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, prepare our hearts, minds, and spirits for the work that lies before us. Impress upon our minds the importance of all that we accomplish here, and let us never forget that we are about Your business. When we slacken or become careless, remind us that we are architects building laws not only for this generation but for generations to come. When we become tired and weary, let us rest under the shadow of Your wings.

We realize that anything worth doing is worth doing well. Grant that excellence might be our watchword in achieving all that is assigned our hands to do.

Be with us, watch over us, and keep us as the apple of Your eye.

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 Tuesday, September 25, 1990, will be postponed until printed. The Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2898 By Representatives BARLEY, LLOYD, LASHINGER, BATTISTO, D. W. SNYDER, CORRIGAN, VROON, YANDRISIEVITS, DIETTERICK, PRESSMANN, JACKSON, MAIALE, SERAFINI, TRELLO, E. Z. TAYLOR,

MORRIS, JOHNSON, PETRONE, CARLSON, MELIO, GANNON, COHEN, NAILOR, BILLOW, DEMPSLEY, TIGUE, ALLEN, PESCI, J. TAYLOR, DeLUCA, TELEK, STABACK, MICHLIOVIC and BURNS

An Act providing for the establishment of a Manufactured Housing Ombudsman and fixing the powers and duties of the ombudsman; establishing the Manufacturing Housing Hearing Board and providing for its membership and for its powers and duties; establishing a restricted fund; and making an appropriation.

Referred to Committee on BUSINESS AND COMMERCE, September 26, 1990.

No. 2899 By Representatives HERSHEY, PITTS, VROON, FLICK, E. Z. TAYLOR, BARLEY, JACKSON, DIETTERICK, HECKLER, BUSH, NOYE, D. F. CLARK, FARGO, MORRIS, BUNT, LINTON, J. TAYLOR, JOHNSON, MERRY, CIVERA, PESCI, GEIST, TRELLO, JAMES and BILLOW

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, authorizing the court to sentence certain offenders to a county work camp; and providing for the establishment of county work camp programs.

Referred to Committee on JUDICIARY, September 26, 1990.

No. 2900 By Representatives CLYMER, WASS, TIGUE, HECKLER, COWELL, MELIO, JACKSON, NOYE, MOEHLMANN, STABACK, LEVDANSKY, ANGSTADT, G. SNYDER, SCHULER, STRITTMATTER, S. H. SMITH, FLEAGLE, LAUGHLIN, FARMER, FARGO, GEIST, STEIGHNER, E. Z. TAYLOR, HASAY, ALLEN, MORRIS, ARGALL, CARLSON, OLASZ, GODSHALL, DeLUCA, BURD, GRUPPO, WOZNIAK, WOGAN, RAYMOND, TANGRETTI, PESCI, JOHNSON, BUNT, DIETTERICK, GAMBLE, ADOLPH, WILSON, SAURMAN, SERAFINI, CIVERA, TRELLO, BILLOW, CORRIGAN, D. W. SNYDER, BOYES, FREEMAN and MERRY
An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for reimbursement to volunteer fire companies that remove vehicles and spilled cargo from roadways.
Referred to Committee on TRANSPORTATION, September 26, 1990.

No. 2901  By Representatives CLYMER, GEIST, PESCI, ITKIN, SERAFINI, HAGARTY and RICHARDSON

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for reimbursement to volunteer fire companies that remove vehicles and spilled cargo from roadways.
Referred to Committee on TRANSPORTATION, September 26, 1990.

No. 2906  By Representatives LLOYD, PESCI, HALUSKA, BILLOW, TELEK, STUBAN, MAINE and TIGUE

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, regulating use of dealer registration plates.
Referred to Committee on TRANSPORTATION, September 26, 1990.

No. 2907  By Representatives VROON, CLYMER, TIGUE, PITTS, BELFANTI, GEIST, E. Z. TAYLOR and PETRONE

Referred to Committee on INSURANCE, September 26, 1990.

No. 2908  By Representatives NAHILL, ITKIN, VROON, JOHNSON, OLASZ, COHEN, J. L. WRIGHT, SERAFINI, TANGRETTI, E. Z. TAYLOR, HUGHES, TRELLO, GRUPPO, McHALE, MELIO, LAUGHLIN and FOX

An Act requiring certain restaurants in this Commonwealth to display instructions on how to perform the Heimlich maneuver and how to perform cardiopulmonary resuscitation.
Referred to Committee on HEALTH AND WELFARE, September 26, 1990.

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring protective headgear for pedalcycle riders; and providing a penalty.
Referred to Committee on TRANSPORTATION, September 26, 1990.

No. 2902  By Representatives MAIALE, DONATUCCI and HOWLETT

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, authorizing the confiscation of vehicles involved in drag racing in cities of the first class.
Referred to Committee on TRANSPORTATION, September 26, 1990.

No. 2903  By Representatives PESCI, MELIO, BROUJOS, MAIALE, TELEK, JACKSON, GIGLIOITI, DIETTERICK, EVANS, STABACK, PISTELLA, LINTON, TANGRETTI, LEE, CIVERA, MORRIS, McCALL, LAUGHLIN, BUNT, TRELLO, RYBAK, MICHLIC, BILLOW and JAMES

An Act amending the act of March 2, 1956 (1955 P. L. 1211, No. 376), known as the “Practical Nurse Law,” further providing for who is eligible to take the licensure examination.
Referred to Committee on PROFESSIONAL LICENSES, September 26, 1990.

No. 2904  By Representatives PESCI, KOSINSKI, BILLOW, PISTELLA, NOYE, TRELLO, VAN HORNE, STABACK, MORRIS, BATTISTO, GIGLIOITI, FLEAGLE, DeLUCA, D. F. CLARK, ITKIN and LINTON

An Act amending the act of June 2, 1915 (P. L. 736, No. 338), known as “The Pennsylvania Workmen's Compensation Act,” providing an exemption for employers from providing coverage for those employees who have furnished their own coverage.
Referred to Committee on LABOR RELATIONS, September 26, 1990.

No. 2905  By Representatives ITKIN, JOHNSON, CARN, MELIO, JOSEPHS, CAWLEY, ANGSTADT, PISTELLA, KAISER, LAUGHLIN, MOEHLMANN, BILLOW, PESCI, MIHALICH, KENNEY, MORRIS, LINTON, BLAUM, CIVERA, McNALLY, TRELLO, TIGUE, FOX and RICHARDSON

Referred to Committee on INSURANCE, September 26, 1990.

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, regulating use of dealer registration plates.
Referred to Committee on TRANSPORTATION, September 26, 1990.

An Act amending the act of December 31, 1965 (P. L. 1257, No. 511), known as “The Local Tax Enabling Act,” further providing for a municipal services tax.
Referred to Committee on LOCAL GOVERNMENT, September 26, 1990.

No. 2908  By Representatives NAHILL, ITKIN, VROON, JOHNSON, OLASZ, COHEN, J. L. WRIGHT, SERAFINI, TANGRETTI, E. Z. TAYLOR, HUGHES, TRELLO, GRUPPO, McHALE, MELIO, LAUGHLIN and FOX

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as “The Administrative Code of 1929,” providing for the availability of HIV testing for inmates of State prisons.
Referred to Committee on JUDICIARY, September 26, 1990.

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further defining “dependent child”; and further providing for investigations on juvenile matters and for disposition of dependent children.
Referred to Committee on JUDICIARY, September 26, 1990.

Referred to Committee on JUDICIARY, September 26, 1990.

An Act amending the act of May 2, 1957 (P. L. 376, No. 376), known as “The Pennsylvania Workmen's Compensation Act,” providing an exemption for employers from providing coverage for those employees who have furnished their own coverage.
Referred to Committee on LABOR RELATIONS, September 26, 1990.

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as “The Administrative Code of 1929,” providing for the availability of HIV testing for inmates of State prisons.
Referred to Committee on JUDICIARY, September 26, 1990.
No. 2911
By Representatives GEORGE, LaGROTTA, WOZNIAK, FREEMAN, STISH, COLE, WAMBACH, CRAWLEY, JACKSON, MELIO, S. H. SMITH, MIHALICH, LAUGHLIN, FOX, PESCI, PISTELLA, MORRIS, DOMBROWSKI, DISTLER, KUKOVICH, ADOLPH, DIETTERICK, SERAFINI, FEE, SALOOM, CIVERA, TRELLO, RICHARDSON, BELARDI and GIGLIOTTI

An Act providing for hazardous and residual waste minimization; establishing the Office of Waste Minimization within the Department of Environmental Resources and providing for its powers and duties; providing for a program for research, development and implementation of methods to reduce the output of hazardous and residual waste at the source; and establishing the Waste Minimization Advisory Board within the department.

Referred to Committee on CONSERVATION, September 26, 1990.

No. 2912
By Representatives VEON, McNALLY, COY, PETRARCA, MAYERNIK, TRELLO, RYBAK, SALOOM, BILLOW, HAGARTY, E. Z. TAYLOR, MIHALICH, LEVDANSKY, WAMBACH, TANGRETTI, PESCI, TIGUE, CALTAGIRONE, PRESSMANN, COLEAZZO, WILLIAMS, RAYMOND, DeLUCA, ADOLPH, MELIO, LAUGHLIN, KOSINSKI, OLASZ, CIVERA, STABACK, PISTELLA, HAYDEN, GIGLIOTTI, WOZNIAK, COHEN and KASUNIC

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, defining "railroad right-of-way"; and regulating inspection of highway rail crossing safety devices.

Referred to Committee on CONSUMER AFFAIRS, September 26, 1990.

No. 2913
By Representatives VEON, COHEN, BLAUM, COWELL, PRESSMANN, STABACK, JOSEPHS, TANGRETTI, McNALLY, BILLOW, TIGUE, PISTELLA, TRELLO, RITTER, GIGLIOTTI and FREEMAN

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

Referred to Committee on JUDICIARY, September 26, 1990.

No. 2914
By Representatives VEON, THOMAS, COHEN, BLAUM, COWELL, PRESSMANN, STABACK, JOSEPHS, TANGRETTI, McNALLY, BILLOW, TIGUE, PISTELLA, TRELLO, RITTER, GIGLIOTTI and FREEMAN

No. 2915
By Representatives VEON, BELFANTI, KASUNIC, PRESSMANN, COHEN, McNALLY, PESCI, BLAUM, KUKOVICH, McCALL, KOSINSKI, BILLOW, MELIO, STABACK, HUGHES, JOSEPHS, TRELLO, TIGUE, LAUGHLIN, PISTELLA, GIGLIOTTI, LEVDANSKY, DOMBROWSKI, HARPER, RYBAK, FEE, BELARDI and FREEMAN

An Act requiring employers to maintain certain benefits for striking employees who are replaced; and providing remedies.

Referred to Committee on LABOR RELATIONS, September 26, 1990.

No. 2916
By Representatives VEON, BELFANTI, KASUNIC, PRESSMANN, COHEN, McNALLY, PESCI, BLAUM, KUKOVICH, McCALL, KOSINSKI, BILLOW, MELIO, STABACK, HUGHES, JOSEPHS, TRELLO, LAUGHLIN, PISTELLA, GIGLIOTTI, LEVDANSKY, DOMBROWSKI, HARPER, RYBAK, FEE, BELARDI and FREEMAN


Referred to Committee on LABOR RELATIONS, September 26, 1990.

No. 2917
By Representatives VEON, BELFANTI, KASUNIC, PRESSMANN, COHEN, McNALLY, PESCI, BLAUM, KUKOVICH, McCALL, KOSINSKI, BILLOW, MELIO, STABACK, HUGHES, JOSEPHS, TRELLO, TIGUE, LAUGHLIN, PISTELLA, GIGLIOTTI, LEVDANSKY, DOMBROWSKI, HARPER, RYBAK, FEE, BELARDI and FREEMAN


Referred to Committee on LABOR RELATIONS, September 26, 1990.

No. 2918
By Representatives VEON, BELFANTI, KASUNIC, PRESSMANN, COHEN, McNALLY, PESCI, BLAUM, KUKOVICH, McCALL, KOSINSKI, BILLOW, MELIO, STABACK, HUGHES, JOSEPHS, TRELLO, TIGUE, LAUGHLIN, PISTELLA, GIGLIOTTI, LEVDANSKY,
DOMBROWSKI, HARPER, RYBAK, FEE, BELARDI and FREEMAN

An Act requiring certain employers who relocate or terminate operations to pay covered employees severance pay; imposing additional powers and duties on the Department of Labor and Industry; and requiring employers to give notices to affected employees and municipalities.

Referred to Committee on LABOR RELATIONS, September 26, 1990.

No. 2919 By Representatives VEON, BELFANTI, KASUNIC, PRESSMANN, COHEN, McNALLY, PESCI, BLAUM, KUKOVICH, McCall, KOSINSKI, BILLOW, MELIO, STABACK, HUGHES, JOSEPHS, TRELLO, TIGUE, LAUGHLIN, PISTELLA, GIGLIOTTI, LEVDANSKY, DOMBROWSKI, HARPER, RYBAK, FEE, BELARDI and FREEMAN

An Act amending the act of June 2, 1937 (P. L. 1198, No. 308), known as the “Labor Anti-Injunction Act,” further providing for lawful picketing during labor strikes.

Referred to Committee on LABOR RELATIONS, September 26, 1990.

No. 2920 By Representatives VEON, BELFANTI, KASUNIC, PRESSMANN, COHEN, McNALLY, PESCI, BLAUM, KUKOVICH, McCall, KOSINSKI, BILLOW, MELIO, STABACK, HUGHES, JOSEPHS, TRELLO, TIGUE, LAUGHLIN, PISTELLA, GIGLIOTTI, LEVDANSKY, DOMBROWSKI, HARPER, RYBAK, FEE, BELARDI and FREEMAN

An Act amending the act of July 31, 1941 (P. L. 616, No. 261), known as the “Employment Agency Law,” further providing for prohibited acts and penalties.

Referred to Committee on LABOR RELATIONS, September 26, 1990.

No. 2921 By Representatives VEON, BELFANTI, KASUNIC, PRESSMANN, COHEN, McNALLY, PESCI, BLAUM, KUKOVICH, McCall, KOSINSKI, BILLOW, MELIO, STABACK, HUGHES, JOSEPHS, TRELLO, TIGUE, LAUGHLIN, PISTELLA, GIGLIOTTI, LEVDANSKY, DOMBROWSKI, HARPER, RYBAK, FEE, BELARDI and FREEMAN

An Act amending the act of June 2, 1937 (P. L. 1168, No. 294), known as the “Pennsylvania Labor Relations Act,” further providing for unfair labor practices.

Referred to Committee on LABOR RELATIONS, September 26, 1990.

No. 2922 By Representatives VEON, BELFANTI, KASUNIC, PRESSMANN, COHEN, McNALLY, PESCI, BLAUM, KUKOVICH, McCall, KOSINSKI, BILLOW, MELIO, STABACK, HUGHES, JOSEPHS, TRELLO, TIGUE, LAUGHLIN, PISTELLA, GIGLIOTTI, LEVDANSKY, DOMBROWSKI, HARPER, RYBAK, FEE, BELARDI and FREEMAN

An Act amending the act of June 2, 1937 (P. L. 1198, No. 308), known as the “Strikebreaker Employment Act,” further providing for prohibitions.

Referred to Committee on LABOR RELATIONS, September 26, 1990.

No. 2923 By Representatives VEON, BELFANTI, KASUNIC, PRESSMANN, COHEN, McNALLY, PESCI, BLAUM, KUKOVICH, McCall, KOSINSKI, BILLOW, MELIO, HUGHES, JOSEPHS, TRELLO, TIGUE, LAUGHLIN, PISTELLA, GIGLIOTTI, LEVDANSKY, DOMBROWSKI, HARPER, RYBAK, FEE, BELARDI and FREEMAN

An Act freezing the amount of real property tax payable by certain senior citizens.

Referred to Committee on LABOR RELATIONS, September 26, 1990.

No. 2924 By Representatives VEON, BELFANTI, KASUNIC, PRESSMANN, COHEN, McNALLY, PESCI, BLAUM, KUKOVICH, McCall, KOSINSKI, BILLOW, MELIO, STABACK, HUGHES, JOSEPHS, TRELLO, TIGUE, LAUGHLIN, PISTELLA, GIGLIOTTI, LEVDANSKY, DOMBROWSKI, HARPER, RYBAK, FEE, BELARDI and FREEMAN

An Act amending the act of June 2, 1937 (P. L. 1198, No. 308), known as the “Strikebreaker Employment Act,” further providing for prohibitions.

Referred to Committee on LABOR RELATIONS, September 26, 1990.

No. 2925 By Representatives CIVERA, RAYMOND, MICOZZIE, ADOLPH, HAYES, FOX, DeLUCA, ARGALL, TRELLO, STABACK, PESCI, ANGSTADT, JOHNSON, JACKSON, GANNON, McNALLY, KENNEY, J. TAYLOR, E. Z. TAYLOR, BELFANTI, VROON, HERSHEY, MELIO, BUNT, GIGLIOTTI, PITTS, REBER, LAUGHLIN, OLASZ, GODSHALL, TANGRETTI, HARPER, TELEK, GLADECK, O'BRIEN, PETRONE, RICHARDSON and FLICK

An Act freezing the amount of real property tax payable by certain senior citizens.

Referred to Committee on LABOR RELATIONS, September 26, 1990.
Referred to Committee on LOCAL GOVERNMENT, September 26, 1990.

No. 2927 By Representatives DOMBROWSKI, FEE, GEORGE, KUKOVICH, PETRARCA, CAPPABIANCA, TIGUE, CAWLEY, BELARDI and JAROLIN

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for registration suspension and surrender, and for special provisions relating to vehicle insurance premiums.

Referred to Committee on TRANSPORTATION, September 26, 1990.

No. 2928 By Representatives FARMER, NOYE, CAWLEY, VROON, FAIRCHILD, LASHINGER, FOX, GEIST, E. Z. TAYLOR, ROBBINS, ALLEN, HAGARTY, BURD, HARPER, PESCI, MCVERRY, RYBAK, CIVERA, TRELLO, BILLOW, RICHARDSON and PETRONE


Referred to Committee on EDUCATION, September 26, 1990.

No. 2929 By Representatives FARMER, NOYE, CAWLEY, FAIRCHILD, FARGO, GEIST, E. Z. TAYLOR, ROBBINS, B. SMITH, HAGARTY, BURD, HARPER, JOHNSON, PESCI, McVERRY, ADOLPH, RYBAK, CIVERA, TRELLO, BILLOW, RICHARDSON and PETRONE

An Act amending the act of August 22, 1953 (P. L. 1344, No. 383), known as "The Marriage Law," further providing for the period for which a marriage license is valid; and further providing for the fee for a marriage license.

Referred to Committee on JUDICIARY, September 26, 1990.

No. 2930 By Representatives FARMER, CAWLEY, VROON, FAIRCHILD, LASHINGER, FOX, GEIST, E. Z. TAYLOR, ROBBINS, ALLEN, HAGARTY, BURD, HARPER, PESCI, BUNT, McVERRY, ADOLPH, RYBAK, CIVERA, TRELLO, BILLOW, RICHARDSON and PETRONE


Referred to Committee on YOUTH AND AGING, September 26, 1990.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 366 By Representatives CLYMER, NOYE, BLAUM, HAYES, VROON, ANGSTADT, JACKSON, DIETTERICK, SCHULER, DEMPSEY, GLADECK, HUGHES, HERSHEY, JOHNSON, TRELLO, RYBAK, MICOZZIE, MELIO, LINTON, ITKIN, SAURMAN, OLASZ, WILSON, STABACK, HARPER, NAHILL, CIVERA and E. Z. TAYLOR

Memorializing the Congress of the United States to enact supplemental appropriation legislation for the maintenance, repair and general upkeep of Independence National Historical Park.

Referred to Committee on RULES, September 26, 1990.

No. 368 By Representatives VROON, PITTS, CLYMER, E. Z. TAYLOR, PHILLIPS, LEH, BIRMELIN, HERSHEY, JOHNSON, MORRIS, FREIND, FARGO, KOSINSKI, NOYE, TIGUE, FOSTER, OLASZ, LAUGHLIN, GODSHALL, ROBINSON, MRRONIC, FLEAGLE, BELFANTI, GEIST, HESS, MAIALE, SAURMAN, WOZNIAK, D. F. CLARK, BARLEY, TRELLO, HALUSKA and MELIO

Expressing concern about court-imposed bans upon expression of religious thought and the mention of God at commencement exercises.

Referred to Committee on RULES, September 26, 1990.

No. 369 By Representatives TRELLO, MAYERNIK, DeWEESE, GAMBLE, DeLUCA, MURPHY, KAISER, OLASZ, VAN HORME, LEVDANSKY, MRRONIC, GIGLIOTTI, COLAIZZO, COWELL, MRRKOSK, LaGROTTA, BOWLEY, LESCOVITZ, VEON, COLAFELLA, DOMBROWSKI, FEE and GEORGE

Memorializing Congress concerning any increase in taxes relating to Federal deposit insurance liability.

Referred to Committee on RULES, September 26, 1990.

No. 370 By Representatives COWELL, McCALL, WAMBACH, PETRARCA, MARKOSEK, RYBAK, COY, D. F. CLARK, GIGLIOTTI, CAPPABIANCA, TRELLO, HAGARTY, DEMPSEY, JACKSON, MELIO, KOSINSKI, NOYE, DOMBROWSKI, OLASZ, FAIRCHILD, GEIST, BOYES, ANGSTADT, BROUJOS, TIGUE, BELARDI, VAN HORME, HARPER, TANGRETTI, MORRIS, DeLUCA, PESCI, BELFANTI, MAIALE, HERMAN, ITKIN and MAYERNIK
Honoring McGruff, the Crime Dog, on his 10th Anniversary as America's number one crime fighter.

Referred to Committee on RULES, September 26, 1990.

SENATE MESSAGE

HOUSE AMENDMENTS CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to SB 1291, PN 2065.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 1966, PN 2548 By Rep. RICHARDSON


HEALTH AND WELFARE.

HB 2106, PN 4101 (Amended) By Rep. RICHARDSON

An Act providing for services for disabled persons and their families.

HEALTH AND WELFARE.

SB 1056, PN 1247 By Rep. RICHARDSON

An Act amending the act of September 9, 1965 (P. L. 497, No. 251), entitled "An act requiring physicians, hospitals and other institutions to administer or cause to be administered tests for phenylketonuria and other metabolic diseases upon infants in certain cases," providing for tests for maple syrup urine disease.

HEALTH AND WELFARE.

SB 1536, PN 2508 (Amended) By Rep. RICHARDSON

An Act amending the act of July 3, 1985 (P. L. 164, No. 45), entitled "Emergency Medical Services Act," providing for reciprocal certification; relating to fund expenditures; and making an appropriation.

HEALTH AND WELFARE.

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes Mr. Fee for leaves of absence.

Mr. FEE. Thank you, Mr. Speaker.

The gentleman from Philadelphia, Mr. PIEVSKY; the gentleman from Lehigh, Mr. McHALE; and the gentleman from York, Mr. BORTNER, for today.

The SPEAKER. Without objection, leaves of absence are granted.

The Chair recognizes Mr. Hayes for leaves of absence.

Mr. HAYES. I request a leave for the lady from Allegheny County, Mrs. LANGTRY, for the day, and the gentleman from Dauphin County, Mr. DININNI, for the day.

The SPEAKER. Without objection, leaves are granted.

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:

HB 1825, PN 3838; and HB 2028, PN 2660.

The House proceeded to second consideration of HB 2687, PN 3728, entitled:

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

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. DeWEESE. Mr. Speaker, I move that HB 2687 be recommitted to the Appropriations Committee for a fiscal note.

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

ANNOUNCEMENT BY MR. GODSHALL

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

Mr. GODSHALL. Thank you, Mr. Speaker.

I would like to inform the House that I do have a bill which creates the Korean veterans license plate of which there are approximately 80 sponsors. It will be up here at the bill clerk's desk. If anybody wants to sign on to the legislation before he records it, which will be at the end of the day, they can come up and sign. It recognizes the Korean veterans plate.

The SPEAKER. The Chair thanks the gentleman.

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:

PRESEN'T—194

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Mr. GEIST called up HR 335, PN 3747, entitled:
Memorializing Congress to open the cable television industry to more competition in the marketplace.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—190

Acosta
Adolph
Allen
Angstadt
Argall
Barley
Battisto
Belardi
Belfanti
Billow
Birmelin
Bishop
Black
Blau
Bolley
Boyce
Brandy
Broujos
Bunt
Burk
Burns
Bush
Burlington
Cappabianca
Carlson
Carn
Cawley
Cessar
Chadwick
Ciera
Clark, B. D.
Clark, D. F.
Clark, J. H.
Clymer
Cohen
Cola
Colafella
Colaizzo
Cornell
Corrigan
Cowell
Coy
DeLuca
DeWeese
Dale
Davies
Dempsie
Distler
Dombrowski
Doolittle
Doppe
Drum
Whale

ADDITIONS—0
NOT VOTING—0
EXCUSED—8

Bortner
Dietterick

LEAVES ADDED—1

LEAVES CANCELED—1

Bortner

RESOLUTIONS

Mr. GEIST called up HR 336, PN 3909, entitled:
Commemorating the tenth anniversary of the North Country National Scenic Trail and commending the many people who have assisted in building it.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—191

Acosta
Adolph
Allen
Angstadt
Argall
Barley
Battisto
Belardi
Belfanti
Billow
Birmelin
Bishop
Black
Blau
Bolley
Boyce
Brandy
Broujos
Bunt
Burk
Burns
Bush
Burlington
Cappabianca
Carlson
Carn
Cawley
Cessar
Chadwick
Ciera
Clark, B. D.
Clark, D. F.
Clark, J. H.
Clymer
Cohen
Cola
Colafella
Colaizzo
Cornell
Corrigan
Cowell
Coy
DeLuca
DeWeese
Dale
Davies
Dempsie
Distler
Dombrowski
Donatucci

NAYS—2

Daley

NOT VOTING—2

Cohen

EXCUSED—8

Bortner
Dietterick

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

• • •

Mr. BOWLEY called up HR 336, PN 3909, entitled:
Commemorating the tenth anniversary of the North Country National Scenic Trail and commending the many people who have assisted in building it.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—191

Acosta
Adolph
Allen
Angstadt
Argall
Barley
Battisto
Belardi
Belfanti
Billow
Birmelin
Bishop
Black
Blau
Bolley
Boyce
Brandy
Broujos
Bunt
Burk
Burns
Bush
Burlington
Cappabianca
Carlson
Carn
Cawley
Cessar
Chadwick
Ciera
Clark, B. D.
Clark, D. F.
Clark, J. H.
Clymer
Cohen
Cola
Colafella
Colaizzo
Cornell
Corrigan
Cowell
Coy
DeLuca
DeWeese
Dale
Davies
Dempsie
Distler
Dombrowski
Donatucci

NAYS—2

Daley

NOT VOTING—2

Cohen

EXCUSED—8

Bortner
Dietterick

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

• • •

Mr. BOWLEY called up HR 336, PN 3909, entitled:
Commemorating the tenth anniversary of the North Country National Scenic Trail and commending the many people who have assisted in building it.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—191

Acosta
Adolph
Allen
Angstadt
Argall
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Billow
Birmelin
Bishop
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Bolley
Boyce
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Chadwick
Ciera
Clark, B. D.
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Clark, J. H.
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Colaizzo
Cornell
Corrigan
Cowell
Coy
DeLuca
DeWeese
Dale
Davies
Dempsie
Distler
Dombrowski
Donatucci

NAYS—2

Daley

NOT VOTING—2

Cohen

EXCUSED—8

Bortner
Dietterick

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

• • •

Mr. BOWLEY called up HR 336, PN 3909, entitled:
Commemorating the tenth anniversary of the North Country National Scenic Trail and commending the many people who have assisted in building it.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—191

Acosta
Adolph
Allen
Angstadt
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Belardi
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Billow
Birmelin
Bishop
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Blau
Bolley
Boyce
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Burlington
Cappabianca
Carlson
Carn
Cawley
Cessar
Chadwick
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Clark, B. D.
Clark, D. F.
Clark, J. H.
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Colaizzo
Cornell
Corrigan
Cowell
Coy
DeLuca
DeWeese
Dale
Davies
Dempsie
Distler
Dombrowski
Donatucci

NAYS—2

Daley

NOT VOTING—2

Cohen

EXCUSED—8

Bortner
Dietterick

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

**Mr. FOX called up HR 352, PN 4031, entitled:**

Saluting the Drug Abuse Resistance Education (DARE) Program.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

<table>
<thead>
<tr>
<th>YEAS—193</th>
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<tbody>
<tr>
<td>Acosta</td>
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<th>EXCUSED—8</th>
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<tr>
<td>Bortner</td>
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<td>Dietterick</td>
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</table>

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

**Mr. KOSINSKI called up HR 357, PN 4077, entitled:**

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

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

<table>
<thead>
<tr>
<th>YEAS—194</th>
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<tbody>
<tr>
<td>Acosta</td>
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The following roll call was recorded:

**YEAS—194**

- Acosta  Donatucci  Laschofer  Ritter
- Adolph  Dorr  Laughlin  Robbins
- Allen  Durham  Lee  Robinson
- Angstadt  Evans  Leh  Roebuck
- Argall  Fairchild  Lesko  Ryan
- Bailey  Fargo  Ledvinsky  Ryan
- Battisto  Farmer  Linton  Rybak
- Belardi  Fee  Lloyd  Saloom
- Belfanti  Fiegle  Lucyk  Saumran
- Billow  Flick  McCall  Scheetz
- Birmelin  Foster  Freeman  Saurman
- Black  Freind  Maine  Scaletti
- Blaum  Freind  Main  Semmel
- Bowley  Gallagher  Marsico  Snyder, D. W.
- Boys  Gamble  Mays  Serafini
- Branch  Geist  Mepic  Snyder, D. W.
- Broujos  Gann  Mayernik  Snyder, D. W.
- Bunt  George  Merry  Staback
- Burd  Gigliotti  Michlovic  Stairs
- Burns  Gladeck  Miczko  Steighner
- Bush  Godshall  Mihalich  Stritmatter
- Caltagirone  Gruitz  Miller  Subban
- Cappabianca  Gruppo  Moehlman  Taylor, E. Z.
- Carlson  Hargart  Moris  Tangretti
- Carn  Haluska  Mowery  Taylor, F.
- Cawley  Harper  Mrkonick  Taylor, J.
- Cessar  Hasay  Murphy  Telek
- Chadwick  Hayden  Nahill  Thomas
- Civera  Hayes  Needham  Tigno
- Clark, B. D.  Heckler  Noye  Trela
- Clark, D. F.  Herman  Olasz  Trich
- Clark, J. H.  Hershey  O'Brien  Van Horne
- Clymer  Hess  Oliver  Veon
- Cohen  Howlett  Perzel  Vrono
- Colafello  Hughes  Pisci  Woon
- Colaizzo  Itkin  Petrarca  Wambach
- Cole  Jackson  Petrarca  Wambach
- Cornell  Jadowiec  Phillips  Wambach
- Corrigan  James  Petrarca  Wilson
- Cowell  Jarolin  Pitsil  Wogan
- Coy  Josephs  Pressman  Wognak
- DeLuca  Kaiser  Preston  Wozniak
- DeWeese  Kasunic  Preston  Wrigth, D. R.
- Daley  Kenney  Raymond  Wright, R. C.
- Davies  Konrich  Reber  Yandrisevits
- Dempsey  Kostinski  Reindl  Yandrisevits
- Distler  Kukovich  Richardson  O'Donnell
- Dombrowski  LaGrotta  Rieser  Speaker

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

Mr. STAIRS called up HR 360, PN 4080, entitled:

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

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

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<th>Excused-8</th>
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<tbody>
<tr>
<td>Bortner</td>
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<tr>
<td>Dietterick</td>
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The question was determined in the affirmative, and the resolution was adopted.

The SPEAKER. Is the gentleman, Mr. Stairs, seeking recognition?

Mr. STAIRS. Yes, Mr. Speaker. I appreciate your recognizing me.

I introduced this resolution at the last minute, and I was not able to have other sponsors, so I would ask for unanimous consent that you would enter everybody's name unless they do not want to be on it, Mr. Speaker.

The SPEAKER. For the information of the gentleman, past practice has been not to add the names without the specific consent of the members, so we can hold the resolution here at the desk and any member who is interested in cosponsoring HR 360, it will be available here and you can add your name.

Mr. STAIRS. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Mr. KAISER called up HR 362, PN 4082, entitled:
Declaring October 6, 1990, as "German-American Day" in this Commonwealth.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—190

Acosta Donatucci LaGrotta Ritter
Adolph Dorr Lashinger Robins
Allen Durham Laughlin Robinson
Angstadt Evans Lee Roe buck
Argall Fairchild Leh Rudy
Barley Fargo Lescovitz Rybak
Battisto Farmer Levandsky Saloom
Belardi Fee Linton Sauman
Belfanti Fleagle Lloyd Scheetz
Billow Flick Lucyk Schuler
Birmelin Foster McCall Scrimenti
Bishop Fox McNally Semmel
Black Freeman McVerry Serafini
Blaim Freind Maiale Smith, B.
Bowley Gallen Maine Smith, S. H.
Boyces Gamble Markosek Snyder, D. W.
Brandt Gannon Marsico Snyder, G.
Broujos Geist Mayernik Staback
Bunt George Melio Stairs
Burd Gigliotti Mee Steighner
Burns Gladeck Michlovic Stish
Bush Godshall Micozzie Strittmatter
Caltagirone Gruitzu Mihalicl Suban
Cappabianca Gruppo Miller Tangretti
Carlson Hagarly Moehlmann Taylor, E. Z.
Carn Haluska Morris Taylor, F.
Cawley Harper Mowery Telek
Cessar Hasy Mrkonic Telek
Chadwick Hayden Murphy Thomas
Clark, B. D. Hayes Nahill Tigue
Clark, J. H. Heckler Nailor Trello
Clymer Hershey O'Brien Tingley
Cohen Hess Olasz Trich
Colafella Howlett Oliver Vroon
Colaiazzo Hughes Perzel Wambach
Cole Itkin Pesti Wess
Cornell Jackson Petrarca Weston
Corrigan Jadinowiec Petrone Williams
Cowbell James Phillips Wilson
Coy Jarolin Piccola Wogan
DeLuca Josephs Pistella Wozniak
DeWeese Kaiser Pits Wright, D. R.
Daley Kasunic Pressmann Wright, R. C.
Davies Kenney Preston Yandrisevits
Dempsey Kondrich Reber O'Donnell,
Disterski Kosinski Reinard Speaker
Dombrowski Kukovich Reger

NAYS—0

NOT VOTING—4

Civera Raymond Richardson Ryan
EXCUSED—8

Bortner Dininii Langry Piesky
Dietterick Johnson McHale Wright, J. L.

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

Mr. COHEN called up HR 363, PN 4083, entitled:

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

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—193

Acosta Donatucci Lashinger Robbins
Adolph Dorr Laughlin Robinson
Allen Durham Lee Roe buck
Angstadt Evans Leh Rudy
Argall Fairchild Lescovitz Ryan
Barley Fargo Levandsky Rybak
Battisto Farmer Linton Saloom
Belardi Fee Lloyd Sauman
Belfanti Fleagle Lucy Scheetz
Billow Flick McCall Schuler
Birmelin Foster McNally Scrimenti
Bishop Fox McVerry Semmel
Black Freeman Maiale Serafini
Blauo Freind Mainl Smith, B.
Bowelley Gallen Maine Smith, S. H.
Boyces Gamble Markosek Snyder, D. W.
Brandt Gannon Marsico Snyder, G.
Broujos Geist Mayernik Staback
Bunt George Melio Stairs
Burd Gigliotti Mee Steighner
Burns Gladeck Michlovic Stish
Bush Godshall Micozzie Strittmatter
Caltagirone Gruitzu Mihalich Suban
Cappabianca Gruppo Miller Tangretti
Carlson Hagarly Moehlmann Taylor, E. Z.
Carn Haluska Morris Taylor, F.
Cawley Harper Mowery Telek
Cessar Hasy Mrkonic Telek
Chadwick Hayden Nahill Thomas
Civera Hayes Nailor Tigue
Clark, B. D. Heckler Noye Trello
Clark, D. F. Herman O'Brien Trich
Clymer Hershey O'Brien Van Horne
Cohen Hess Olasz Veen
Colafella Howlett Oliver Vroon
Colaiazzo Hughes Perzel Wambach
Cole Itkin Pesti Wess
Cornell Jackson Petrarca Weston
Coreg Jadinowiec Petrone Williams
Cowbell James Phillips Wilson
Coy Jarolin Piccola Wogan
DeLuca Josephs Pistella Wozniak
DeWeese Kaiser Pits Wright, D. R.
Daley Kasunic Pressmann Wright, R. C.
Davies Kenney Preston Yandrisevits
Dempsey Kondrich Reber O'Donnell,
Disterski Kosinski Reinard Speaker
Dombrowski Kukovich Reger

NAYS—0

NOT VOTING—1

Richardson

EXCUSED—8

Bortner Dininii Langry Piesky
Dietterick Johnson McHale Wright, J. L.

The question was determined in the affirmative, and the resolution was adopted.
The House proceeded to third consideration of SB 1570, PN 2113, entitled:

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

On the question,
Will the House agree to the bill on third consideration?
Mr. GAMBLE offered the following amendments No. A2449:

Amend Title, page 1, line 17, by removing the period after "Fund" and inserting

; and authorizing and directing the Department of General Services, with the approval of the Governor and the Secretary of Public Welfare, to convey to Nevillewood Associates, L.P., 75.346 acres of land, more or less, situate in Collier Township, Allegheny County, Pennsylvania.

Amend Sec. 1, page 1, line 20, by striking out "Section" where it appears the second time and inserting The title and section

Amend Sec. 1, page 2, line 10, by inserting after "amended" and a section is added

Amend Sec. 1, page 2, by inserting between lines 10 and 11

AN ACT

Authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Agriculture, to convey and confirm two tracts of land located in Penn Township, Snyder County, Pennsylvania, to Randall W. Bailey and Ellen S. Bailey, his wife, and Rick L. Bailey and Kathy A. Bailey, his wife; authorizing and directing the Department of General Services, with the approval of the Governor, to convey a tract of land located in Logan Township, Blair County, Pennsylvania, to Joseph A. Grappone, H. Zane Helsel and Augusto N. Delerme, as tenants in common; [and] authorizing and directing the Department of General Services, with the approval of the Governor, to convey a tract of land located in Logan Township, Blair County, Pennsylvania, to Joseph A. Grappone, H. Zane Helsel and Augusto N. Delerme, as tenants in common; and authorizing and directing the Department of General Services, with the approval of the Governor and the Secretary of Public Welfare, to convey to Nevillewood Associates, L.P., 75.346 acres of land, more or less, situate in Collier Township, Allegheny County, Pennsylvania.

Amend Sec. 1, page 7, by inserting between lines 25 and 26

Section 3.1. (a) The Department of General Services, with the approval of the Governor and the Secretary of Public Welfare, is hereby authorized and directed on behalf of the Commonwealth of Pennsylvania to grant and convey to Nevillewood Associates, L.P., a Pennsylvania limited partnership, for a consideration of fair market value, as determined by an appraisal of the Department of General Services, the following described land situate in Collier Township, Allegheny County, Pennsylvania, bounded and described as follows:

(1) All that certain tract or parcel of land situate in the Township of Collier, County of Allegheny and Commonwealth of Pennsylvania, being more particularly bounded and described as follows, to wit:

Beginning at a point in Hill Top Road 33 feet in width and at corner of property now or formerly the Commonwealth of Pennsylvania; thence along said Road north 65 degrees 57 minutes ten seconds east a distance of 332.00 feet to a point; thence through land now or formerly the Commonwealth of Pennsylvania the following three courses and distances: south 01 degrees 19 minutes 00 seconds west a distance of 1104.90 feet to a point; thence north 88 degrees 41 minutes 00 seconds west a distance of 1195.09 feet to a point; thence south 18 degrees 02 minutes 50 seconds west a distance of 1068.73 feet to a point on the dividing line of property herein described and land now or formerly J. H. Ferri et al; thence along same the following two courses and distances: north 76 degrees 44 minutes 45 seconds west a distance of 547.86 feet to a point; thence north 17 degrees 27 minutes 30 seconds west a distance of 678.75 feet to a point; thence through property now or formerly the Commonwealth of Pennsylvania north 36 degrees 00 minutes 00 seconds west a distance of 1125.00 feet to a point; thence north 19 degrees 47 minutes 00 seconds east a distance of 829.53 feet to a point in Hill Top Road; thence in said road south 70 degrees 13 minutes 00 seconds east a distance of 1609.26 feet to a point; thence thru property now or formerly the Commonwealth of Pennsylvania south 01 degrees 19 minutes 00 seconds west a distance of 754.24 feet to a point; thence south 88 degrees 41 minutes 00 seconds east a distance of 850.00 feet to a point; thence north 01 degrees 19 minutes 00 seconds east a distance of 812.68 feet to a point in Hill Top Road the place of beginning.

Containing 3,156,690.578 square feet or 72.468 acres.

Having erected thereon a two-story brick office building and an incinerator building.

Excepting and reserving unto the Commonwealth of Pennsylvania, however, the existing incinerator building located upon the premises together with rights in the underlying real estate sufficient to enable the said building to continue to exist and be maintained in its present location and also together with an easement or right-of-way for ingress, egress and regress between the said building and Hill Top Road, the location of said easement to be determined by mutual consent of the Commonwealth and Nevillewood Associates, L. P.; the aforesaid rights accepted and reserved hereby and the accompanying easement to exist until such time as the said incinerator building is razed, at which time the said rights and easement shall extinguish without further action of the parties.

(2) All that certain tract or parcel of land situate in the Township of Collier, County of Allegheny and Commonwealth of Pennsylvania, being more particularly bounded and described as follows, to wit:

Beginning at a point on or near the centerline of Hill Top Road, L.R. 02022, a 33-foot right-of-way, where the same is intersected by Boyds Run Road, L.R. 02344, a 33-foot right-of-way, and Walkers Mill Road, L.R. 02041, a 33-foot right-of-way, said point being a common corner to lands now or formerly of Equitable Gas Company, the Township of Collier, and the parcels herein described, thence continuing with the centerline of Hill Top Road in an easterly direction for the following five courses and distances: north 81 degrees 34 minutes 00 seconds east for a distance of 241.66 feet to a point of curve; thence by the arc of a circle curving to the left, having a radius of 1330.00 feet for an arc distance of 298.67 feet to a point of tangency; thence north 68 degrees 42 minutes 00 seconds east for a distance of 189.65 feet to a point, said point being the true place of beginning; thence continuing with the centerline of Hill Top Road, north 68 degrees 42 minutes 00 seconds east for a distance of 90.29 feet to a point; thence by a line through lands of which this was formerly a part for the following 15 courses and distances; north 15 degrees 09 minutes 20 seconds east for a distance of 135.73 feet to a point; thence south 06 degrees 35 minutes 20 seconds west for a distance of 139.50 feet to a point; thence south 03 degrees 25 minutes 25
seconds west for a distance of 340.82 feet to a point of curve; thence by the arc of a circle curving to the right, having a radius of 25 feet for an arc distance of 58.90 feet to a point of tangency; thence north 48 degrees 25 minutes 50 seconds east for a distance of 534.28 feet to a point; thence north 41 degrees 34 minutes 10 seconds west for a distance of 60 feet to a point; thence north 48 degrees 25 minutes 50 seconds east for a distance of 250 feet to a point; thence south 41 degrees 34 minutes 10 seconds east for a distance of 250 feet to a point; thence south 48 degrees 25 minutes 50 seconds west for a distance of 250 feet to a point; thence north 41 degrees 34 minutes 10 seconds west for a distance of 140 feet to a point; thence south 48 degrees 25 minutes 50 seconds west for a distance of 534.28 feet to a point of curve; thence by the arc of a circle curving to the right, having a radius of 75 feet for an arc distance of 176.71 feet to a point of tangency; thence north 03 degrees 25 minutes 25 seconds east for a distance of 342.22 feet to a point; thence north 06 degrees 35 minutes 20 seconds east for a distance of 131.26 feet to a point; thence north 15 degrees 09 minutes 20 seconds west for a distance of 120.72 feet to a point, said point being the true place of beginning. Parcel as herein described containing an area of 2.878 acres.

(b) The conveyances shall be made under and subject to all easements, servitudes and rights of others, including, but not confined to, streets, roadways and rights of telephone, telegraph, water, electric, sewer, gas or pipeline companies, as well as under and subject to any interest, estates or tenancies vested in third persons, whether or not appearing of record, for any portion of the land or improvements erected thereon.

c) The deeds of conveyance shall be approved as provided by law and shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania and delivered to the grantee within 60 days after the effective date of this act.

d) Costs and fees incidental to the conveyances shall be borne by the grantee.

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

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

Mr. GAMBLE. Mr. Speaker, this is an agreed-to amendment on the conveyance of about 72 acres of property at the Woodville State Hospital.

I ask your affirmative vote. Thank you.

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

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

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

Mr. RYAN offered the following amendments No. A3408:

Amend Sec. 1 (Sec. 3), page 6, line 28, by inserting a bracket before "", within"

Amend Sec. 1 (Sec. 3), page 6, line 28, by striking out the bracket before "60"

Amend Sec. 1 (Sec. 3), page 6, line 28, by striking out "])90"

Amend Sec. 1 (Sec. 3), page 6, line 29, by inserting a bracket after "act,", and inserting immediately thereafter prior to March 1, 1991

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

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

Mr. RYAN. Mr. Speaker, this is a technical amendment changing the effective date to prior to March 1, 1991. It is a problem that I understand the gentleman, Mr. Blaum, understands and agrees with, and it is something that was called to my attention by the legal department.

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—192**

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**NAYS—0**

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

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

Bill 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. Ryan.

Mr. RYAN. Mr. Speaker, by way of parliamentary observation, I guess, rather than inquiry, I note that this bill has two separate conveyances in it. I am assuming that the Parliamentarian has no problem with making two land transfers in one bill. I have no problem with it. I just do not want it to backfire at a later date.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring, Shall the bill pass finally?

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

**YEAS—194**

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The SPEAKER. The Chair thanks the gentleman.
NAYS—0  
NOT VOTING—0  
EXCUSED—8

Bortner Dininni Langtry Piesky
Dietterick Johnson McHale Wright, J. L.

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

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

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. The Chair recognizes Mr. DeWeese.

Mr. DeWESEE. Mr. Speaker, I have some remarks concerning Maj. Paul McHale, who is currently serving in Saudi Arabia. I am not going to offer those remarks at the microphone but will submit them for the record. They are a collection of personal recollections concerning the floor leader and Major McHale.

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

As this month moves towards its close, I wish to ask the House to remember the active-duty status of one of its members, Representative Paul McHale (D-133d Legislative District - Lehigh County), who is presently serving with the United States Marine Corps in Saudi Arabia. Although Paul was elected to our chamber in 1982, we had met many years before when traversing the obstacle course of Officer Candidate School, Quantico, Virginia, in the fall of 1972.

Now, 18 years later, the country once again summons its young men and women to a waterless and most forbidding geographical locale, Saudi Arabia. No one here knows how long he and his fellow officers, men, and women may have to endure the fiery furnace of the Persian Gulf and its sun-shattering heat and sand. As a member of the greatest military organization ever conceived by the mind and directed by the hand of man, the United States Marine Corps, Maj. Paul McHale exemplifies not only the professional creed of grace under pressure—the hallmark of a warrior throughout time—but also the personal ethos of a husband and father of three young children.

We take pride in numbering amongst us a member of the gallant breed, that band of brothers known as Marines, and hope that the Supreme Being will soon convey him and his compatriots back to our shores where he may be reunited at last with both family, friends, and fellow legislators.

In the meantime, let his absence neither grow dim in our minds nor allow us to forget his sterling amalgam of valor, of familial warmth of heart, of scholarship, and of legislative friendship.

REQUEST FOR RECESS

Mr. DeWESEE. Secondly, I would like to break until 1:30 for the purposes of lunch and a Republican caucus. Thank you very much, Mr. Speaker.

HB 200 RECONSIDERED

The SPEAKER. The Chair is in possession of a motion to reconsider concurrence in Senate amendments to HB 200 offered by Mr. Kukovich in which he moves that the vote by which HB 200, PN 3890, was defeated on concurrence in Senate amendments on the 30th day of June be reconsidered.

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

The following roll call was recorded:

YEAS—193

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Allen Durham Lee Roebuck
Angstadt Evans Leh Rudy
Argall Fairchild Lescovitz Ryan
Barley Fargo Levandsky Rybak
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Cessar Hasay Nahill Telek
Chadwick Hayden Nailor Thomas
Ciber Hayes Noye Tigue
Clark, B. D. Heckler O’Brien Trello
Clark, D. F. Herman Olaz Trich
Clark, J. H. Hershey Oliver Van Horne
Clymer Hess Perzel Veon
Cohen Howliett Pesci Vroon
Colalillo Hughes Petrarca Wambach
Colalizzo Itkin Petrone Waw
Cole Jackson Phillips Weston
Cortes Jadowiec Piccola Williams
Corrigan James Pistella Wilson
Cowell Jarolin Pits Wogan
Coy Josephs Pressmann Wozniak
DeLuca Kaiser Preston Wright, D. R.
DeWeese Kasunic Raymond Wright, R. C.
Daley Kenney Reber Yandrisevits
Davies Kondrich Reinard
Dempsey Kosinski Richardson O'Donnell, Speaker
Distler Kukovich Rieger
Dombrowski LaGrotta Ritter

NAYS—0  
NOT VOTING—1  
EXCUSED—8

Mihalich

Bortner Dininni Langtry Piesky
Dietterick Johnson McHale Wright, J. L.
The question was determined in the affirmative, and the motion was agreed to.

CONDOLENCE RESOLUTION ADOPTED

The SPEAKER. We are about to take up a condolence resolution on the death of a former member of the House.

The Sergeant at Arms will close the doors of the House. Members will please take their seats. Will pages and guests please take their seats.

The clerk will read the resolution.

The following resolution was read:

COMMONWEALTH OF PENNSYLVANIA
THE HOUSE OF REPRESENTATIVES
RESOLUTION
WHEREAS, Cyril J. Moran, Sr., former Pennsylvania State Representative, passed away recently; and
WHEREAS, A native of Scranton, Mr. Moran distinguished himself as state representative from the 112th District from 1962-1967. He also served twelve years as a member and president of the Scranton School Board, four years as a city councilman, and three years on the Scranton School Building Authority. In addition, he was director of the Triple A Motor Club; a member of the Knights of Columbus, Council 280, Fourth Degree; a member of the Fraternal Order of Elks; and a charter member of Immaculate Conception Church and its Holy Name Society; and
WHEREAS, A driver for Meals on Wheels, Mr. Moran was a former member of the board of trustees at Marywood College and one of the organizers of the East Scranton Little League. He was a former president of the board of directors at West Side Hospital and director of the National Foundation for Infantile Paralysis, Scranton Chapter; now therefore be it
RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania note with great sadness the passing of Cyril J. Moran, Sr. loyal and dedicated public servant; extend condolences to his wife, Mary Hickey Moran; his daughters, Mary Jean Naughton, Margaret Sachs and Ann Marie; his sons, Cyril J., Jr., Richard F. and Joseph T.; his brother and sister; and his seven grandchildren; and be it
RESOLVED, That a copy of this resolution be transmitted to Mrs. Mary Hickey Moran, 825 North Irving Avenue, Scranton, Pennsylvania 18510.

We hereby certify that the foregoing is an exact copy of a resolution introduced in the House of Representatives by the Honorable Fred Belardi and unanimously adopted by the House of Representatives on the 26th day of September 1990.

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

On the question,
Will the House adopt the resolution?

The SPEAKER. The resolution has been unanimously adopted.

The Sergeant at Arms will open the doors of the House.

WELCOME

The SPEAKER. The Chair is pleased to welcome to the House William Miller, James Bryant, and James Gould of the Logan Assistance Corporation, who are the guests of Representative Harper. Will the guests please rise.

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes Mr. Noye.
Mr. NOYE. Mr. Speaker, for the Republican members, on the adoption of the recess, we will caucus in 1 hour at 12:45; 12:45 in the Republican caucus room.

ANNOUNCEMENT BY MR. HAYES

The SPEAKER. The Chair recognizes Mr. Hayes.
Mr. HAYES. Mr. Speaker, before we disperse for our individual caucuses, I would like to call attention to the fact that one of our members was recently married, and I would like, Mr. Speaker, if you would at this time, to recognize the Honorable Ken Lee, who is the subject of my remarks.

The SPEAKER. Does the gentleman, Mr. Lee, wish to offer comments on his change of status?
Mr. HAYES. He already said too much - "I do."

The SPEAKER. The Chair appreciates the gentleman's position.

VOTE CORRECTIONS

The SPEAKER. The Chair recognizes Mr. Richardson.
Mr. RICHARDSON. Mr. Speaker, I would like to correct a vote from yesterday on a House bill and also make an announcement.

The SPEAKER. The gentleman may proceed.
Mr. RICHARDSON. On amendment A3364 and amendment A3490 to HB 618, my switch was inoperative, and I would like to be recorded in the affirmative.
On HB 1661, amendment 413, my switch was inoperative, and I also would like to be recorded in the affirmative on that amendment.

Mr. RICHARDSON. Mr. Speaker, I would like to announce that I have a bill at the desk dealing with the LIHEAP program, the Low-Income Home Energy Assistance Program, a bill that has been introduced. It is on the front desk for any member who would like to sign it, and I just wanted to make sure it was available to the members before the end of the day for signing. Thank you very much, Mr. Speaker.
FINANCE COMMITTEE MEETING

The SPEAKER. The Chair recognizes Mr. Trello.
Mr. TRELLO. Mr. Speaker, there will be a meeting of the House Finance Committee immediately at the call of the recess in room 39E in the East Wing. I would appreciate all members to attend. Thank you.

VOTE CORRECTIONS

The SPEAKER. The Chair recognizes the lady, Mrs. Harper.
Mrs. HARPER. Thank you, Mr. Speaker.
Mr. Speaker, yesterday my switch malfunctioned and I was not recorded on HB 618 and also amendment 3490. Thank you.

The SPEAKER. The Chair recognizes Mr. Preston.
Mr. PRESTON. Thank you, Mr. Speaker.
Yesterday on HB 618 my switch was inoperative, as far as being able to vote, and 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. Roebuck.
Mr. ROEBUCK. Thank you, Mr. Speaker.
Yesterday I was recorded as not voting on HB 1885. I wish to be recorded as voting in the affirmative.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 2761, PN 4103 (Amended)
By Rep. D. R. WRIGHT
An Act regulating the use of crash parts in motor vehicle repair.
CONSUMER AFFAIRS.

RECESS

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

AFTER RECESS

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

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that the following bills be removed from the table and placed upon the active calendar:

HB 2641;
HB 2645; and
HB 2730.

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

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that SB 640 be taken 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 640 be recommitted to the Appropriations Committee.

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

BILL SIGNED BY SPEAKER

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

SB 1291, PN 2065
An Act amending the act of July 28, 1953 (P. L. 723, No. 230), entitled, as amended, “Second Class County Code,” providing for collection of tax and municipal claims by suit; further providing for the location and storage of public records, for fees for copying certain public records, for expenses of county officers for attending annual association meetings, for contracts in emergency situations, for contracts not requiring advertisement and bidding, for the governing body and powers of a residential finance authority, for grave markers, for the appointment of assistant fire marshals, and for the title acquired in condemnation proceedings; and making an editorial change.

ADDITIONS AND DELETIONS OF SPONSORS

The SPEAKER. The Chair acknowledges receipt of additions and deletions of sponsorships of bills, which will be included in the record.

The following list was submitted:

ADDITIONS:
HB 208, Ritter; HB 223, Billow, F. Taylor; HB 226, Gigliotti; HB 614, Steighner; HB 618, Hershey; HB 761, Colafella; HB 921, Ritter, Freeman, Pressman, Rybak; HB 1563, Trich; HB 1586, Petrone; HB 1861, Ritter; HB 1984, Trich; HB 2052, Nailor; HB 2202, Piccola; HB 2230, Kukovich; HB 2299, Ritter; HB 2301, Telek; HB 2320, Hagarty; HB 2361, Steighner; HB 2513, Hagarty, Lashinger; HB 2585, Flick; HB 2591, Ritter; HB 2592, Ritter; HB 2638, Ritter; HB 2644, Billow; HB 2688, Olasz; HB 2674, Ritter; HB 2678, Fox; HB 2684, Olasz; HB 2685, Pressman, Cohen, McNally, Kukovich, Tigue, Hayes, Daley, Kosinski, Billow, Melio, Tangretti, DeLuca, Belfanti, Wozniak, Josephs, Trello, B. D. Clark, Pistella, Gigliotti, Laughlin, Olasz; HB 2687, McHale; HB 2704, Ritter; HB 2707, McHale; HB 2715, Belardi, Ritter; HB 2726, Flegle, Ritter; HB 2728, Preston; HB 2729, Fox; HB 2731, Itkin; HB 2734, Mihalich, Kaiser; HB 2737, Allen; HB 2740, Ritter; HB 2761, Williams, Olasz, Linton, Itkin; HB 2763, Belardi; HB 2767, Robbins, Ritter, Flick, Itkin; HB 2777, Ritter, Itkin; HB 2781, Itkin, Robbins; HB 2787, Vroon; HB 2790, Itkin, Blaum; HB 2792, Ritter, Itkin, James; HB 2793, O'Donnell, James, Lee; HB 2799, Ritter; HB 2800, Kondrich, Hasay, Chadwick; HB 2801, Lee; HB 2803, Veon, Thomas, Ritter, Cohen; HB 2811, Flick; HB 2820, Josephs; HB 2821, Laughlin, Josephs, Nahill, Ritter; HB 2822, Ritter, Josephs, Laughlin; HB 2827, Colazzo, Cabappianca; HB 2828, Ritter, Cabappianca; HB 2831, Pistella, Freeman, Blaum, Angstadt, Hughes, McVerry, Michlovic, Micozze, Moehlman, Argall, Petrone, Linton, Gigliotti, Laughlin, Noye, Kosinski, Josephs, Geist, Pesci, Williams, Wogan, Tangretti, Itkin; HB 2832, Wogan, Tangretti, Geist, Pesci, Williams, Itkin, Gigliotti, Josephs, Michlovic, McVerry, J. L. Wright, Linton, Hughes, Blaum, Kosinski, Pistella, Laughlin, Moehlman, Micozze, Noye, Angstadt, Argall, Petrone, Freeman; HB 2833, Semmel, Fargo, O'Brien, Petrone, Mrkonic, Carlson, Jackson, Nailor, Adolph, Corrigan; HB 2834, Thomas, Raymond, Williams, Michlovic, Gigliotti, Bishop; HB 2835, Flick; HB 2849, Harper, Dempsey, McVerry, Morris, Noye; HB 2850, Noye, McVerry, Dempsey, Harper, Morris; HB 2851, McVerry, Dempsey, Noye, Morris; HB 2852, McVerry, Noye, Dempsey, Morris; HB 2853, Noye, McVerry, Dempsey, Morris; HB 2854, McVerry, Harper, Morris; HB 2855, McVerry, Morris; HB 2856, McVerry, Dempsey, Morris; HB 2884, Merry; HB 2885, Merry; HB 2886, Merry; HB 2888, Merry; HB 2900, Merry; HR 339, Civera; HR 340, McHale, Belardi; HR 342, Linton; HR 345, Thomas, James, Maine, Olasz, Adolph, B. D. Clark; HR 347, Itkin; HR 348, Itkin; HR 356, DeLuca, Trello, Steighner, Harper; HR 358, Tangretti; HR 363, O'Brien, Harper; HR 366, Civera, E. Z. Taylor.

DELETIONS:
HB 2278, Pesci; HB 2376, Leh.

CALENDAR CONTINUED
BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of HB 2376, PN 3616, entitled:

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

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

Mr. BROUJOS offered the following amendments No. A3558:

Amend Bill, page 1, by inserting between lines 11 and 12 Section 2. Declaration of policy.

The General Assembly finds and declares that the purpose of this act is to promote the public interest by a competitive economic environment and to protect the economic welfare of consumers, large and small businesses and the Commonwealth.

Amend Sec. 2, page 1, line 12, by striking out “2” and inserting

3

Amend Sec. 2, page 2, by inserting between lines 13 and 14 “Trade secret.” Anything which constitutes, represents, evidences or records secret or confidential scientific, technical, merchandising, production, management or commercial information.

Amend Sec. 3, page 2, line 14, by striking out “3” and inserting

4

Amend Sec. 4, page 2, line 19, by striking out “4” and inserting

5

Amend Sec. 5, page 2, line 25, by striking out “5” and inserting

6

Amend Bill, page 3, lines 15 through 30; page 4, lines 1 through 30; page 5, lines 1 through 15, by striking out all of said lines on said pages and inserting

Section 7. Investigation.

(a) Required attendance.—Whenever the Office of Attorney General believes that a person may be in possession, custody or control of documentary material or may have information relevant to the subject matter of an investigation for the purpose of ascertaining whether a person is or has been engaged in a violation of this act, he may require the attendance and testimony of witnesses and the production of books, accounts, papers, records, documents and files relating to the investigation; and, for this purpose, the Attorney General or his representatives may sign subpoenas, administer oaths or affirmations, examine witnesses and receive evidence during the investigation. A request for information shall state the subject matter of the investigation, the conduct constituting the alleged violation which is under investigation and the provisions of this act applicable to the alleged violation. A request for documentary material shall describe the material to be produced with reasonable particularity so as to fairly identify the documents demanded, provide a return date within which the material is to be produced and identify the member of the Attorney General’s staff to whom the material shall be given. In case of disobedience of a subpoena or the contumacy of a witness appearing before the Attorney General or his representative, the Attorney General or his representative may, for good cause shown, invoke the aid of a court of record of the Commonwealth, and the court may thereupon issue an order requiring the person subpoenaed to obey the subpoena or to give evidence or to produce books, accounts, papers, records, documents and files relative to the matter in question. Failure to obey an order of the court may be punished by the court as a contempt.

(b) Confidentiality.—No information, procedure, testimony or documentary material produced under a demand or order or as a result of an investigation and the provisions of this act applicable to the alleged violation. A request for information shall state the subject matter of the investigation, the conduct constituting the alleged violation which is under investigation and the provisions of this act applicable to the alleged violation. A request for documentary material shall describe the material to be produced with reasonable particularity so as to fairly identify the documents demanded, provide a return date within which the material is to be produced and identify the member of the Attorney General’s staff to whom the material shall be given. In case of disobedience of a subpoena or the contumacy of a witness appearing before the Attorney General or his representative, the Attorney General or his representative may, for good cause shown, invoke the aid of a court of record of the Commonwealth, and the court may thereupon issue an order requiring the person subpoenaed to obey the subpoena or to give evidence or to produce books, accounts, papers, records, documents and files relative to the matter in question. Failure to obey an order of the court may be punished by the court as a contempt.

The content is related to legislative actions and the purpose of the bill is to establish a competitive economic environment and protect economic welfare. The bill includes provisions for investigations and investigations, with requirements for attendance, evidence, and confidentiality. It also specifies penalties for violations and the creation of a competitive economic environment.
affected by the alleged violation, and, at the discretion of the Attorney General, may disclose to the United States Department of Justice, the Federal Trade Commission, another state or territory of the United States or the District of Columbia, for use by that agency or entity in connection with an investigation or proceeding within its jurisdiction and authority, upon the prior certification of an appropriate official of the agency that the information shall be maintained in confidence other than for official purposes. Under reasonable terms and conditions as the Attorney General or his representative may prescribe, the documentary material shall be available for inspection and copying by the person who produced the material or a duly authorized representative of that person. The Attorney General or his representative may use such documentary material or information or copies thereof as he determines necessary in the enforcement of this act, including presentation before any court. Material which contains trade secrets or other highly confidential matter shall not be presented except with the approval of the court in which a proceeding is pending after adequate notice to the person furnishing the material.

(c) Limited disclosure.—At the Attorney General’s discretion, the Attorney General may disclose information discovered under this section to the United States Department of Justice, the District of Columbia, another agency of the Commonwealth and a political subdivision, upon the prior certification of an appropriate official of the requestor that the information will be maintained in confidence other than for use for official purposes and the requestor will abide by the provisions of subsection (b).

Amend Sec. 8, page 5, line 24, by inserting after “act” and for the cost of suit, including reasonable attorney fees

Amend Sec. 9, page 5, line 30, by striking out “actual”

Amend Sec. 9, page 6, line 8, by striking out “actual”

Amend Sec. 9, page 6, lines 11 through 14, by striking out “If the trier of fact finds” in line 11, all of lines 12 through 14 and inserting

(c) Damages.—Damages recoverable under this section by persons shall be three times the actual damages sustained thereby, taxable costs and reasonable attorney fees. Damages recoverable under this section by the Commonwealth shall be actual damages sustained, taxable costs and reasonable attorney fees. Damages are subject to the following:


(2) If the conduct which gives rise to a violation of this act also gives rise to a violation of the act of October 28, 1983 (P.L. 176, No. 45), known as the Anti-Bid-Rigging Act, the amount awarded as compensation under this section shall not duplicate the amount awarded under the Anti-Bid Rigging Act.

(d) Liability.—Liability under this section shall be joint and several. Persons subject to liability under this section shall be entitled to contribution under 42 Pa.C.S. Ch. 83, Subch. B (relating to contribution among tort-feasors).

Amend Sec. 10, page 6, line 18, by striking out “3 and 4” and inserting

4 and 5

Amend Sec. 10, page 6, line 20, by striking out “3 or 4” and inserting

4 or 5

Amend Sec. 10, page 6, lines 23 and 24, by striking out “3 or 4” and inserting

4 or 5

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

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

Mr. BROUJOS. Mr. Speaker, this amendment covers a variety of amendments that had been presented to the House with respect to HB 2376 as long ago as June. I will go over the amendments one by one that are within this omnibus amendment.

This omnibus is based on amendments individually that we had prepared. In addition, it includes a number of amendments that had been arrived at by discussion with a variety of interested parties.

First, on the “Declaration of policy,” we add to the declaration that the General Assembly declares that the purpose of the act is, in addition to promoting the public interest, protecting the economic welfare of consumers and large and small businesses. It is essential that we address the question of small businesses. They are a major ingredient in the entire antitrust picture. Small businesses are victims under many occasions of larger companies that have set prices, that have controlled markets, and that have generally caused anticompetitive activities which hurt small businesses.

Secondly, we simply added “consumers” because the consumer is the ultimate bearer of the costs - the cost of higher products, higher prices on products that are the victims of monopolistic practices, the costs of the markets that are denied. So the consumer is a major figure in the entire antitrust picture.

Trade secrets: We defined those clearly at the behest of industry and so define.

In addition, we made some major changes where you see deletions that delete the jurisdiction in the Commonwealth Court, and we leave that up to the Judicial Code which sets jurisdiction for each court, and the Attorney General can take the courts as he finds them.

Section 7 on page 2: We have enlarged the investigative provisions to insure that there are more safeguards. We added at the behest of a major industry in Pittsburgh the language “for good cause shown.” We have provided that confidentiality is protected.

We also provided for limited disclosure on page 3 at the top, and we do support a misdemeanor-of-the-third-degree offense for any violation by the Attorney General or other persons relating to abuse of confidential materials. That is not in here and will be the subject of a separate amendment presented.

We have added in a few places, in addition to “cost of suit,” “including reasonable attorney fees,” and they are normal to the recovery picture. It is not anything unusual.

In the middle of page 3, (c), “Damages recoverable...shall be three times the actual damages sustained thereby, taxable costs and reasonable attorney fees.” Treble damages are essential. We have talked to attorney generals’ offices across the country, and they have indicated that effectively, without treble damages they are not effective in the prosecution of
these cases. They are in probably about a little less than half of the States' antitrust acts. We have excluded the Commonwealth as being entitled to treble damages. They are entitled to actual damages only.

Still in paragraph (c), "Damages are subject to the following: Limitations..." There is a very strong sentiment that we should make it clear that damages recoverable and limitations thereon under the National Cooperative Research Act of 1984 and the Export Trading Company Act of 1982 shall apply to actions under this section. The reason for that is that these two acts permit combinations and joint actions in the interest of the United States with respect to foreign trade.

Now, this is not an attempt to create cartels or to justify them but to say, under certain limited conditions; there may be certain joint actions taken for the interest of the United States abroad. That was requested by business and it is there.

I will add a caveat there, and that is that the request was broader with respect to business, but it was so broad that it simply said any limitations in any Federal act shall apply, and that is too broad, without any question.

Subsection (2) provides that there shall not be duplicate damages if there is an award under the Antibid-Rigging Act, and that is fair.

Finally, under (d), "Liability," we provide that "Liability...shall be joint and several," essential in antitrust actions, standard generally throughout the United States, and I will mention at this point that there are 49 other acts or constitutional provisions that provide for State antitrust actions, and we are the only State that does not have this act.

However, "Persons subject to liability...shall be entitled to contribution...." The provision for contribution is controversial. We agreed to it because we are satisfied, in conversations with the Attorney General's Office, who supports this bill, that contribution can be taken care of.

Coconspirators who have joined in a conspiracy and are relatively equally guilty in a conspiracy will be entitled, after payment of the entire fine, for instance, or charge, to recover against other coconspirators. However, the State can protect the cooperating, shall we say unindicted coconspirator by simply entering into an agreement that they would have funds returned in the event that they cooperate.

They are the general provisions set forth in this omnibus. I would ask when you consider this that these provisions are reasonable. They are part of an entire national movement toward State antitrust action. The movement in antitrust has moved in fact from the Federal level in many respects to the State level. The current trend toward increased State antitrust action has been stated repeatedly at conferences throughout the United States.

From 1900 to 1960 most antitrust actions were on the Federal level. In the 1960's State enforcement increased, and in 1965 more than a dozen States had active antitrust enforcement programs.

Historically, States were the first entity that was concerned with protecting the competitive posture of the United States capitalistic system, and gradually, after there was common law action, the action moved into State legislatures. Then it moved to the national level, particularly under President Theodore Roosevelt, and we had the Sherman Antitrust Act and the Clayton Act. The movement in many ways on the State level has been caused by a Federal Government that is relatively inactive in this area and has been for at least 8 years.

These provisions are reasonable, and I would ask that you would support this omnibus amendment. I ask for a "yes" vote.
The question was determined in the affirmative, and the amendments were agreed to.

**FILMING PERMISSION**

The SPEAKER. The Chair grants permission to WJAC-TV for 10 minutes of filming on the House floor.

**CONSIDERATION OF HB 2376 CONTINUED**

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

Mr. BROUJOS offered the following amendment No. A2949:

Amend Sec. 5, page 3, line 12, by inserting after “required” specifically authorized,

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

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

Mr. BROUJOS. Mr. Speaker, this amendment—and I would like to go over it carefully with you—amends section 5, page 3.

We are all concerned with having a reasonable act, and a reasonable act must address the questions of utilities. Utilities are in effect a monopoly, and I will state at the beginning that with respect to utilities, they serve a unique purpose in the workplace and in the economic activity of our State. They provide our electricity. They provide our telephones. They provide utilities of many kinds. They are essential, and by and large, they are well run, they are efficient, and they are staffed by very competent people.

But there have been abuses by utilities of their authority and ability to retail and to sell in the wholesale and the retail market areas, and my major proposition is that a utility which is in fact granted a State monopoly may commit an anticompetitive activity which is not regulated by the State. In addition, utilities may commit anticompetitive and monopolistic practices in certain areas where the State may assume some jurisdiction of an activity. So we cannot say that just because an activity may be reviewed or may be regulated by the State that is enough to take it out of the ambit and control of the State antitrust law. If we permit that, we open up a barn door to many abuses, and those abuses can be in sales, can be in tie-ins, can be in agreements with subcontractors so that only certain contractors are permitted to install retrofit equip-

ment for going from oil to gas or gas to oil. There may be enticements and come-ons. There may be agreements with other parties outside the utility area. And you know how banks and realtors and businesses periodically want to expand and diversify, and if they go into another area, they may possibly be engaged in antitrust activities.

So we have a broad definition to exclude them. We are not serving the people of Pennsylvania and we are not serving the small businesses that rely on the utilities. Therefore, we have on page 3 in subsection (d) excluded public utilities: The act does not apply to activities of rural electric cooperative corporations and, secondly, a public utility to the extent that those activities are required by the PUC (Public Utility Commission). For goodness’ sake, if the PUC requires a utility to do something, the other hand of government over in the Attorney General’s Office cannot smack their hand and say, you should not do that.

We have amended that as a compromise by adding the words “specifically authorized,” so that if an action is specifically authorized, that action, too, is taken out of the control of the antitrust. And finally, if rates are approved by the PUC, you certainly do not want to prosecute them for antitrust activities.

Now, this amendment has been carefully structured. It is a relatively common amendment. It covers the risks, it protects the utilities, and it is a good amendment.

Now, finally I want to say that if you have any doubts about the effectiveness of this amendment, we have the courts to protect us, but let us make sure that we first protect the consumer and small business with a relatively tight control in antitrust areas, and if there are to be the exceptions, let the courts draw the exceptions. We cannot draw broad-brush exclusions for the risks that may occur from utility operations.

I ask for a “yes” vote.

**LEAVE OF ABSENCE CANCELED**

The SPEAKER. Michael Bortner will be off leave and is now on the master roll.

**CONSIDERATION OF HB 2376 CONTINUED**

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

The following roll call was recorded:

YEAS—193

Amend Sec. 10, page 6, by inserting between lines 28 and 29
(c)(2). Double jeopardy.—A criminal prosecution under this section may not be brought against a person previously charged by information or indictment with a criminal violation of the act of October 28, 1983 (P.L.176, No.45), known as the Antibid-Rigging Act, or of a Federal antitrust statute if either prosecution is based upon substantially the same conduct upon which a prosecution under this section could be based and jeopardy has attached under the prosecution.

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

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

Mr. MAYERNIK. Thank you, Mr. Speaker.

I have spoken to Representative Broujos about this amendment and it is agreed to between him and me.

This amendment 2635 provides for protection against duplicate criminal prosecution of State Government contractors under this act and the already existing Antibid-Rigging Act.

What we are looking at in this act is if a contractor is charged under the Antibid-Rigging Act or an antitrust act of the Federal Government, that the prosecution is based on substantially the same conduct, that there shall be jeopardy attached. What we are attempting to do is eliminate double jeopardy in this amendment so that there is not redundancy of the law in statute. I would ask for an affirmative vote on this amendment.

POINT OF ORDER

The SPEAKER. The Chair recognizes Mr. Broujos.

Mr. BROUJOS. A point of order. I would ask for a ruling from the Chair.

This provision is already in the omnibus amendment. It is one of those that I reviewed. It is on page 3, paragraph (c)(2).

Mr. MAYERNIK. Which amendment are you referring to, Mr. Speaker?

Mr. BROUJOS. A3558. Page 3 in the center, “Damages,” subparagraph (2). This is an identical amendment.

The SPEAKER. Will the gentleman please restate his point of order? He is indicating— I want to be absolutely clear about this. Are you indicating that the Mayernik amendment is identical to an amendment that has been previously adopted?

Mr. BROUJOS. No; I was in error on that. I thought it was the same; it is not the same, and I would ask for concurrence. I agree to that amendment.

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—191

Acosta
Adolph
Allen
Angstadt
Argall
Barley
Battisto
Belardi
Belfanti
Bilbow
Birmelin
Bishop
Black
Blau
Bortner
Bowley

Donatucci
Dort
Durham
Evans
Fairchild
Fargo
Farmer
Fee
Fleagle
Flick
Foster
Fox
Freind
Gallen
Gamble
Gannon

Laughlin
Lee
Leb
Lescovitz
Levdansky
Linton
Lloyd
Lucy
McCall
McNally
McVerry
Maine
Markosek
Marsico
Mayernik

Robbins
Robinson
Roebuck
Ryan
Scheetz
Schuler
Scribenti
Semmel
Serafini
Smith, B.
Smith, S. H.
Snyder, D. W.
The question was determined in the affirmative, and the amendment was agreed to.

The following roll call was recorded:

YEAS—194

Acosta Dombrowski LaGrotta Ritter
Adolph Donatucci Lashinger Robbins
Allen Dorr Laughlin Robinson
Angstadt Durham Lee Roebeck
Argall Evans Leh Rudy
Barley Fairchild Lescovitz Ryan
Battisto Fargo Levandsky Rybak
Belardi Farmer Linton Saloom
Belfanti Fee Lloyd Saum
Billow Fleagle Lucyk Scheetz
Birmelin Flick McCall Schuler
Bishop Foster McNally Scirinti
Black Fox McVerry Semmel
Blaun Freeman Maiale Serafini
Bortner Freind Maine Smith, B.
Bowley Gallen Markosek Smith, S. H.
Boyes Gamble Marsico Snyder, D. W.
Brandt Gannon Mayerink Snyder, G.
Broujos Geist Melio Staback
Bunt George Merry Stairs
Burd Gigliotti Michlovic Steighner
Burns Gladeck Micozzie Stith
Bush Godshall Mihalich Strittmatter
Caltagirone Gruitz Miller Staback
Cappabianca Gruppo Moehlmann Tangetti
Carlson Hagarty Morris Taylor, E. Z.
Carn Haluska Mowery Taylor, F.
Cawley Harper Mrkonic Taylor, J.
Cessar Hasay Murphy Telegraph
Chadwick Hayden Nahill Telek
Chivera Hayes Nailor Thomas
Clark, B. D. Heckler Noye Tingle
Clark, J. H. O'Brien West Virginia
Clymer Hess Perzel Veon
Cohen Howlett Perzel Vroon
Colafella Hughes Pisci Wambach
Colaiizzo Itkin Petrone Waz
Cole Jackson Phillips Yandrisevits
Dempsey Kosinski Richardson Yandrosevits
Distler Lawson Ritter O'Donnell, Speaker
Dombrowski

NAYS—1

Freeman

NOT VOTING—2

Clark, B. D. LaGrotta

EXCUSED—8

Dieterick Johnson McHale Piesky
Dininni Langtry Petrarcha Wright, J. L.

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

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

Mr. MAYERNIK offered the following amendment No. A3530:

Amend Sec. 7, page 5, by inserting between lines 15 and 16
(d) Wrongful disclosure of information.—Any person who publishes or communicates any procedure, testimony or material produced, which is required to be kept confidential pursuant to this section, commits a misdemeanor of the third degree.

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

The SPEAKER. The Chair recognizes Mr. Mayernik.

Mr. MAYERNIK. Thank you, Mr. Speaker.

Amendment A3530 deals with wrongful disclosure of information and states that any person who would give out this information or materially produce it would be subject to a misdemeanor of the third degree.

What we are attempting to do is maintain confidentiality of this information, because it is very serious in nature if this would be released.

I would ask for an affirmative vote.

The SPEAKER. The Chair recognizes Mr. Broujos.

Mr. BROUJOS. This is an agreed-to amendment. I ask for concurrence.

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

The following roll call was recorded:

YEAs—0

ACosta Dombrowski LaGrotta Ritter
Adolph Donatucci Lashinger Robbins
Allen Dorr Laughlin Robinson
Angstadt Durham Lee Roebeck
Argall Evans Leh Rudy
Barley Fairchild Lescovitz Ryan
Battisto Fargo Levandsky Rybak
Belardi Farmer Linton Saloom
Belfanti Fee Lloyd Saum
Billow Fleagle Lucyk Scheetz
Birmelin Flick McCall Schuler
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Black Fox McVerry Semmel
Blaun Freeman Maiale Serafini
Bortner Freind Maine Smith, B.
Bowley Gallen Markosek Smith, S. H.
Boyes Gamble Marsico Snyder, D. W.
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Burd Gigliotti Michlovic Steighner
Burns Gladeck Micozzie Stith
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Cawley Harper Mrkonic Taylor, J.
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Colafella Hughes Pisci Wambach
Colaiizzo Itkin Petrone Waz
Cole Jackson Phillips Yandrisevits
Dempsey Kosinski Richardson Yandrosevits
Distler Lawson Ritter O'Donnell, Speaker
Dombrowski

NAYS—0

NOT VOTING—0

EXCUSED—8

Dieterick Johnson McHale Piesky
Dininni Langtry Petrarcha Wright, J. L.

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. MAYERNIK offered the following amendment No. A2634:

Amend Sec. 5, page 3, by inserting between lines 14 and 15
(e) Competitively bid State contracts.—Persons bidding on
a contract let or to be let for competitive bidding by a govern-
mental agency, to the extent that those activities are regulated
by the act of October 28, 1983 (P.L.176, known as the
Antibid-Rigging Act, shall not be liable in actions under this act.

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

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

Mr. MAYERNIK. This amendment deals with competitive
bids for State contracts. It is similar to the double jeopardy
amendment but it is more narrowly drawn. It would state that
any individual or person bidding on a contract that is with a
governmental agency, if the activity is already covered under
antibid rigging, then again we would not have it liable under
the antitrust act. So we are basically trying to eliminate
redundancy of law in the statute in this amendment.

The SPEAKER. The Chair recognizes Mr. Broujos.

Mr. BROUJOS. Mr. Speaker, if you will indulge me a
moment, I do not have a copy of that amendment.

Mr. Speaker, I oppose this amendment and I will give the
reasons. It says that “Persons bidding on a contract let or to
be let for competitive bidding by a governmental agency, to
the extent that those activities are regulated by the act...known as the Antibid-Rigging Act, shall not be liable in
actions under this act.” The reason I object is this: that the
language “to the extent that those activities are regulated” is
still broad enough that a particular activity may be regulated
under the Antibid-Rigging Act but there may still occur
monopolistic practices, anticompetitive practices, outside the
antitrust act. I put it in there, that if it is not covered
under antitrust, then you have shut the door on anti-
competitive actions which may hurt consumers and small
business.

I will ask for a negative.

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

The following roll call was recorded:

YEARS—134

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NAYS—57

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<td>Veon</td>
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The question was determined in the affirmative, and the amendment was agreed to.

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

Mr. MAYERNIK offered the following amendments No. A3091:

Amend Sec. 7, page 5, lines 10 through 12, by striking out "before bringing an action" in line 10, all of line 11 and "investigation," in line 12 and inserting , except to the extent he makes use of such to commence and conduct an administrative or judicial proceeding,

Amend Sec. 7, page 5, line 15, by inserting after "court" for good cause shown

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

The SPEAKER. The Chair recognizes Mr. Mayernik.

Mr. MAYERNIK. Thank you, Mr. Speaker.

Amendment 3091 states that the only time that information can be given from the Attorney General's Office to another governmental agency is if it is to conduct an administrative or judicial proceeding and for good cause shown.

What I am concerned about and the reason for offering this amendment is that our Attorney General can get this confidential trade secret information and give it to an attorney general or a governmental agency of another State who is not under penalty of confidentiality. What happens is we have large industries in Pennsylvania who have trade secrets. As soon as we would permit the Attorney General to give this information, the other law enforcement agencies are not subject to penalties, so this information is not confidential anymore.

I would ask, at a minimal, that these law enforcement agencies go to court and show good cause of why they should have this information. We are not prohibiting them from having it but having good cause, because we want to maintain the confidentiality. They can still use it for law enforcement purposes, but we want to keep it away from their competitors.

I would ask for an affirmative vote on this.

The SPEAKER. The Chair recognizes Mr. Broujos.

Mr. BROUJOS. Mr. Speaker, we already have language of "for good cause shown" within the omnibus amendment. I will divide this into two parts. The second part says, "for good cause shown." That is set forth on page 2 in subpara-

The SPEAKER. Will the gentleman suspend.

Ordinarily the Chair would not volunteer a point of order. The difficulty is that as we read this amendment, it cannot be reconciled with the bill as it has currently been amended since many of the provisions in this amendment are to sections that have been eliminated in a previous amendment. So ordinarily the Chair would wait for someone to raise a point of order or to seek to remedy this situation in some other way, but this amendment, absolutely, we cannot find a way to read it in if it is adopted, and on its own motion, the Chair will rule the amendment out of order.

Mr. BROUJOS. Mr. Speaker, I so move.

Mr. MAYERNIK. It is already made.

I appreciate the ruling of the Chair, taking that forth and cutting down some of the time elements here in the House. Would the Chair permit me to have this redrafted to the proper area?

The SPEAKER. In the interest of time—

Mr. MAYERNIK. If I can get it in time.

The SPEAKER. —we would suggest that you do it as soon as possible, and perhaps you would like to come to the Chair when you are done offering your other amendments.

Mr. MAYERNIK. That was my final amendment, Mr. Speaker. I will be happy to do that.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Mayernik, withdraws his amendment.

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

Mr. McVERRY offered the following amendment No. A3525:

Amend Sec. 5, page 3, by inserting between lines 14 and 15
(e) Federal or State exempt activities.—Any activity or conduct authorized or exempt under Pennsylvania statutory or common law, or exempt from the provisions of the Antitrust Laws of the United States, shall be exempt from the provisions of this chapter.

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

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

Mr. McVERRY. Thank you, Mr. Speaker.

I offer amendment A3525 to the exemption section of the proposed antitrust statute. On pages 2 and 3 of the statute you will find that there are listed four exclusionary areas to which the provisions of this bill would not apply. I suggest that we amend that section to also add an exemption for Federal or State exempt activities. The amendment reads, “Any activity or conduct authorized or exempt under Pennsylvania statutory or common law, or exempt from the provisions of the Antitrust Laws of the United States, shall be exempt from the provisions of this chapter.” That is to say, if activity is already exempt under the Federal statute, it continues to be exempt under this statute.

This exemption also would provide that if business activity is being engaged in pursuant to Pennsylvania statute, the adoption of this Antitrust Act would not have the effect of repealing the existing Pennsylvania statute. Therefore, the Antitrust Act would not be applicable to activities that are currently being engaged in business pursuant to existing Pennsylvania statute or common law.

I urge the adoption of the amendment.

The SPEAKER. The Chair recognizes Mr. Broujos.

Mr. BROUJOS. Mr. Speaker, I am going to ask the House to look very carefully at this amendment. Again, it is a broad amendment, so broad that it will let anything in. When I say “anything,” it could potentially let in a small common pleas court decision that would say that a particular activity is exempt from the State antitrust. Let us read it: “Any activity or conduct authorized or exempt under...common law....”

Now, common law is determined by courts. There can be a common law of the State. There can be a common law of 67 different counties. What is common law? It is very broad and would take us back to the early common law cases which in fact determined antitrust activity.

The first cases were brought under a common law concept, not under statute, and that goes all the way back to our pre-Federal days, to our colonial days, and we continued to have common law until everybody realized that common law is not the way to handle a matter as complicated as this; there should be some predictability, and that predictability came from statutes. So the proviso in here of common law is enough by itself to render this provision disastrous to predictability and to an enforceable act by the Attorney General, an act enforceable by the Attorney General.

Now, let us look at the other provision: “Any activity or conduct authorized or exempt under Pennsylvania statutory or common law....” What statutory provision is exempting what activity? It does not say that the activity is anticompetitive or activity under the cognizance of this act. It simply says activity exempt under common law. Now, that is vague; it is unenforceable; and let us go on to the next section, “...or exempt from the provisions of the Antitrust Laws of the United States....”

Well, do we want the Federal Government to exempt activities that we in this State consider to be anticompetitive? I appeal to the very federalist concept, particularly among my Republican colleagues. Federalism has been very sound in its concept and organization and implementation in many ways, and we have moved functions of government down from the Federal level to the local level, and that has been good in many cases. But we should not pick and choose when we want activities to come down and say now let us just have the Federal antitrust laws cover everything that we consider to be anticompetitive and we consider to be against consumers and against small businesses.

The States are carving out their own area in this. There have been National Association of Attorneys General meetings. There have been joint actions. There have been decisions with awards that have given money to the National Association of Attorneys General so they can function. The Federal Government itself has given money to States working in concert on State anticompetitive activities, and this would throw it all into a cocked hat.

I would ask for a “no” vote on this amendment.

The SPEAKER. The Chair recognizes Mr. Hayden.

Mr. HAYDEN. Thank you, Mr. Speaker.

I rise in opposition to this amendment. As correctly pointed out by Mr. Broujos, the language which would exempt any activities which are exempt under the provisions of the anti-trust laws brings into the course of this debate the issue of insurance and insurance-related activities. The Federal McCarron-Ferguson Act creates an exemption under the Federal antitrust laws for activities referred to as “the business of insurance.” That has been read in many jurisdictions to mean that States have individual jurisdiction over matters related to insurance and that the Federal antitrust laws do not apply to the business of insurance. Some States, more recently the State of California, have passed laws or resolutions which have extended antitrust coverage to matters related to insurance. This amendment runs counter to what is becoming more the national trend, the trend whereby States’ Attorneys General have concurrent jurisdiction over anticompetitive activities related to the business of insurance in addition to State insurance departments.

For that reason and for the others mentioned by Mr. Broujos, I would also recommend a negative vote on this amendment.

The SPEAKER. The Chair recognizes Mr. Kukovich.

Mr. KUKOVICH. Thank you, Mr. Speaker.

I concur in the arguments of Representatives Hayden and Broujos. There is one other point.

There are times when language like this can be helpful to try to promote uniformity. Passing a State antitrust bill is not one of those times. My reading of this amendment seems to make the language prospective in nature, which means that possibly even after we would pass this law, if this provision is in it, the Federal Government at some point could create a loophole that we had not considered during this debate. It could weaken this law in the future, and we would have no control
over correcting that unless we would come back in again and try to pass an amendment to the antitrust law. I do not think we should be placed in that situation, and I think we should vote "no" on this amendment.

The SPEAKER. The Chair recognizes Mr. McVerry.

Mr. McVERRY. Thank you, Mr. Speaker.

A strong argument can be made, which I will not make at this time, that we really do not need this act at all, and we really do not need it at all because we do have a functioning, well-working Federal antitrust statute. My suggestion is that the development of law under the Sherman Antitrust Act federally, with the exemptions that have been recognized in that statute, should pour over and be recognized in Pennsylvania and that if we feel the need for anticompetitive, antitrust law here, it should apply to those areas which are not already being regulated and properly taken care of by the Federal law.

In addition, as far as the insurance industry is concerned—this amendment is not particularly directed to that industry, however—the insurance industry is governed by the Unfair Insurance Practices Law here in Pennsylvania, and also the practices of that industry are monitored very closely by the Insurance Commissioner. So what you are really doing by not recognizing an exemption for that industry is putting duplicate enforcement power in place with an Insurance Commissioner and also the Attorney General's Office.

I suggest to you that activities that are being currently engaged by business in Pennsylvania that are statutorily recognized, such as some activities pursuant to the Liquor Code and the distribution of malt beverages which have to be done on a territorial basis, should be afforded protection from the anticompetitive direction of this particular statute, and I suggest to you that our law has always been established in Pennsylvania both statutorily and by case interpretation, that being the common law against which Mr. Broujos argues. I suggest that this amendment is an appropriate one and will permit those businesses that are properly acting pursuant to Pennsylvania statutory law now to continue to do so in the future, and I urge your support.

The SPEAKER. The Chair recognizes Mr. Lee.

Mr. LEE. Mr. Speaker, I rise in support of the McVerry amendment to this bill. I have a similar amendment which I was going to offer later, but because the argument concerning my amendment is very similar to this one, I thought I should rise and speak now.

Although I am not an expert on antitrust law, it is my understanding that there are very few exemptions provided under the Federal statute for antitrust activity. However, these exemptions have been developed over the course of many years as a result of Congress' experiences that economic competition is actually increased if certain business activities are excluded from antitrust regulations. Perhaps the most well known exemption provided by Federal law is provided for certain insurance activity, and the reason I became involved in this whole issue is because I have a small mutual insurance company in my district, and if this law were passed without this exemption, they could be excluded from purchasing information from various rating bureaus, et cetera, by which they set their rates. Basically it would almost make it impossible for small insurance companies to operate in Pennsylvania. What that means is there would actually be less competition as opposed to more competition, so they desperately need this amendment.

Adoption of this amendment would assure that our State antitrust law would not conflict with the Federal antitrust law and would take advantage of years of congressional experience on this subject. In addition, the amendment would save Pennsylvania the expense and complication of developing its own set of antitrust-related common law since our courts could simply rely on Federal court decisions to determine the legality of any questioned activity.

I might add here that, yes, in the future Pennsylvania might want to expand upon its antitrust law to go over and above the Federal statute, but all along during this debate, we have been told that what we are basically doing is what the Federal Government is already doing. So I think it adds unnecessary complication to have differing laws at the Federal and State levels. Therefore, I think this amendment is necessary to make both the Federal and State laws coincide with each other, and I urge its adoption. Thank you.

The SPEAKER. The Chair recognizes Mr. Ryan.

Mr. RYAN. Thank you, Mr. Speaker.

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

The gentlemen, Mr. McVerry and Mr. Lee, I think, are right on target. I think we are going too far with this bill; that the people who do business here in Pennsylvania, have done business here in Pennsylvania, have a right to rely on the laws of Pennsylvania to protect them; that as long as they are complying with the territorial laws or the territorial rights that they have under franchises, for instance, they should feel free that they are not going to be attacked by an Attorney General for being in violation of some antitrust provision.

There are a number of small business people who have contacted me, and I do not know enough about antitrust. I join my colleague, Mr. Lee, in confessing my ignorance to the antitrust laws, but I know there are an awful lot of little people who have small businesses - beer distributors, particularly - who are concerned that their franchise rights will be lost or put in jeopardy if this particular amendment is not accepted, and on their behalf, I would ask that this amendment be accepted.

The SPEAKER. The Chair recognizes Mr. Davies.

Mr. DAVIES. Thank you, Mr. Speaker.

I join the two former speakers on the issue because every one of the small mutual insurance companies in our rural areas, and particularly in my area, have said that they now enjoy protection under the Federal law in which they can go to the big companies and obtain information necessary to their actual survival, their everyday operation, to operate an efficient business. Without that, under the provisions without this amendment, they would be subject to any and all types of controls and would not be able to extend and operate in the manner in which they have operated. Many of those small
mutual companies here in Pennsylvania today actually underwrite many of the farm and other insurance contracts that are out and policies that are out in our rural areas of this State. Thank you very much.

The SPEAKER. The Chair recognizes Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

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

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

Ms. JOSEPHS. Thank you, Mr. Speaker.

Mr. Speaker, I am trying to understand from your amendment just exactly what you want to exempt from the provisions of the proposed Pennsylvania antitrust law, and when I look at the Federal antitrust law, it is my understanding that it covers only anticompetitive activities of businesses that are engaged in interstate commerce - in other words, in commerce across State lines.

Are you proposing to exempt from our statute all commerce which is not engaged in across State lines in order to conform it with the Federal antitrust statute?

The SPEAKER. Did the gentleman hear the inquiry?

Mr. BROUJOS. Mr. Speaker, if I may defer to Mr. Broujos.

The SPEAKER. Is the lady seeking to interrogate Mr. Broujos?

Ms. JOSEPHS. No. I am sorry. Mr. Broujos has asked me to cease my interrogation, and I will do so.

The SPEAKER. Thank you.

So the lady has completed her interrogation.

Mr. BROUJOS. Mr. Speaker, I have a point of order.

The SPEAKER. Will the House suspend?

(Conference held.)

WELCOME

The SPEAKER. The Chair is pleased to welcome to the hall of the House Girl Scout Troop 927, Holy Name of Jesus School, who are the guests of Representative Ron Marsico. They are in the balcony. Will the guests please rise.

CONSIDERATION OF HB 2376 CONTINUED

On the question recurring,

Will the House agree to the amendment?
Amend Sec. 2, page 2, lines 4 through 6, by striking out all of said lines
Amend Bill, page 2, lines 14 through 24, by striking out all of said lines and inserting
Section 3. Contract, combination or conspiracy to restrain trade.
A contract, combination or conspiracy in restraint of trade or commerce in this Commonwealth is unlawful.
Amend Sec. 5, page 2, line 25, by striking out “5” and inserting
4
Amend Sec. 6, page 3, line 15, by striking out “6” and inserting
5
Amend Sec. 7, page 3, line 18, by striking out “7” and inserting
6
Amend Sec. 8, page 5, line 16, by striking out “8” and inserting
7
Amend Sec. 9, page 5, line 25, by striking out “9” and inserting
8
Amend Sec. 10, page 6, line 15, by striking out “10” and inserting
9
Amend Sec. 10, page 6, line 18, by striking out “sections 3 and 4” and inserting
section 3
Amend Sec. 10, page 6, line 20, by striking out “or 4”
Amend Sec. 10, page 6, line 24, by striking out “or 4”
Amend Sec. 11, page 6, by striking out “11” and inserting
10
Amend Sec. 11, page 7, line 3, by striking out “8, 9(a) or 10” and inserting
7, 8(a) or 9
Amend Sec. 11, page 7, line 6, by striking out “9” and inserting
8
Amend Sec. 12, page 7, line 10, by striking out “12” and inserting
11
Amend Sec. 12, page 7, line 11, by striking out “8 and 10” and inserting
7 and 9
Amend Sec. 12, page 7, line 12, by striking out “8 or 10” and inserting
7 or 9
Amend Sec. 12, page 7, line 14, by striking out “9” and inserting
8
Amend Sec. 12, page 7, line 15, by striking out “9” and inserting
8
Amend Sec. 12, page 7, line 18, by striking out “9(a) or 10” and inserting
8(a) or 9
Amend Sec. 13, page 7, line 21, by striking out “13” and inserting
12
Amend Sec. 14, page 7, line 23, by striking out “14” and inserting
13
Amend Sec. 15, page 7, line 28, by striking out “15” and inserting
14

Amend Sec. 16, page 8, line 6, by striking out “16” and inserting
15

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

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes Mr. Veon.
Mr. VEON. Mr. Speaker, point of parliamentary inquiry.
The SPEAKER. The gentleman will state his point of parliamentary inquiry.
Mr. VEON. Would it be possible to have amendment 3060 considered prior to this amendment, Mr. Speaker?

AMENDMENTS WITHDRAWN TEMPORARILY

The SPEAKER. The gentleman temporarily withdraws this amendment.

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

Mr. VEON offered the following amendment No. A3060:

Amend Sec. 5, page 3, lines 12 through 14, by striking out “to the extent that those activities are required or” in line 12 and all of lines 13 and 14 and inserting except for an activity or rate the Pennsylvania Public Utility Commission or a Federal agency expressly refuses to actively supervise in response to a complaint, against such activity or rate, filed by the Attorney General or other person.

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

The SPEAKER. On that question, the Chair recognizes Mr. Veon.
Mr. VEON. Thank you, Mr. Speaker.
Mr. Speaker, before discussing the exact content of this amendment, I want to say that I appreciate the job that the gentleman, Mr. Broujos, has done in bringing this very important bill to the floor. I appreciate the leadership he has provided on a very important issue and bringing it to the floor of the House today, and I think he has done a tremendous job.

I would just describe this amendment as an honest difference of opinion with the gentleman, Mr. Broujos, on the very specific language relating to what public utility activities would in fact be exempted from antitrust action. That is how I would describe it, as a polite difference of opinion on the exact language with the gentleman, Mr. Broujos.

I would like to describe this amendment very simply and briefly in this way: What my amendment attempts to do is suggest that any activity that gets formal action by the PUC—or the operative phrase in the amendment is “actively supervised by the PUC”—would in fact clearly be exempt from antitrust action. Any activity not formally acted on or not actively supervised by the PUC, the Attorney General could clearly file an antitrust action. Any activity that in fact would be in question as to whether or not it was actively supervised
or formally acted upon, the Attorney General must have the opinion and must have a ruling from the PUC prior to being able to file an antitrust action in the State of Pennsylvania.

Again, the difference of opinion with Mr. Broujos is that the operative phrase in this amendment is the phrase “actively supervised,” and my amendment attempts to say that should be the phrase in determining whether an antitrust action could be filed by the Attorney General in Pennsylvania, and I would ask for an affirmative vote. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Broujos.

Mr. BROUJOS. Mr. Speaker, the remarks of my esteemed colleague, Representative Michael Veon, remind me of the great appellate court proceedings where an appellate court is deciding whether or not there was error performed on the lower court level, and they decide that it was a horrendous opinion that was rendered on the lower court level, and the appellate court says, beginning the opinion, “The learned judge below...” He has called me a learned judge, and then he proceeds to want to emasculate the bill.

**POINT OF ORDER**

Mr. BROUJOS. I will ask for a point of order and ask the Speaker to rule that this matter was decided and voted on in amendment 2949 and cannot now be the subject of an amendment.

The SPEAKER. For the information of the gentleman, if this amendment is adopted, it would supersede the language cited by the gentleman. The amendment is in order.

Mr. BROUJOS. We would ask that you vote “no” for this reason: The State antitrust law must be based on an ability to prosecute cases that come within the ambit of anticompetitive activity. When you use language like “an activity which the PUC expressly refuses to actively supervise in response to a complaint,” you have such broad language that there may be a variety of actions included within that definition. When you are going to regulate something and then say but we are not going to regulate it unless the PUC expressly refuses to actively supervise in response to a complaint, there may still be a wide variety of activities which may be included within this particular public utility’s activities, and I would ask for a negative vote because it would open up the floodgates for a number of types of cases that would not come within the Antitrust Act on the State level.

The SPEAKER. The Chair recognizes Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, I agree with the gentleman, Mr. Broujos, and rise to oppose the amendment.

Those members who have had an opportunity over the years to serve on the Consumer Affairs Committee will recall some hearings which we had to listen to complaints from small business people who sell or fix appliances, who were complaining because the utility companies were in the appliance selling and fixing business. Under the bill in its current form, those small business people would have an opportunity to pursue that on an antitrust angle, to say that this is unfair competition, that it is an attempt to monopolize, that this is basically taking advantage of your power in a regulated market to get business in an unregulated market and that that is a violation. If this amendment goes in, there has never been a ruling by the Public Utility Commission that this is something that the commission may or may not regulate. Silence cuts in favor of the utility company, and that means if those small business people wanted to challenge this, they would have to first go to the Public Utility Commission and exhaust all their remedies for 2 or 3 years, and then if the Public Utility Commission said, well, you know, we have thought about it and we expressly refuse to regulate, then they could go the antitrust route. The only reason that that is being done or the utility companies want to do that is because they think they can outwait and outcost of litigation the other side, and I do not think we ought to permit that.

Secondly, what this amendment does is to say that take any other kind of example where a regulated company is doing something in competition, maybe telephone, something which is now not regulated or at least is in the gray area. An antitrust action is brought. That company, just as it is about to have the judgment entered, goes running to the Public Utility Commission and says, you know what, we never had this regulated but maybe you ought to take a look at this, and gets the proper ruling from the Public Utility Commission and then walks away from its liability for what it has been doing for the last 20 years.

Mr. Speaker, I do not think that is what we ought to be doing today. I think we ought to be preserving all of the remedies. The kinds of things that utility companies normally do, the rates that they charge you for your electricity and your water and your telephone service, are not covered by this bill. They are going to continue to be regulated by the PUC. This is an amendment that takes care of that gray area of things where they are at least arguably in competition with other business people, and they ought to have to play by the same rules as those other business people do. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Broujos.

Mr. BROUJOS. Mr. Speaker, the effect of this amendment is to make relatively impossible a prosecution of a bona fide anticompetitive activity on the part of a utility. Those may occur in tie-ins; they may occur in relationships where a utility may say, we are going to install a retrofit on your oil system because you have a Mideast oil crisis come over to the gas company, and here is the contractor you deal with, and this contractor is the only one we recognize. It imposes perhaps a relatively high cost to the consumer. It excludes other contractors, and that is only the beginning of the multiple types of situations that can arise.

If you are going to require the Attorney General in case after case that may occur to go before the PUC or encourage somebody to file a complaint, you will completely hamstring and immobilize the Attorney General’s efforts in that area. If there is a problem, we will thrash it out in conference. If there is a problem, let us see it. We have not seen that problem that
requires or the abuse that requires an exemption of this extraordinary nature.

I ask for the defeat of this amendment.

The SPEAKER. The Chair recognizes Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker. I will be very brief.

I would like to take issue with Representative Lloyd's comments. I really believe that the Public Utility Commission ought to have the first crack at problems of this nature and ruling, I do believe the Public Utility Commission would act expeditiously. I think it is double work and double bureaucracy to involve both the PUC and the Attorney General in the utilities industry, and I do believe that the Consumer Affairs Committees, both the House and Senate, agreed at one point that legislation of this nature was unnecessary insofar as public utilities are concerned. So I ask for support of the Veon amendment.

The SPEAKER. The Chair recognizes Mr. Boyes.

Mr. BOYES. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support what Representative Bill Lloyd had told the House this afternoon on this amendment. I believe this amendment is not appropriate and it would not be the correct move that we ought to be making at this appropriate time, and I would ask for a negative vote on the amendment.

The SPEAKER. The Chair recognizes Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, two things: Number one, it is true that the Consumer Affairs Committee did not move a bill; it is also true the Public Utility Commission has not solved the problem; and number two, vote "no" on the amendment.

The SPEAKER. The Chair recognizes Mr. Veon.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, I just wanted to make several additional points.

I understand the concerns expressed by the gentlemen, Mr. Lloyd and Mr. Broujos, but I would ask the members to please look at the language. In fact, just a few moments ago we passed unanimously language offered by the gentleman, Mr. Broujos, that would in effect have this same section read "...to the extent that those activities are required, specifically authorized, or rates are approved by the...Public Utility Commission..." My language, I would remind the members if they could look at it, says that "...except for an activity or rate authorized, or rates are approved by the..." Public Utility Commission...expressly refuses to actively supervise in response to a complaint..."

I in fact do not think the difference is as great as the difference expressed by Mr. Broujos and Mr. Lloyd. I would ask the members to read that language and remember that not too long ago we just passed something that I think is fairly close, and it is an honest disagreement about the exact language. I would ask for an affirmative vote.
The Federal Government has not even given them information to assist States in the prosecution of cases but a refusal to permit cutting for violations of confidentiality. Antitrust Act have failed to take into consideration the limited opportunity we have to prosecute under that act. That limited opportunity occurs because we do not have investigative powers, and they are in this act and they are adequate in their protection of business. We have gone further than many bills, many acts, in insuring due cause in prosecuting for violations of confidentiality.

We are facing on a Federal level a reluctance not only to assist States in the prosecution of cases but a refusal to permit prosecution by the Federal Government, by States of the State Antitrust Act. Not only have they refused, but when the State itself has sought to proceed to prosecute under a Federal act, the Federal Government has not even given them information that they had at their fingertips, in their files. Under the Scott-Rodino Act, a requirement required companies to provide data on their activities to the Federal Government. In a Pittsburgh case, the Federal Government refused to give that information and it cost Pennsylvania, your taxpayers, $250,000 to duplicate that information.

There have been prosecutions across this United States against Minolta Camera, in the Illinois Brick case, in the Corrugated Pipe case, in which not just $1 million in the Minolta Camera case, not just a few million dollars in the Corrugated Pipe case, but $35 million was set aside in an account in the Illinois Brick case, in one circuit court area alone, to take care of the damages. Damages to whom? To the consumer, the indirect purchaser. We have not even discussed that today.

This act provides for the indirect purchaser, the consumer. It provides protection for the small business. This act is in the forefront of antitrust acts. It is a reasonable act.

There are those who have said that this type of act inhibits international competition, that we should be permitted to enter into agreements within the United States for the purpose of fighting the cartels and the government subsidies and supports and permissive agreements in other nations.

I will quote only one person as authority against that fantasy, William Baxter, head of the Justice Department's antitrust division during Ronald Reagan's first term, and he said, "I think it is a fantasy that there is something about antitrust law that makes it difficult for our large companies to compete." And to that I will say, amen.

The reason that we have problems on an international level is because we have failed to compete. There is very little or no empirical evidence that allowing competitors to get together was in any way instrumental in helping Japan become so successful.

Consequently, I would ask that you vote in the affirmative on this bill. It is a bill that represents the long tradition of a democratic approach to the problems in our society. Competition is democratic.

This is a probusiness bill. It permits companies to compete. You talk to the little companies. You talk to the service station operators who wrote the letters that are on your desks. You talk to the people who are the victims of the agreements that go on day after day after day. You talk to the people in Texas who are the victims, the alleged victims, of seven insurance companies that are the subject of a 1989 antitrust case by the State of Texas, and this multivolume of 125 pages, this multipage volume, is an indictment of the abuses of insurance companies and the need for antitrust activities.

I ask for an affirmative vote on this bill.

The SPEAKER. The Chair recognizes Mr. Leh.

Mr. LEH. Mr. Speaker, may I question the author of the bill, please?

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

Mr. LEH. Mr. Speaker, my main concern with this legislation and what I did not hear addressed today - I guess one specific point that came up in the hearings - is that in rural Pennsylvania, if you have a business, say you are an undertaker, say you have a nursery, you might be the only one maybe within that county; there is nobody to compete against you. Could this legislation, if enacted and passed, be used to go after that individual if they felt that what he was doing was maybe charging too much money? No competition - I guess that is what I want to ask. In other words, if there is no competition.

Mr. BROUJOS. Mr. Speaker, can you hear me?

Mr. LEH. Yes, sir.
Mr. BROUJOS. You raise a valid concern, and I welcome the opportunity to address it.

The answer is that they would not be prosecuted because bigness in itself, soleness in itself, single ownership in itself, is not monopolistic; it is not a restraint of trade. The important thing to understand about the law that has been developed in the antitrust arena, first on the common law prior to our colonial days, then at the early days of our republic, then under statutory law in States, and then under the Federal Sherman Antitrust and Clayton Acts, is that it has consistently held that bigness or singleness alone is not bad. It is when there is willful conduct that excludes others, that is active, that is malicious, and that seeks artificially to create prices by a number of activities, that there is any action.

So I think that you have two issues: first, the legal one. You have adequate protection in the law as it is developed. Secondly, laws are administered by men, and you have to trust the administrators of the law. The Attorney General, I am sure, is going to have his hands full with all of the violations and all of the circumstances that occur throughout this State in a number of areas that are more serious and more egregious than an isolated situation.

Mr. LEH. Okay. Mr. Speaker, would you say that our law is very similar to the one that they have in New Jersey?

Mr. BROUJOS. I cannot answer that question. We examined about 20 laws. That may have been among them, but I cannot answer that question.

Mr. LEH. I ask that because according to the hearings, the New Jersey law allowed the AG to go after some nurses who had sort of divided up a town as to the areas that they wanted to service, not to be coercive or anything but just to make it more convenient for them, and they were prosecuted under the New Jersey antitrust law. The same thing, I think, with the nurseryman, who was the only nurseryman in his area, and he decided to have a sale on a certain item - some shrubs - and he was prosecuted under the law. This is my concern. Are we going to pass something here today that we are not quite sure what it allows? Are we giving too much power to the Attorney General in certain areas?

Mr. BROUJOS. We are not giving too much power to the Attorney General because, as I said, there are two issues: first, the volume of law that is developed requiring the substantial showing of a number of acts, the malicious act and then the acts in concert. Secondly, laws, as I said, are administered by men.

I will relate an objection that I heard during the discourse on this bill, and that was that you may have an Attorney General who is overly zealous and who is going to go on some fishing expedition and prosecute for political reasons. Well, if we stop passing laws to get to the greater evil of the anticompetitive activity which is costing consumers so much money, then we might as well not pass any law because you will have an individual who you may fear will take advantage of the situation.

So, as I said, during the discourse on this bill there was discussion of the possibility of an overzealous Attorney General and that the investigative powers would be used in an abusive manner. The Antibid-Rigging Act has been in existence I think since 1981 or 1982. I do not know of any single complaint made against any Attorney General since then that there has been a violation of the spirit of that act and has resulted in overzealous prosecution.

Mr. LEH. Okay. Thank you, sir.

I sincerely believe that you believe what you are saying. I do not have that assurance though, and because of that and because of the questions that I have concerning this legislation, what it possibly may do, what it possibly may incur upon the business community, I am going to vote against it. I think it needs a lot of work, too much work to be passed on this floor today. Thank you.

MOTION TO PLACE BILL ON FINAL PASSAGE POSTPONED CALENDAR

The SPEAKER. The Chair recognizes Mr. Saurman.

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, today we have passed six amendments that I counted to this piece of legislation, which in its original form I heard at least two persons indicate they were not really too sure and did not understand it very well. As a common practice in the Senate, whenever an amendment is added, the bill has to be reprinted.

Mr. Speaker, I would like to move that this bill be put on the final passage postponed calendar so that it can be printed in its entirety and so that we can consider it in that fashion.

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

The SPEAKER. On the motion, the Chair recognizes Mr. Broujos.

Mr. BROUJOS. I oppose the motion to place on the final calendar postponed. The reason is this: This bill has been before the House for a long time. This bill was in committee. This bill has had amendments before the members of this House since at least June.

This is the only State, the State of Pennsylvania, that does not have an antitrust act. There has been developed not only a body of law but the language of antitrust in 49 States. We culled through for a period of 3 years—not 3 months, not 1 month; 3 years—the laws of practically every State, concentrating on about 13 to 20 of them. There is a model act that has been made available. There is the Federal act. There is a sufficient body of law and there is a sufficient opportunity to examine all of the aspects of this act. There should be no more delay.

We have in Pennsylvania, as throughout the United States, these different areas of activity that need attention now: the fuel situation, the gas and home fuel, telecommunications, transportation, construction and highways, health care, ready-mixed concrete, food and clothing, waste disposal, housing, mobile homes, prescription drugs, a multitude of areas in which there are problems. The Attorney General has just filed an action against a mobile home outfit in the
Lancaster area. He was hampered because he did not have the investigative powers and he had to rely on a few volunteers who would come forward and testify in this case. That is one case he got because he had the volunteers. How many other cases could he have prosecuted if he had this act and had it now and did not delay it?

You have had intelligent counsel. You have intelligent leadership. You have intelligent members of the Judiciary Committee. You heard hearings. You have an opportunity to make an informed decision now.

I strongly oppose the motion.

The SPEAKER. The Chair recognizes Mr. Pressmann.

Mr. PRESSMANN. Thank you, Mr. Speaker.

Mr. Speaker, I rise against the motion to postpone.

Mr. Speaker, last winter in this Commonwealth we saw unprecedented rises—

The SPEAKER. Will the gentleman yield? Excuse me.

Did the gentleman say he rises to support the motion? Mr. PRESSMANN. To oppose the motion.

The SPEAKER. Thank you.

The gentleman may proceed.

Mr. PRESSMANN. To oppose the motion to postpone.

Mr. Speaker, last winter we saw unprecedented rises in the cost of fuel oil across this Commonwealth and the Northeast United States. Right now we are seeing unbelievable rises in the cost of gasoline. I think the consumers of Pennsylvania deserve the protection this bill will offer, and I think any undue delay would harm the consumers of this Commonwealth.

I ask for opposition to the motion.

The SPEAKER. The Chair recognizes Mr. DeWeese.

Mr. DeWeese. I would ask the members of the Democratic Caucus to support Mr. Broujos and to oppose Mr. Saurman.

I would like to think that the extensive scrutiny that this bill has experienced in the spring and in the summer and the early autumn has been sufficient.

I again would request that Mr. Saurman's effort be opposed. Thank you.

The SPEAKER. The Chair recognizes Mr. Gannon.

Mr. Gannon. Thank you, Mr. Speaker.

This bill has been around for several months. We have debated and examined very closely the amendments offered here today. They have been voted on. I think the bill is in a position to be voted on by the members. I see no reason to delay this bill any longer.

I would ask for opposition to the motion to postpone from this side of the aisle.

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

Mr. Saurman. Thank you, Mr. Speaker.

I heard a lot of comments speaking to the bill itself. If you will recall, my concern was that we have six amendments that have not been before us for all this length of time. We have a complicated bill to begin with. We have not had an opportunity to consider how these amendments fit into what we have looked at in the past, and we are asking for time to have the bill reprinted so that we can see how the amendments fit. I do not understand all of the opposition to that. It is not as though the world is coming to an end. It is only asking for the opportunity to have the thing clarified. I did not hear any objection to having that happen, only opposition to the fact that maybe the bill will not pass today.

I would ask for a "yes" vote. Thank you.

On the question recurring,

Will the House agree to the motion?

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NOT VOTING—0
The question was determined in the negative, and the motion was not agreed to.

On the question recurring,
Shall the bill pass finally?

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

Mr. MAYERNIK. Clarification.

You were kind enough to point out the discrepancies in my amendment and the bill passed finally.

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.

MILITARY AND VETERANS AFFAIRS COMMITTEE MEETING

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

Mr. MRKONIC. Mr. Speaker, at the call of the recess, I would like to have a short meeting of the Military and Veterans Affairs Committee at the rear of the House. Thank you.

The SPEAKER. The Chair thanks the gentleman.

VOTE CORRECTIONS

The SPEAKER. The Chair recognizes Mr. Jarolink.

Mr. JAROLIN. Thank you, Mr. Speaker.

Just to correct the roster. On amendment 3525 to HB 2376, I would like to be recorded in the positive.

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

The Chair recognizes Representative Robert Wright.

Mr. R. C. WRIGHT. Mr. Speaker, on HB 1661, final passage, yesterday, I was inadvertently recorded in the negative. I would like my vote recorded in the positive.

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

The Chair recognizes Mr. Lucyk.

Mr. LUCYK. Thank you, Mr. Speaker.

When the House considered HB 1885 on final passage, I was not recorded. I would like to be recorded in the affirmative, please.

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

The Chair recognizes Representative Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, on the Saurman motion to postpone HB 2376, my switch malfunctioned and I was recorded as a "yes." I would like the record to reflect that I voted "no."

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

The Chair recognizes the lady, Ms. Maine.
Ms. MAINE. Mr. Speaker, I would like to correct the record. I was out of my seat on amendment A3525 to HB 2376. I would like to be recorded as a "no" vote.

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

The Chair recognizes Mr. Battisto.

Mr. BATTISTO. Thank you, Mr. Speaker.

To correct the record. Yesterday on final passage of HB 1885, I was not recorded. I would like to be recorded in the affirmative. And also, on amendment A3357 to HB 1661 I was not recorded. I would like to be recorded in the affirmative. Thank you.

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

The Chair recognizes Mr. Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, I do rise to correct the record. On the Veon amendment A3060 to HB 2376, I was recorded in the affirmative. I would like to be recorded in the negative.

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

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER. The Chair recognizes Mr. Kondrich.

Mr. KONDRICH. Mr. Speaker, I move that this House do now adjourn until Monday, October 1, 1990, at 1 p.m., e.d.t., unless sooner recalled by the Speaker.

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

Motion was agreed to, and at 3:29 p.m., e.d.t., the House adjourned.

HB 2621, PN 4142 (Amended) By Rep. TRELLO

An Act excluding the sale of recyclable material from municipal personal property sale restrictions and from the sales tax; and providing for certain tax credits in relation to newsprint and deinking plants.

FINANCE.

HB 2781, PN 4143 (Amended) By Rep. COWELL

An Act providing for the establishment of a summer foreign language academy program for secondary school students throughout the Commonwealth; and providing for powers and duties of the Department of Education.

EDUCATION.

VOTE CORRECTION

The SPEAKER. The Chair recognizes Mr. Bortner.

Mr. BORTNER. Thank you, Mr. Speaker.

On HB 2376 I failed to be recorded on amendment 3558, the Broujos-Boyes amendment. I would like to be recorded in the affirmative. Thank you.

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

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE AND REFERRED TO COMMITTEE ON RULES

The clerk of the Senate, being introduced, returned HB 1069, PN 4095, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 248, PN 276 By Rep. TRELLO


FINANCE.

HB 2369, PN 3226 By Rep. TRELLO

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," excluding from the sales and use tax the sale or transfer of ownership rights of any animal by nonprofit kennels.

FINANCE.

HB 2471, PN 4141 (Amended) By Rep. TRELLO

An Act authorizing limited gambling on excursion boats; imposing a tax on adjusted gross receipts from such gambling; requiring licenses; imposing fees; and providing penalties for violations.

FINANCE.