

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, JANUARY 30, 1991

SESSION OF 1991 175TH OF THE GENERAL ASSEMBLY

No. 6

HOUSE OF REPRESENTATIVES

The House convened at 11 a.m., e.s.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, Our Father,
We come to You this day
To praise Your holy name,
And with all boldness say,
That You are our keeper,
A constant friend and true.
Please be our example,
In all we say and do.

We do not fear the battle,
For You are on our side.
And when we do our very best
And in Your care abide,
We need not fear the arrows,
Nor false claims endure,
For when we are faithful,
Goodness will inure.

So let us now go forth,
The victory ours to claim.
And let us never waver,
Nor compromise our gain.
For when the battle's over,
And life's great race is won,
The crown of life You'll give us,
We'll hear Your words, "Well done."

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, January 29, 1991, will be postponed until printed. The Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 8 By Representatives RICHARDSON, D. W. SNYDER, DENT, TIGUE, PESCI, JAROLIN, DALEY, WILLIAMS, MIHALICH, KUKOVICH, JAMES, STRITTMATTER, CARN, WOZNIAK, LINTON, BUNT, VAN HORNE, HERMAN, SAURMAN, PRESTON, HARPER, LEE, DURHAM, FREEMAN, LAUGHLIN, JOSEPHS, ROBINSON, ANGSTADT, ACOSTA, BISHOP, EVANS, HUGHES, OLIVER, ROEBUCK, THOMAS, R. C. WRIGHT, E. Z. TAYLOR, TRELLO, RITTER, BATTISTO, NAHILL and ITKIN

An Act providing authority for urban homesteading and the procedure for establishing an urban homesteading program; expanding local government's authority in dealing with urban blight and decay; and providing exclusions from certain statutes.

Referred to Committee on URBAN AFFAIRS, January 30, 1991.

No. 30 By Representatives HARPER, KUKOVICH, ITKIN, THOMAS, JOSEPHS, LAUGHLIN, PESCI, TRELLO, ROBINSON, DALEY, ROEBUCK, PRESTON, LINTON, FREEMAN, CAPPABIANCA, WAMBACH, PISTELLA, RICHARDSON, E. Z. TAYLOR and JAMES

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," establishing the Affordable Housing Trust Fund; establishing the Pennsylvania Advisory Council on Housing and Homelessness and providing for their powers and duties; providing for a ballot question; providing for a Pennsylvania Housing Equity Pool; and renaming the Department of Community Affairs.

Referred to Committee on URBAN AFFAIRS, January 30, 1991.

No. 163 By Representatives GIGLIOTTI, LAUGHLIN, DERMODY, MELIO, TANGRETTI, HANNA, STURLA, McGEEHAN, BUTKOVITZ, HERMAN, KAISER, McNALLY, ROBINSON, COLAIZZO, NAILOR, TELEK, MRKONIC, COWELL, HARPER, FREEMAN, TRICH, PESCI, MIHALICH, FARMER, LANGTRY, FAIRCHILD, MARKOSEK, PETRONE, RITTER, RUDY, STISH, CORRIGAN, ANGSTADT, KOSINSKI, PERZEL, KENNEY, BILLOW, CIVERA, KASUNIC, LESCOVITZ, TRELLO, CESSAR, RICHARDSON, E. Z. TAYLOR, COHEN, DeLUCA, ALLEN, CAWLEY, JAMES, BISHOP, PISTELLA, FOX, TIGUE, DALEY, JOSEPHS and COLAFELLA

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

Referred to Committee on MILITARY AND VETERANS AFFAIRS, January 30, 1991.

No. 164 By Representatives GIGLIOTTI, TRICH, COLAIZZO, TANGRETTI, DeLUCA, MAYERNIK, ARGALL, COWELL, McGEEHAN, RICHARDSON, FARGO, ITKIN, B. SMITH, STURLA, FAJT, DERMODY, KRUSZEWSKI, COHEN, KOSINSKI, TRELLO, PESCI, VEON, STABACK, MERRY, PISTELLA, PETRARCA, FOX, TIGUE, LAUGHLIN, MELIO, McNALLY, CIVERA, JAMES, VAN HORNE, BILLOW, KAISER, SCRIMENTI, LaGROTTA, D. W. SNYDER, BISHOP, DALEY, GEIST and FARMER

An Act amending the act of August 26, 1971 (P. L. 351, No. 91), known as the "State Lottery Law," permitting the Secretary of Revenue to enter into contracts for the placement of commercial advertisements on lottery tickets.

Referred to Committee on FINANCE, January 30, 1991.

No. 165 By Representatives D. R. WRIGHT, FREEMAN, BILLOW, COHEN, ITKIN, KOSINSKI, TANGRETTI, FEE, F. TAYLOR, TRELLO, GIGLIOTTI, PISTELLA, GEIST, HECKLER, DeLUCA, KUKOVICH, BOYES, PRESTON, MICHLOVIC, MELIO, CLYMER, OLASZ, VAN HORNE, CAPPABIANCA, JOSEPHS, BISHOP and VEON

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for dissemination of telephone numbers.

Referred to Committee on CONSUMER AFFAIRS, January 30, 1991.

No. 166 By Representatives ROBINSON, KOSINSKI, CARN, DALEY, CAWLEY, GIGLIOTTI, PESCI, JOSEPHS, PISTELLA, TRELLO, WILLIAMS and LAUGHLIN

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," providing for academic course credit for certain community service.

Referred to Committee on EDUCATION, January 30, 1991.

No. 167 By Representatives ROBINSON, D. R. WRIGHT, SALOOM, CARN, CORRIGAN, DALEY, CAWLEY, GIGLIOTTI, PESCI, JOSEPHS, PISTELLA, HAYDEN, FREEMAN, TRELLO, WILLIAMS and LAUGHLIN

An Act requiring automobile rental companies to make full disclosure of rental charges in advertising and to rental customers; prohibiting certain practices; and creating penalties.

Referred to Committee on CONSUMER AFFAIRS, January 30, 1991.

No. 168 By Representatives ROBINSON, DALEY, COWELL, CAWLEY, McNALLY, PISTELLA, TRELLO, WILLIAMS and LAUGHLIN

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," authorizing the board of public education or the board of school directors to levy different rates of taxation for school purposes on land and on buildings.

Referred to Committee on LOCAL GOVERNMENT, January 30, 1991.

No. 169 By Representatives DALEY, STISH, PESCI, KASUNIC, COLAIZZO, SALOOM, McCALL, ACOSTA, WILLIAMS, PERZEL, COLAFELLA, FREEMAN, McGEEHAN, GIGLIOTTI, MELIO, FEE, STUBAN, ROBINSON, CIVERA, BUNT and J. TAYLOR

An Act amending the act of December 5, 1936 (2nd Sp. Sess., 1937 P. L. 2897, No. 1), known as the "Unemployment Compensation Law," eliminating the one-week waiting period for compensation.

Referred to Committee on LABOR RELATIONS, January 30, 1991.

No. 170 By Representatives CLARK, FLICK, DEMPSEY, TRELLO, HERSHEY, ANGSTADT, LANGTRY, KOSINSKI, RAYMOND, BELFANTI, KENNEY, GANNON, HAGARTY, WOZNIAK, FARGO, BUNT, HALUSKA, ALLEN,

STEELMAN, CIVERA, BILLOW,
GIGLIOTTI, ADOLPH and SCHEETZ

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

Referred to Committee on JUDICIARY, January 30, 1991.

No. 171 By Representatives ANGSTADT, MELIO, MERRY, COLAIZZO, D. W. SNYDER, PESCI, CESSAR, ADOLPH, TRELLO, SCHEETZ, BOYES, BATTISTO, STUBAN, NAILOR, SCRIMENTI, LEH, GODSHALL, NOYE, BOWLEY, FARGO, BUNT, PERZEL, STEELMAN, ARGALL, VROON, FAIRCHILD, ALLEN, LESCOVITZ, LAUGHLIN, B. SMITH, DEMPSEY, BILLOW, FOX, GIGLIOTTI, CARLSON, PHILLIPS, ARMSTRONG, KAISER, BARLEY, CLARK, SAURMAN, FARMER, LaGROTTA, MARSICO, CIVERA, VEON, CLYMER, HESS, LANGTRY, SCHULER, HERMAN, SEMMEL, ANDERSON and TELEK

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

Referred to Committee on LOCAL GOVERNMENT, January 30, 1991.

No. 172 By Representatives STAIRS, HERSHEY, GEIST, LESCOVITZ, BARLEY, ARMSTRONG, RUDY, LEH, PITTS, FAIRCHILD, GODSHALL, HALUSKA, NOYE, HERMAN, MERRY, LEE, CIVERA, BILLOW, STEELMAN, BUSH, FLEAGLE, E. Z. TAYLOR, SEMMEL and GERLACH

An Act establishing the Agricultural Research Commission as a departmental commission within the Department of Agriculture and providing for its powers and duties; establishing the Agricultural Research Fund; and making appropriations.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, January 30, 1991.

No. 173 By Representatives STAIRS, HASAY, HERSHEY, BARLEY, ARMSTRONG, ARGALL, LEH, PITTS, FAIRCHILD, GODSHALL, HALUSKA, NOYE, HERMAN, MERRY, CIVERA, BILLOW, STEELMAN, BUSH, FLEAGLE, E. Z. TAYLOR, SEMMEL and GERLACH

An Act amending the act of July 7, 1980 (P. L. 380, No. 97), known as the "Solid Waste Management Act," providing for payments to certain livestock producers in relation to the ingestion of beverage containers.

Referred to Committee on CONSERVATION, January 30, 1991.

No. 174 By Representatives STAIRS, HERSHEY, GEIST, LESCOVITZ, BARLEY, ARMSTRONG, LEH, PITTS, GODSHALL, JOHNSON, HALUSKA, NOYE, MERRY, CIVERA, BILLOW, BUSH, FLEAGLE, E. Z. TAYLOR, SEMMEL, GERLACH and TELEK

An Act amending the act of November 26, 1978 (P. L. 1375, No. 325), known as the "Dam Safety and Encroachments Act," providing for an exemption from the act of certain farming activities.

Referred to Committee on CONSERVATION, January 30, 1991.

No. 175 By Representatives STAIRS, COLE, HERSHEY, GEIST, BARLEY, ARMSTRONG, RUDY, LEH, PITTS, M. N. WRIGHT, PERZEL, HALUSKA, NOYE, MAYERNIK, MERRY, FOX, CIVERA, BILLOW, STEELMAN, E. Z. TAYLOR, SEMMEL and TELEK

An Act regulating the refrigeration of eggs stored, distributed or held for commercial sale or use; providing for additional duties of the Department of Agriculture and the Department of Environmental Resources; and providing for civil and criminal penalties.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, January 30, 1991.

No. 176 By Representatives STAIRS, COLE, HERSHEY, GEIST, BARLEY, ARMSTRONG, LEH, PITTS, HALUSKA, NOYE, CIVERA, BILLOW, E. Z. TAYLOR, SEMMEL and GERLACH

An Act providing for the creation, conveyance, acceptance, duration and validity of conservation and preservation easements; and providing for judicial actions.

Referred to Committee on CONSERVATION, January 30, 1991.

No. 177 By Representatives ITKIN, FAIRCHILD, DALEY, TIGUE, VEON, PRESTON, LESCOVITZ, OLASZ, LAUGHLIN, LANGTRY, NAHILL, GEIST, HESS, COHEN, FAJT, PITTS, MELIO, B. SMITH, DeLUCA, GIGLIOTTI, HERSHEY, S. H. SMITH, SCRIMENTI, VROON, TRELLO, KRUSZEWSKI, STEELMAN, D. R. WRIGHT, FARGO, SCHEETZ, FOX, CAPPABIANCA, BELFANTI, KOSINSKI, KENNEY, HALUSKA, KAISER, E. Z. TAYLOR, CIVERA, BUNT, COWELL, BILLOW, BOYES, FLEAGLE, REBER, SALOOM, COY, PISTELLA, GODSHALL, HERMAN, LEVDANSKY, PESCI, COLAIZZO, JOHNSON, STISH and MICHLOVIC

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for lost or stolen registration plates.

Referred to Committee on TRANSPORTATION, January 30, 1991.

No. 178 By Representatives DeLUCA, FEE, MELIO, COLAIZZO, SALOOM, JOSEPHS, TIGUE, PESCI, DEMPSEY, JADLOWIEC, TRICH, DALEY, FARMER, McCALL, HARPER, GANNON, RUDY, D. W. SNYDER, O'BRIEN, WOGAN, PERZEL, LAUGHLIN, RITTER, WILLIAMS, FREEMAN, FAIRCHILD, BELFANTI, CARLSON, ARGALL, CIVERA, JOHNSON, BUSH, COWELL, GIGLIOTTI, KASUNIC, LEVDANSKY, TRELLO, BUNT, NAHILL, DENT, SCRIMENTI, COLAFELLA, HASAY, GEIST, BUTKOVITZ, M. N. WRIGHT, KAISER, FOX, HERMAN, BILLOW, WILSON, FAJT, FLICK, PISTELLA, RICHARDSON, E. Z. TAYLOR, LaGROTTA, RAYMOND, BELARDI, JAMES, GERLACH, ITKIN, VEON, OLASZ, TELEK and McGEEHAN

An Act amending the act of November 4, 1983 (P. L. 217, No. 63), known as the "Pharmaceutical Assistance Contract for the Elderly Act," changing the definition of "eligible claimant."

Referred to Committee on AGING AND YOUTH, January 30, 1991.

No. 179 By Representatives DeLUCA, JAROLIN, JADLOWIEC, TRICH, DALEY, FARMER, McCALL, HARPER, RUDY, O'BRIEN, LUCYK, PERZEL, LAUGHLIN, RITTER, WILLIAMS, FREEMAN, FAIRCHILD, BELFANTI, CARLSON, ARGALL, CIVERA, JOHNSON, BUSH, COWELL, GIGLIOTTI, KASUNIC, LEVDANSKY, TRELLO, BUNT, NAHILL, COLAFELLA, BUTKOVITZ, M. N. WRIGHT, KAISER, FOX, HERMAN, BILLOW, WILSON, FLICK, PISTELLA, RICHARDSON, E. Z. TAYLOR, LaGROTTA, RAYMOND, BELARDI, THOMAS, JAMES, GERLACH, VEON, TELEK and OLASZ

An Act amending the act of November 4, 1983 (P. L. 217, No. 63), known as the "Pharmaceutical Assistance Contract for the Elderly Act," further providing for the definition of "maximum annual income" and for participant copayment.

Referred to Committee on AGING AND YOUTH, January 30, 1991.

No. 180 By Representatives DeLUCA, MELIO, COLAIZZO, TIGUE, CESSAR, PESCI, JAROLIN, TRICH, NAILOR, MAIALE, CORRIGAN, COWELL, HALUSKA, DALEY, McCALL, HARPER, RUDY, HESS, WOGAN, KOSINSKI, LAUGHLIN, LINTON, LESCOVITZ, LEE, CIVERA, JOHNSON, GIGLIOTTI, MIHALICH, MICOZZIE, KASUNIC, TRELLO, TELEK, NOYE, NAHILL, VAN HORNE, COLAFELLA, M. N. WRIGHT, FOX, BILLOW, MAYERNIK, FLICK, PISTELLA, BELARDI, THOMAS, JAMES, BATTISTO, ITKIN and OLASZ

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), known as the "Pennsylvania Election Code," further providing for the compensation of election officers.

Referred to Committee on STATE GOVERNMENT, January 30, 1991.

No. 181 By Representatives MURPHY, FEE, MELIO, PESCI, TIGUE, PRESTON, DEMPSEY, GODSHALL, NICKOL, COY, KUKOVICH, COLAIZZO, NAILOR, HECKLER, FARMER, HESS, D. W. SNYDER, LAUGHLIN, STEELMAN, STEIGHNER, REBER, LINTON, FREEMAN, LESCOVITZ, ARGALL, HAGARTY, CIVERA, JOHNSON, COWELL, FAJT, DERMODY, MARKOSEK, MERRY, CAPPABIANCA, KASUNIC, HAYDEN, LEVDANSKY, TRELLO, MICHLOVIC, FAIRCHILD, NAHILL, VROON, COLAFELLA, BATTISTO, HERMAN, BILLOW, BUNT, ROBINSON, RICHARDSON, PISTELLA, CARONE, E. Z. TAYLOR, BOYES, ITKIN, SERAFINI, TELEK, ADOLPH and HARLEY

An Act authorizing the incurring of indebtedness, with the approval of the electorate, of \$200,000,000 for the creation of a State Public Land Trust to be used for the acquisition of public lands, easements and rights-of-way by the Commonwealth, local governments and nonprofit conservancy organizations.

Referred to Committee on STATE GOVERNMENT, January 30, 1991.

No. 182 By Representatives GEORGE, HASAY, WOZNAK, MIHALICH, D. R. WRIGHT, FEE, S. H. SMITH, ARGALL, BILLOW, JAROLIN, FREEMAN, SURRA, FAIRCHILD, STEELMAN, G. SNYDER, SCHEETZ, CARONE, STISH, M. N. WRIGHT, MELIO, KASUNIC, COLAIZZO, PESCI, STABACK, BUSH, HECKLER, TRELLO, GODSHALL, BELARDI, TIGUE, CAWLEY, VEON,

HALUSKA, HANNA, HERMAN,
JOSEPHS, CAPPABIANCA and
McNALLY

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 of Environmental Resources.

Referred to Committee on CONSERVATION, January 30, 1991.

No. 183 By Representatives GEORGE, HASAY, SURRA, HANNA, CAPPABIANCA, FARGO, COLE, PESCI, JOSEPHS, FEE, STISH, COHEN, STUBAN, CARONE, KRUSZEWSKI, FREEMAN, CAWLEY, TIGUE, TRELLO, GODSHALL, MIHALICH, JAROLIN, WOZNIAK, STABACK, BUSH, BILLOW, D. R. WRIGHT, FAIRCHILD, G. SNYDER, HALUSKA, COLAIZZO, KASUNIC, SCHEETZ and McNALLY

An Act providing for the review of persons making application for certain permits relating to the disposition of waste; providing for further duties of the Department of Environmental Resources and the Attorney General; providing penalties; and making repeals.

Referred to Committee on CONSERVATION, January 30, 1991.

No. 184 By Representatives MIHALICH, PETRARCA, GEORGE, TRELLO, CESSAR, McNALLY, D. R. WRIGHT, KOSINSKI, SCHEETZ, VEON, ITKIN, BUNT, KUKOVICH, COHEN, TANGRETTI, ARGALL, PESCI, SCRIMENTI, HALUSKA, CORRIGAN, SALOOM, STUBAN, VAN HORNE, FEE, EVANS, LESCOVITZ, LEVDANSKY, MICHLOVIC, WOZNIAK, COWELL, RITTER, PRESTON, JAROLIN, TRICH, DeWEESE, FREEMAN, BILLOW, DALEY, BLAUM, LAUGHLIN, WAMBACH, STEELMAN, COLAIZZO, KASUNIC, LEE, CIVERA, CAPPABIANCA, PISTELLA, NAHILL, JOSEPHS, McCALL, LaGROTTA, HASAY, MARKOSEK, SAURMAN, TELEK, FAIRCHILD, OLASZ and RUDY

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for definitions, for reduced combustion vehicles and for inspection certificates.

Referred to Committee on TRANSPORTATION, January 30, 1991.

No. 185 By Representatives MIHALICH, GEORGE, PETRARCA, TRELLO, CESSAR, McNALLY, D. R. WRIGHT, KOSINSKI, SCHEETZ, VEON, BUNT, KUKOVICH, COHEN, TANGRETTI, ARGALL, PESCI, SCRIMENTI, HALUSKA, CORRIGAN, SALOOM, STUBAN, VAN HORNE, FEE, EVANS, LESCOVITZ, LEVDANSKY, MICHLOVIC, WOZNIAK, COWELL, RITTER, PRESTON, JAROLIN, TRICH, FREEMAN, ITKIN, BILLOW, DALEY, BLAUM, LAUGHLIN, WAMBACH, COLAIZZO, KASUNIC, LEE, CIVERA, CAPPABIANCA, PISTELLA, NAHILL, JOSEPHS, McCALL, LaGROTTA, HASAY, MARKOSEK, SAURMAN, TELEK, FAIRCHILD, OLASZ, RUDY and DeWEESE

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

Referred to Committee on CONSERVATION, January 30, 1991.

No. 186 By Representatives RICHARDSON, TIGUE, PESCI, BLAUM, DALEY, ARGALL, COWELL, MIHALICH, KUKOVICH, JAMES, STRITTMATTER, CARN, LINTON, BUNT, SAURMAN, PRESTON, FREEMAN, PETRARCA, JOSEPHS, ANGSTADT, BROUJOS, ACOSTA, BISHOP, EVANS, HUGHES, OLIVER, ROEBUCK, THOMAS, R. C. WRIGHT, E. Z. TAYLOR, BELFANTI, TRELLO, RITTER, BATTISTO, ITKIN and VEON

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), known as the "Public Welfare Code," changing references to the Department of Public Welfare and Secretary of Public Welfare to the Department of Human Services and Secretary of Human Services; and making editorial changes.

Referred to Committee on HEALTH AND WELFARE, January 30, 1991.

No. 187 By Representatives RICHARDSON, D. W. SNYDER, TIGUE, PESCI, BLAUM, DALEY, ARGALL, COWELL, MIHALICH, KUKOVICH, WOZNIAK, JAMES, STRITTMATTER, CARN, LINTON, BUNT, SAURMAN, PRESTON, HARPER, FREEMAN, LAUGHLIN, PETRARCA, JOSEPHS, ANGSTADT, BROUJOS, ACOSTA, BISHOP, EVANS, HUGHES, OLIVER, ROEBUCK, THOMAS, R. C. WRIGHT, E. Z. TAYLOR, BELFANTI, TRELLO, RITTER, BATTISTO, ITKIN, VEON and WILLIAMS

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," changing the Department of Public Welfare to the Department of Human Services; and making related substantive and editorial changes.

Referred to Committee on HEALTH AND WELFARE, January 30, 1991.

No. 188 By Representatives RICHARDSON, PESCI, TANGRETTI, JOSEPHS, ACOSTA, BISHOP, CARN, EVANS, HARPER, HUGHES, JAMES, LINTON, OLIVER, PRESTON, ROBINSON, ROEBUCK, THOMAS, WILLIAMS, R. C. WRIGHT, TRELLO, VEON, LAUGHLIN and CAPPABIANCA

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," establishing the Office of Minority Health within the Department of Health; and providing for its powers and duties.

Referred to Committee on HEALTH AND WELFARE, January 30, 1991.

No. 189 By Representatives RICHARDSON, PESCI, TANGRETTI, JOSEPHS, ACOSTA, BISHOP, CARN, EVANS, HARPER, HUGHES, JAMES, LINTON, OLIVER, PRESTON, ROBINSON, ROEBUCK, THOMAS, WILLIAMS, R. C. WRIGHT, E. Z. TAYLOR, TRELLO, FREEMAN, BATTISTO, KRUSZEWSKI, VEON, LAUGHLIN and CAPPABIANCA

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," establishing the Office of Health Education within the Department of Health and providing for its powers and duties.

Referred to Committee on HEALTH AND WELFARE, January 30, 1991.

No. 190 By Representatives RICHARDSON, PESCI, TIGUE, TANGRETTI, JOSEPHS, ACOSTA, BISHOP, CARN, EVANS, HARPER, HUGHES, JAMES, LINTON, OLIVER, PRESTON, ROBINSON, ROEBUCK, THOMAS, WILLIAMS, R. C. WRIGHT, TRELLO, BELARDI, VEON, LAUGHLIN and CAPPABIANCA

An Act regulating credit services; prohibiting certain activities; and providing for certain information to be given to buyers, for the contents of contracts and for enforcement.

Referred to Committee on CONSUMER AFFAIRS, January 30, 1991.

No. 191 By Representatives BROUJOS, BOYES, JOSEPHS, FREEMAN, OLIVER, DeLUCA, TANGRETTI, COY, MELIO, DeWEESE, KUKOVICH, PETRARCA, PESCI, CALTAGIRONE, VEON, LINTON, McNALLY, FREIND,

CAPPABIANCA, JAROLIN, NAHILL, RITTER, BOWLEY, G. SNYDER, KOSINSKI, HAYDEN, BLAUM, TIGUE, STABACK, D. W. SNYDER, COLE, BATTISTO, PISTELLA, COHEN, DALEY, COWELL, CAWLEY, GIGLIOTTI, HALUSKA, MAIALE, RUDY, STISH, STURLA, MIHALICH, KASUNIC, MICHLOVIC, STETLER, HERMAN, ITKIN, WOZNIAC, GEORGE, LLOYD, BUTKOVITZ, MRKONIC, ROEBUCK, THOMAS, DONATUCCI, KAISER, GAMBLE, TRELLO, COLAFELLA, SURRA, E. Z. TAYLOR and LESCOVITZ

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.

Referred to Committee on JUDICIARY, January 30, 1991.

No. 192 By Representatives BISHOP, PRESTON, PESCI, JAROLIN, ROEBUCK, DALEY, JOHNSON, DeLUCA, FREEMAN, BUTKOVITZ, JAMES, CARN, FAJT, TANGRETTI, STEELMAN, RUDY, LEVDANSKY, CAPPABIANCA, KOSINSKI, HARPER, PISTELLA, VAN HORNE, PETRARCA, BUNT, ANGSTADT, ROBINSON, JOSEPHS, CORRIGAN, RICHARDSON, LaGROTTA, KRUSZEWSKI, TRELLO, BELARDI, D. R. WRIGHT, BATTISTO, TELEK, WILLIAMS, OLIVER, HAYDEN, STETLER, STURLA and RYAN

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for simple assault and for probable cause in domestic violence cases; and further providing for bail.

Referred to Committee on JUDICIARY, January 30, 1991.

No. 193 By Representatives BISHOP, JOSEPHS, PESCI, PRESTON, DALEY, ROEBUCK, LESCOVITZ, CIVERA, FOX, RICHARDSON, JAMES, THOMAS, ITKIN, TELEK, OLIVER and WILLIAMS

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," regulating transfer of prisoners.

Referred to Committee on JUDICIARY, January 30, 1991.

No. 194 By Representatives BISHOP, PRESTON, PESCI, ROEBUCK, DALEY, DeLUCA, FREEMAN, BUTKOVITZ, JAMES, CARN, FAJT, TANGRETTI, STEELMAN, RUDY, LEVDANSKY, CAPPABIANCA,

KOSINSKI, HARPER, PISTELLA,
 VAN HORNE, PETRARCA, LAUGHLIN,
 BUNT, ANGSTADT, ROBINSON,
 JOSEPHS, CORRIGAN, RICHARDSON,
 LaGROTTA, KRUSZEWSKI, TRELLO,
 BELARDI, D. R. WRIGHT, BATTISTO,
 THOMAS, MICHLOVIC, TELEK,
 WILLIAMS, OLIVER, HAYDEN,
 STETLER, STURLA, HARLEY and RYAN

An Act amending the act of June 18, 1974 (P. L. 359, No. 120), referred to as the "Municipal Police Education and Training Law," further providing for the powers and duties of the commission.

Referred to Committee on JUDICIARY, January 30, 1991.

No. 195 By Representatives BISHOP, PESCI,
 ROEBUCK, DALEY, JOHNSON,
 DeLUCA, FREEMAN, BUTKOVITZ,
 JAMES, CARN, FAJT, TANGRETTI,
 STEELMAN, RUDY, LEVDANSKY,
 CAPPABIANCA, KOSINSKI, HARPER,
 PISTELLA, VAN HORNE, PETRARCA,
 LAUGHLIN, BUNT, ANGSTADT,
 ROBINSON, JOSEPHS, CORRIGAN,
 RICHARDSON, LaGROTTA,
 KRUSZEWSKI, TRELLO, BELARDI,
 D. R. WRIGHT, BATTISTO, TELEK,
 WILLIAMS, OLIVER, HAYDEN,
 STETLER and STURLA

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for service of protection orders.

Referred to Committee on JUDICIARY, January 30, 1991.

SENATE MESSAGE

JOINT SESSION

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

In the Senate
 January 29, 1991

RESOLVED, (the House of Representatives concurring), That the Senate and House of Representatives meet in Joint Session, Wednesday, February 6, 1991, at 11:30 A.M. in the Hall of the House of Representatives for the purpose of hearing an address by His Excellency, Governor Robert P. Casey; and be it further

RESOLVED, That a committee of three on the part of the Senate be appointed to act with a similar committee on the part of the House of Representatives to escort His Excellency, the Governor of the Commonwealth of Pennsylvania, to the Hall of the House of Representatives.

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

On the question,

Will the House concur in the resolution of the Senate?
 Resolution was concurred in.
 Ordered, That the clerk inform the Senate accordingly.

VOTE CORRECTION

The SPEAKER. The Chair recognizes Mr. Godshall.
 Mr. GODSHALL. Thank you, Mr. Speaker.

On HR 4, I incorrectly voted in the negative. I would like to be recorded in the affirmative. Thank you.

ANNOUNCEMENT BY MR. BOWLEY

The SPEAKER. The Chair recognizes Mr. Bowley.

Mr. BOWLEY. Mr. Speaker, may I please have permission to make an announcement about proposed legislation?

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

Mr. BOWLEY. Thank you, Mr. Speaker.

Mr. Speaker, I would like to call to the members' attention that I am hereby today going to introduce legislation to prohibit the siting of the low-level radioactive waste disposal site anywhere in the Commonwealth on State park lands, State forest lands, or State game lands. It has come to my attention that the potential operator of that site here in the Commonwealth is going to examine those properties for the potential site, and I would like to prohibit them from doing that, as we intended in the original legislation.

The legislation will be at the desk for cosponsorship, and I would ask members to cosponsor it. Thank you.

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

HB 23, PN 165 (Amended)

By Rep. CALTAGIRONE

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

JUDICIARY.

ANNOUNCEMENT BY MR. S. H. SMITH

The SPEAKER. The Chair recognizes Mr. Smith.

Mr. S. H. SMITH. To make an announcement, Mr. Speaker.

Mr. Speaker, I just wanted to remind the members that a special day in Pennsylvania is about to occur. February 2, this Saturday morning, the Punxsutawney groundhog, the official groundhog, will be coming out to make its forecast, and I just wanted to make sure the members were reminded of that fact, and we will apprise them of that situation next week. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

ANNOUNCEMENT BY MR. BARLEY

The SPEAKER. The Chair recognizes Mr. Barley.

Mr. BARLEY. Thank you, Mr. Speaker.

I would also like to make a very important announcement here to the members in the House that the most reliable groundhog in Pennsylvania, Octoraro Orphie, will be coming out this Saturday on the banks of the Octoraro Creek in southern Lancaster County, and believe me, you will know as of that moment what the weather will be for the remaining portion of this winter season. So I will report back to you Monday as to what you can anticipate, and I hope in the meantime you will keep tuned in. Thanks a lot.

LEAVES OF ABSENCE

The SPEAKER. Are there requests for leaves of absence?

The Chair recognizes Mr. Steighner.

Mr. STEIGHNER. Thank you, Mr. Speaker.

Mr. Speaker, I would like to request leave for the gentleman from Westmoreland, Mr. PETRARCA, for the day, and the gentleman from Fayette, Mr. TAYLOR, for the day.

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

The Chair recognizes Mr. Hayes for leaves of absence.

Mr. HAYES. I request a leave for the gentleman from Montgomery County, Mr. NAHILL, for the day.

The SPEAKER. Without objection, leave will be granted.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—198

Acosta	Donatucci	Kukovich	Roebuck
Adolph	Durham	LaGrotta	Rudy
Allen	Evans	Langtry	Ryan
Anderson	Fairchild	Laughlin	Saloom
Angstadt	Fajt	Lawless	Saurman
Argall	Fargo	Lee	Scheetz
Armstrong	Farmer	Leh	Schuler
Arnold	Fee	Lescovitz	Scrimenti
Barley	Fleagle	Levdansky	Semmel
Battisto	Foster	Linton	Serafini
Belardi	Fox	Lloyd	Smith, B.
Belfanti	Freeman	Lucyk	Smith, S. H.
Billow	Freind	McCall	Snyder, D. W.
Birmelin	Gallen	McGeehan	Snyder, G.
Bishop	Gamble	McHugh	Staback
Black	Gannon	McNally	Stairs
Blaum	Geist	Maiale	Steelman
Bowley	George	Markosek	Steighner
Boyes	Gerlach	Marsico	Stetler
Broujos	Gigliotti	Mayernik	Stish
Brown	Gladeck	Melio	Strittmatter
Bunt	Godshall	Merry	Stuban
Bush	Gruitza	Michlovic	Sturla
Butkowitz	Gruppo	Micozzie	Surra
Caltagirone	Hagarty	Mihalich	Tangretti
Cappabianca	Haluska	Mrkonic	Taylor, E. Z.
Carlson	Hanna	Mundy	Taylor, J.
Carn	Harley	Murphy	Telek
Carone	Harper	Nailor	Thomas

Cawley	Hasay	Nickol	Tigue
Cessar	Hayden	Noye	Tomlinson
Chadwick	Hayes	Nyce	Trello
Civera	Heckler	O'Brien	Trich
Clark	Herman	Olasz	Tulli
Clymer	Hershey	Oliver	Uliana
Cohen	Hess	Perzel	Van Horne
Colafrilla	Hughes	Pesci	Vance
Colaizzo	Itkin	Petrone	Veon
Cole	Jadlowiec	Phillips	Vroon
Cornell	James	Piccola	Wambach
Corrigan	Jarolin	Pistella	Williams
Cowell	Johnson	Pitts	Wilson
Coy	Josephs	Preston	Wogan
DeLuca	Kaiser	Raymond	Wozniak
DeWeese	Kasunic	Reber	Wright, D. R.
Daley	Kenney	Reinard	Wright, M. N.
Davies	King	Richardson	Wright, R. C.
Dempsey	Kosinski	Rieger	
Dent	Krebs	Ritter	O'Donnell,
Dermody	Kruszewski	Robinson	Speaker

ADDITIONS—0

NOT VOTING—0

EXCUSED—5

Flick	Nahill	Petrarca	Taylor, F.
McHale			

The SPEAKER. The Chair recognizes Mrs. Harper.

Mrs. HARPER. Mr. Speaker, I would like to speak on personal privilege.

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

Mrs. HARPER. Mr. Speaker, what I have to say today is very painful, and I would like for the members to hear what I have to say.

The SPEAKER. The Chair would suggest to the lady that she postpone her remarks until the conclusion of the session, at a time when it is likely to gain more attention.

If the lady would prefer to proceed now, it is certainly in order.

Mrs. HARPER. All right, Mr. Speaker.

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

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

HB 13;
HB 41; and
HB 42.

On the question,

Will the House agree to the motion?

Motion was agreed to.

WELCOME

The SPEAKER. The Chair is pleased to welcome Dr. Simmon Wilcox, who is to the left of the Speaker, who is the guest of the Representatives from Beaver County. Would the lady please rise.

CALENDAR

BILLS ON SECOND CONSIDERATION

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

HB 67, PN 75.

* * *

The House proceeded to second consideration of **HB 56, PN 45**, entitled:

An Act providing for the establishment, organization, operation and termination of fraternal benefit societies; imposing additional powers and duties on the Insurance Department and on the Insurance Commissioner; providing penalties; and making repeals.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader. Mr. DeWEESE. Mr. Speaker, I move that HB 56 be recommended to the Appropriations Committee for a fiscal note.

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

* * *

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

HB 57, PN 46.

* * *

The House proceeded to second consideration of **HB 58, PN 47**, entitled:

An Act amending the act of May 17, 1921 (P. L. 789, No. 285), known as "The Insurance Department Act of one thousand nine hundred and twenty-one," further providing for the licensing and regulation of agents and brokers; and imposing penalties.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader. Mr. DeWEESE. Mr. Speaker, I move that HB 58 be recommended to the Appropriations Committee for a fiscal note.

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

* * *

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

HB 14, PN 5; HB 25, PN 15; and HB 44, PN 33.

* * *

The House proceeded to second consideration of **HB 69, PN 58**, entitled:

An Act amending the act of November 22, 1978 (P. L. 1166, No. 274), referred to as the "Pennsylvania Commission on Crime and Delinquency Law," authorizing a crime prevention program; and providing for technical and financial assistance to law enforcement agencies.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader. Mr. DeWEESE. Mr. Speaker, I move that HB 69 be recommended to the Appropriations Committee for a fiscal note.

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

* * *

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

HB 70, PN 59; and HB 28, PN 18.

* * *

The House proceeded to second consideration of **HB 26, PN 16**, entitled:

An Act amending the act of May 3, 1933 (P. L. 242, No. 86), referred to as the "Cosmetology Law," providing for electrologists and for the practice of electrology; creating a committee; and making an appropriation.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader. Mr. DeWEESE. Mr. Speaker, I move that HB 26 be recommended to the Appropriations Committee for a fiscal note.

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

* * *

The House proceeded to second consideration of **HB 29, PN 19**, entitled:

An Act amending the act of June 19, 1931 (P. L. 589, No. 202), referred to as the "Barbers' License Law," providing for temporary licenses.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that HB 29 be recom-
mitted to the Appropriations Committee for a fiscal note.

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

* * *

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

HB 52, PN 41; and HB 53, PN 42.

FILMING PERMISSION

The SPEAKER. The Chair grants permission to John
Sanks of WPVI for 10 minutes of filming today.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1, PN 1**,
entitled:

A Joint Resolution proposing amendments to the Constitution
of the Commonwealth of Pennsylvania, changing provisions
relating to judicial discipline; and providing for financial disclo-
sure, for budgeting and for the financial affairs of the judiciary.

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

Mr. HAYDEN offered the following amendments No.
A0018:

Amend Sec. 1 (Sec. 18), page 3, line 13, by removing the
comma after "Court" and inserting a semicolon
Amend Sec. 1 (Sec. 18), page 3, line 14, by removing the
comma after "Court" and inserting a semicolon
Amend Sec. 1 (Sec. 18), page 3, line 15, by removing the
comma after "Court" and inserting a semicolon
Amend Sec. 1 (Sec. 18), page 3, line 17, by removing the
comma after "Governor" and inserting a semicolon
Amend Sec. 1 (Sec. 18), page 6, line 26, by striking out "the"
Amend Sec. 1 (Sec. 18), page 7, line 8, by removing the
comma after "staff" and inserting a semicolon
Amend Sec. 1 (Sec. 18), page 7, line 9, by removing the
comma after "law" and inserting a semicolon
Amend Sec. 1 (Sec. 18), page 7, line 27, by inserting a comma
after "prejudgment"
Amend Sec. 1 (Sec. 19), page 8, line 20, by removing the
comma after "pleas" and inserting a semicolon
Amend Sec. 1 (Sec. 19), page 8, line 20, by removing the
comma after "court" and inserting a semicolon
Amend Sec. 1 (Sec. 19), page 8, line 21, by removing the
comma after "peace" and inserting a semicolon
Amend Sec. 1 (Sec. 19), page 8, line 22, by removing the
comma after "Court" and inserting a semicolon
Amend Sec. 1 (Sec. 19), page 8, line 28, by striking out
"amendment" and inserting
article
Amend Sec. 1 (Sec. 19), page 10, line 15, by striking out "of
this article"

Amend Sec. 1 (Sec. 19), page 10, line 22, by striking out
"from all suit"

Amend Sec. 1 (Sec. 19), page 10, line 23, by removing the
comma after "duties"

Amend Sec. 1, page 13, by inserting between lines 11 and 12
(4) That Article V be amended by adding a
section to read:

Amend Sec. 3, page 15, line 9, by removing the comma after
"question"

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

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

Mr. HAYDEN. Thank you, Mr. Speaker.

Mr. Speaker, this amendment to HB 1 would reconcile this
session's HB 1 with last session's SB 1, which is a proposed
amendment to the Pennsylvania Constitution.

On the reprinting of HB 1 in this session, apparently Legis-
lative Reference Bureau made some very subtle changes with
respect to punctuation and deletion of insignificant items in
the bill. As required by the State Constitution, we must pass
in two successive sessions the exact same language for a pro-
posed amendment to the State Constitution.

This simply reconciles the copies of this session's bill with
last session's bill, and I would request an affirmative vote.

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

The following roll call was recorded:

YEAS—197

Acosta	Durham	LaGrotta	Rudy
Adolph	Evans	Langtry	Ryan
Allen	Fairchild	Laughlin	Saloom
Anderson	Fajt	Lawless	Saurman
Angstadt	Fargo	Lee	Scheetz
Argall	Farmer	Leh	Schuler
Armstrong	Fee	Lescovitz	Scrimenti
Arnold	Fleagle	Levdansky	Semmel
Barley	Foster	Linton	Serafini
Battisto	Fox	Lloyd	Smith, B.
Belardi	Freeman	Lucyk	Smith, S. H.
Belfanti	Freind	McCall	Snyder, D. W.
Billow	Gallen	McGeehan	Snyder, G.
Birmelin	Gamble	McHugh	Staback
Black	Gannon	McNally	Stairs
Blaum	Geist	Maiale	Steelman
Bowley	George	Markosek	Steighner
Boyes	Gerlach	Marsico	Stetler
Broujos	Gigliotti	Mayernik	Stish
Brown	Gladeck	Melio	Strittmatter
Bunt	Godshall	Merry	Suban
Bush	Gruitza	Michlovic	Sturla
Butkovitz	Gruppo	Micozzie	Surra
Caltagirone	Hagarty	Mihalich	Tangretti
Cappabianca	Haluska	Mrkonic	Taylor, E. Z.
Carlson	Hanna	Mundy	Taylor, J.
Carn	Harley	Murphy	Telek
Carone	Harper	Nailor	Thomas
Cawley	Hasay	Nickol	Tigue
Cessar	Hayden	Noye	Tomlinson
Chadwick	Hayes	Nyce	Trello
Civera	Heckler	O'Brien	Trich
Clark	Herman	Olasz	Tulli
Clymer	Hershey	Oliver	Uliana
Cohen	Hess	Perzel	Van Horne
Colafella	Hughes	Pesci	Vance
Colaizzo	Itkin	Petrone	Veon

Cole	Jadlowiec	Phillips	Vroon
Cornell	James	Piccola	Wambach
Corrigan	Jarolin	Pistella	Williams
Cowell	Johnson	Pitts	Wilson
Coy	Josephs	Preston	Wogan
DeLuca	Kaiser	Raymond	Wozniak
DeWeese	Kasunic	Reber	Wright, D. R.
Daley	Kenney	Reinard	Wright, M. N.
Davies	King	Richardson	Wright, R. C.
Dempsey	Kosinski	Rieger	
Dent	Krebs	Ritter	O'Donnell,
Dermody	Kruszewski	Robinson	Speaker
Donatucci	Kukovich	Roebuck	

NAYS—0

NOT VOTING—1

Bishop

EXCUSED—5

Flick	Nahill	Petrarca	Taylor, F.
McHale			

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

The Chair recognizes Mr. Davies.

Mr. DAVIES. Mr. Speaker, would the sponsor of the bill stand for interrogation?

The SPEAKER. The matter before the House is final passage of HB 1. The gentleman, Mr. Davies, has asked to interrogate the majority leader. The majority leader consents to interrogation. The gentleman, Mr. Davies, may proceed.

Mr. DAVIES. Thank you, Mr. Speaker.

Having had some input from those learned in the law, now I would ask the maker of the bill, what guarantee is there in the bill that the O'Kicki case will not repeat itself; that for some reason or other, there are going to be protections in this that this particular case could not continue as it is under the current provisions of the courts?

Mr. DeWEESE. Mr. Speaker, the guarantee that you ask for, I think, is implicit in the integrity of the new appointees, of the number of lay people involved in the process; in the bifurcation of the process, the different entities that investigate and then try. I think the guarantees are implicit throughout the legislation and, most importantly, founded in the integrity of the new men and women who will be appointed to serve on the board that will be investigating and on the court of judicial review.

Mr. DAVIES. Mr. Speaker, by the same measure, what guarantee is in this process that— For example, the current decision by a board for the suspension of a Supreme Court Justice has not been enforced and is still in front of the court. Is there any guarantee in this setup that that will resolve itself or it will not resolve itself in any quicker fashion or direct fashion?

Mr. DeWEESE. Mr. Speaker, I think the guarantee that you are looking for would be more readily realized in two areas: one, a very timely exposure to the misdeed or alleged misdeed, and not only a timely exposure but an open process, an open process. So whether it was O'Kicki or another case that you might be referring to, number one, the case would be dealt with more quickly; and number two, it would be dealt with in the cold, hard light of day rather than in some secluded, star-chamber atmosphere. So I think there are guarantees. I think they are good questions, but I hope these answers are satisfactory.

Mr. DAVIES. I will wait to comment on the answers as being satisfactory. I will continue with the interrogation.

We have a case pending from the Berks County courts in which a district justice was found guilty of certain charges, and that suspension is in the process as well. It has been in the process for some time. In the interim, this gentleman is being paid. He is on a full pay and so forth and so on. He has used the plea of not having an attorney and seeking an extension of time.

Are there any guarantees in this legislation that something pertaining to the district court justices' area of responsibility in this process is going to be enhanced or stepped up or have any quicker resolution?

Mr. DeWEESE. Mr. Speaker, it is my understanding that the incumbent JIRB, the Judicial Inquiry and Review Board, will have to wrap up its matters as expeditiously as possible. To go any further than that, I think would be out of my province.

Mr. DAVIES. In other words, continuations and so forth and so on, with those kinds of legal maneuvers and so forth and so on, there is no guarantee of a reduction in the time process or anything like that. It just has to go through a due process of law in this hearing process, or how does that play out?

Mr. DeWEESE. I would agree with you, sir, that there is no guarantee.

Mr. DAVIES. Finally, Mr. Speaker, the question comes to mind that in practice or in custom, the Federal courts have always looked at the intervention of executive bodies and so forth and so on into their area, into their particular branch of government, as a constitutional question. What guarantees are there, even if this goes through the amendment process, that the courts themselves will not challenge this as even a constitutional measure and that we will not be thrown back into phase one rather than retain this as part of the judicial process? There cannot be any guarantees or there cannot be any such challenge, or what is the greatest constitutional minds' thinking on this issue?

Mr. DeWEESE. You are asking for the greatest constitutional minds, and I obviously cannot respond.

Mr. DAVIES. The constitutional thinking from your advisers, sir.

Mr. DeWEESE. I will respond to the gentleman from Berks by saying that since this is not the interpretation of a statutory intent—instead it is a constitutional amendment which will go

to the approximately 12 million people in our 67 counties—that it will withstand any kind of challenge and its constitutional validity and accuracy is not to be questioned. I really believe that this will hold and millions of people in this State will confirm it with their vote.

... Mr. DAVIES. Well, just because it is an amendment, sir, does not mean that it cannot face a question of constitutionality, does it? That does not remove it from the area of being challenged, as still being within the framework of the division of the branches as established and in practice and upheld by the Federal courts, as far as they also guarantee in the State system.

Mr. DeWEESE. I really believe, Mr. Speaker, that I have answered that question. If the people of Pennsylvania vote for this constitutional amendment, any challenge in the courts will not be sustained.

Mr. DAVIES. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Evans.

Mr. EVANS. Mr. Speaker, I would like to interrogate the majority leader regarding HB 1.

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

Mr. EVANS. Mr. Speaker, there have been a number of questions that have been raised. As you know, several questions have been raised concerning the effect of this bill upon the 1987 Pennsylvania Supreme Court decision in the County of Allegheny v. the Commonwealth. What is your understanding of the holding of this case to be?

Mr. DeWEESE. Mr. Speaker, in that case, the Supreme Court held that the statutory scheme for county funding of the judicial system conflicts with the intent of our Constitution that the judicial system be unified.

Mr. EVANS. Is it your intent or that of the proponents of HB 1 to overrule that holding via the language of this bill, Mr. Speaker?

Mr. DeWEESE. The purpose of the proposed Article V, section 22, is to insure that the financial affairs of the judiciary are handled in an efficient and effective manner. Further, it confirms that the authority to appropriate State funds remains here in the General Assembly.

Mr. EVANS. Mr. Speaker, independent of the intent, is it your opinion that the financial affairs and the budgetary provisions of this bill will have the effect of overruling the County of Allegheny holding?

Mr. DeWEESE. Mr. Speaker, it is my opinion that this bill will have no effect upon the Supreme Court's decision in that case. This bill does not amend Article V, section 1, of our Constitution. That is the provision upon which the Supreme Court relied in the Allegheny County decision.

Further, that decision is not overruled by implication. As I understand it, repeals by implication are not favored in the Commonwealth, and such repeals can only occur when there is an irreconcilable conflict between the two provisions of the law. Article V, section 1, of the Constitution and proposed Article V, section 22, are not, are not, irreconcilable.

Mr. EVANS. Mr. Speaker, HB 1 provides that "No moneys shall be paid out of the State Treasury for the operation of the unified judicial system except pursuant to an appropriation approved by the General Assembly and upon warrant issued by the proper officer." Concern has been raised that this language would limit the authority of the court to enforce the County of Allegheny decision. Does it?

Mr. DeWEESE. The language does not limit the authority of the courts to enforce the County of Allegheny decision. This is not a new concept. Article III, section 24, of the Constitution already provides, quote, "No money shall be paid out of the treasury, except on appropriations made by law and on warrant issued by the proper officers,..." end quote. The language in this bill, Mr. Speaker, requires appropriations before funds may be expended from the State Treasury, and that simply insures the normal appropriations process.

Mr. EVANS. Mr. Speaker, my last question: Assuming that the General Assembly passes this bill, what points should be made in the plain English summary which will accompany the referendum question?

Mr. DeWEESE. I would respond to the gentleman from Philadelphia by saying that I am confident that what has been said here today will provide the Secretary of the Commonwealth, the Office of General Counsel, and Attorney General Preate with some sufficient guidance to develop a summary for the electorate.

Mr. EVANS. Thank you, Mr. Speaker. That concludes my interrogation.

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

Mr. RYAN. Mr. Speaker, may I interrogate the gentleman, Mr. DeWeese, the former chairman of the Judiciary Committee?

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

Mr. RYAN. Mr. Speaker, in the course of your prior interrogation, your response to some of the questions at least indicated that you believe that the passage of this particular bill would not affect the Allegheny County case. My question to you is, if the passage of the bill does not affect the Allegheny County case, how about the adoption of the constitutional amendment by the people of Pennsylvania? Will that affect the Allegheny County case?

Mr. DeWEESE. I would respond to the gentleman by saying that I believe that will be a matter for the courts to ultimately decide, and I do not think it will serve any purpose for me to opine on that specific question. That seems to be within the judicial realm. I am of the belief that if this legislation passes today and it is adopted by the people of the Commonwealth, it will not impact against the Allegheny decision, but that will be for the courts to decide.

And I would like the membership to know, as you and I agreed sidebar earlier, I would like the members to know that legislative intent, what is generated here on the floor today, can be and in many cases is set aside by the courts for their deliberations and for their ultimate rulings. So what we say

here today, although it could have some impact, it is certainly not sacrosanct. My words, as the gentleman with some jocularity indicated, the former chairman of the Judiciary Committee, my words are not going to be all that specifically adhered to by any court down the line, but I really believe for me to opine is not appropriate.

Mr. RYAN. Well, I would agree with those last remarks, Mr. Speaker, of course, that your opinion probably is not going to be followed down the line. However, your prepared script from which you were reading indicates that you are confident that what has been said here today will provide the Secretary of the Commonwealth, et cetera, sufficient guidance to develop a summary for the electorate.

Tell me, Mr. Speaker, what is the purpose of this constitutional amendment, in your judgment? The financial affairs section, not section 22.

Mr. DeWEESE. I respond to the gentleman from Delaware by indicating that the essence of what this section of the amendment is trying to establish is that the expenditure of public moneys will go through the public process, and that in the early 1980's, Senator Jubelirer and Senator Tilghman, our distinguished colleagues from the other chamber, were dubious about this process, and this is language that substantially comes from them. The language that we are adding and the language that we want to make sure is adopted is from those folks and will make sure that moneys for the courts come through the appropriations process of the General Assembly.

Mr. RYAN. Would it be fair to say that it would be your thoughts that should this be adopted by the people, the court could not on its own through one of its orders compel the Treasurer of Pennsylvania to spend any moneys whatsoever for the court system?

Mr. DeWEESE. Mr. Speaker, I would be surprised and disappointed if the court by fiat attempted to do something like that. I am institutionally committed to the General Assembly, and I certainly believe that we in the General Assembly must approve funding for the courts.

Mr. RYAN. That is a yes.

Mr. DeWEESE. Yes.

Mr. RYAN. Would it be fair—after consultation—would it be fair to say that as a result of the adoption by the people of this amendment, that the effect of it would be to really prevent enforcement and rather render the court's decisions as advisory decisions in cases such as the Allegheny County case? It would become advisory. They could not enforce it themselves.

Mr. DeWEESE. Mr. Speaker, I cannot remark with specificity or accuracy to that question. I said earlier that for me to opine would probably not be worthwhile. I do not know the answer to that question.

Mr. RYAN. Well, Mr. Speaker, the reason I am asking these questions is in fact you did opine. When you were under interrogation by the gentleman, Mr. Evans, you were, although you had a prepared script, which is so unusual for you, you nevertheless read it, and I have a copy of it, and you

read very well. I disagree with what you read, and I just want to put on the record that your remarks do not reflect the remarks of all of the positive votes on this particular issue.

We are supporting, we are supporting this bill. The statements made by the gentleman, Mr. DeWeese, with regard to legislative intent, if that is what they were intended as, do not reflect the thinking of at least this person and many others on this side and on your side. There are many of us who believe that this, if adopted by the people of Pennsylvania, will have a drastic effect on the Allegheny County case, and it should. For instance, the Allegheny County case would force the Commonwealth of Pennsylvania to pay \$160 million—as of 2 years ago; these are numbers I just got from 2 years ago—\$160,329,000 to the city of Philadelphia. I think that is the kind of thing that should come through Dwight Evans' committee if he is going to help Philadelphia out. We should see that we are going to vote on something like that, not have the court put \$160 million into Philadelphia and on and on and on.

For those reasons, I would respectfully disagree with a portion of your opinion and suggest that the Allegheny County case is curtailed greatly and if adopted would turn into an advisory-type opinion.

Mr. DeWEESE. My view—

The SPEAKER. The gentleman has concluded his interrogation and concluded his remarks.

The Chair recognizes the majority leader.

Mr. DeWEESE. Just quickly, Mr. Speaker, I would say to the gentleman, Mr. Ryan, that reasonable men can disagree, and that although he does disagree with certain parts of the prepared statement, the members of our side of the aisle have tried to be responsive to the county commissioners of the State, and we have been politically responsive to the county commissioners of 67 counties by going through this exercise. So I want the world to know that there has been some legal and constitutional expertise injected into our system, but at the same time, the realpolitik of what we are doing is trying to be helpful to 67 boards of county commissioners. Thank you.

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. I do not know what those last fancy words were that Mr. DeWeese used, but I understood the first part. He is playing to two separate audiences here. On the one hand he is saying, hey, county commissioners, I am your friend, but he is not telling the 11 million people of Pennsylvania that to be the friend of those county commissioners, he has got to raise 467 million dollars' worth of new taxes. Now, you tell that to the county commissioners and the people who live in those counties at the same time, and that \$200 million of that, Mr. Speaker, is going to Allegheny and Philadelphia Counties. Be sure you tell that to your commissioners. If you do not, you can be sure I will.

The SPEAKER. The Chair recognizes the majority leader.

Mr. DeWEESE. With all due respect, Mr. Speaker, I will not allow you to put words into my mouth. The court decision only went so far as to deal with the method, not the amount, of money that we are going to deal with. And you know, Mr.

Speaker, that I am, like you, institutionally committed. I do not believe that anyone else should be involved in the process of appropriations or the budgets for entities outside the General Assembly other than the General Assembly. We should take care of the executive branch and the judicial branch, as far as their budgets are concerned.

The SPEAKER. The minority leader is going to make a recommendation about the institutional commitments of the leadership?

Mr. RYAN. That is right.

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. I was going to suggest an institution, but—

I agree with a lot of what the gentleman, Mr. DeWeese, said. We have an obligation to our communities and to our counties, and to some extent we have met that obligation when we appropriated \$75,000 to the counties for each judge a county had and \$132,000 for each judge in Philadelphia. I think we should continue that type thing by raising those appropriations and allowing the local counties to use the money as they see fit and budgeting themselves rather than budgeting from Big Brother up here in Harrisburg.

I will not say any more if he says no more, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Davies.

Mr. DAVIES. One last question for the maker of the legislation.

The SPEAKER. The gentleman, Mr. DeWeese, consents to interrogation. The gentleman may proceed.

Mr. DAVIES. Getting back to the constitutional question, Mr. Speaker. In the O'Kicki case, does this body have any course of action in that particular case guaranteed under the current constitutional provisions?

Mr. DeWEESE. Mr. Speaker, the O'Kicki case is being handled by the current system, by the current system.

Mr. DAVIES. No. Mr. Speaker, the question is, does this body have any recourse in such a case?

Mr. DeWEESE. Which body, sir?

Mr. DAVIES. This body.

Mr. DeWEESE. The General Assembly?

Mr. DAVIES. The House of Representatives.

Mr. DeWEESE. I would respond to the gentleman by saying that the impeachment authority in another section of the Constitution does allow this body to get involved; yes.

Mr. DAVIES. And the same thing would be in the case of where a district justice is found guilty of a felony? Would the same course of action exist?

Mr. DeWEESE. Counsel advises me, sir, that the impeachment process is also available in that circumstance; yes, sir.

Mr. DAVIES. And also, if the Supreme Court fails to act on the provisions in front of it now by concern of a suspension?

Mr. DeWEESE. I would respond to the gentleman by saying that the motivation for this legislation is because of the inadequacies in the existing system. The question that you are asking specifically right now, in my view, tends somewhat to mix apples and oranges, and I do not think you really want me to speculate on speculation. I think that final part of your question is almost impossible for me to answer.

Mr. DAVIES. Thank you, Mr. Speaker.

Mr. Speaker, the point of it is that in any constitutional challenge there is recourse that this body has in many of the particular cases that have been used as examples, either by myself or the maker of the bill, that action of this body could be used and that we have failed to use it in many, many cases that even possibly are just as severe or as evidence in the prior conduct as far as certain judges were concerned. I just wanted that to be clear and be part of the record. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the lady, Mrs. Hagarty.

Mrs. HAGARTY. Thank you, Mr. Speaker.

I would like to comment on the main focus of this bill this morning and tell the members that this really is a historic moment as I urge passage for HB 1.

I first introduced in 1982 legislation which embodied all of the principles which this bill embodies today, important principles for restoring the integrity of our judiciary - an open process, a board not controlled by judges, final authority of the board itself to sanction judicial misconduct, a budget appropriated by this General Assembly for the board, not a budget appropriated by the court, and the ability of the board itself to adopt the rules of procedure.

As we pass, and I believe we will pass, this constitutional amendment this morning, we face just about the final step in putting this before our voters to help restore judicial integrity, to insure that judges are sanctioned by a fair and impartial objective process. The Senate has passed SB 1 this morning, and so this is truly a final step before this constitutional amendment goes before the voters.

It has been a long time in coming, and although our debate has focused primarily on the appropriation implications, I do want to remind the members that this is important. It has taken a long time, and it is the first step to improving our judiciary in Pennsylvania. Thank you.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. The Chair recognizes Mr. DeWeese.

Mr. DeWEESE. I would like to submit some remarks for the record, please.

The SPEAKER. The gentleman is in order. The clerk will accept the remarks.

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

As we commence consideration of this legislation, I would like to take a few moments to focus our attention upon the provisions of this bill which earn the designation "HB 1."

This bill is a JUDICIAL DISCIPLINE bill. It is designed to excise cronyism and obstructionism from the delicate and precious business of administering justice. HB 1 would replace a system of judicial discipline which is incapable of earning public confidence. In a vital democracy, such failure is and should be fatal.

The balance between legal and lay representation on the Judicial Conduct Board and the Court of Judicial Discipline is a central feature of this bill. This bill recognizes that ordinary citi-

zens are capable of rendering sound judgments of fact and law regardless of who the accused may be.

The purpose of this legislation is to restore public confidence that judges who lack integrity will be discovered and publicly held to account. When a judge is cleared of wrongdoing, this bill assures the result is just and deserved.

Last year, the House moved to successful passage this same proposal, which was contained in SB 1. This year, I expect the Senate leadership will move to successful passage HB 1 so the people can enact this reform by referendum in May.

DISCIPLINE SUMMARY

- Eliminate Judicial Inquiry and Review Board;
- Establishes 11-member Judicial Conduct Board, which investigates and presents complaints;
- Establishes a 7-member Court of Judicial Discipline which determines discipline;
- When formal charges are filed, proceedings become public;
- Permits a nonlawyer majority in the investigative and adjudicatory bodies.

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—198

Acosta	Donatucci	Kukovich	Roebuck
Adolph	Durham	LaGrotta	Rudy
Allen	Evans	Langtry	Ryan
Anderson	Fairchild	Laughlin	Saloom
Angstadt	Fajt	Lawless	Saurman
Argall	Fargo	Lee	Scheetz
Armstrong	Farmer	Leh	Schuler
Arnold	Fee	Lescovitz	Scrimenti
Barley	Fleagle	Levdansky	Semmel
Battisto	Foster	Linton	Serafini
Belardi	Fox	Lloyd	Smith, B.
Belfanti	Freeman	Lucyk	Smith, S. H.
Billow	Freind	McCall	Snyder, D. W.
Birmelin	Gallen	McGeehan	Snyder, G.
Bishop	Gamble	McHugh	Staback
Black	Gannon	McNally	Stairs
Blaum	Geist	Maiale	Steelman
Bowley	George	Markosek	Steighner
Boyes	Gerlach	Marsico	Stetler
Broujos	Gigliotti	Mayernik	Stish
Brown	Gladeck	Melio	Strittmatter
Bunt	Godshall	Merry	Stuban
Bush	Gruitza	Michlovic	Sturla
Butkovitz	Gruppo	Micozzie	Surra
Caltagirone	Hagarty	Mihalich	Tangretti
Cappabianca	Haluska	Mrkonic	Taylor, E. Z.
Carlson	Hanna	Mundy	Taylor, J.
Carn	Harley	Murphy	Telek
Carone	Harper	Nailor	Thomas
Cawley	Hasay	Nickol	Tigue
Cessar	Hayden	Noye	Tomlinson
Chadwick	Hayes	Nyce	Trello
Civiera	Heckler	O'Brien	Trich
Clark	Herman	Olasz	Tulli
Clymer	Hershey	Oliver	Uliana
Cohen	Hess	Perzel	Van Horne
Colafrella	Hughes	Pesci	Vance
Colaizzo	Itkin	Petrone	Veon
Cole	Jadlowiec	Phillips	Vroon
Cornell	James	Piccola	Wambach
Corrigan	Jarolin	Pistella	Williams
Cowell	Johnson	Pitts	Wilson
Coy	Josephs	Preston	Wogan
DeLuca	Kaiser	Raymond	Wozniak
DeWeese	Kasunic	Reber	Wright, D. R.
Daley	Kenney	Reinard	Wright, M. N.

Davies	King	Richardson	Wright, R. C.
Dempsey	Kosinski	Rieger	
Dent	Krebs	Ritter	O'Donnell,
Dermody	Kruszewski	Robinson	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Flick	Nahill	Petrarca	Taylor, F.
McHale			

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

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

* * *

The House proceeded to third consideration of **HB 76, PN 79**, entitled:

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

On the question,

Will the House agree to the bill on third consideration?

Mr. PICCOLA offered the following amendments No. A0033:

Amend Bill, page 1, lines 1 through 14; page 2, lines 1 through 10, by striking out all of said lines on said pages and inserting Prohibiting certain industrial homework; conferring powers and duties upon the Department of Labor and Industry; invalidating certain regulations; establishing the Task Force on Family and Medical Leave and conferring powers and duties upon it; and making a repeal.

Amend Bill, page 2, lines 13 through 30; pages 3 through 18, lines 1 through 30; page 19, lines 1 and 2, by striking out all of said lines on said pages and inserting Section 1. Short title.

This act shall be known and may be cited as the Work Flexibility Act.

Section 2. Definitions.

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

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

"Employee." An individual who performs work for compensation.

"Employer." A person who regularly employs one or more employees. The term includes the Commonwealth; a political subdivision; and an agency, authority, any instrumentality of the Commonwealth or a political subdivision.

"Homework." Work processed or manufactured in an employee's residence for an employer.

"Person." An individual or any legal entity.

"Task force." The Task Force on Family and Medical Leave established in section 5.

Section 3. Prohibited homework.

An employee may not engage in homework involving any of the following:

- (1) Articles of food or drink.

(2) Articles for use in connection with the serving of food or drink.

(3) Tobacco.

(4) Drugs and poisons.

(5) Bandages and other sanitary goods.

(6) Explosives, fireworks and articles of like character.

(7) Articles the processing of which requires exposure to substances determined by the department to be hazardous to the health or safety of persons so exposed.

Section 4. Powers and duties of department.

(a) Prior regulations.—Regulations promulgated by the department to carry out the provisions of the act of May 18, 1937 (P.L.665, No.176), known as the Industrial Homework Law, are invalid.

(b) Hazardous to workers determinations.—The department shall, upon complaint, determine whether specific homework is hazardous to the health or safety of the worker under section 5(7). The department shall promulgate regulations for making these determinations.

(c) Environmentally unsafe determinations.—The department shall, upon complaint, investigate a home in which homework is done and may make recommendations to the Department of Environmental Resources regarding findings that a potentially unsafe condition exists that affects the environment. Upon the department's recommendation, the Department of Environmental Resources shall investigate the condition to determine whether there is a violation of a statute or regulation administered by the Department of Environmental Resources and shall take appropriate enforcement action.

Section 5. Task force.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 6. Cooperation with other agencies.

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

Section 7. Repeals.

The act of May 18, 1937 (P.L.665, No.176), known as the Industrial Homework Law, is repealed.

Section 8. Effective date.

This act shall take effect as follows:

(1) Section 4(b) and this section shall take effect immediately.

(2) The remainder of this act shall take effect in 180 days.

On the question,

Will the House agree to the amendments?

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

For the information of the members, the matter before the House is HB 76, the amendment offered by the gentleman, Mr. Piccola.

The gentleman may proceed.

Mr. PICCOLA. Thank you, Mr. Speaker.

I am sure the members of the House are aware that this is the bill that would deal with mandating family and medical leave. I would like to begin that debate by offering this amendment, which initially strikes out the provisions of the bill, and keeping with the germaneness of my debate on that, I would like to discuss why, first of all, I am striking out the bill.

This issue, as we debated last session, is not one about whether or not employees should be given by their employers adequate time off from their jobs to take care of sick relatives or to have children or to take care of an illness that they may contract. That is not the issue, Mr. Speaker. All of us, all of us agree that such adequate leave should be given, and as a matter of fact, Mr. Speaker, in Pennsylvania today, in every case that we have been able to examine, it is in fact the case; it is granted by employers to employees. So let us not divert in this debate as to whether or not such leave is appropriate. Let us concentrate on whether or not there is a violation of what is appropriate.

I am not going to go any further into that because I know some other members have some case studies, but I will say on that issue that last session, to the credit of Mr. Cohen, then the chairman of the House Labor Relations Committee, that committee held five public hearings, from Erie to Pittsburgh to Harrisburg to Philadelphia, and we heard from over 67 witnesses during the course of those public hearings, and we heard from people on both sides of the issue, both favorable to the bill and opposed to the bill. During the course of those hearings and since those hearings, we have not heard of one documented case where a Pennsylvania employee either lost his or her job or was forced to quit his or her job because an employer had an inadequate leave policy. That is a fact. That is a simple fact.

The question then is, on this bill, whether, given no problem, we should impose a massive, social engineering, Big Brother, one-size-fits-all program on Pennsylvania employees and employers alike when there is no problem. So that in summary, Mr. Speaker, is why I am proposing that we gut the bill.

In place of the bill, this amendment would propose that we acknowledge that maybe, maybe, there is some issue out there that we should be looking at, some information that we should develop, some data that we should receive, and we set up an entity, a commission, to receive that material for us and to determine whether or not we are missing something, that there are people out there but, for whatever reason, they are not coming forward, and we set that entity up.

This amendment goes further than that though, Mr. Speaker. One of the criticisms of HB 76 and the concept of mandated unpaid family and medical leave is that it is a yuppie benefit, a yuppie benefit; that the only people who are going to be able to afford to take the unpaid leave are the people who are upwardly mobile, upscale, perhaps have two incomes in the family and only need one of them, and they are going to be the ones to take advantage of this mandated leave, and that the working guy, the blue-collar worker who needs the two incomes or needs the income, single parent, for example, is not going to be able to take advantage of this benefit. This amendment, in addition to setting up the commission to develop the information, takes care of that criticism.

We presently have in Pennsylvania a law known as industrial homework, and Pennsylvania is way behind the times on this issue. We in essence forbid Pennsylvania employees to work at home for their employers.

Representative Fleagle and Representative Hess have joined me in offering this amendment because a case highlighting this problem exists out in their part of Pennsylvania where we have women who are out of work because Pennsylvania, Big Brother, comes in and says, you cannot work at home even though you want to work at home for your employer. We had a public hearing on this issue before the House Labor Relations Committee last session and four or five of those courageous women came before us and testified as to how bad Pennsylvania's law is, because it is simply not allowing them

to stay at home and continue to draw a paycheck, which is what they want to do.

This amendment will take care of that. It will repeal our existing industrial homework statute, which is very, very regressive, and it will place in its stead a new law, which we are calling—

The SPEAKER. Will the gentleman suspend?

The Chair asks the gentleman, Mr. Wright, to preside. The Chair thanks the gentleman.

THE SPEAKER PRO TEMPORE (DAVID R. WRIGHT) PRESIDING

The SPEAKER pro tempore. Thank you.

The gentleman may continue.

Mr. PICCOLA. Thank you, Mr. Speaker.

It will place in its stead a new concept called work flexibility law, expressly permitting employees to work at home for their employers under a certain scheme of regulation to make sure that there are no abuses.

POINT OF ORDER

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

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

Mr. LLOYD. Mr. Speaker, I am very confused about the amendment which is being debated. The gentleman seems to be describing an amendment on workplace safety. Is that 33 or 30?

The SPEAKER pro tempore. Would the gentleman state his point of order. I understand his point of confusion, but what is his point of order?

Mr. LLOYD. I am confused about the number of the amendment, whether the gentleman is addressing the right amendment. He may be. I just would like him to explain that.

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

Mr. PICCOLA. Well, if the gentleman is suggesting that I am talking about a bill dealing with workplace safety, I am not, Mr. Speaker. I am talking about the first portion of the amendment, amendment 33, that portion called the Work Flexibility Act, and that specifically allows employees to work at home for employers and provides for an appropriate scheme of regulation to be sure there are no abuses of employees who choose to work at home, but it expressly permits it.

I am not discussing workplace safety. Unfortunately, that will be something we will probably be talking about in the near future.

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

Mr. PICCOLA. Thank you, Mr. Speaker.

As I indicated, Mr. Speaker, if we think there is a problem out there—and up until now we have no evidence of it—but if we do think there is a problem out there, this is the approach, the responsible approach, to go. Do not create a whole set of

mandates mandating something that we do not even know whether people need or even want. Let us develop some information on it, and even better yet, Mr. Speaker, let us let those working men and women who have concerns about staying home, about their families, about taking care of perhaps a family member who is ill or disabled, let them, under the appropriate circumstances, do that.

Let us get with the program, Mr. Speaker. Let us bring Pennsylvania into the 20th century, the latter half of the 20th century, and get us ready for the 21st century. Adopt this amendment, and then we can pass the bill. I urge the adoption of the amendment, Mr. Speaker.

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

Mr. LESCOVITZ. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose this amendment.

Basically, Mr. Piccola is trying to limit workers' rights and their benefits. Mr. Piccola in his amendment is taking out provisions covered currently in the homework law, putting in less provisions. He is also eliminating and making invalid regulations which currently protect individuals who work at home. His attempt is to reclassify individuals as independent contractors and terminate employees' rights and benefits, such as workmen's compensation and health care provisions. When we reclassify these individuals as independent contractors, they are excluded from certain rights, as I said, such as workmen's compensation and health benefits. I do not feel it is necessary to do this. Employees more now than ever need rights and benefits.

In today's age we are having and we are seeing employers classifying individuals as independent contractors. Students, individuals on part-time work are not getting paychecks and W-2 forms anymore. They are getting 1099's; they are being eliminated for coverages such as workmen's compensation. We are currently working on legislation to try to prohibit this.

Students who work in the summertime with contractors, as I said, are being designated as independent contractors. They are not covered under workmen's compensation if they get hurt. I think it is wrong for Mr. Piccola to advocate that we do this more. I think we should be protecting those individuals. Therefore, I would oppose this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

GERMANENESS QUESTIONED

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

Mr. BELFANTI. Thank you, Mr. Speaker.

I also intend to speak against the amendment, but first, I believe the issue of germaneness should be raised.

HB 76 is a freestanding act. Mr. Piccola, in offering this amendment, apart from gutting the contents of HB 76, then attempts to amend a public law, 665 of 1937, known as the Industrial Homework Law. I do not believe that this technique has been tried before in the House, at least not to my

recollection, and I believe that it would set a very precarious precedent if we were to allow individuals to gut entire acts, especially freestanding acts, and utilize a bill number to amend another act - an unrelated, completely unrelated, act.

So therefore, Mr. Speaker, I am going to object to the germaneness, and I would like to deal with that matter first before speaking to the amendment, if we get that far.

The SPEAKER pro tempore. On the question of germaneness, House rule 27 specifies that "Questions involving whether an amendment is germane to the subject shall be decided by the House."

On the question,

Will the House sustain the germaneness of the amendments?

The SPEAKER pro tempore. On the question of germaneness, the Chair recognizes the gentleman, Mr. Piccola, on the question of germaneness.

Mr. PICCOLA. Thank you, Mr. Speaker.

The House can choose to dispose of this on the procedural motion or they can deal with the merits of the proposal, and I suspect that the raising of the issue indicates that some members do not want to vote on the merits of the proposal.

There is no doubt that this is germane. First of all, as the gentleman indicated, HB 76 is a freestanding, brandnew act. So anything is germane to it.

Number two, we are striking out the whole insides of HB 76 and inserting a new set of provisions to HB 76. And with respect to repealing other inconsistent laws, and in this case the Industrial Homework Law, we do that virtually every day of the legislative session. We repeal prior inconsistent laws. We repeal laws dealing with sections of other codes, that when we are amending other codes, it is clearly germane. It is clearly germane. The arguments connecting the two concepts of industrial homework or working in the home and being on leave to take care of relatives, friends, and so forth are clearly connected.

I think this is clearly an effort to avoid voting on the merits of the proposal, and I would recognize it as that. But clearly the amendment is germane.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Saurman, on the question of germaneness.

Mr. SAURMAN. Thank you, Mr. Speaker.

Just very briefly, the content of this amendment is in exactly the same direction as the bill itself. As a matter of fact, it would be, I think, wrong to say that we are going to take care of someone during a situation when they are unable to continue their work and yet we are not going to allow them to do anything in their home to replace the income, or someone who does not get into this situation.

All it does is say that for— And we talk about taking away the rights of individuals. We are giving them the right which they should have to be able to work and earn some money. So it is indeed germane, and I would certainly ask that we vote for a germane vote.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Belfanti, on the question of germaneness.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, I will be very happy to debate the merits of the amendment, and it is not out of fear that I offer the issue of germaneness up for the body.

I think most members are fully cognizant of why the Industrial Homework Law was established, and indeed, we can debate that at great length. The fact is that the Industrial Homework Law that Mr. Saurman just referred to enables illegal aliens all over the country, if it were not law in this Commonwealth, to do work for pennies at home and put our garment shops out of work back in our districts. They are having a tough enough time with unfair trade practices.

I believe that there are many issues we can debate the Industrial Homework Law on, and if Mr. Piccola was up front about it, he would offer it as an amendment to a germane act. The attempt being made by Mr. Piccola is not in a germane fashion to the law or the act, the freestanding act, that was introduced by Representative Blaum, and that issue should be disposed of without getting into the debate on industrial homework. And if we do get that far, Mr. Speaker, I would be very happy to debate point by point the Industrial Homework Law. But that is not what family and medical leave is all about; that is not what it is intended to do, and we should not be mixing apples and automobiles, because it is not even apples and oranges. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Cohen, on the question of germaneness.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, under the rationale that we have just heard as to why this amendment is germane, just about everything that we vote on will be germane to industrial homework. People who engage in industrial homework pay taxes, and therefore, we could amend the Tax Code to deal with industrial homework. Industrial homework is delivered to people; therefore, we could amend the Vehicle Code to deal with industrial homework.

If germaneness means anything, it means that we deal with the same subject and not with creative extensions of the subject so that any amendment can be placed on any bill. What is germane and what is not germane is a matter for the judgment of each and every House member. I urge that we follow sound traditional procedures and not creative interpretations of how one thing affects something else. I would urge that the House vote that this amendment is not germane.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Piccola, for the second time on the question of germaneness.

Mr. PICCOLA. Thank you, Mr. Speaker.

While I accept Mr. Belfanti's statement on its face that he has no fear to debate this issue, I submit and I suggest to the gentleman, if he has no such fear and he has the votes, then

why does he not withdraw his motion? I submit he has some fear that he is going to lose some votes, and I think he is trying to get this defeated through a back door. So we will see how the votes come up.

But on the issue that Mr. Cohen raised, all this bill does with respect to industrial homework is repeal the Industrial Homework Law, because, because, it would be inconsistent with the scheme that we are inserting into this bill. You cannot have two laws that exist that are inconsistent with one another, and when you adopt a freestanding act that is inconsistent with another law, you have to repeal it. We do it all the time, Mr. Speaker. We do it all the time.

To suggest that this is not germane is a false and fake argument, and Mr. Belfanti's remarks to the contrary notwithstanding, I think he does have a fear that he is going to lose some votes on this if he has to vote on the merits.

I urge that the House declare this amendment germane.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Itkin, on the question of germaneness.

Mr. ITKIN. Mr. Speaker, Mr. Piccola is attempting to determine what this House shall consider on the floor. The question of industrial homework is not the issue before the House. The issue before the House is family and medical leave. I wish to advise that the members on this side of the aisle will determine the agenda of the House and not Mr. Piccola.

Now, I am going to recommend to the members of my caucus that they vote in the negative with respect to germaneness.

The SPEAKER pro tempore. The question before the House is the question of germaneness. Those who believe this amendment to be germane will vote "aye"; those who believe it not to be germane will vote "no."

On the question recurring,

Will the House sustain the germaneness of the amendments?

The following roll call was recorded:

YEAS—96

Adolph	Durham	Johnson	Saurman
Allen	Fairchild	Kenney	Scheetz
Anderson	Fargo	King	Schuler
Angstadt	Farmer	Langtry	Semmel
Argall	Fleagle	Lawless	Serafini
Armstrong	Foster	Lee	Smith, B.
Barley	Fox	Leh	Smith, S. H.
Birmelin	Freind	McHugh	Snyder, D. W.
Black	Gallen	Marsico	Snyder, G.
Boyes	Gannon	Merry	Stairs
Broujos	Geist	Micozzie	Strittmatter
Brown	Gerlach	Nailor	Taylor, E. Z.
Bunt	Gladeck	Nickol	Taylor, J.
Bush	Godshall	Noye	Telek
Carlson	Gruppo	Nyce	Tomlinson
Cessar	Hagarty	O'Brien	Tulli
Chadwick	Harley	Perzel	Uliana
Civiera	Hasay	Phillips	Vance
Clark	Hayes	Piccola	Vroon
Clymer	Heckler	Pitts	Wambach
Cornell	Herman	Raymond	Wilson
Davies	Hershey	Reber	Wogan
Dempsey	Hess	Reinard	Wright, M. N.
Dent	Jadlowiec	Ryan	Wright, R. C.

NAYS—101

Acosta	Donatucci	Lescovitz	Roebuck
Arnold	Evans	Levdansky	Rudy
Battisto	Fajt	Linton	Saloom
Belardi	Fee	Lloyd	Scrimenti
Belfanti	Freeman	Lucyk	Staback
Billow	Gamble	McCall	Steelman
Bishop	George	McNally	Steighner
Blaum	Gigliotti	Maiale	Stetler
Bowley	Gruitza	Markosek	Stish
Butkovitz	Haluska	Mayernik	Stuban
Caltagirone	Hanna	Melio	Sturla
Cappabianca	Harper	Michlovic	Surra
Carn	Hayden	Mihalich	Tangretti
Carone	Hughes	Mrkonc	Thomas
Cawley	Itkin	Mundy	Tigue
Cohen	James	Murphy	Trello
Colafella	Jarolin	Olasz	Trich
Colaizzo	Josephs	Oliver	Van Horne
Cole	Kaiser	Pesci	Veon
Corrigan	Kasunic	Petrone	Williams
Cowell	Kosinski	Pistella	Wozniak
Coy	Krebs	Preston	Wright, D. R.
DeLuca	Kruszewski	Richardson	
DeWeese	Kukovich	Rieger	O'Donnell,
Daley	LaGrotta	Ritter	Speaker
Dermody	Laughlin	Robinson	

NOT VOTING—1

McGeehan

EXCUSED—5

Flick Nahill Petrarca Taylor, F.
McHale

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendments were declared not germane.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. PICCOLA offered the following amendments No. A0030:

Amend Title, page 1, line 5, by removing the period after "rights" and inserting
; prohibiting certain industrial homework; conferring powers and duties upon the Department of Labor and Industry; invalidating certain regulations; and making a repeal.

Amend Table of Contents, page 2, lines 9 and 10, by striking out all of said lines and inserting

Section 17. Prohibited homework.

Section 18. Powers and duties of department.

Section 19. Severability.

Section 20. Repeal.

Section 21. Effective date.

Amend Sec. 1, page 2, line 15, by inserting after "Leave" and Work Flexibility

Amend Sec. 3, page 5, by inserting between lines 19 and 20 "Homework." Work processed or manufactured in an employee's residence for an employer.

Amend Bill, page 18, by inserting between lines 24 and 25

Section 17. Prohibited homework.

An employee may not engage in homework involving any of the following:

- (1) Articles of food or drink.
- (2) Articles for use in connection with the serving of food or drink.
- (3) Tobacco.

(4) Drugs and poisons.

(5) Bandages and other sanitary goods.

(6) Explosives, fireworks and articles of like character.

(7) Articles the processing of which requires exposure to substances determined by the department to be hazardous to the health or safety of persons so exposed.

Section 18. Powers and duties of department.

(a) Prior regulations.—Regulations promulgated by the department to carry out the provisions of the act of May 18, 1937 (P.L.665, No.176), known as the Industrial Homework Law, are invalid.

(b) Hazardous to workers determinations.—The department shall, upon complaint, determine whether specific homework is hazardous to the health or safety of the worker under section 17(7). The department shall promulgate regulations for making these determinations.

(c) Environmentally unsafe determinations.—The department shall, upon complaint, investigate a home in which homework is done and may make recommendations to the Department of Environmental Resources regarding findings that a potentially unsafe condition exists that affects the environment. Upon the department's recommendation, the Department of Environmental Resources shall investigate the condition to determine whether there is a violation of a statute or regulation administered by the Department of Environmental Resources and shall take appropriate enforcement action.

Amend Sec. 17, page 18, line 25, by striking out "17" and inserting

19

Amend Bill, page 19, lines 1 and 2, by striking out all of said lines and inserting

Section 20. Repeal.

The act of May 18, 1937 (P.L.665, No.176), known as the Industrial Homework Law, is repealed.

Section 21. Effective date.

This act shall take effect as follows:

(1) Section 18(b) and this section of this act shall take effect immediately.

(2) Sections 17, 18(a) and (c) and 20 of this act shall take effect in 180 days.

(3) The remainder of this act shall take effect in 60 days.

On the question,

Will the House agree to the amendments?

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

Mr. PICCOLA. Thank you, Mr. Speaker.

Mr. Belfanti may want to pay attention to this, because I am going to make him do it again.

Since you folks set the agenda, you are going to have to raise the issue of germaneness again, and I want that printed in the record.

This amendment, Mr. Speaker, does not gut the bill. This is the same amendment which we offered in committee but adds to the existing mandates—which I still find objectionable; I still find them objectionable—it adds to the existing scheme of mandates the flexible work act that I was proposing in the prior amendment. It repeals prior inconsistent law, which is the Industrial Homework Law.

The arguments for this are the same as the arguments for the last amendment, except it is not as good as the last amendment because it keeps in place the mandates.

I urge that the House adopt the amendment.
The SPEAKER pro tempore. The Chair thanks the gentleman.

GERMANENESS QUESTIONED

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

Mr. BELFANTI. For the same reasons stated previously, Mr. Speaker, I also would request a vote on the germaneness of this amendment.

On the question,
Will the House sustain the germaneness of the amendments?

The SPEAKER pro tempore. Does the gentleman, Mr. Itkin, seek recognition?

Mr. ITKIN. Mr. Speaker, what is the motion before the House?

The SPEAKER pro tempore. The motion before us is the question of germaneness.

Mr. ITKIN. Mr. Speaker, for the same reasons that I specified just earlier, we will determine the agenda on the floor of this House and not the minority party, and I urge my members to vote "no."

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

Mr. PICCOLA. Thank you, Mr. Speaker.

I am absolutely charmed by the bipartisanship that the majority leader said we were going to engage in this session being demonstrated here today. I really am encouraged for the upcoming session. It certainly is a good way to get the ball rolling.

Mr. Speaker, this is just as germane - more germane, if you will - than the prior amendment. It only repeals prior inconsistent law which we have to do when we add amendments to bills or when we amend different codes. It is as germane, if not more germane, than the last amendment, and I urge an affirmative vote.

The SPEAKER pro tempore. The question before the House is the question of germaneness. Those who believe the amendment to be germane will vote "aye"; those who believe the amendment not to be germane will vote "no."

On the question recurring,
Will the House sustain the germaneness of the amendments?

The following roll call was recorded:

YEAS—97

Adolph	Durham	Johnson	Saurman
Allen	Fairchild	Kenney	Scheetz
Anderson	Fargo	King	Schuler
Angstadt	Farmer	Langtry	Semmel
Argall	Fleagle	Lawless	Serafini
Armstrong	Foster	Lee	Smith, B.
Barley	Fox	Leh	Smith, S. H.
Birmelin	Freind	McHugh	Snyder, D. W.
Black	Gallen	Marsico	Snyder, G.
Boyes	Gannon	Merry	Stairs
Broujos	Geist	Micozzie	Strittmatter

Brown	Gerlach	Nailor	Taylor, E. Z.
Bunt	Gladeck	Nickol	Taylor, J.
Bush	Godshall	Noye	Telek
Carlson	Gruppo	Nyce	Tomlinson
Cessar	Hagarty	O'Brien	Tulli
Chadwick	Harley	Perzel	Uliana
Civera	Hasay	Phillips	Vance
Clark	Hayes	Piccola	Vroon
Clymer	Heckler	Pitts	Wambach
Cornell	Herman	Raymond	Wilson
Coy	Hershey	Reber	Wogan
Davies	Hess	Reinard	Wright, M. N.
Dempsey	Jadlowiec	Ryan	Wright, R. C.
Dent			

NAYS—101

Acosta	Evans	Levdansky	Roebuck
Arnold	Fajt	Linton	Rudy
Battisto	Fee	Lloyd	Saloom
Belardi	Freeman	Lucyk	Scrimenti
Belfanti	Gamble	McCall	Staback
Billow	George	McGeehan	Steelman
Bishop	Gigliotti	McNally	Steighner
Blaum	Gruitza	Maiale	Stetler
Bowley	Haluska	Markosek	Stish
Butkovitz	Hanna	Mayernik	Stuban
Caltagirone	Harper	Melio	Sturla
Cappabianca	Hayden	Michlovic	Surra
Carn	Hughes	Mihalich	Tangretti
Carone	Itkin	Mrkonic	Thomas
Cawley	James	Mundy	Tigue
Cohen	Jarolin	Murphy	Trello
Colafella	Josephs	Olasz	Trich
Colaizzo	Kaiser	Oliver	Van Horne
Cole	Kasunic	Pesci	Veon
Corrigan	Kosinski	Petrone	Williams
Cowell	Krebs	Pistella	Wozniak
DeLuca	Kruszewski	Preston	Wright, D. R.
DeWeese	Kukovich	Richardson	
Daley	LaGrotta	Rieger	O'Donnell, Speaker
Dermody	Laughlin	Ritter	
Donatucci	Lescovitz	Robinson	

NOT VOTING—0

EXCUSED—5

Flick	Nahill	Petrarca	Taylor, F.
McHale			

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendments were declared not germane.

WELCOME

The SPEAKER pro tempore. The Chair is pleased to welcome Laura Chapel, a legislative assistant to Representative Curt Bowley. She is to the left of the Chair. Let us welcome her to the House.

CONSIDERATION OF HB 76 CONTINUED

On the question recurring,
Will the House agree to the bill on third consideration?
Mr. GANNON offered the following amendments No. A0035:

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

; and providing for certain tax credits.

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

Section 17. Tax credit.

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

18

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

19

Amend Bill, page 18, by inserting between lines 24 and 25
Section 17. Tax credit.

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

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

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

Amend Sec. 17, page 18, line 25, by striking out "17" and inserting

18

Amend Sec. 18, page 19, line 1, by striking out "18" and inserting

19

On the question,

Will the House agree to the amendments?

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

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, this is an amendment that is— In fact, the language is exact to an amendment that was offered last session to this same proposal.

Basically what it provides is that there will be a partnership between business and government so far as the cost of this program is concerned. It simply says that the cost of the

program will entitle the small business to a 50-percent tax credit on the cost. It does not even ask for a full 100-percent tax credit. So the theory or the basis of this proposal is that there is a sharing of the cost by State government, by the Governor, who says he wants this proposal—he says it is a great thing—and by the business community.

The other side effect of this amendment, which I think is probably the most beneficial, is that it offers a further inducement for the business community to voluntarily comply with this program. One of the concerns that has been expressed is that there is a great deal of resistance on the business community to this legislation, and of course, this proposal would offer that tax credit so that the businessman would know that at least there is some sharing of the expense.

I would ask for a "yes" vote on the amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

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

Mr. PISTELLA. Thank you, Mr. Speaker.

Mr. Speaker, at this time I would like to make a parliamentary inquiry, if I may.

The SPEAKER pro tempore. Would the gentleman state his parliamentary inquiry.

Mr. PISTELLA. Yes. Does the Gannon amendment A0035 need a fiscal note according to rule 19(a)?

The SPEAKER pro tempore. Would the Appropriations chairman—

Mr. GANNON. Mr. Speaker, I can answer that question.

Yes, it does, and direct your question to the Democratic chairman of the Appropriations Committee, because a fiscal note has been requested.

The SPEAKER pro tempore. Mr. Gannon, address your comments to the Chair, please, if you have comments.

Mr. GANNON. I was, Mr. Speaker. I am sorry.

The SPEAKER pro tempore. Yes.

Would the gentleman, Mr. Evans, stand for interrogation? The gentleman may proceed.

—Mr. PISTELLA.—Mr. Speaker, my inquiry, the parliamentary inquiry I am raising is, does in fact the Gannon amendment A0035 need a fiscal note?

Mr. EVANS. Yes, it does, Mr. Speaker.

Mr. PISTELLA. And has the committee in fact issued a note to Representative Gannon on the cost of this amendment?

Mr. EVANS. That is en route to Mr. Gannon right now, Mr. Speaker. I apologize to the House.

Mr. PISTELLA. Thank you, Mr. Speaker.

Mr. GANNON. Mr. Speaker?

The SPEAKER pro tempore. Mr. Pistella has the floor.

Mr. PISTELLA. I have concluded my inquiry at this point, Mr. Speaker, and may wish to be recognized at a later time to debate the merits of the amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Gannon.

Mr. GANNON. No; that is all right, Mr. Speaker. I do not wish to be recognized at this time.

The SPEAKER pro tempore. Thank you.

AMENDMENTS PASSED OVER TEMPORARILY

The SPEAKER pro tempore. We will suspend action on this amendment until the fiscal note is distributed.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. PERZEL offered the following amendments No. A0032:

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

Section 17. Reimbursement.

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

18

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

19

Amend Bill, page 18, by inserting between lines 24 and 25 Section 17. Reimbursement.

Public employers in cities of the first class and counties of the first class shall, upon submission of documentation satisfactory to the department, be reimbursed for costs incurred in complying with this act.

Amend Sec. 17, page 18, line 25, by striking out "17" and inserting

18

Amend Sec. 18, page 19, line 1, by striking out "18" and inserting

19

On the question,

Will the House agree to the amendments?

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

Mr. PERZEL. Mr. Speaker, the city administration in Philadelphia has said that one of the biggest reasons we have the financial difficulties that we have right now is the State mandates that are placed upon the city. This amendment, according to the fiscal note given to me by Representative Evans, would cost \$35,000 to the State of Pennsylvania to have the State pick up the cost of this mandated program.

At this time, as we speak, Mr. Speaker, the city administration is \$435 million in debt. What this amendment would simply do is provide a small safety net so that the city would not be held accountable for these costs that would be incurred.

I would urge a "yes" vote, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the motion. Not only does HB 76 not mandate anything - we do not mandate that a pregnant woman has to be away from her workplace for a certain

period of time; we do not mandate that a parent of a seriously ill child need be away from the workplace to take care of that child; we do not mandate that that 3 1/2-year-old child who needs surgery in Children's Hospital in Philadelphia get ill - all we do in HB 76 is say that when people have to be away from the workplace, that they not be fired for that.

So number one to Mr. Perzel's argument is that we are not mandating anything on the city of Philadelphia. Secondly, we should not be reimbursing the city of Philadelphia for the continuation of whatever health benefits they may offer to their employees at the expense of all others. This is a job protection piece of legislation at minimal cost to employers across Pennsylvania.

The General Accounting Office—and I am sure you will hear me say this a dozen times today—did probably the most extensive study on family and medical leave that has ever been done and has determined that the cost of family and medical job protection is whatever continuation of health benefits a particular law requires.

There have not been the devastating consequences as our opponents would have us believe - in Oregon, where they have a family and medical leave job protection law on the books; in Maine, New Jersey, or anywhere else - and I see no reason to adopt this amendment for the city of Philadelphia, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Cohen.

Mr. COHEN. Mr. Speaker, I support Mr. Blaum's position on this bill, and I urge all members, especially those members from Philadelphia, to vote against it.

The question of what the costs are depends on who pays the costs. If the city of Philadelphia is running it itself and paying its own costs, the costs, as Kevin Blaum says, will be minimal to nonexistent.

This bill also provides for savings to the city of Philadelphia in that for the first time, the city of Philadelphia and all other municipalities and all other employers in the State will have legal recourse if somebody takes leave for pregnancy or any other family-care purpose and does not come back. There is often abuse in that people say they are going to come back and do not come back. Right now, employers have no remedy. This bill gives them a remedy.

This provides savings. Nowhere in this amendment is there any place where an evaluation can take place as to savings against costs. If there was an evaluation, the savings would far exceed the amount of costs. But neither the city of Philadelphia nor any other city ought to be able to write a blank check, come up with all sorts of creative arithmetic, and demand that the State pay costs. All local governments need money. We ought not to be introducing legislation which gives them a blank check to get money from the State.

The purpose of this amendment is not to give the city of Philadelphia money. We all know the creative advertising that went around throughout the State attacking legislators for wanting to give the city of Philadelphia money. Mr. Perzel

does not really want to give the city of Philadelphia money. Mr. Perzel wants to kill this legislation.

I would urge everybody to defeat this plan to kill this legislation by voting against this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Kenney, for the purpose of speaking on the amendment.

Mr. KENNEY. Thank you, Mr. Speaker.

May I ask a question of the Appropriations chairman, Mr. Evans?

The SPEAKER pro tempore. Would the gentleman stand for interrogation? The gentleman indicates that he will. The gentleman is in order and may proceed.

Mr. KENNEY. Thank you, Mr. Speaker.

Mr. Speaker, I just have one question as a Philadelphian and someone who is also concerned with the financial situation in Philadelphia.

We just received a fiscal note that says this will cost the city \$35,000 from your office. I just want to know, is that correct? I think I am hearing from the other speakers that just spoke against the amendment that this does not cost anything or nothing is mandated, and you put out a fiscal note saying this amendment will cost the city \$35,000. Is that correct?

Mr. EVANS. My understanding, Mr. Speaker, from my colleague, who just expressed to me, Representative Blaum, is that he did not express what you have just stated. Certainly there are cost implications to the city of Philadelphia, like potentially to anyone else. But more than that, specifically when you begin to look at an issue, you talk about creating more bureaucracy with additional staff requirements of Labor and Industry.

I think one of the things you need to understand by looking at that, Mr. Speaker, is that we have said to you that basically a lot of these services are being provided right now by the city of Philadelphia.

The SPEAKER pro tempore. Has the gentleman completed his interrogation?

Mr. KENNEY. No. Just your concern about bureaucracy—No; I am not. Just another question.

Would the city of Philadelphia have to set up further bureaucracy to handle this situation if this law goes into effect?

Mr. EVANS. Repeat your question again, Mr. Speaker.

Mr. KENNEY. Your concern about Labor and Industry having to create a system to receive, review, and audit requests, would the city of Philadelphia have to set up this same bureaucracy within the city to review this House bill?

Mr. EVANS. My understanding, Mr. Speaker, is no, the city would not, but the Commonwealth of Pennsylvania would.

Mr. KENNEY. Yes, but would not the city have to review who was requesting leave from their job?

This is a new program that is placed on every municipality, every county. Would not the city have to review the process? If a worker in the city of Philadelphia was requesting leave, would not the city first have to review it?

Mr. EVANS. My understanding, Mr. Speaker, is that basically the way the bill is written now, it would not disengage exactly what takes place in the city of Philadelphia, and as a result, it will not have the type of effect that you think it will have upon the city of Philadelphia.

Mr. KENNEY. I guess— Can I ask another question of the Appropriations chair?

Are you relaying to me and to this chamber that if we pass this legislation, that there probably will not be any costs to the city of Philadelphia?

Mr. EVANS. Mr. Speaker, you know and I know that there is no way that anything we pass I could absolutely guarantee you that there would not be any costs. Because of the situation in terms of trying to measure the experience, I have indicated to you already that the city of Philadelphia provides a number of these particular benefits, and as a result to the city, the city already is paying for these particular benefits, and that what you are attempting to raise would not have the type of effect upon the city of Philadelphia.

Mr. KENNEY. Expanding on that, the city of Philadelphia does not offer the same benefits that are offered in this legislation. They offer fewer.

Mr. EVANS. The city's benefits go a little further, Mr. Speaker, and that is a decision that was made by local government in the negotiation between the employees and the management of the city. That decision was made there locally.

Mr. KENNEY. So the city of Philadelphia's benefits go further. So that means there would be an additional—I mean, the State-mandated benefit goes further, so that means there would be an additional cost.

Mr. EVANS. No. The way this is written, Mr. Speaker, not necessarily. If you read it, there was some compromise language put in there that in this particular case, this would not interfere or disengage exactly the existing benefits that the city of Philadelphia has.

Mr. KENNEY. Thank you, Mr. Speaker. No further questions.

I would like to speak on the amendment though.

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

Mr. KENNEY. Just very simply, as a Philadelphia legislator concerned with our fiscal condition and from listening to the Appropriations chair, it is my understanding that we really do not know what this is going to cost the city. It is going to cost them more money though, and I would ask for support of this amendment, that any cost that is incurred by the city of Philadelphia by this legislation be picked up by the Commonwealth. Thank you.

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

Mr. PISTELLA. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to the Perzel amendment.

I am not going to question the motives of the sponsor of this amendment. I think it is inappropriate. But in reading the fiscal note—which I am not so sure Representative Kenney had taken the time to do—and reading it accurately, the fiscal

note clearly spells out two things: Number one, the cost to the Department of Labor and Industry for administering this will be approximately \$35,000, for the purpose of establishing someone to serve as an auditor for the requests that come to Philadelphia. Number two, there is no way to determine by past experience what in fact this will cost the State in terms of a reimbursement to the city of Philadelphia.

But what Mr. Perzel and Mr. Kenney very inadvertently, perhaps—and I am sure not with any malice—failed to mention is the fact—and I draw the attention of the members of the House to this point that was overlooked in the fiscal note—that currently the city of Philadelphia provides up to 5 paid days of sick leave for employees who take care of sick family members. In addition, employees that give birth may receive up to 4 weeks of paid postpartum leave and 6 months of unpaid leave for care of a newborn child or newly adopted child. What in essence that does, regardless of what one thinks the cost will be of this amendment, is going to be to allow the city of Philadelphia to double-dip; to in fact negotiate a contract to pay with taxes from the city of Philadelphia those employee benefits and to allow Mr. Perzel, under his amendment, to turn around and bill the Commonwealth of Pennsylvania for this unpaid medical leave.

I am somewhat surprised and shocked that on more than one occasion, the suburban Philadelphia members of that caucus have stood up and chastised us and criticized us and let the world think that Philadelphia backs up a truck and loads it up with cash from Harrisburg and drives to Philadelphia. Those same members want to stand here now and institutionalize double-dipping on the part of the city of Philadelphia.

I think that is shameful and the members should be aware of that before they cast their vote for this amendment, and I urge them to vote against this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Perzel, on his amendment for the second time.

Mr. PERZEL. Mr. Speaker, Dwight Evans and I were asked by the mayor to be on his tax committee, and when we talked to the city officials, they said they were \$65 million in the hole; 4 days later they were \$125 million in the hole; 2 weeks later they were \$135 million; 3 weeks ago they were \$270 million; now they are \$435 million in the hole, Mr. Speaker. This amendment is simply asking that if there is any cost involved to the city, that the State picks up that cost. Now, ultimately the people in this chamber are going to be asked to help the city out. Why cause them to go further into debt than they already are when the State can pick this up, and everybody says the cost is nominal.

I am asking for an affirmative vote on the amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—43

Anderson	Farmer	Johnson	Serafini
Armstrong	Fox	Kenney	Smith, S. H.
Barley	Gallen	Langtry	Snyder, G.
Birmelin	Gannon	Leh	Stairs
Brown	Gruppo	McHugh	Taylor, J.
Bunt	Hagarty	Marsico	Tomlinson
Carlson	Harley	Merry	Tulli
Chadwick	Hasay	Perzel	Vroon
Clymer	Heckler	Piccola	Wilson
Cornell	Hershey	Ryan	Wright, M. N.
Durham	Hess	Scheetz	

NAYS—154

Acosta	Dermody	Laughlin	Robinson
Adolph	Donatucci	Lawless	Roebuck
Allen	Evans	Lee	Rudy
Angstadt	Fairchild	Lescovitz	Saloom
Argall	Fajt	Levdansky	Saurman
Arnold	Fargo	Linton	Schuler
Battisto	Fee	Lloyd	Scrimenti
Belardi	Fleagle	Lucyk	Semmel
Belfanti	Foster	McCall	Smith, B.
Billow	Freeman	McGeehan	Snyder, D. W.
Bishop	Freind	McNally	Staback
Black	Gamble	Maiale	Steelman
Blaum	Geist	Markosek	Steighner
Bowley	George	Mayernik	Stetler
Boyes	Gerlach	Melio	Stish
Broujos	Gigliotti	Michlovic	Strittmatter
Bush	Gladeck	Micozzie	Stuban
Butkovitz	Godshall	Mihalich	Sturla
Caltagirone	Gruitza	Mrkonic	Surra
Cappabianca	Haluska	Mundy	Tangretti
Carn	Hanna	Murphy	Taylor, E. Z.
Carone	Harper	Nailor	Telek
Cawley	Hayden	Nickol	Thomas
Cessar	Hayes	Noye	Tigue
Civera	Herman	Nyce	Trello
Clark	Hughes	O'Brien	Trich
Cohen	Itkin	Olasz	Uliana
Colafella	Jadlowiec	Oliver	Van Horne
Colaizzo	James	Pesci	Vance
Cole	Jarolin	Petrone	Veon
Corrigan	Josephs	Phillips	Wambach
Cowell	Kaiser	Pistella	Williams
Coy	Kasunic	Pitts	Wogan
DeLuca	King	Preston	Wozniak
DeWeese	Kosinski	Raymond	Wright, D. R.
Daley	Krebs	Reber	Wright, R. C.
Davies	Kruszewski	Richardson	
Dempsey	Kukovich	Rieger	O'Donnell,
Dent	LaGrotta	Ritter	Speaker

NOT VOTING—1

Reinard

EXCUSED—5

Flick	Nahill	Petrarca	Taylor, F.
McHale			

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

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. PERZEL offered the following amendments No. A0029:

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

Section 17. Reimbursement.

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

18

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

19

Amend Bill, page 18, by inserting between lines 24 and 25 Section 17. Reimbursement.

Public employers shall, upon submission of documentation satisfactory to the department, be reimbursed for costs incurred in complying with this act.

Amend Sec. 17, page 18, line 25, by striking out "17" and inserting

18

Amend Sec. 18, page 19, line 1, by striking out "18" and inserting

19

On the question,

Will the House agree to the amendments?

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

Mr. PERZEL. Thank you, Mr. Speaker.

The second amendment simply says that the Commonwealth of Pennsylvania would pick up the cost of this parental leave bill for all the municipalities within the Commonwealth of Pennsylvania. Since we are being told that there is no cost, it would be a very simple amendment for us to vote for. Mr. Evans again provided me with a fiscal note that said it was about \$303,000, and our leadership, under Mr. Ryan, says that we could find that money if we need to, and I am asking for an affirmative vote, to have the State pick up the cost for local municipalities.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose this amendment much for the same reasons as we opposed it back in September, and that is that experience shows us in the States which have adopted family and medical leave that the magic of family and medical leave, unpaid family and medical leave, is that the employee and the employer working together and not abusing the system, not abusing the law, makes it work. The employee is unpaid. If that person takes 4 weeks of family leave, that 4 weeks' salary is retained by the employer. It is unpaid. That has disciplined employees all across the States that have enacted this kind of job protection for their people.

Similarly, this kind of an amendment opens the floodgates and removes responsibility from employers, from employers, to be watchful and ever mindful of what their employees are doing in taking family and medical leave. This kind of tax credit, which is not in place in Oregon, New Jersey, Maine, and other States that have this, is absolutely unnecessary. It is not needed to make family and medical leave work, and its very existence forces employers to be more relaxed and less vigilant in overseeing this kind of a program in their jurisdiction.

So I ask that this amendment be defeated, not because of its cost, its cost which the State should not have to pick up anyway, but because it is detrimental to making family and medical leave work effectively for employers and employees all across Pennsylvania once this becomes law. So I ask, Mr. Speaker, that the House reject this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Mr. Gannon is recognized on the amendment.

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

The SPEAKER pro tempore. On the bill or the amendment?

Mr. GANNON. The bill. On the amendment but on the bill.

The SPEAKER pro tempore. On the amendment.

Mr. Blaum indicates that he will stand for interrogation. The gentleman is in order and may proceed.

Mr. GANNON. Thank you, Mr. Speaker.

Something that you said intrigued me, and if I may paraphrase, as I understand your remarks, when an employee took off planned leave for 2 weeks, say, the employer gained the benefit of those wages that he did not have to pay to that employee because this was unpaid.

Now, my question to you is this: I want to know what benefit the employer gets and how this cost saving is if this employee takes this time off and the employer has to go out and hire a temporary employee from, say, Kelly or one of the temporary agencies and the cost of that temporary exceeds the cost of that employee. Now, how does the employer save in that particular situation?

Mr. BLAUM. Mr. Speaker, I doubt in any case, way, shape or form that that would be the case.

What employers do with family and medical job protection, less than one-third hire an outside replacement. What that money is used for, that salary that is saved, is to pay overtime; to spread the work around; to limit the impact, if any, to the business because that person is off. And what we have to remember is we are not talking about a vacation in the Bahamas; we are talking about birth or adoption of a child or the serious illness of a family member, strictly defined in a "serious health condition" in HB 76, strictly defined.

The reality is, Mr. Speaker, that this mother and father are going because of a child that has been adopted or because a new baby has just been born, or they are going because a family member is so seriously ill, as defined in this law, that they are needed. They are gone. The question is just, should anybody have the right to dismiss them? Should they have to fear for their job because they have to go? My answer is, no, they should not.

Now, what does the employer do with that salary that he gets to retain? That is up to the employer. We do not tie the employer's hands on how he wishes to spend that money. If he wishes to hire a temporary replacement for whom he pays no benefits and nothing else except the salary, that is his choice. If the employer chooses to use that money to pay over-

time and spread the work around amongst the remaining employees, that is his choice as well. If the employer chooses to just make do, that is his choice. Whether this law is on the books or not, that mom or that father is going.

All our bill does is two things: It offers them peace of mind that their job will be there when that leave is finished, not forever but only for up to 12 weeks, and it also requires that any health benefits, and only health benefits, which an employer may provide, that those benefits be continued during that leave.

Mr. GANNON. Thank you for not answering my question, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—91

Adolph	Durham	Jadlowiec	Saurman
Allen	Fairchild	Johnson	Scheetz
Anderson	Fargo	Kenney	Schuler
Angstadt	Farmer	King	Semmel
Argall	Fleagle	Langtry	Serafini
Armstrong	Foster	Lawless	Smith, B.
Barley	Fox	Lee	Smith, S. H.
Birmelin	Freind	Leh	Snyder, D. W.
Black	Gallen	McHugh	Snyder, G.
Boyes	Gannon	Marsico	Stairs
Brown	Geist	Merry	Strittmatter
Bunt	Gerlach	Micozzie	Taylor, E. Z.
Bush	Gladeck	Nailor	Taylor, J.
Carlson	Godshall	Noye	Telek
Cessar	Gruppo	Nyce	Tomlinson
Chadwick	Hagarty	Perzel	Tulli
Civera	Harley	Phillips	Uliana
Clark	Hasay	Piccola	Vance
Clymer	Hayes	Pitts	Vroon
Cornell	Heckler	Raymond	Wilson
Davies	Herman	Reber	Wright, M. N.
Dempsey	Hershey	Reinard	Wright, R. C.
Dent	Hess	Ryan	

NAYS—106

Acosta	Donatucci	Levdansky	Robinson
Arnold	Evans	Linton	Roebuck
Battisto	Fajt	Lloyd	Rudy
Belardi	Fee	Lucyk	Saloom
Belfanti	Freeman	McCall	Scrimenti
Billow	Gamble	McGeehan	Staback
Bishop	George	McNally	Steelman
Blaum	Gigliotti	Maiale	Steighner
Bowley	Gruitza	Markosek	Stetler
Broujos	Haluska	Mayernik	Stish
Butkovitz	Hanna	Melio	Stuban
Caltagirone	Harper	Michlovic	Sturla
Cappabianca	Hayden	Mihalich	Surra
Carn	Hughes	Mrkonich	Tangretti
Carone	Itkin	Mundy	Thomas
Cawley	James	Murphy	Tigue
Cohen	Jarolin	Nickol	Trello
Colafrilla	Josephs	O'Brien	Trich
Colaizzo	Kaiser	Olasz	Van Horne
Cole	Kasunic	Oliver	Veon
Corrigan	Kosinski	Pesci	Wambach
Cowell	Krebs	Petrone	Williams
Coy	Kruszewski	Pistella	Wozniak
DeLuca	Kukovich	Preston	Wright, D. R.
DeWeese	LaGrotta	Richardson	

Daley Dermody	Laughlin Lescovitz	Rieger Ritter	O'Donnell, Speaker
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NOT VOTING—1

Wogan

EXCUSED—5

Flick McHale	Nahill	Petrarca	Taylor, F.
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The question was determined in the negative, and the amendments were not agreed to.

The SPEAKER pro tempore. We now have a fiscal note, so we return to the Gannon amendment.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. GANNON offered the following amendments No. A0035, which had been read previously by the clerk:

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

; and providing for certain tax credits.

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

Section 17. Tax credit.

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

18

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

19

Amend Bill, page 18, by inserting between lines 24 and 25 Section 17. Tax credit.

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

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

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

Amend Sec. 17, page 18, line 25, by striking out "17" and inserting

18

Amend Sec. 18, page 19, line 1, by striking out "18" and inserting

19

On the question recurring,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes Mr. Gannon.

Mr. GANNON. Thank you, Mr. Speaker.

I have already been recognized the first time, so I will defer my second recognition. I will be willing to listen to the Democrat sponsors of this bill jabber on about the merits of the bill and avoid the merits of the amendment, so they can continue, Mr. Speaker.

The SPEAKER pro tempore. Those who are in favor of the amendment vote "aye"; those who are opposed—

Mr. GANNON. Mr. Speaker, excuse me. They do not want to carry on. Well, then I will talk about the amendment, if none of the sponsors want to get up and—

The SPEAKER pro tempore. Is the gentleman seeking recognition to speak?

Mr. GANNON. Yes, I am, Mr. Speaker, if there is no one else who seeks recognition.

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

Mr. GANNON. Thank you, Mr. Speaker.

The SPEAKER pro tempore. There are no guarantees in this House, Mr. Gannon.

Mr. GANNON. I understand, Mr. Speaker, and I will have to live by those nonguarantees.

PARLIAMENTARY INQUIRY

Mr. WAMBACH. Mr. Speaker, point of parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his point.

Mr. WAMBACH. Mr. Speaker, I think the gentleman spoke initially on his amendment; then a fiscal note was required. He was already requested to speak on his amendment; he declined, and now he is being recognized for the third time on the amendment. Is that correct?

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

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, I have sat here and listened to the debate on the Perzel amendments dealing with reimbursement for local governments and municipalities and school districts as to the cost of this legislation, and what has intrigued me about the debate, at least from the other side, those who were opposed to the amendment, was how they avoided the major issue that this General Assembly is being confronted with today. They go on to the merits of the bill, and that is not what we are addressing. I think we all agree that we want to have some type of proposal that would protect the job of the pregnant

woman so that she would know she would have her job when she came back to it, and also the family that has to take care of that sick child or sick parent. I do not think we have too much disagreement on that. But what we are looking at, Mr. Speaker, and what has been totally avoided in the debate on the other side is the cost the way this bill is presently drafted.

Now, the sponsors of the bill talk about compromise, and I will get into that when we debate the bill itself, but what my amendment tries to do, Mr. Speaker, very basically, is provide a cost-sharing mechanism. It provides some fairness to a piece of legislation right now that is totally one-sided.

Basically what we have here is a social program that is being put upon the business community by the government with the request and with the further demand that the business community underwrite the total cost. This amendment simply says there is going to be a cost-sharing mechanism in place, and that is in the form of a tax credit to the business community, and it does not even ask that the State fully take on the burden of the cost. It simply says that the State would share one-half of the expense in the form of a tax credit. And by the way, in order for a tax credit to be given, the tax credit has to be taken, and I would venture to say—and I think Representative Blaum would agree with me—that there are going to be many, many employers out there who are going to provide this type of leave, should this become law, and will not take any type of credit against their taxes. They will not take any credit; they are going to defer on that.

So on that basis, those who defer, and then looking at those who perhaps are marginal employers, we have a period of recession here. We have people being put out of work every day. We have marginal employers who are in small business areas, and even a slight additional cost to them could force them over the brink and out of business, and I do not think any of us in this General Assembly want to do that. This would be an added protection for those marginal employers, that they would have the opportunity to have the government share in this expense so that legislation such as this would not push them over the edge.

I think for those reasons alone, Mr. Speaker, that this amendment deserves a "yes" vote, deserves a serious consideration, and deserves to be included in this type of legislation, and once again I ask for a "yes" vote.

THE SPEAKER (ROBERT W. O'DONNELL) PRESIDING

The SPEAKER. The Chair thanks the gentleman, Mr. Wright, for presiding.

CONSTITUTIONAL POINT OF ORDER

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

Mr. PISTELLA. Thank you, Mr. Speaker.

Mr. Speaker, I rise on a point of constitutionality of the Gannon amendment A0035. The portion of the State Constitution I wish to address is that of uniformity, and I apologize for not knowing the exact act and section.

The SPEAKER. For the information of the members, a constitutional point of order is a matter to be decided by the House, and each member is entitled to speak on that issue—it is debatable—but is only entitled to one time at the microphone.

On the question,

Will the House sustain the constitutionality of the amendments?

PARLIAMENTARY INQUIRY

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

Mr. GANNON. Mr. Speaker, point of parliamentary inquiry.

My recollection is, Mr. Speaker, we have gone into this issue of constitutionality a number of times on both sides, and I believe it was made very, very clear by prior Speakers that when a member stood up and raised the issue of constitutionality, he would have to cite the specific provision of the State Constitution or the Federal Constitution in order for that question of constitutionality to stand, and I also believe there had to be a requirement of some rationale for the basis of the question of constitutionality, and I would insist that we follow that same rule here in this particular instance.

The SPEAKER. Preliminarily, the Chair believes the gentleman cited the uniformity clause. He did not cite it as a legal citation, but the clause is well enough known to the Chair for both the members and the Chair to be able to locate the issue, and it is not clear to the Chair whether or not a rationale is also required. We are researching that at the moment and would request the members to just suspend for a minute.

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

Mr. PISTELLA. For the purpose of correcting the record for the purpose of raising the issue of constitutionality. I normally have the Constitution in my pocket, but I must have left it in my other jacket.

The SPEAKER. The Chair would prefer that if the gentleman did not have it in his pocket, he would have it in his mind, but the citation to the uniformity clause is sufficient, and we appreciate—

Mr. PISTELLA. It is Article VIII, section 1. Thank you.

The SPEAKER. The Chair thanks the gentleman.

Subject to a later point of order, it is the Chair's belief that no rationale is required but merely the citation, and the Chair would urge the members to proceed with the debate.

Is the gentleman, Mr. Gannon, seeking recognition? The gentleman may proceed.

Mr. GANNON. Mr. Speaker, the gentleman who raises constitutionality, I believe, opens up a litany of other legislation that this General Assembly has passed and has been signed into law by the Governor and would cast the shadow of doubt of constitutionality on those provisions, and I refer specifically to our provisions dealing with employment incentive payments. This is the Public Welfare Code. It is Act 432 of 1967; Public Law 31, No. 21, of 1967. The language in this

particular proposal was taken right from that employment incentive payments language, which is present law. It is existing law in the Commonwealth.

Further, this provision does not apply to deductions to personal income tax. It applies to offsetting business expense. So it has nothing to do whatsoever with the uniformity clause, which provides generally that tax rates have to be uniform throughout the Commonwealth and in essence prohibits a graduated tax. This has nothing at all to do with uniformity, Mr. Speaker. It has to do with offsets against business expense. When you have expenses dealing with employees who work for you in your business, they are a business expense.

It is clearly on point. It is also directly from existing law dealing with employment incentive payments and tax credits in that area, and I believe if the General Assembly holds this particular amendment unconstitutional, then we are calling into question the constitutionality of a law that has been on the books and working well since 1967 and casting a shadow on a whole litany of legislation that is based on that particular law.

So I would urge the members to at least be consistent and vote that this is a constitutional amendment.

The SPEAKER. Those voting "aye" will vote to declare the amendment to be constitutional; those voting "no" will vote to declare the amendment to be unconstitutional.

On the question recurring,

Will the House sustain the constitutionality of the amendments?

The following roll call was recorded:

YEAS—95

Adolph	Fairchild	Josephs	Saurman
Allen	Fargo	Kenny	Scheetz
Anderson	Farmer	King	Schuler
Angstadt	Fleagle	Langtry	Semmel
Argall	Foster	Lawless	Serafini
Armstrong	Fox	Lee	Smith, B.
Barley	Freind	Leh	Smith, S. H.
Birmelin	Gallen	McHugh	Snyder, D. W.
Black	Gannon	Marsico	Snyder, G.
Boyes	Geist	Merry	Stairs
Brown	Gerlach	Micozzie	Strittmatter
Bunt	Gladeck	Nailor	Taylor, E. Z.
Bush	Godshall	Nickol	Taylor, J.
Carlson	Gruppo	Noye	Telek
Cessar	Hagarty	Nyce	Tomlinson
Chadwick	Harley	O'Brien	Tulli
Civera	Hasay	Perzel	Uliana
Clark	Hayes	Phillips	Vance
Clymer	Heckler	Piccola	Vroon
Cornell	Herman	Pitts	Wilson
Davies	Hershey	Raymond	Wogan
Dempsey	Hess	Reber	Wright, M. N.
Dent	Jadlowiec	Reinard	Wright, R. C.
Durham	Johnson	Ryan	

NAYS—102

Acosta	Dermody	Levdansky	Roebeck
Arnold	Donatucci	Linton	Rudy
Battisto	Evans	Lloyd	Saloom
Belardi	Fajt	Lucyk	Scrimenti
Belfanti	Fee	McCall	Staback
Billow	Gamble	McGeehan	Steelman
Bishop	George	McNally	Steighner

Blaum	Gigliotti	Maiale	Stetler
Bowley	Gruitza	Markosek	Stish
Broujos	Haluska	Mayernik	Stuban
Butkovitz	Hanna	Melio	Sturla
Caltagirone	Harper	Michlovic	Surra
Cappabianca	Hayden	Mihalich	Tangretti
Carn	Hughes	Mrkonic	Thomas
Carone	Itkin	Mundy	Tigue
Cawley	James	Murphy	Trello
Cohen	Jarolin	Olasz	Trich
Colafella	Kaiser	Oliver	Van Horne
Colaizzo	Kasunic	Pesci	Veon
Cole	Kosinski	Petrone	Wambach
Corrigan	Krebs	Pistella	Williams
Cowell	Kruszewski	Preston	Wozniak
Coy	Kukovich	Richardson	Wright, D. R.
DeLuca	LaGrotta	Rieger	
DeWeese	Laughlin	Ritter	O'Donnell,
Daley	Lescovitz	Robinson	Speaker

NOT VOTING—1

Freeman

EXCUSED—5

Flick Nahill Petrarca Taylor, F.
McHale

Less than the majority having voted in the affirmative, the question was determined in the negative and the constitutionality of the amendments was not sustained.

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

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

The question is, shall the bill pass finally?

The Chair recognizes Mr. Blaum.
Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, today marks a major victory, I believe, for the people of Pennsylvania and the businesses of Pennsylvania as we begin to write into law the kind of job protection that the people of New Jersey have, the people of Oregon have, the people of Maine have, and the people of several other States. Finally in Pennsylvania, if a new mother has to take time off, unpaid, away from the workplace, she will never have to fear for her job. If there are family members who are seriously ill and someone in the family must be away from the workplace, unpaid, they would not have to fear for their job.

It is interesting to note in the Congressional Record when listening to the debate on family and medical leave at the national level, where the partisanship seems to be a little less severe, that Senator Bob Packwood of Oregon took the floor of the Senate to say how well family and medical leave legislation was working in the State of Oregon, that he had not had a single complaint; how Congresswoman Olympia Snowe of Maine, while she solicited and looked for complaints among the small business people of Maine, where they have a family and medical leave statute on the books which applies to businesses with 25 employees or more, that even though she solicited complaints, she had none. And when the provision of the law came up for sunset in the State of Maine, the officials in

charge of overseeing the family and medical leave legislation said that their initial concerns had never materialized. That is the experience in the States that have it. It is the experience in New Jersey, where Governor Tom Kean recently signed New Jersey's bill into law before he left office.

Now, today, we take the first step. We have Governor Bob Casey, who is urging that this legislation be sent to his desk as quickly as possible. Today the House takes a major step in sending this legislation over to the Pennsylvania Senate, where we hope that they will act on it appropriately. So never again will any new mother have to choose, will not have to choose, between necessary time at home to get her feet on the ground and provide for appropriate care for a newborn child and her job; where family members will not have to choose between their job or the serious illness of a family member at home.

This kind of job protection is necessary for the 1990's, when we see so many families headed by a single parent, more often than not a single mother, and when we have so many families where it takes two incomes just to make ends meet, not to put a Mercedes in the driveway but just to make ends meet and to pay the bills. These people, what are they to do? What are they to do if a serious calamity strikes their home? This kind of job protection is necessary. Today we take that first step on a major victory for the people of Pennsylvania.

Mr. Speaker, I urge an affirmative vote.
The SPEAKER. The Chair recognizes Mr. Gladeck.
Mr. GLADECK. Thank you, Mr. Speaker.

Mr. Speaker, I rise to urge my colleagues to oppose this legislation. There are several reasons why it is obvious that this legislation should be opposed. One is that I do not believe it is necessary; two is that I do not believe that it has ever been documented that there has been a case to be made for this legislation, of its necessity; and three, it is another case that the AFL-CIO and the other unions of this State want the legislature to give them, through legislation, what they themselves cannot get at the bargaining table.

But there is an underlying reason that is more important than all those other three as to why this legislation should be rejected today, and that is because all of us, especially a lot of you on the other side of the aisle, have high unemployments in your districts, and you have unemployments that are that high and your young people cannot find jobs in Pennsylvania because for the last several decades, Pennsylvania has lost population. We lose population because business and industry, contrary to what Governor Casey has said recently, chooses to locate elsewhere, because if in fact business and industry chose to locate in Pennsylvania from other parts of the United States, then we would not have a declining population base and we would not have unemployment rates as high in some districts as we have. The reason for this is that we in Pennsylvania, we in this body, have no business mandating additional expenses on business. This places us at a competitive disadvantage to other States in the northeastern part of the United States.

When a business and industry from the Northwest or from the Southwest or from down in Texas or down in the southeastern part of the United States look to the Northeast, they look to us as an area in the United States; they do not look at us as Pennsylvania or New Jersey. They decide to come to a particular State based on what that State can do for them and their long-term economic projections for that individual company. Now, you may not like that rationale for a company to come here, but that is the bottom line, and that is why our country has been great for so many years, because it is competition, and if business cannot turn a profit, then there is no way that they are going to come to the State of Pennsylvania.

So they look at the overall cost of doing business in our Commonwealth, and they find that they do not have a friend in the Pennsylvania General Assembly, but rather they have an enemy. They have a group of individuals who see fit to mandate cost after cost on top of other costs incurred by business, and they say, I cannot afford to go to Pennsylvania, but rather I will go elsewhere.

So before you cast a vote on this particular measure—and I am afraid that it may be preordained—I think you ought to think about what it is going to do to the long-term profitability of a business or industry that may look, in fact, to Pennsylvania, and think about the young people in your district who, sometime in the next decade, are going to choose to live elsewhere rather than live here because you continue to vote for pieces of legislation like this that mandate unacceptable costs that are not documented to business.

Representative Itkin had said that the Democrats will set the agenda for this session of the General Assembly. I believe he told Mr. Piccola that he would not have any part of that. I agree, if you vote for a piece of legislation like this, you will set the agenda. You will set the agenda for continuing decay of the business climate and a continued decline in the economic opportunities for young people who may want to continue to reside in the State of Pennsylvania.

I do not think there is any question that this is a bad piece of legislation, and I would urge all of you to vote against it. Thank you.

The SPEAKER. The Chair recognizes Mr. Chadwick.

Mr. CHADWICK. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to HB 76.

To begin with, this bill, if passed, likely would do more harm than good as it would have a highly detrimental economic effect on businesses throughout the commonwealth - especially small businesses with limited resources. It could frequently force them to seek additional help while regular employees were off the job, thus causing greater expenditures for training and paperwork, to name just two negative factors. As a result, many workers dependent on those industries for their livelihoods could be thrust out of work - ironically being left with more time on their hands than the bill itself might have provided them.

But this bill has even more potential for harm than that - much more. For example, by putting another burden on business and industry in Pennsylvania the measure discourages prospective employers from

locating here. In fact, encourages them to head for greener pastures out-of-state.

Bills such as this one do exactly what government ought not be doing: meddling in the job market by mandating policy that puts a straitjacket on the business community. Better the state should keep its nose out of the private sector's affairs and let...free enterprise...take its course. In this case, that means letting employers and employees reach mutually acceptable employment pacts on their own.

As a matter of fact, precisely such an arrangement already has led to the availability of family leave policies among business and industry far superior to that being championed by Blaum.

This bill's potential for trouble goes on. For example, there could be legal problems galore as differences of opinion arise as to what constitutes a "family emergency" - one area addressed by the bill. True, such emergencies do arise. But it is not difficult to imagine numerous situations in which unreasonable claims for "emergency" leave would be made if this bill became law.

All things considered, our hope is that the Legislature rejects this bill out-of-hand, by approaching it under the wise guidance of that old axiom, "If it ain't broke, don't fix it."

Now, Mr. Speaker, my comments were taken directly from an editorial by the Wilkes-Barre Times Leader, which, coincidentally, is the prime sponsor's hometown newspaper.

Now, Mr. Speaker, being from the city of Philadelphia, you probably do not get to see the Wilkes-Barre Times Leader on a regular basis, but those of us from northeastern Pennsylvania can attest that this is a great newspaper. It is known for its insight and thoughtful discussion of the issues. They certainly convinced me, and I ask you to join me in voting against this legislation.

I would just like to make one more comment. We all know what is going to happen here today. We know who has the votes. The gentleman, Mr. Itkin, was correct when he stated that his party controls the agenda. I would only like to suggest that he may soon come to regret that fact when he is looking for tax votes. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Nailor.

Mr. NAILOR. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to HB 76. However well intended this bill may be, this is bad legislation that is poorly timed and, quite frankly, unnecessary. It has been discussed previously that public hearings have not provided any substance for this legislation; neither has it been proven what possibilities exist, adverse possibilities, that affect employees throughout our Commonwealth.

Just 2 days ago, Mr. Speaker, the Governor spoke to a joint session in the House of a pending budget deficit that may approach \$1 billion and our facing a recession. He suggested some possibilities recently of laying off 2,000 State workers, of closing 4 hospitals in the State, and of reducing services, many in areas that are already underfunded in our current budget.

Mr. Speaker, I am sure all of us have suffered job losses and local tax increases back in our respective districts. Now

we are attempting to enact additional State mandates on the businesses and the local governments with no State funding in place. This legislation could prove devastating to the smaller businesses and the general business climate in Pennsylvania and at a time when we should be doing everything possible to maintain our existing and attracting new business to the Commonwealth.

Mr. Speaker, HB 76 is bad for business, it is bad for the employees, it is bad for our local governments, and it is bad for the Commonwealth. Our concerns should be directed towards helping our local governments and our businesses at this time when we are facing a recession and not hindering them.

I respectfully urge a negative vote on this unnecessary and unfunded State mandate. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

I also rise in opposition to HB 76. Mr. Speaker, one just has to contact their local chamber of commerce to soon realize that the business community is opposed to it. Why is it opposed to it? Let me share some things that have not been mentioned this morning that might be of assistance, and I would like for a moment to take you into the minds of those people, the hearts and minds of those people who are responsible for our businesses. Coming from a family that has been in the business manufacturing end for 40 years, I think I know a little about why I am opposed to this particular bill.

Let me say that businesses today, as has been mentioned, are subject to the recession. If the gasoline prices go up just a little bit, it could hurt certain businesses within Pennsylvania. Mention was made about the unfair labor practices for our textile industry, and that is so correct. If there is a swing in prices for cotton or for some other raw products, textile industries could be hurt even further, and of course, they are competing against foreign competition. Mr. Speaker, when we put an additional weight, a burden, financial burden on the industry, it hurts their ability to make a profit and to be competitive.

Then let us look at the issues that we have discussed in the past, how these are important to a small business, any business, but in particular to a small business if they are to exist: the increase in health insurance premiums, workmen's compensation as they relate in Pennsylvania versus other States, product liability laws as they relate in Pennsylvania to other States, unemployment compensation increases that they must take. Then there is the cost, depending on the company again, in bidding for top employment employees. Sometimes they have to pay out extra money in order to get the right person into the company. Then there are sewer and water taxes. There are real estate taxes. All these become part of their expense sheet, and it is not easy today to often exist and keep the business going. Then that particular employer, many of them work long hours. It is not a 40-hour week, a Monday-to-Friday kind of operation. There are weekends, working long hours, and constantly traveling to make sure that their company has the necessary orders to keep the company

flowing. So we do great damage, we do injury when we pass this kind of bill to the employer, to the person who steams, who provides the steam in that engine to make Pennsylvania a strong economic State.

Mr. Speaker, let me say this, that in talking to small businesses and other employers, I have found that they will take care of a key employee. They have to make a profit in order to exist, and, Mr. Speaker, they are not going to allow a key employee to go begging. If that person has to take a leave of absence, they will work out in a very flexible way that is fair to both sides how that person will be kept.

It has been said by the prime sponsor that this bill will provide peace of mind and comfort because the job will be there and that the benefits will be paid on that person's behalf. Mr. Speaker, not so. I suggest that prime sponsor pick up a financial page and look at the number of companies that go bankrupt, and so there is absolutely no assurance that that person will get that job back. Absolutely not. If that company loses a large contract, a key contract in making certain items, or for whatever reasons, Mr. Speaker, that person will not have a job if that company is no longer there. I think it is a fair assessment to say that every person in this General Assembly knows of companies that have gone bankrupt and those jobs are no longer available. It has been already said by other speakers that this is a mandated financial burden that we should not be placing on the backs, on the shoulders, of our business community. It is not fair to them.

So, Mr. Speaker, I ask that this bill be voted against and that we send the proper signal to the business community here in Pennsylvania, and that is the defeat of HB 76. Thank you.

The SPEAKER. The Chair recognizes Ms. Ritter.

Ms. RITTER. Thank you, Mr. Speaker.

Well, Mr. Speaker, this is the opportunity we have all been waiting for. All of us who have voiced our concerns about the families of this State, those of us who have campaigned on our commitment to family values, now is the time. This is our opportunity to put our votes where our rhetoric is by supporting this bill.

Let us consider the cost to the taxpayers of this State of added public assistance for workers who are faced with a choice between their family and their job and choose their family. Let us talk about lost productivity because workers are not given the right to return to their job after childbirth, illness, or caring for a sick relative. Let us talk about the fact that many companies do not have policies that are sensitive to the demands that are placed on working care givers, and as a result, employees suffer a great deal of stress in balancing those competing demands between families and jobs. Let us talk about the lack of available and affordable child care for newborn infants. How many facilities are there in this State where you can even leave a 2-month-old infant for day care?

Instead of talking, let us do something for a change. This is not a women's issue. This is not just maternity leave. This is an issue that is vital to all of our families and to all of our society. The voluntary policies that are in place have not addressed the need, and therefore, there is a requirement for

the mandated minimum, very minimum standards that are included in this bill.

As I said last year, the radical right wing of our society continues to pay lip service to family values, complains about the decline of the family in our society, and then refuses to stand up to support those families, to defend those family values. Those of us in this chamber who truly care about our families, about strengthening those families, about providing some support for them, some support for the working men and women of this Commonwealth, will stand behind those families, will stand behind those working men and women, and will support this legislation. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Nickol.

Mr. NICKOL. Thank you.

Mr. Speaker, I stand here today to state my support for family and medical leave, but I do not feel the heavy hand of government should be used to force this benefit on all employers without regard for their financial condition or the flexibility of their workplace.

I am familiar with some of the problems this legislation could cause. My father owned a laboratory, and I worked at his side for several years. As an employer, he was willing to adjust work schedules to accommodate his employees when difficulties arose in their personal lives. But how, pray tell me, could he find a temporary chemist if his organic chemist announced he was adopting a child and wanted 12 weeks to spend with his family? Or what about a skilled technician trained to perform microbiological testing and certified by the State. Do you just call Sesame Temps or Manpower and find a temporary replacement for these highly skilled workers? The critical employee exemption in this bill is deficient and not broad enough for such a technically oriented workplace.

What about the workers themselves? It is not the average York County worker who can afford to live without a paycheck for 12 weeks. Many workers might prefer short paid leave to extended unpaid leave. Others might prefer health insurance coverage, dental care or vision services, a longer vacation, or more personal days. A simple raise might be more useful for most workers. Legislators choosing benefits instead of allowing them to be set by employers and employees in each workplace forces a one-size-fits-all approach on everyone.

In recent years it has become difficult for State government to find money to create new programs. In frustration, are we not sidestepping revenue problems by mandating benefits? The politician gets the credit; the employer gets the bill. Family and medical leave is a great benefit. I would encourage any employer who is financially able and capable of making those adjustments in the workplace to seriously consider this benefit, but it should not be mandated by law. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Piccola.

Mr. PICCOLA. Thank you, Mr. Speaker.

I was listening carefully to Ms. Ritter express her concern for this legislation embodying family values. Where was Ms. Ritter when we were proposing to repeal industrial homework

legislation which prevents women from working in the home, women who want to work in the home, Ms. Ritter? It was you and your colleagues who denied us the right to vote on that, so where are your family values, Ms. Ritter?

Ms. Ritter—

The SPEAKER. Will the gentleman suspend.

The Chair urges the gentleman to focus his attention on the issue at hand and avoid personal references to other members.

Mr. PICCOLA. Thank you, Mr. Speaker.

I would suggest, Mr. Speaker, that those who are voting for this bill believe that somehow government, government, can create these family values; government maybe even can create families. I think God creates families, not government, especially not this government.

I have been listening carefully also to Mr. Blaum, and I was hoping during his remarks he would have finally come forward with the person who is getting hurt out there because somebody does not have an adequate leave policy. I think his words were, from now on, no new mother will have to choose; no new mother will have to choose. Where are these new mothers who have to choose? They do not exist, Mr. Speaker. Let us get off that kick. We have been asking since the summer of 1989 during those hearings when we had this testimony, this testimony right here, which produced not one case study. We have been asking since that time. We still do not know who is getting hurt on this subject. We have no idea, yet we are going to pass a massive set of mandates.

There is a little bit of hypocrisy, Mr. Speaker, in passing this legislation—and I pointed out some of it raised by Ms. Ritter, and Mr. Nickol alluded to another hypocrisy—because we say, by passing this bill, we are helping these employees out there. Well, the fact of the matter is, Mr. Speaker, every employer who employs people in the private sector has a certain amount of money, a limited amount of money, that they are going to be able to expend on workers' wages and benefits. Now, State government is going to come along and tell those employers and those employees that those benefits must be given. This leave policy, which is going to cost some amount of money, has got to be given. No exceptions. What is that employer going to do? Well, he is going to cut back on some other benefits or he is not going to give benefits or he is not going to create a job that maybe he thought about creating at some time down the road.

Mr. Speaker, we are not helping one single person with this bill, but we are hurting a whole lot of them. I urge its defeat.

The SPEAKER. The Chair recognizes Mr. Heckler.

Mr. HECKLER. Thank you, Mr. Speaker.

If the majority were truly concerned about families, they would have been willing to at least talk about letting women who want to and can work at home where they can be near their children do so instead of forcing them out of their homes so the AFL-CIO can be sure of access to them.

Now, Mr. Speaker, I do not have any doubt about the outcome of this vote today. The majority has already very impressively demonstrated that their control of the agenda will be upheld by party discipline even if the integrity of the deliberative process goes by the board.

I rise, nevertheless, to oppose this bill simply because it is not needed. This bill can only be grounded upon the belief that Pennsylvania businesses engage in the counterproductive practice of forcing hardworking, dedicated employees to choose between their jobs and their families. As has been pointed out by previous speakers, that is just not so. We have gone through 5 hearings across this State, years of debate and consideration of this issue, 67 witnesses, calls from both parties for examples, for citizens who have been harmed by such abusive practices by employers to come forward. What we have gotten, as I recall the record and from the research I have been able to do, is one nurse from Erie County who, it turns out when we looked into things, left her job because her husband moved to the Harrisburg area. When her employer was contacted, they said, heck, no, we would be happy to hire her back if she wants to come back; we did not fire her.

And the letter which the AFL-CIO has sent to all of us twice now during the course of this month. You have on your desks before you the benefits of the research that our staff has done with the employer who allegedly forced this woman, Ms. Patterson, to choose between her mother and her job, and I think you can see, and I suggest to you that this is absolutely factual, that in fact this woman had a total of 19 weeks of absence during the 2 years leading to the termination of her employment, and during her final year, she had 8 weeks of absence classified as medical leave, presumably unpaid, 3 weeks of paid sick leave, and 2 weeks of paid vacation. She was protected by a union contract. She grieved her dismissal under the terms of that contract—the contract which provided much more liberal leave benefits than Mr. Blaum's legislation would—and she lost that grievance at the first level, and neither she nor the union representing her has appealed.

Mr. Speaker, this legislation is not needed. This legislation sounds great. This legislation is "motherhood and apple pie," unless you recognize that the abuses, which we would all agree would be inappropriate if they were happening, simply are not happening.

If we pass this legislation, we create a safe haven for employees who may want to find some way of challenging a dismissal which, like the example that has been provided to us, was likely justified, and we will be providing the unions of this State with a way of removing a bargainable issue from the table, as Mr. Piccola has pointed out, thereby sidetracking some of the resources that the employer would have to benefit all of its employees. We are going to be sending a terrible message to those who would consider locating in this area.

Mr. Speaker, we have in this House and with some help from the Governor worked our way over the last 4 years through a tremendous surplus and worked our way into a deficit. It is no surprise to me that the best the majority can do to try to find an attractive political issue, since we cannot give away taxpayers' money anymore, we are going to start giving away the money of the employers of this State. It is a bad idea. It can only hurt this economy and hurt the people we are supposed to be helping.

I urge that we defeat HB 76.

The SPEAKER. The Chair recognizes Mr. Smith.

Mr. S. H. SMITH. Thank you, Mr. Speaker.

Would the prime sponsor of the bill stand for interrogation, please?

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

Mr. S. H. SMITH. Mr. Speaker, I am curious as to how the definition of "employer" was derived at, where it says that an employer is someone who has 50 people this year and 40, 30, 20. Can you tell me what was the basis for that definition?

Mr. BLAUM. The original version of HB 1661 from last session, you may remember, started off covering employers with 10 employees or more. That was the way we introduced it. Through efforts of compromise and negotiation, those were the numbers arrived at. Obviously, the lower the amount of employees necessary before an employer becomes covered, covers more people of Pennsylvania. That was our goal. The compromise arrived at is a phase-in from 50 - 50, 40, 30, 20 - over a several-year period. There is no magic or no mystery as to why that occurred. It is just that that is what the majority of people agreed on.

Mr. S. H. SMITH. As this bill would be phased in, what about those people who work for an employer who, say, has 10 or 15 employees? They work for an employer who will never be covered under this law or never be mandated to provide these types of benefits. What about those people?

Mr. BLAUM. Well, what about those people who work for employers who are underneath the threshold of the Human Relations Commission and do not come under a whole lot of, a whole lot of regulations that employers above that threshold come under?

If you are talking to me, I would like to cover as many people in Pennsylvania as we possibly could to give them the peace of mind and the job protection provided for in this bill, but I am realistic in knowing the necessary compromises that need to be made in order to move legislation forward.

If you want to help me, Mr. Speaker, cover and offer this job protection to people in businesses with 10 and 15 employees, I am happy to do it, but I do not think you will do it.

Mr. S. H. SMITH. You are right. I do not support this bill, but I just think that if you were really concerned about all of these families, that you should have gone the whole way and done it right.

I would just question as to— Let me continue one more point of questioning.

Mr. BLAUM. That is good.

Mr. S. H. SMITH. Are you aware of how the Federal Government— Do you know where they draw their line on a small business, what the statistics are that they use? I believe they use a statistic of 500 employees as a small business. I do not use that myself. I think of a small business as something around 100 or less, maybe. I mean, everybody has their own definition of it. I just was curious if you are aware of any of those types of parameters that are used either within the Federal Government or with another statistical analysis.

Mr. BLAUM. No.

Mr. S. H. SMITH. Thank you. That is all, Mr. Speaker.

I would like to speak on the bill.

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

Mr. S. H. SMITH. Thank you, Mr. Speaker.

Mr. Speaker, obviously, I stand in opposition to this bill primarily for the reasons that have been stated before in terms of it not being necessary and in terms of just generally opposing this type of a mandate.

But I seriously question— And I will admit that I almost drafted an amendment to this bill that would have said this thing goes to everybody, because I just think that if you are going to provide this kind of benefit to one person, you ought to provide it to another. I suspect that if I worked for an employer who only had 10 people in the business and they were not mandated to provide me some leave and that employer would not, that I would probably sue under that provision and say that if someone who worked for a bigger employer had it, that I should be entitled to it, too.

I really question that whole side of where this legislation is going, and I would like to oppose the legislation. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. King.

Mr. KING. Mr. Speaker, I stand in opposition to this bill. I would like to call to the members' attention Mr. Blaum's comment at the early part of the discussion saying that there was no mandate on this particular bill. As a new member, I sat here and just briefly, about an hour later, a fellow colleague of Mr. Blaum's stands up, Representative Ritter, and affirms that there is a mandate.

Now, coming recently to this august body from the private sector and being an employer, I stand here to affirm that I believe that our employers of this Commonwealth are indeed to be praised for their efforts in dealing with their employees in a most generous and beneficial manner.

I agree with Representative Smith's comments that it seems to be a disparity here in the timing of the coming into this bill of additional employees. When we go from 50 with a timelag to 40 to 30 to 20, I submit to you that, as a new member, this appears to me to affirm the fact that there is indeed a negative effect on businesses and that they indeed need to have this time to work this out.

So I stand here in opposition to this bill, and I am glad to be a part of it.

The SPEAKER. The Chair recognizes Mr. Leh.

Mr. LEH. Thank you, Mr. Speaker.

Would the prime sponsor stand for some questioning?

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

Mr. LEH. Mr. Speaker, does your legislation address the economic hardships on the business itself that could occur?

Mr. BLAUM. Mr. Speaker, for the umpteenth time, in States that have this legislation, there is no economic hardship on the businesses involved and covered by this legislation; none. The economic hardship, the hardship, is on the

employee who, by reason of birth, adoption of a child, or the serious illness of a family member, takes an unpaid leave; gives up their salary - that the situation is so serious that he gives up his salary.

David Wilt of York, Pennsylvania, whose infant daughter, Sarah, needed open-heart surgery at Children's Hospital in Washington, D.C., and went down for that surgery and was later found—

Mr. LEH. May I just have a "yes" or "no," please? Is there economic hardship on the business community?

The SPEAKER. Will the gentleman suspend.

The process of interrogation is not cross-examination. The gentleman presents a question; the other gentleman presents an answer.

Mr. LEH. I believe, Mr. Speaker, he has already answered my question.

The SPEAKER. Will the gentleman suspend.

When the gentleman has finished his answer, the gentleman may ask another question.

The gentleman, Mr. Blaum, will finish his remarks. The gentleman, Mr. Leh, can then propound any further questions.

Mr. BLAUM. David Wilt of York, Pennsylvania, whose daughter, Sarah, needed open-heart surgery in Washington, D.C., was fired from his job because he took off to transport her to Washington, D.C. This man has testified before congressional committees in Washington in favor of family and medical leave. These are the people, Mr. Speaker, who have the hardship.

We are talking about unpaid leave in this bill. That is all we are trying to get passed in Pennsylvania and in the States across this country. The United States and South Africa are the only industrialized countries in the world that do not have job protection for family and medical reasons, and in all those other Western industrialized countries it is paid leave.

We are not asking for paid leave. The hardship is on the employee, Mr. Speaker, not on the employer, and I hope that answers your question.

Mr. LEH. Okay. It is my understanding then that you are admitting that there is no economic hardship on the business involved. Then let me ask you another question, if I may.

Why do you have a determination? Why do you have a threshold of employees? What happens in the case of the 19th employee? What happens between the 19th employee and the 20th? And if—

Mr. BLAUM. Okay.

Mr. LEH. Go ahead. Answer me that.

Mr. BLAUM. Can I answer that question, Mr. Speaker? Because our well-financed opponents have made it difficult for us to pass this legislation with businesses with a lower threshold.

Originally we introduced the legislation, HB 1661, which had 10 employees or more. That is what Kevin Blaum favors. If I could get the votes to get that passed, that is what I would support. But people do not agree with me, and we have had to make changes in order to obtain 102 votes to pass law. Having

an idea is terrific, Mr. Speaker, but if you cannot get 102 votes in the House, 26 in the Senate, and the support of Bob Casey, it is not going to happen. In order to get the support of my colleagues in this House of Representatives, we worked very hard over the last year, no thanks to a lot of people who did not want to participate in that negotiating process, but we worked hard to formulate something that we thought would be best for Pennsylvania. That is the reason.

Mr. LEH. Mr. Speaker, I have another question.

You just stated that in your original bill of last year, and I am quite familiar with it, the threshold was 10, and you said in your own words right now that that was your idea; this is what you wanted. What about the other nine people? What about a company that only employs nine? What about a company that only employs three? Are they not just as important? An employer that has three people, why should they not be involved in such legislation? It seems that you already cut them out last year. You were not even concerned about them. You were concerned about 10 or more. Now answer me that.

Mr. BLAUM. Because, Mr. Speaker, it is an effort to obtain the necessary votes to enact legislation. We thought 10 was very reasonable. We found out that other members disagreed; they would have liked it a little higher. They did not want that many businesses covered. You know, that is fine. We compromised. Our goal is to cover as many employees in Pennsylvania.

And, Mr. Speaker, I would like to make a point that when this bill is fully implemented, when HB 76 is fully implemented and covers employers with 20 employees or more, we will be exempting, we will be exempting, 87 percent of the employers in Pennsylvania. They will never be covered by the provisions of this legislation, which apparently you think are too harsh. We will only cover 13 percent of the employers in Pennsylvania. Happily, however—happily, however—those 13 percent employ over 80 percent of the work force. We think that is fair.

Mr. LEH. Mr. Speaker, it is my understanding then that the gentleman is saying that a company, a family business—and there you go, a family business—that employs one person will receive no economic hardship or would receive no economic hardship if the bill had no threshold.

Very simply, a business that employs one person, would there be any economic hardship if this bill pertained to them?

Mr. BLAUM. Mr. Speaker, in the business that employs one person, the employer, he has the opportunity to go and come as he pleases.

Mr. LEH. I am talking about a “mom and pop” shop—and I think you understand that—that employs one person, which is not the owner of the business.

Mr. BLAUM. What is your point?

Mr. LEH. It is plain to see you have never been in business.

Mr. Speaker, my interrogation is completed. May I speak on the bill?

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

Mr. LEH. This has been a very controversial issue on the House floor and up here in Harrisburg and within the beltway, if you so have it. But believe me, back home I cannot find any interest generated in this legislation.

Let me just say, and I said this last year and you are probably sick of hearing me say this, but I come from a strong union background and I am not antiunion. I paid union dues for 21 years up until the day that I was sworn in here in 1987.

I spoke to my union colleagues about this bill last session and even recently. They could care less about it. They are not concerned. I will tell you, some family people are, because they would like to negotiate their own benefits with their union. I know that is what I appreciated when I was a union member. I appreciated going to the bargaining table and telling my union representatives, this is what I want; this is what I need; not somebody up here in Harrisburg who does not have the foggiest idea what my needs as an individual and as a family man are. Let us face it: This is a one-approach-fits-all, and it is something that I do not think we should be tinkering in.

But I think it has all been said here, and I do not want to participate in any more of an act of futility, but let me just say that I did do a poll. I did do a poll, and my poll came in. I did a mailing in August. The returns came in. I had about 600 returns. Very simply, I asked the question, “Do you believe that the government should be mandating employee benefits?” Twenty to one, no, they do not. Do not get the government involved; let me do that with my employer.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Staback.

Mr. STABACK. Thank you, Mr. Speaker.

Mr. Speaker, I would like to respond to the concept that HB 76 is not needed, and I want to do that by sharing a personal experience with you and telling you a story.

About 6 months ago a woman, a constituent in my district, called my home and asked that I help her daughter acquire a position in a local institution by writing a letter of recommendation in her behalf, and I agreed to do that. However, before that telephone conversation ended, the daughter herself picked up the telephone as a courtesy to make me aware of the fact that she had previously been employed at this institution some 4 or 5 years before but had been discharged, if you will.

Now, I asked her under what circumstances she was let go, and this is her story, confirmed, if you will: Her mother was ill, seriously ill; confined to a hospital for an extended time. Upon her release she was in need of extended personal care at home. Her daughter gave up her vacation time and all the sick leave that she had coming to take care of her mother. When that was exhausted, she went back to work. A couple of months after she returned to work, she got married. A couple of months after getting married, she became pregnant and developed complications with her pregnancy that required her to be hospitalized for a week. At the end of that week and upon her discharge, she called her personnel director to tell him, I will be back to work on Monday. He very politely advised her that she had already expended her vacation time

and sick leave and she had no job to return to. There was no union to help her. There was no one she could talk to, no one she could turn to. She simply accepted her fate.

This bothered me to the nth degree, so I called the administrator of the institution and quizzed him about this and asked him to confirm it. He called me back the following day and confirmed the story verbatim, indicating it was a miscarriage of justice. It is something that never ever should have happened. She should not have been discharged, but indeed she was discharged.

This story, however, had a happy ending. She did get the position that she applied for.

The point of the story is that there are situations out there. God knows how many we do not know about that need to be addressed.

HB 76 is not intended to penalize anyone. It is simply intended to eliminate situations like this. It is a good bill, it is a people bill, and it deserves our full support. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Merry.

Mr. MERRY. Mr. Speaker, a story like the previous speaker has just rendered is very effective, but it illustrates an exception to the world. As we have told you, in our various hearings we have looked for cases like this, and we have not seen this one-in-a-million or one-in-a-thousand case. But now we are in a situation where we are going to apply a law that is going to apply to all the employers of 50, 40, 30, and 20 in the Commonwealth.

My concern is the cost of the program. Now, I realize this has been addressed slightly before, but these costs affect two groups of people. It affects the private enterprise, the employer that we are all so greatly concerned about. It affects all municipal government as well - townships, boroughs, cities, and counties.

For years I have and I know you have defended yourself against all these mandates that the State is putting on. We have almost signed oaths with most of our county governments that we will never pass another mandate on to you without providing the money to go along with it. Our actions up to this point today have indicated that we have no intention of passing the money on with this mandate.

Now, it has been well documented by the debate of the impact upon our private business, and I do suggest that there is a great impact.

The maker of this bill led you to believe when he made his introductory remarks that there was very little cost to private industry. He supported that argument by saying that in most cases, this employee will not have to be replaced. Well, that is great. Most employers would like to know that they are hiring too many employees, that they have no need for the employees that they have on staff. And you know that is false. We are so trimmed and so lean and clean that we hire only those yet barely necessary to get by to produce a product or a service at the lowest possible cost. You only have to think through for yourself that almost every employee that has to take a leave has an impact upon that business.

Now, that impact is being addressed today by negotiations, individually or jointly with unions and so forth, as to how that is taken care of. And it seems to be working, because these costs are assessed, that when a person is laid off, a person has to be retrained at cost to fill the position. They have to be paid to replace that position, and usually there are paid benefits that go along with it and then the susceptibility of unemployment benefits after that person is laid off.

Now, those are two points that I wanted to make, but an additional one that has not been brought out today, and it is very short, and I will close with this one remark: I am afraid that in the interest of trying to do something of service and of benefit to our family people—and the bill does provide benefits—the problem is, it has costs and implications much beyond the good that it is going to do. But do not lose sight of the fact that the next person that is employed out there—and particularly the women that are looking for jobs—is going to be evaluated immediately on what the effect of this bill will have on their employment. The point I am making is that if you are hiring a woman of family age that is apt to be pregnant or be raising a family, within a short period of time you are going to be thinking to yourself, well, I am only going to be hiring this person for a short length of time and immediately I am going to have to be providing these benefits so that she may have a maternity leave.

Now, currently these things are adjusted by many ways. Maybe the person is working part time or maybe doing some work at home or taking work home with her. There are ways that this law has been avoided. I would much rather have seen Representative Piccola's bill go into effect, because that would have provided the ability to continue to work at home and not have the impact upon their income or the impact upon their employer by them missing so much work.

But please, realize that there is an impact against these people that you are trying to protect by creating an additional means of discrimination against that person who is trying to find a job.

Mr. Speaker, let it be clear that I oppose HB 76 in the present form that it is written and urge the other members to vote against it.

The SPEAKER. The Chair recognizes Mr. Levdansky.

Mr. LEVDANSKY. Thank you, Mr. Speaker.

Mr. Speaker, the logic of the opponents of this legislation escapes me somewhat. On one hand they claim that this legislation is going to impact significantly businesses and industries across the Commonwealth which are going to have to incur substantial costs to implement the Family and Medical Leave Act. Then on the other hand they say that this legislation does not cover anybody because we cannot find any instances of anybody that we know who needs this kind of legislation. Well, let me read for you some excerpts from a letter that I received from a constituent of mine that teaches me and instructs me how I ought to vote on this legislation.

A gentleman writes to me about the situation involving his wife, Deborah, who has been employed by a company for 7 years. She is employed as a store manager and has no pension

or medical or maternity leave. The company is on its fourth president in 7 years, and it is a privately owned corporation. Each president brings a new brand of cost cutting, which is actually wage decreases or benefit decreases for the employees. "Employees are told 'If you don't like it, then quit.'"

His wife worked into her eighth month of pregnancy. In October and November of last year they were forced to apply for public assistance and received food stamps. Only their pride kept them paying their hospitalization during that period so the State would not have to pay those costs for them.

The gentleman goes on to say that one woman, also working with his wife, gave birth near the same time and had to quit work in the fifth month of her pregnancy and was supported financially and medically by the State the entire time. She was rehired only because his wife was responsible for the hiring process. "Had she not been, the woman would not have been rehired. She was a quit! This woman had been a faithful employee for three years and only missed work to bear a child."

In his wife's case, in all probability she was allowed to return to work only because of a pending lawsuit against her employer. "She...will fight but most people do not," he goes on to say. "Employers can and will do almost anything they can get away with. Employees do not know of their rights and even if they do - they are afraid..." to exercise them because of the fear of losing their job.

Mr. Speaker, I am voting in the interest of Deborah Hannan from my district and I am supporting this legislation. I would urge all of you to think of your constituents when you cast your vote as well. Thank you very much.

The SPEAKER. The Chair recognizes Mr. Stuban.

Mr. STUBAN. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support HB 76. The only regret that I have with it is that it does not cover every employee in our State.

I listened to the argument of economic situations that it will cause. The same groups here today are the same groups that have argued the economic impact that things of good that have happened in our State and our Nation in the past have caused. We heard those same groups argue about Social Security, what economic impact it would have on our country. We have heard those same arguments about unemployment compensation, workmen's compensation, child labor laws, and many other things that have benefited our employees across the State and across the Nation.

I ask your support for this piece of legislation.

The SPEAKER. The Chair recognizes Mr. Gallen.

Mr. GALLEN. Thank you, Mr. Speaker.

You know, there has been a lot of rhetoric concerning this legislation today and how much it is going to hurt business or how much it is going to help employees or whether or not these benefits should be negotiated at the bargaining table and so on. But I do not think that it is going to have that much impact except for the fact that we are sending business in this State a message. I think that is the most important thing. We

are telling businesses in this State, we are not your friend; do not expand here and do not bring your business in here. I think that is the most important message that we are telling people.

I think, in addition to that, this legislation is pandering, pure and simple. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Gannon.

Mr. GANNON. Mr. Speaker, I think we have to look at the overall agenda, what this bill represents. The State is broke. Our cities are broke. Our municipalities are broke. We are in the middle of a recession that is getting deeper and deeper.

Now, for years and years the "loony left" has always put forth social programs that are imposed upon the populace and paid for by the government. Now, they certainly do not want to stop their social programs. The problem is, the government cannot pay for them anymore. So the new agenda is to impose the social program, make it a mandate, and let the private sector pay for it. And, Mr. Speaker, this is part of the new "loony left" agenda - mandate programs and let somebody else pay for them.

Now, the loonies have always said somebody else has to pay for it. There is an axiom that says "good cases make bad law," and one of the gentlemen over there a short time ago gave an anecdote that made a good case, Mr. Speaker, and it made a good case for bad law.

But we have got to examine what the bill does not do as opposed to what it does do, and that is one of the things that the sponsors of the bill have refused and failed to address during this debate. For example, they constantly cite other States that have planned leave and ask us why we should not join on that bandwagon. What they fail to do is look at some of the contents of the planned leave of those other States and how we do not have the same safeguards in the legislation that they are going to run through here today.

For example: "In Oregon, any employer which offers employees a nondiscriminatory cafeteria plan which includes as one of the options a parental leave benefit, is exempted from the statute." There are no exemptions in this proposal. "In Tennessee, the maternity leave statute recognizes when an employee's job is so unique that reasonable efforts by the employer cannot fill the position temporarily, then the employer is exempted from the requirement to reinstate the employer at the end of the leave." We do not have a key-employee exemption in this proposal. It merely denies restoration. And, Mr. Speaker, if you will look at the restoration provision, an able-bodied employee can say "I don't want to return to that job" just as well as an employee who has taken planned leave.

In Rhode Island, which is one of the other States cited in this debate, prior to the commencement of its parental leave proposal, "...the employee shall pay to the employer a sum of the premium required to maintain the employee's health benefits during the...leave."

The point is, Mr. Speaker, that we have a charade going on here. We have an absolute mandate with every single penny being paid by the employers of this Commonwealth. And bear

in mind, it is the small employer who is going to bear the brunt of this legislation; the small businessman who is out there struggling in the midst of a recession; the guy that is working 18, 19, 14 hours a day, opens up shop at 6 a.m., does not close until 12 midnight. He has got a family at home. He is struggling to put food on the table, pay his mortgage, clothe his children. He has got a half dozen employees who are in the same boat as he is. This is the person, this is the business that is going to be impacted most by this legislation.

The legislation, the proposal, is also very antiwoman, and the way I say that is this: If this proposal is adopted and made law and you have two qualified employees looking for a job—both female—if this law is in effect, the employer is going to choose the female employee who is going to be less, less disposed to take that planned leave for pregnancy reasons.

So, Mr. Speaker, what we have seen here today is a characterization of other States that have the planned leave. It is nothing like this bill. It is a shame that they would even bring up other States that have this type of leave when they know there is no relationship at all between what they are proposing and what other States have done. Also, it is very discriminatory, what it is going to do to that young family where both have to work, to struggle to earn a living to get the money together to get out of that apartment to buy a house - struggling, and that poor young woman is going to be discriminated against because she is of childbearing years.

Mr. Speaker, this piece of legislation is going to have a devastating effect on the business community in Pennsylvania, and I would urge a “no” vote.

The SPEAKER. The Chair recognizes Mr. Saurman.

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, very briefly, earlier today someone indicated that he did not have his Constitution with him. I happen to have mine. I would just like to read something. Section 1 of Article I says, “All men are born equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness.” Mr. Speaker, I think we need to add a few words to that section, and those words would be these: “unless you are a business owner, and then these rights are suspended.”

I would ask for a “no” vote.

On the question recurring,

Shall the bill pass finally?

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

YEAS—106

Acosta	Dermody	Levdansky	Saloom
Angstadt	Evans	Linton	Scrimenti
Arnold	Fajt	Lloyd	Serafini
Belardi	Fee	Lucyk	Staback
Belfanti	Freeman	McCall	Steelman
Billow	Gamble	McGeehan	Steighner
Bishop	George	McNally	Stetler
Blaum	Gigliotti	Markosek	Stish
Bowley	Gruitza	Mayernik	Stuban
Boyes	Haluska	Melio	Sturla
Broujos	Hanna	Michlovic	Surra

Butkovitz	Harper	Mihalich	Tangretti
Caltagirone	Hayden	Mrkonic	Telek
Cappabianca	Hughes	Mundy	Thomas
Carn	Itkin	Murphy	Tigue
Carone	James	O'Brien	Trello
Cawley	Jarolin	Olasz	Trich
Cohen	Josephs	Oliver	Van Horne
Colafrilla	Kaiser	Pesci	Veon
Colaizzo	Kasunic	Petrone	Wambach
Cole	Kosinski	Pistella	Williams
Corrigan	Krebs	Preston	Wogan
Cowell	Kruszewski	Richardson	Wozniak
Coy	Kukovich	Ritter	Wright, D. R.
DeLuca	LaGrotta	Robinson	
DeWeese	Laughlin	Roebuck	O'Donnell,
Daley	Lescovitz	Rudy	Speaker

NAYS—87

Adolph	Durham	Jadlowiec	Reinard
Allen	Fairchild	Johnson	Ryan
Anderson	Fargo	Kenney	Saurman
Argall	Farmer	King	Scheetz
Armstrong	Fleagle	Langtry	Schuler
Barley	Foster	Lawless	Semmel
Battisto	Fox	Lee	Smith, B.
Birmelin	Freind	Leh	Smith, S. H.
Black	Gannon	McHugh	Snyder, D. W.
Brown	Geist	Marsico	Snyder, G.
Bunt	Gerlach	Merry	Stairs
Bush	Gladeck	Micozzie	Strittmatter
Carlson	Godshall	Nailor	Taylor, E. Z.
Cessar	Gruppo	Nickol	Taylor, J.
Chadwick	Hagarty	Noye	Tomlinson
Civera	Harley	Nyce	Tulli
Clark	Hasay	Perzel	Uliana
Clymer	Hayes	Phillips	Vance
Cornell	Heckler	Piccola	Vroon
Davies	Herman	Pitts	Wilson
Dempsey	Hershey	Raymond	Wright, M. N.
Dent	Hess	Reber	

NOT VOTING—5

Donatucci	Maiale	Rieger	Wright, R. C.
Gallen			

EXCUSED—5

Flick	Nahill	Petrarca	Taylor, F.
McHale			

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

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

VOTE CORRECTION

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

Mr. GALLEN. Mr. Speaker, I was locked out, and I would like to be recorded in the negative on the previous vote. Thank you, Mr. Speaker.

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

RULES SUSPENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. DeWEESE. Mr. Speaker, I move that the rules be suspended to permit immediate consideration of HR 17.

On the question,

Will the House agree to the motion?

Motion was agreed to.

RESOLUTION ADOPTED

The SPEAKER. The Chair recognizes Representative Hughes, who calls up HR 17.

The following resolution was read:

House Resolution No. 17

A RESOLUTION

Calling upon Pennsylvanians to observe "Martin Luther King, Jr., Day."

WHEREAS, Martin Luther King, Jr., born on January 15, 1929, in Atlanta, Georgia, followed in his father's and grandfather's footsteps by becoming a Baptist minister after graduation from Morehouse College in 1948 and Crozer Theological Seminary in 1951; and

WHEREAS, He received his doctorate from Boston University in 1955; and

WHEREAS, In 1954, as pastor of the Dexter Avenue Baptist Church in Montgomery, Alabama, Dr. King organized a citywide boycott of the city's segregated busing system which led to a United States Supreme Court decision forcing desegregation of the buses; and

WHEREAS, Throughout this and later civil rights protests, Dr. King espoused the philosophy of nonviolent passive resistance and civil disobedience; and

WHEREAS, In 1957, Dr. King moved back to Atlanta to join his father as associate pastor of the Ebenezer Baptist Church and organized the Southern Christian Leadership Conference to fight segregation and discrimination throughout the south; and

WHEREAS, During the following years, he was frequently arrested, beaten, jailed and threatened with violence as a result of his protest activities; and

WHEREAS, Dr. King led a massive voter registration drive in Selma, Alabama, resulting in the famous freedom march to Montgomery, the state capital; and

WHEREAS, His famous march on Washington, D.C., in 1963 culminated in a great rally at the Lincoln Memorial at which he gave his immortal "I have a dream" speech; and

WHEREAS, Dr. King's efforts resulted in enactment of the Federal Civil Rights Act of 1964; and

WHEREAS, His personal sacrifices and determined leadership of the civil rights movement in the United States were formally recognized in 1964 when he received the Nobel Peace Prize; and

WHEREAS, Dr. King was assassinated in 1968 while in Memphis, Tennessee, to organize a "poor people's campaign"; and

WHEREAS, The third Monday of January has been designated as a national holiday in order to give all Americans an opportunity to reflect upon the profound impact Dr. King has had on life in the United States; therefore be it

RESOLVED, That the House of Representatives urge all Pennsylvanians to be mindful of the spirit and work of Dr. Martin Luther King, Jr. and to remember his commitment to peace and his dedication to equality for all human beings on the designated day of his remembrance, January 21, 1991, and throughout the year.

Vincent Hughes
W. Curtis Thomas
William Russell Robinson
Louise Williams Bishop
Dwight Evans
Ruth B. Harper
Frank L. Oliver
David P. Richardson, Jr.
Ralph Acosta
Andrew J. Carn
Harold James
Gordon J. Linton
Joseph Preston, Jr.
James R. Roebuck, Jr.
Anthony Hardy Williams
Robert C. Wright

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—192

Acosta	Dermody	Kukovich	Roebuck
Adolph	Durham	LaGrotta	Rudy
Allen	Evans	Langtry	Ryan
Anderson	Fairchild	Laughlin	Saloom
Angstadt	Fajt	Lawless	Saurman
Argall	Farmer	Lee	Scheetz
Armstrong	Fee	Leh	Schuler
Arnold	Fleagle	Lescovitz	Scrimenti
Barley	Foster	Levdansky	Semmel
Battisto	Fox	Linton	Serafini
Belardi	Freeman	Lloyd	Smith, B.
Belfanti	Freind	Lucyk	Smith, S. H.
Billow	Gallen	McCall	Snyder, D. W.
Birmelin	Gamble	McGeehan	Snyder, G.
Bishop	Gannon	McHugh	Staback
Black	Geist	McNally	Stairs
Blaum	George	Markosek	Steelman
Bowley	Gerlach	Marsico	Steighner
Boyes	Gigliotti	Mayernik	Stetler
Broujos	Gladeck	Melio	Stish
Brown	Godshall	Merry	Strittmatter
Bunt	Gruitza	Michlovic	Stuban
Bush	Gruppo	Micozzie	Sturla
Butkovitz	Hagarty	Mihalich	Surra
Caltagirone	Haluska	Mrkonic	Tangretti
Cappabianca	Hanna	Mundy	Taylor, E. Z.
Carlson	Harley	Murphy	Taylor, J.
Carn	Harper	Nailor	Telek
Carone	Hasay	Nickol	Thomas
Cawley	Hayden	Noye	Tigue
Cessar	Hayes	Nyce	Tomlinson
Chadwick	Heckler	O'Brien	Trello
Civera	Herman	Olasz	Trich
Clark	Hershey	Oliver	Tulli
Clymer	Hess	Perzel	Uliana
Cohen	Hughes	Pesci	Van Horne
Colafella	Itkin	Petrone	Vance
Colaizzo	Jadlowiec	Phillips	Veon
Cole	James	Piccola	Vroon
Cornell	Jarolin	Pistella	Wambach
Corrigan	Johnson	Pitts	Wilson
Cowell	Josephs	Preston	Wogan
Coy	Kaiser	Raymond	Wozniak
DeLuca	Kasunic	Reber	Wright, D. R.
DeWeese	Kenney	Reinard	Wright, M. N.
Daley	King	Richardson	
Davies	Kosinski	Ritter	O'Donnell,
Dempsey	Krebs	Robinson	Speaker
Dent	Kruszewski		

NAYS—0

NOT VOTING—6

Donatucci	Maiale	Williams	Wright, R. C.
Fargo	Rieger		

EXCUSED—5

Flick	Nahill	Petrarca	Taylor, F.
McHale			

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

The SPEAKER. HR 17, the subject of which is Martin Luther King Day or the observance thereof, will be held at the clerk's desk for additional cosponsors.

VOTE CORRECTION

The SPEAKER. The Chair recognizes Mr. Snyder.

Mr. G. M. SNYDER. Mr. Speaker, I would like to correct the record.

On reviewing the roll call on HB 76, amendment 32, I note the roll call incorrectly indicates that I voted in the affirmative. I voted in the negative and would like to be so recorded. Thank you.

The SPEAKER. The Chair recognizes the lady, Mrs. Harper, on unanimous consent. The lady is not seeking recognition.

VOTE CORRECTIONS

The SPEAKER. The Chair recognizes Mr. Hess.

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

Mr. Speaker, on amendment A0032 I was recorded in the affirmative, and I would like to be recorded in the negative.

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

The Chair recognizes Mr. McGeehan.

Mr. MCGEEHAN. Mr. Speaker, I would like to correct the record, please.

On amendment A0033 my switch malfunctioned, and I would like to be recorded in the negative.

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

The Chair recognizes the lady, Ms. Bishop.

Ms. BISHOP. Mr. Speaker, I would like to correct the record, please.

My switch inadvertently did not work. I would like to be recorded in the affirmative on amendment No. A0018 to HB 1. Thank you.

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

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. The Chair recognizes Mr. Marsico.

Mr. MARSICO. Mr. Speaker, I would like to submit the following remarks for the record.

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

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

Mr. Speaker, I rise in opposition to HB 76. This bill will, undoubtedly, impose tremendous costs on business and local government at a time when the economy of the Commonwealth is in a delicate situation.

With the national economy already in a recession, small businesses have enough hardships and many are trying to stay afloat, and now is certainly not the time to impose more costs to local government, which, of course, would be another unfunded mandate on local government. Many of our local governments will not be able to afford this additional expense and will be forced to increase local taxes.

Most employers already have formal leave policies in operation to meet maternity leave, and many employers have formal leave policies in operation to meet family medical and disability leave. Those employers without formal policies provide leave on a case-by-case basis. During the course of 5 public hearings that were held statewide, at which 67 witnesses testified, not 1 verified case of threatened or actual job loss as a result of inadequate leave was documented.

Small business and local government alike do not have the benefit of pools to draw from and must hire replacements who will, no doubt, add to their costs. Each employer varies his package of benefits based on the desire of his employees and his own ability to pay for those benefits. Mandated leave imposes increased costs, continued health insurance costs replacing workers with temporary help, unemployment compensation for discharged temporary help, and loss of productivity. These increased costs necessarily reduce the amount of money available for other forms of compensation and benefits.

Mr. Speaker, my colleagues on the other side of the aisle have no concept, have no idea what it is like to run a business. They have no idea what a burden this would impose on small business.

Mandated parental leave will impose a large cost which many small businesses will find difficult to handle. Mandated parental leave will place small businesses in a position of losing output because they cannot replace or cover for the employee who was out on parental leave. Small businesses are opposed to State government interfering with an individual employer-employee relationship to try to tell the employer and employees what benefits are good for them. Small businesses are opposed to parental leave because it is unfair to those employees that do not want or need a parental leave benefit. Those employees will have to endure a possible cutback in other important benefits for the convenience of a few wealthy employees who want a leave from work.

Mr. Speaker, again it is important to realize that small businesses have to consider the cost of employee benefit packages, the cost of unemployment compensation taxes, the cost of each employee's productivity, the administrative costs of hiring and training employees, and the loss of productive capacity if many employees are absent over a long period of time. These are all important factors that weigh in the cost of employing a person; the cost of labor goes way beyond the employees' salaries.

The point is very simple and clear: Mandated parental leave presents too large a cost to the Commonwealth's small businesses. Mr. Speaker, to mandate such measures is both inappropriate and unnecessarily expensive and will create a devastating effect on the small businesses of this Commonwealth and also the local governments of this Commonwealth.

I ask for a "no" vote on this bill. Thank you.

VOTE CORRECTION

The SPEAKER. The Chair recognizes Mr. Reinard.
Mr. REINARD. Thank you, Mr. Speaker.

Correction of the record on amendment A0032. My vote was not recorded. I wish the record to reflect I would have voted in the negative.

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

**HOUSE BILLS
INTRODUCED AND REFERRED**

No. 209 By Representative O'DONNELL

An Act establishing the Pennsylvania Intergovernmental Cooperation Authority; and providing for its powers and duties.

Referred to Committee on STATE GOVERNMENT,
January 30, 1991.

No. 236 By Representatives McCALL, TRELLO,
DeLUCA, MAYERNIK, BELARDI,
STABACK, MUNDY, CAWLEY,
BELFANTI, KASUNIC, BATTISTO,
STUBAN, LUCYK, HALUSKA,
CALTAGIRONE, JAROLIN, WAMBACH,
LAUGHLIN, MELIO, COLAIZZO,
PESCI, MERRY, MARKOSEK, ARGALL,
COY, GERLACH, FEE, WILSON,
FARMER, SCHULER, F. TAYLOR,
DEMPSEY, ULIANA, VEON, KENNEY,
CAPPABIANCA, NOYE, STISH,
NAHILL, HAGARTY, CESSAR,
HECKLER, VAN HORNE, BOWLEY,
D. R. WRIGHT, HAYDEN, FREEMAN,
BUSH, GIGLIOTTI, McNALLY, LLOYD,
LESCOVITZ, ITKIN, HERMAN,
CARLSON, TIGUE, ANGSTADT,
NAILOR, MARSICO, SCRIMENTI,
SCHEETZ, D. W. SNYDER, COWELL,
PHILLIPS, SURRA, TRICH, HESS,
CIVERA, RAYMOND, MIHALICH,
TANGRETTI, BLAUM, JAMES,
PETRARCA, WOZNIAK, NICKOL,
GLADECK, KOSINSKI, JOHNSON,
COLE, LaGROTTA, DeWEESE,
STEIGHNER and EVANS

An Act relieving members of the United States Armed Forces serving in the Persian Gulf area from certain State and local tax filing deadlines.

Referred to Committee on FINANCE, January 30, 1991.

ADDITIONS AND DELETIONS OF SPONSORS

The SPEAKER. The Chair is about to submit for the record additions and deletions of sponsorships received from the majority leader.

The following list was submitted:

ADDITIONS:

HB 1, Boyes, Telek, Bishop; HB 11, Belardi, Thomas; HB 12, Thomas, Pistella; HB 16, Belardi; HB 17, Veon; HB 22, Veon; HB 25, Veon; HB 54, S. H. Smith; HB 55, Foster; HB 56, Veon, Michlovic; HB 57, Fox, Cappabianca; HB 58, Gigliotti, Michlovic; HB 69, Veon, Bishop, Serafini; HB 70, Veon, Serafini; HB 71, King; HB 72, Telek, Preston; HB 76, Bishop, Evans, Butkovitz, Thomas, Petrone, Oliver; HB 77, Thomas; HB 79, Michlovic; HB 86, Adolph; HB 94, Battisto; HB 107, Flick; HB 108, Adolph, Flick; HB 110, Flick; HB 111, Adolph, Flick; HB 112, Flick; HB 122, J. J. Taylor, Cappabianca, Adolph; HB 123, Adolph, Cappabianca, J. J. Taylor; HB 124, Laughlin; HB 125, Blaum, Laughlin; HB 126, Scheetz, J. J. Taylor, Laughlin; HB 127, E. Z. Taylor, Laughlin; HB 131, Adolph, Petrarca; HB 136, Tangretti, Cappabianca, Kasunic, Levdansky, Laughlin, D. W. Snyder; HB 158, J. J. Taylor; HB 166, Laughlin; HB 167, Laughlin; HB 168, Laughlin; HB 169, Civera, Bunt, J. J. Taylor; HB 191, E. Z. Taylor, Lescovitz; HB 310, Pistella; HR 5, Cawley, Telek, Veon, Bishop, Hanna, Gerlach, King; HR 7, Gruppo; HR 9, Adolph, J. J. Taylor; HR 12, Adolph, Pistella; HR 13, J. J. Taylor.

DELETION:

HB 76, Lee.

**SUNSET LEADERSHIP COMMITTEE
RESOLUTION**

The SPEAKER. The Chair submits for the record a Sunset Leadership Committee resolution.

The following resolution was submitted:

WHEREAS, under Section 4 of the Sunset Act, the Leadership Committee is given the responsibility of assigning to an appropriate Standing Committee of the Senate or House of Representatives, each agency which is scheduled for review and evaluation under the provisions of this Act.

WHEREAS, the following agencies are scheduled for termination on December 31, 1991; therefore, be it

RESOLVED, that the Sunset Leadership Committee assign these agencies as follows:

Crime Victim's Compensation Board - Senate Judiciary Committee

State Board of Optometry - House Professional Licensure Committee

Advisory Council on Drug and Alcohol Abuse - Senate Public Health and Welfare Committee

Pennsylvania Human Relations Commission - House State Government Committee

Public Employee Retirement Study Commission - Senate Finance Committee

Pennsylvania Public Utility Commission - House Consumer Affairs Committee

Municipal Pension Advisory Commission - Senate Finance Committee

Advisory Council for the Deaf and Hearing Impaired - House Labor Relations Committee

Robert C. Jubelirer

F. Joseph Loeper

Robert J. Mellow

Robert W. O'Donnell

H. William DeWeese

Matthew J. Ryan

January 29, 1991

ADJOURNMENT

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

Mr. BUTKOVITZ. Mr. Speaker, I move that the House adjourn until Monday, February 4, 1991, at 1 p.m., e.s.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 2:35 p.m., e.s.t., the House adjourned.