice from the leadership to make sure that happens.

Mr. HERSHEY. Thank you.

The SPEAKER. The Chair thanks the gentleman.

### ADJOURNMENT

The SPEAKER. Any further business to be brought before the House?

The Chair recognizes the lady, Ms. Bishop.

Ms. BISHOP. Thank you.

Mr. Speaker, I move that the House now be adjourned until Wednesday, September 26, 1990, at 11 a.m., e.d.t. Thank you.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 4:35 p.m., e.d.t., the House adjourned.