

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, MARCH 19, 1991

SESSION OF 1991 175TH OF THE GENERAL ASSEMBLY

No. 16

HOUSE OF REPRESENTATIVES

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

THE SPEAKER PRO TEMPORE (DAVID R. WRIGHT) PRESIDING

PRAYER

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

Let us pray:

Gracious God our Father, the writer of Ecclesiastes said, "To everything there is a season, and a time to every purpose under the heaven; a time to be born, and a time to die; a time to plant, and a time to pluck up that which is planted; a time to kill, and a time to heal; a time to break down, and a time to build up; a time to weep, and a time to laugh; a time to mourn, and a time to dance; a time to get, and a time to lose...."

Some things though are always in season - our pursuit of justice, our search for truth, our devotion to duty, and our quest for excellence.

At all times make us dogged in our chase after eternal values, committed to the tasks that confront us, and resolved to keep Pennsylvania strong.

In Your dear name we pray. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, the approval of the Journal of Monday, March 18, 1991, will be postponed until printed. The Chair hears no objection.

BILLS REMOVED FROM TABLE

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

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

HB 89;
HB 93; and
HB 611.

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

LEAVES OF ABSENCE

The SPEAKER pro tempore. Are there requests for leaves of absence?

The Chair recognizes the gentleman, Mr. Steighner, for the purpose of leaves of absence.

Mr. STEIGHNER. Thank you, Mr. Speaker.

Mr. Speaker, I would like to ask for leave for the gentleman from Luzerne, Mr. TIGUE, for the day.

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

HOUSE BILLS INTRODUCED AND REFERRED

No. 838 By Representatives CAPPABIANCA, LEVDANSKY, ROBINSON, BARLEY, SCRIMENTI, BATTISTO, DeLUCA, KRUSZEWSKI, KOSINSKI, ITKIN, WOZNIAK, OLASZ, VEON, STURLA, TANGRETTI, BELARDI, MICHLOVIC, MELIO, BILLOW, F. TAYLOR, BOWLEY, SERAFINI, PETRARCA, COLAIZZO, CALTAGIRONE, PHILLIPS, HALUSKA, VAN HORNE, PRESTON and GRUPPO

An Act amending Title 15 (Corporations and Unincorporated Associations) of the Pennsylvania Consolidated Statutes, requiring nonprofit corporations to supply information as to affiliation, activities and tax status to the Commonwealth; providing for powers and duties of the Department of State and the Department of Revenue; and providing for penalties.

Referred to Committee on BUSINESS AND COMMERCE, March 19, 1991.

No. 839 By Representatives CAPPABIANCA, D. R. WRIGHT, SCRIMENTI, WOZNIAK, CIVERA, PRESTON, KRUSZEWSKI, KOSINSKI, OLASZ, SEMMEL, TANGRETTI, BELARDI, MELIO, SERAFINI, HALUSKA, VAN HORNE,

ACOSTA, TRELLO, BOWLEY, MAIALE,
LEVDANSKY, GRUPPO and VEON

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

Referred to Committee on FINANCE, March 19, 1991.

No. 840 By Representatives CAPPABIANCA, SALOOM, CESSAR, ALLEN, JOHNSON, HERMAN, FLEAGLE, STUBAN, BUSH, D. R. WRIGHT, SCRIMENTI, M. N. WRIGHT, WOZNIAK, STURLA, SAURMAN, KENNEY, STABACK, JAMES, PRESTON, BATTISTO, VEON, FAIRCHILD, STEIGHNER, DeLUCA, KOSINSKI, CAWLEY, TRELLO, GEIST, PESCI, OLASZ, BOYES, DEMPSEY, MELIO, REBER, SERAFINI, BILLOW, PISTELLA, ADOLPH, TELEK and E. Z. TAYLOR

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for funeral processions.

Referred to Committee on TRANSPORTATION, March 19, 1991.

No. 841 By Representatives CAPPABIANCA, KRUSZEWSKI, SCRIMENTI, BOYES, SALOOM, CESSAR, JOHNSON, VROON, STRITTMATTER, CLYMER, PETRARCA, M. N. WRIGHT, KENNEY, STABACK, CIVERA, BELFANTI, PRESTON, VEON, FAIRCHILD, KOSINSKI, TRELLO, PESCI, LAUGHLIN, MIHALICH, MICHLOVIC, MELIO, SERAFINI, BILLOW, PISTELLA and E. Z. TAYLOR

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining "emergency vehicle."

Referred to Committee on TRANSPORTATION, March 19, 1991.

No. 842 By Representatives CAPPABIANCA, SALOOM, JOHNSON, SCRIMENTI, STURLA, KRUSZEWSKI, CARONE, KOSINSKI, BOYES, RAYMOND, BELARDI, SERAFINI and E. Z. TAYLOR

An Act amending the act of December 7, 1982 (P. L. 784, No. 225), known as the "Dog Law," further providing for license fees.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, March 19, 1991.

No. 843 By Representatives KOSINSKI, McGEEHAN, PESCI, LEVDANSKY, TRELLO, BELARDI, VEON, COHEN, BISHOP, CARN, RICHARDSON, OLIVER, JOSEPHS, BUTKOVITZ, HAYDEN, WILLIAMS, STISH, HARPER,

KENNEY, J. TAYLOR, O'BRIEN, PERZEL, WOGAN, McHUGH, MELIO, MAIALE, McNALLY, RIEGER, DONATUCCI and ROEBUCK

An Act providing for collective bargaining for school administrators in school districts of the first class.

Referred to Committee on LABOR RELATIONS, March 19, 1991.

No. 844 By Representatives PETRONE, SALOOM, ARMSTRONG, PESCI, VROON, NOYE, DeLUCA, KASUNIC, BUNT, PISTELLA, BELARDI, SCHEETZ, GEIST, CLARK, GIGLIOTTI, E. Z. TAYLOR, FOX, MICOZZIE, CIVERA, JOHNSON, KOSINSKI, FARGO and BATTISTO

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for revocation or suspension of operating privilege.

Referred to Committee on TRANSPORTATION, March 19, 1991.

No. 845 By Representatives PETRONE, SALOOM, HERMAN, MIHALICH, STEIGHNER, JAROLIN, CAWLEY, PESCI, DeLUCA, KASUNIC, MICHLOVIC, OLASZ, ITKIN, BELFANTI, PISTELLA, CARN, BELARDI, KUKOVICH, VEON, STABACK, GIGLIOTTI, E. Z. TAYLOR, MELIO, M. N. WRIGHT, FOX, MICOZZIE, CIVERA, KOSINSKI and RICHARDSON

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for surrender of driver's license.

Referred to Committee on TRANSPORTATION, March 19, 1991.

No. 846 By Representatives PETRONE, SALOOM, HERMAN, MIHALICH, STEIGHNER, JAROLIN, CAWLEY, PESCI, DeLUCA, KASUNIC, MICHLOVIC, OLASZ, ITKIN, BELFANTI, PISTELLA, CARN, BELARDI, KUKOVICH, VEON, STABACK, GIGLIOTTI, E. Z. TAYLOR, MELIO, M. N. WRIGHT, FOX, MICOZZIE, CIVERA, KOSINSKI and RICHARDSON

An Act amending the act of July 22, 1974 (P. L. 589, No. 205), known as the "Unfair Insurance Practices Act," further providing for notices of cancellation of insurance policies.

Referred to Committee on INSURANCE, March 19, 1991.

No. 847 By Representatives PETRONE, KOSINSKI, PESCI, BUNT and GIGLIOTTI

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

Referred to Committee on STATE GOVERNMENT, March 19, 1991.

No. 848 By Representatives PETRONE, MIHALICH, STEIGHNER, CAWLEY, PESCI, NOYE, BUNT, GODSHALL, SCHEETZ, CLARK, STABACK, GIGLIOTTI, E. Z. TAYLOR, MELIO, COLAFELLA, CIVERA, JOHNSON, KOSINSKI, FARGO and BATTISTO

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), known as the "Pennsylvania Election Code," further providing for false signatures and statements in nomination petitions and papers and for nomination petitions.

Referred to Committee on STATE GOVERNMENT, March 19, 1991.

No. 849 By Representatives PETRONE, RICHARDSON, JOHNSON, GIGLIOTTI, STABACK, BELARDI, BUNT, PESCI and CAWLEY

An Act amending the act of July 19, 1979 (P. L. 130, No. 48), known as the "Health Care Facilities Act," further providing for license terms and contents.

Referred to Committee on HEALTH AND WELFARE, March 19, 1991.

No. 850 By Representatives PETRONE, RICHARDSON, JOHNSON, GIGLIOTTI, STABACK, BELARDI, BUNT, PESCI and CAWLEY

An Act amending the act of July 19, 1979 (P. L. 130, No. 48), known as the "Health Care Facilities Act," providing for the regulation of nonhealth services.

Referred to Committee on HEALTH AND WELFARE, March 19, 1991.

No. 851 By Representatives PETRONE, CAWLEY, MICHLOVIC, ITKIN, BUNT, PISTELLA, BELARDI, CIVERA, KOSINSKI and RICHARDSON

An Act amending the act of June 24, 1937 (P. L. 2045, No. 397), known as "The Support Law," providing that no lien shall be imposed against the real property of persons receiving assistance.

Referred to Committee on HEALTH AND WELFARE, March 19, 1991.

No. 852 By Representatives PETRONE, CAWLEY, PESCI, DeLUCA, STEELMAN, MELIO, MICOZZIE and KOSINSKI

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for abandonment and stripping of vehicles.

Referred to Committee on TRANSPORTATION, March 19, 1991.

No. 853 By Representatives CARLSON, DeLUCA, TRELLO, LEE, JADLOWIEC, HALUSKA, VROON, STUBAN, FARGO, PESCI, NOYE, PHILLIPS, HERSHEY, JOHNSON, KENNEY, HECKLER, FAIRCHILD, BELARDI, S. H. SMITH, SCHULER, BUSH, DALEY, STAIRS, CLARK, GODSHALL, GEIST, LANGTRY, BUNT, KING, MERRY, BILLOW, TELEK, MICHLOVIC and BLACK

An Act providing for the distribution of revenues from the sales of Commonwealth-owned timber among the Commonwealth and the school district, township and county in which the timber was located.

Referred to Committee on FINANCE, March 19, 1991.

No. 854 By Representatives CARLSON, BOWLEY, LEE, HAYES, VROON, STUBAN, FARGO, PESCI, DEMPSEY, TRELLO, NOYE, JADLOWIEC, HALUSKA, HERSHEY, JOHNSON, HESS, KENNEY, DeLUCA, FAIRCHILD, S. H. SMITH, BUSH, STAIRS, CLARK, GODSHALL, GEIST, BUNT, MERRY, BILLOW and TELEK

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

Referred to Committee on APPROPRIATIONS, March 19, 1991.

No. 855 By Representatives PHILLIPS, GEIST, FARGO, PESCI, VROON, DEMPSEY, SERAFINI and SEMMEL

An Act amending the act of May 21, 1931 (P. L. 149, No. 105), known as "The Liquid Fuels Tax Act," providing for additional uses of fuel tax funds.

Referred to Committee on TRANSPORTATION, March 19, 1991.

No. 856 By Representatives PHILLIPS, BELFANTI, NOYE, ALLEN, GEIST, BUNT, NAILOR, HERMAN, JOHNSON, SAURMAN, STABACK, GODSHALL, CLARK, BILLOW, E. Z. TAYLOR, FARGO and VROON

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

Referred to Committee on STATE GOVERNMENT, March 19, 1991.

No. 857 By Representatives DURHAM, CAPPABIANCA, TRELLO, BELARDI, STEIGHNER, DALEY, VROON, MICOZZIE, KENNEY, STABACK, DeLUCA, HARPER, BATTISTO, PRESTON, JOHNSON, BARLEY,

KRUSZEWSKI, GEIST, BUNT, MELIO,
LAUGHLIN, FOX, GRUPPO, LINTON,
BILLOW, CIVERA and TELEK

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing that it is unlawful to leave certain children unattended in motor vehicles.

Referred to Committee on TRANSPORTATION,
March 19, 1991.

No. 858 By Representatives DURHAM, LLOYD,
TRELLO, MELIO, FARGO, PESCI,
LAUGHLIN, DALEY, WOZNIAK,
BELFANTI, HALUSKA, WILSON,
JOHNSON, MARKOSEK, VEON,
BELARDI, RUDY, FARMER, ROBINSON,
DeLUCA, KOSINSKI, JAROLIN, OLASZ,
GODSHALL, CIVERA, LANGTRY,
SERAFINI, E. Z. TAYLOR, HARPER,
COLAFELLA, BUNT, CAWLEY, TELEK,
BILLOW, KASUNIC, ADOLPH and
R. C. WRIGHT

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring light-reflective paint to be used on the roadway for certain purposes.

Referred to Committee on TRANSPORTATION,
March 19, 1991.

No. 859 By Representatives TRELLO, JAROLIN,
CAPPABIANCA, PESCI, CESSAR,
CAWLEY, ITKIN, STISH, HASAY,
CLYMER, VAN HORNE, RAYMOND,
VROON, STABACK, HESS, BELFANTI,
GODSHALL, COLAIZZO, PISTELLA,
BELARDI, HALUSKA, GEIST, BILLOW,
KENNEY, PETRARCA, COLAFELLA,
MICOZZIE, CIVERA, JAMES, JOHNSON,
KOSINSKI, RICHARDSON, LAUGHLIN,
TANGRETTI, E. Z. TAYLOR and FEE

An Act providing for the waiver of tuition at certain colleges and universities for certain veterans and their dependent children.

Referred to Committee on EDUCATION, March 19,
1991.

No. 860 By Representatives BOYES, MURPHY,
CAPPABIANCA, NAHILL, MICOZZIE,
GIGLIOTTI, HECKLER, PESCI, ALLEN,
FARMER, JOSEPHS, PRESTON, SURRA,
COLAIZZO, MELIO, CORRIGAN,
STEELMAN and TELEK

An Act imposing a tax on the lease or rental of certain motor vehicles; providing for the payment, collection, administration and enforcement thereof; and providing for the use of the proceeds.

Referred to Committee on FINANCE, March 19, 1991.

No. 861 By Representative DALEY

A Joint Resolution proposing amendments to the Constitution of the Commonwealth of Pennsylvania, providing for a unicameral General Assembly composed of 125 members.

Referred to Committee on STATE GOVERNMENT,
March 19, 1991.

No. 862 By Representatives ITKIN, BUNT,
BELARDI, TANGRETTI, BATTISTO,
STRITTMATTER, KUKOVICH,
STEIGHNER, COWELL, FEE,
CAPPABIANCA, PRESTON, HARPER,
PETRARCA, BILLOW, PETRONE,
KOSINSKI, ROBINSON, COLAIZZO,
KRUSZEWSKI, VEON, CAWLEY,
MRKONIC, KASUNIC, STURLA, PESCI,
MARKOSEK, RICHARDSON, HALUSKA,
SCRIMENTI, MIHALICH, COY,
JOSEPHS, FREEMAN, LAUGHLIN,
STABACK, GRUPPO, MAYERNIK,
TRELLO, ROEBUCK, DeLUCA,
PHILLIPS, JAROLIN, NOYE, HAYES,
BUSH, KENNEY, VROON, BLACK, FOX,
WOGAN, CESSAR, NAHILL,
ANGSTADT, E. Z. TAYLOR, GEIST,
SEMMEL, FARMER, R. C. WRIGHT,
ULIANA, FLICK, PERZEL,
D. W. SNYDER, McCALL, SALOOM,
BISHOP, OLASZ, CORRIGAN, MELIO,
MURPHY, GIGLIOTTI, BOYES and
BUTKOVITZ

An Act establishing the Pennsylvania Commission on Blindness and Visual Impairment and providing for its powers and duties; transferring certain functions; and making repeals.

Referred to Committee on STATE GOVERNMENT,
March 19, 1991.

No. 863 By Representatives JOSEPHS, THOMAS,
STURLA, PRESTON, KOSINSKI,
ROBINSON, BATTISTO, HAYDEN,
WOGAN, SCHEETZ, CARN, HAGARTY,
VEON, MICHLOVIC, BISHOP, MAIALE,
TRELLO, WILLIAMS, HARPER,
PISTELLA, R. C. WRIGHT, JAMES,
RICHARDSON, LINTON, DONATUCCI,
OLIVER, McNALLY, CLYMER, FOSTER,
CALTAGIRONE, WAMBACH, STETLER,
PERZEL, RITTER and BUTKOVITZ

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), known as the "Liquor Code," requiring the board to post notices of citation hearings on affected establishments.

Referred to Committee on LIQUOR CONTROL,
March 19, 1991.

No. 864 By Representatives JOSEPHS, THOMAS,
STURLA, PRESTON, KOSINSKI,
ROBINSON, BATTISTO, HAYDEN,
SCHEETZ, CARN, MAIALE, TRELLO,

WILLIAMS, HARPER, PISTELLA,
R. C. WRIGHT, JAMES, RICHARDSON,
LINTON, DONATUCCI, OLIVER,
McHUGH, WOGAN, McNALLY, FOSTER,
CALTAGIRONE, KENNEY, WAMBACH,
STETLER, PERZEL, RITTER and
BUTKOVITZ

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), known as the "Liquor Code," further defining the term "restaurant" to require minimum gross income from food sales; and establishing a new license classification known as taverns.

Referred to Committee on LIQUOR CONTROL, March 19, 1991.

No. 865 By Representatives COWELL, COY, SCHULER, BATTISTO, KOSINSKI, ROEBUCK, CARONE, STAIRS, RUDY, HERMAN, E. Z. TAYLOR, TULLI, ITKIN, KUKOVICH, DeLUCA, LINTON, VAN HORNE, NOYE, NAHILL, D. R. WRIGHT, DALEY, PESCI, MICOZZIE, LANGTRY, GIGLIOTTI, KRUSZEWSKI, HAYES, BUSH, REINARD, NAILOR, DURHAM, CAPPABIANCA, MERRY, HUGHES, BUNT, McNALLY, LEVDANSKY, CLARK, ALLEN, STURLA, KENNEY, JOSEPHS, MUNDY, BILLOW, COHEN, HESS, TRELLO, HAGARTY, VEON, ARGALL, ULIANA, OLASZ, STEIGHNER, BELFANTI, PRESTON, McCALL, BELARDI, LAUGHLIN, MIHALICH, PISTELLA, STISH, SURRA, DEMPSEY, G. SNYDER, MELIO, MICHLOVIC, DERMODY, LESCOVITZ, COLAFELLA, ROBINSON, STABACK and HARPER

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," creating a financial incentive for school districts to reduce class sizes in kindergarten through third grade.

Referred to Committee on EDUCATION, March 19, 1991.

No. 866 By Representatives D. R. WRIGHT, BLACK, STEIGHNER, BILLOW, TRELLO, PESCI, STISH, NOYE, OLASZ, CARLSON, HERSHEY, VAN HORNE, DeLUCA, PISTELLA, GODSHALL, MERRY, HANNA, SAURMAN, BARLEY, E. Z. TAYLOR, MELIO, JADLOWIEC, FLICK, PETRARCA, PRESTON, RICHARDSON, JOHNSON, ALLEN, JAROLIN, PETRONE, HALUSKA, GRUITZA, LEH, GAMBLE, GALLEN, STUBAN, LESCOVITZ, MARKOSEK, BISHOP, KOSINSKI, BELFANTI, COY,

VROON, S. H. SMITH, PERZEL, FARGO, TULLI, McCALL, DeWEESE, PHILLIPS, CESSAR, STRITTMATTER, DALEY, ROBINSON, KENNEY, F. TAYLOR, WOZNIAK, RAYMOND, KASUNIC, SCHULER, HARPER, SEMMEL, CARN, COHEN, DERMODY, VEON, CLYMER, LUCYK, TANGRETTI and COLAFELLA

An Act amending the act of December 19, 1984 (P. L. 1140, No. 223), known as the "Oil and Gas Act," further providing for definitions, well permits, well registration, inactive status, plugging requirements, well reporting requirements, bonding, the Oil and Gas Technical Advisory Board, public nuisances, civil penalties, determination of compliance, unlawful conduct, surcharges for new wells; exempting certain wells from bonding requirements; and further providing for local ordinances.

Referred to Committee on CONSERVATION, March 19, 1991.

No. 867 By Representatives SERAFINI, DeLUCA, GEORGE, SALOOM, BELARDI, KOSINSKI, BELFANTI, VROON, McHUGH, BLAUM, TANGRETTI, REBER, GIGLIOTTI, CAPPABIANCA, VEON, PESCI, MELIO, TRELLO, LAUGHLIN, ULIANA, COY, ANGSTADT, HALUSKA, JOHNSON, ARGALL, KRUSZEWSKI, SAURMAN, KENNEY, FOX, RUDY, GLADECK, J. TAYLOR, CLARK, HARPER, BUNT, COLAFELLA, CIVERA, HASAY, M. N. WRIGHT, CAWLEY, TELEK, GANNON, MICHLOVIC, PISTELLA, ADOLPH and RICHARDSON

An Act prohibiting public utilities from terminating utility service to any family with an immediate family member serving with the United States Armed Forces in the Persian Gulf.

Referred to Committee on CONSUMER AFFAIRS, March 19, 1991.

No. 868 By Representatives D. W. SNYDER, DENT and SEMMEL

An Act authorizing the Township of South Whitehall, County of Lehigh, to sell and convey a certain parcel of property located in South Whitehall Township free of the Project 70 restrictions imposed by the Project 70 Land Acquisition and Borrowing Act, and requiring that the proceeds from the sale be used exclusively for the improvement of the Covered Bridge Park in South Whitehall Township, Lehigh County.

Referred to Committee on STATE GOVERNMENT, March 19, 1991.

No. 869 By Representatives WOZNIAK, S. H. SMITH, PESCI, REBER, BATTISTO, PERZEL, BARLEY, STAIRS, E. Z. TAYLOR, GEIST, BILLOW, SAURMAN, BELARDI, HERSHEY, WOGAN, COY, GIGLIOTTI, NOYE,

JOHNSON, SCHEETZ, FARGO,
GLADECK, LEH and FLICK

An Act designating English as the official language of the Commonwealth of Pennsylvania.

Referred to Committee on STATE GOVERNMENT,
March 19, 1991.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 56 By Representatives NOYE and CLARK

A Resolution declaring the week of July 1 through 7, 1991, as "Autoharp Week" in Pennsylvania.

Referred to Committee on RULES, March 19, 1991.

No. 57 By Representatives MRKONIC,
CAPPABIANCA, GAMBLE, NOYE,
ANGSTADT, DeLUCA, CLYMER,
STEIGHNER, MARSICO, HARPER,
BUNT, LUCYK, BLAUM, STAIRS,
CESSAR, KRUSZEWSKI, PHILLIPS,
HAYES, WOGAN, GIGLIOTTI,
LAWLESS, ARMSTRONG, WOZNIAK,
SCHULER, COY, KOSINSKI, HASAY,
HALUSKA, DENT, STURLA, LANGTRY,
McHUGH, CLARK, MAIALE, CAWLEY,
ARNOLD, BELFANTI, SEMMEL,
VROON, TRELLO, SURRA, SAURMAN,
LEVDANSKY, RAYMOND, JOHNSON,
CORNELL, PETRARCA, COLAIZZO,
PERZEL, MUNDY, DEMPSEY, STUBAN,
FAIRCHILD, NAILOR, BELARDI,
FARGO, HERMAN, TULLI, ALLEN,
PESCI, MICOZZIE, McGEEHAN,
B. SMITH, CARLSON, HERSHEY,
FARMER, SCRIMENTI, NAHILL,
BARLEY, LAUGHLIN, HESS, O'BRIEN,
GRUPPO, STABACK, HECKLER, RUDY,
GEORGE, SERAFINI, McCALL,
M. N. WRIGHT, GERLACH, HARLEY,
MERRY, HAGARTY, BUSH, BILLOW,
PISTELLA, ITKIN, ARGALL,
RICHARDSON, MELIO, GODSHALL,
BROWN, D. R. WRIGHT, CORRIGAN,
CIVERA, E. Z. TAYLOR, BROUJOS and
BOYES

A Resolution honoring Pennsylvanians who served in the Persian Gulf War and designating July 4, 1991, as "Pennsylvania Persian Gulf War Recognition Day."

Referred to Committee on RULES, March 19, 1991.

No. 58 By Representatives TRELLO, JAROLIN,
CAPPABIANCA, STEIGHNER, COY,
LESCOVITZ, MIHALICH, HERMAN,
WOGAN, PESCI, SALOOM,
ARMSTRONG, CAWLEY, CARLSON,

NOYE, STURLA, ITKIN, STISH, NAILOR,
HASAY, CLYMER, VAN HORNE,
RAYMOND, VROON, STABACK,
KASUNIC, BARLEY, BUNT, BELFANTI,
GODSHALL, COLAIZZO, PISTELLA,
STEELMAN, MERRY, BELARDI,
HALUSKA, GEIST, ARGALL, VEON,
NAHILL, SAURMAN, LANGTRY,
BILLOW, CLARK, KENNEY,
M. N. WRIGHT, GIGLIOTTI, MELIO,
PETRARCA, COLAFELLA, MICOZZIE,
CIVERA, JAMES, McCALL, JOHNSON,
KOSINSKI, RICHARDSON, LAUGHLIN,
PERZEL, TANGRETTI, E. Z. TAYLOR
and BUTKOVITZ

A Resolution requesting the Pennsylvania Higher Education Assistance Agency and its participating lending institutions to extend student loan payment deadlines, and to freeze the accrual of interest thereon, for individuals serving with the United States Armed Forces and related activities in the Persian Gulf.

Referred to Committee on RULES, March 19, 1991.

SENATE BILLS FOR CONCURRENCE

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

SB 166, PN 175

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, March 19, 1991.

SB 303, PN 717

Referred to Committee on JUDICIARY, March 19, 1991.

WELCOME

The SPEAKER pro tempore. The Chair welcomes the young ladies and gentlemen from the Daniel Boone Optimist Youth Appreciation Day who are visiting Harrisburg today and who are the guests of Representative Leh. We welcome our guests. Would you stand, please, in the balcony.

ADDITIONS AND DELETIONS OF SPONSORS

The SPEAKER pro tempore. The Chair acknowledges the additions and deletions of sponsorships of bills, which will be filed with the clerk.

The following list was submitted:

ADDITIONS:

HB 10, Mrkonic; HB 16, Geist; HB 55, Carone; HB 75, James; HB 90, Piccola; HB 106, Farmer; HB 148, Cohen; HB 256, Nailor; HB 298, Dent; HB 299, Harley, Dent; HB 433, Wambach; HB 434, Wambach; HB 435, Wambach; HB 469, Fajt; HB 471, Argall; HB 505, Petrarca, DeWeese; HB 512, Mrkonic; HB 551, Trich; HB 593, Petrone; HB 617, James; HB 618, James; HB 619, James; HB 623, Kenney, Farmer, D. R. Wright, Richardson, Corrigan, Hagarty, Civera, Godshall, McGeehan, Daley, Tangretti; HB 639, Staback, Bunt, Billow;

HB 640, Michlovic; HB 665, Kruszewski; HB 667, Kruszewski; HB 668, Kruszewski; HB 682, Kruszewski; HB 722, Durham; HB 732, Kruszewski; HB 740, Kruszewski; HB 751, Pistella; HB 752, Pistella; HB 781, Corrigan; HB 787, Richardson; HB 800, Harley, Tangretti; HB 802, Tangretti; HB 803, Tangretti; HB 804, Phillips; HB 827, Civera, Adolph, Corrigan, Trello, Mrkonic, Gigliotti, Haluska, Tangretti; HR 20, Harley; HR 45, Harley; HR 46, Rudy, Bush, Cornell, Uliana, Phillips, Steighner, Merry, Clymer, Belfanti, Kruszewski, Veon, Gigliotti, Tangretti, Haluska, Hughes, Richardson, Hess, Surra; HR 49, Gerlach, Brown, Daley, Godshall, Hess, Steelman, Gigliotti, Gruppo, Richardson, Kenney, Veon, Nahill, Kruszewski, Linton, Gladeck, Merry, Clymer; HR 53, Phillips, Hagarty.

DELETIONS:

HB 72, Dempsey; HR 46, Trich; HR 53, Trich.

LEAVES OF ABSENCE

The SPEAKER pro tempore. The Chair at this time returns to leaves of absence and would recognize the minority whip, Mr. Hayes, for purposes of leaves of absence. Does the gentleman, Mr. Hayes, have leaves of absence? There are no leaves of absence.

LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. The Chair observes the presence of Lieutenant Colonel Tigue. Without objection, the gentleman's name will be removed from leaves of absence.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—201

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

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

ADDITIONS—1

Acosta

NOT VOTING—0

EXCUSED—0

WELCOMES

The SPEAKER pro tempore. The Chair welcomes to the House, on behalf of the House, Al Lishansky, who is the guest of Representative Butkovitz. Would you stand, please.

The House would also welcome Gregory Rotz of Waynesboro, who is a guest page and who is the guest of Representative Patrick Fleagle.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 168, PN 967 (Amended)

By Rep. GAMBLE

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.

LOCAL GOVERNMENT.

HB 334, PN 968 (Amended)

By Rep. GAMBLE

An Act amending the act of July 28, 1953 (P. L. 723, No. 230), known as the "Second Class County Code," authorizing certain county planning commissions to adopt certain regulations.

LOCAL GOVERNMENT.

HB 390, PN 418

By Rep. GAMBLE

An Act amending the act of May 25, 1945 (P. L. 1050, No. 394), known as the "Local Tax Collection Law," further providing for the mailing of tax notices.

LOCAL GOVERNMENT.

HB 520, PN 577

By Rep. GAMBLE

An Act amending the act of June 24, 1931 (P. L. 1206, No. 331), known as "The First Class Township Code," further providing for the time for holding organizational meetings.

LOCAL GOVERNMENT.

HB 521, PN 578 By Rep. GAMBLE

An Act amending the act of June 26, 1931 (P. L. 1379, No. 348), referred to as the "Third Class County Assessment Board Law," further providing for appeals by persons who have suffered catastrophic losses to their property.

LOCAL GOVERNMENT.

BILL REPORTED AND REREFERRED TO COMMITTEE ON JUDICIARY

HB 18, PN 9 By Rep. GAMBLE

An Act amending the act of August 9, 1955 (P. L. 323, No. 130), known as "The County Code," providing for the abolition of jury commissioners.

LOCAL GOVERNMENT.

BILL REPORTED AND REREFERRED TO COMMITTEE ON URBAN AFFAIRS

HB 345, PN 361 By Rep. GAMBLE

An Act amending the act of March 7, 1901 (P. L. 20, No. 14), referred to as the "Second Class City Law," further providing for contracts.

LOCAL GOVERNMENT.

CALENDAR

BILL 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 364, PN 774.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of HB 702, PN 771, entitled:

An Act amending the act of July 1, 1990 (P. L. , No. 7A), known as the "General Appropriation Act of 1990," providing additional Federal appropriations.

On the question,

Will the House agree to the bill on third consideration?

Mr. EVANS offered the following amendment No. A0307:

Amend Sec. 1 (Sec. 219), page 3, by inserting between lines 4 and 5

The following Federal amounts are appropriated to supplement the sum appropriated for long-term care facilities:

(1) "Medical Assistance - Long-Term Care Facilities."

[Federal appropriation.....	562,592,000]
Federal appropriation.....	760,653,000

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

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

Mr. EVANS. Mr. Speaker, the purpose of this amendment is to add-- We did not have nursing homes in the bill when we passed it out of the Appropriations Committee. It has now come to our attention that things have worked out with the nursing homes, and we are now adding this amendment to that bill.

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

The following roll call was recorded:

YEAS—200

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

NAYS—0

NOT VOTING—2

Acosta Wright, R. C.

EXCUSED—0

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—199

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

Durham

NAYS—0

NOT VOTING—3

Acosta Mundy Wright, R. C.

EXCUSED—0

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

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

* * *

The House proceeded to third consideration of **SB 346, PN 716**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," extending certain personal income tax deadlines for certain individuals.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—201

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

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

NAYS—0

NOT VOTING—1

Acosta

EXCUSED—0

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

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

* * *

The House proceeded to third consideration of **HB 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 third consideration?
Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—199

Adolph	Fairchild	Langtry	Roebuck
Allen	Fajt	Laughlin	Rudy
Anderson	Fargo	Lawless	Ryan
Angstadt	Farmer	Lee	Saloom
Argall	Fee	Leh	Saurman
Armstrong	Fleagle	Lescovitz	Scheetz
Arnold	Flick	Levdansky	Schuler
Barley	Foster	Linton	Scrimenti
Battisto	Fox	Lloyd	Semmel
Belardi	Freeman	Lucyk	Serafini
Belfanti	Freind	McCall	Smith, B.
Billow	Gallen	McGeehan	Smith, S. H.
Birmelin	Gamble	McHugh	Snyder, D. W.
Bishop	Gannon	McNally	Snyder, G.
Black	Geist	Maiale	Staback
Blaum	George	Markosek	Stairs
Bowley	Gerlach	Marsico	Steelman
Boyes	Gigliotti	Mayernik	Steighner
Broujos	Gladeck	Melio	Stetler

Brown	Godshall	Merry	Stish
Bunt	Gruitza	Michlovic	Strittmatter
Bush	Gruppo	Micozzie	Stuban
Butkovitz	Hagarty	Mihalich	Sturla
Caltagirone	Haluska	Mrkonic	Surra
Cappabianca	Hanna	Mundy	Tangretti
Carlson	Harley	Murphy	Taylor, E. Z.
Carn	Harper	Nahill	Taylor, F.
Carone	Hasay	Nailor	Taylor, J.
Cawley	Hayden	Nickol	Telek
Cessar	Hayes	Noye	Thomas
Chadwick	Heckler	Nyce	Tigue
Civera	Herman	O'Brien	Tomlinson
Clark	Hershey	Olasz	Trello
Clymer	Hess	Oliver	Trich
Cohen	Hughes	Perzel	Tulli
Colafella	Itkin	Pesci	Uliana
Colaizzo	Jadlowiec	Petrarca	Van Horne
Cole	James	Petrone	Vance
Cornell	Jarolin	Phillips	Veon
Corrigan	Johnson	Piccola	Vroon
Cowell	Josephs	Pistella	Wambach
Coy	Kaiser	Pitts	Williams
DeLuca	Kasunic	Preston	Wilson
DeWeese	Kenney	Raymond	Wogan
Daley	King	Reber	Wozniak
Dempsey	Kosinski	Reinard	Wright, D. R.
Dent	Krebs	Richardson	Wright, M. N.
Dermody	Kruszewski	Rieger	
Donatucci	Kukovich	Ritter	O'Donnell,
Durham	LaGrotta	Robinson	Speaker
Evans			

NAYS—0

NOT VOTING—3

Acosta Davies Wright, R. C.

EXCUSED—0

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 58, PN 612**, 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 third consideration?
Mr. EVANS offered the following amendment No. A0311:

Amend Sec. 4 (Sec. 604), page 10, line 30, by inserting after "act."

The Insurance Department shall submit a budget for the conversion to the single license system to the Governor for approval. Such funds as are approved by the Governor are hereby appropriated from the Insurance Department Restricted Revenue Account to the Insurance Department for the conversion to the single license system. Any balance remaining in this account after the conversion to the single license system has been completed shall be transferred to the General Fund.

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

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

Mr. EVANS. I yield to Representative Lescovitz, who offered this amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Lescovitz. The gentleman is in order and may proceed.

Mr. LESCOVITZ. Thank you, Mr. Speaker.

This is a technical amendment offered by the Office of the Budget which will give permission to the Insurance Department to expend the money necessary to complete the conversion into the single license system, and any moneys left over will be transferred to the General Fund. It is needed in order for the Insurance Department to expend the money.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Mr. DAVIES. Would the maker of the amendment stand for one or two questions?

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

Mr. DAVIES. The moneys originally derived from the licenses, they are supposed to be self-supporting. Is that correct?

Mr. LESCOVITZ. I am sorry, Mr. Speaker. I did not hear you. But are you saying the moneys that are going to be collected by this fee will go into a fund, into the Insurance Department, into a restricted account? The amendment is needed so that the Insurance Department can spend the money in that restricted account, and we are giving the Insurance Department the right to determine the fee necessary to fund this conversion into single licensing. But this amendment is needed so that they can spend the money that is in this restricted account.

Mr. DAVIES. Okay. And those surpluses will not be taken out until they are known surpluses. Correct? They will not revert to the General Fund?

Mr. LESCOVITZ. I am sorry, Mr. Speaker. I did not hear the question.

Mr. DAVIES. Those that are reverting to the General Fund, those are known surpluses. In other words, that is after everything has been taken care of as far as this account is concerned.

Mr. LESCOVITZ. Yes, Mr. Speaker, but hopefully there will not be any surpluses and the Insurance Department will determine almost an exact fee on what it is going to cost for this conversion. But if there is any money left over at all, it will go into the General Fund, but the Insurance Department is supposed to determine exactly how much it is going to cost to convert over, and that will be the fee that is set.

Mr. DAVIES. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—200

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

NAYS—0

NOT VOTING—2

Acosta

Maiale

EXCUSED—0

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—200

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

NAYS—0

NOT VOTING—2

Acosta Maiale

EXCUSED—0

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

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

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 119, PN 969 (Amended)

By Rep. CALTAGIRONE

An Act amending the act of April 14, 1972 (P. L. 233, No. 64), known as "The Controlled Substance, Drug, Device and Cosmetic Act," providing automatic suspension of practitioners' licenses for conviction of drug offenses.

JUDICIARY.

HB 186, PN 192

By Rep. RICHARDSON

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.

HEALTH AND WELFARE.

HB 187, PN 193

By Rep. RICHARDSON

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.

HEALTH AND WELFARE.

HB 383, PN 411

By Rep. RICHARDSON

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), known as the "Public Welfare Code," further providing for eligibility for and amount of State blind pensions.

HEALTH AND WELFARE.

HB 733, PN 810

By Rep. GEORGE

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

CONSERVATION.

CONCURRENT REGULATORY REVIEW RESOLUTION NO. 1 SUBMITTED

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Richardson, who reports the following resolutions which the clerk will read.

The following resolution was read:

A CONCURRENT RESOLUTION

Disapproving a pharmaceutical services regulation submitted by the Department of Public Welfare.

WHEREAS, On July 11, 1990, the Independent Regulatory Review Commission voted to disapprove the Department of Public Welfare proposed Regulation No. 14-350 on pharma-

ceutical services, which had been submitted with notice of proposed rulemaking omitted; and

WHEREAS, On August 23, 1990, the commission again disapproved the regulation which had been resubmitted by the department; and

WHEREAS, On November 29, 1990, the department submitted IRRC Regulation No. 14-380, which is identical to Regulation No. 14-350, to the commission as a final-omitted regulation with an emergency certification from the Governor; and

WHEREAS, Consideration of this regulation was automatically suspended until the fourth Monday in January, pursuant to section 5(c) of the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act, because the Senate and House of Representatives adjourned sine die at the beginning of their review period; and

WHEREAS, On January 28, 1991, this regulation was resubmitted to the commission and was submitted to the Public Health and Welfare Committee of the Senate and the Health and Welfare Committee of the House of Representatives for review; and

WHEREAS, Emergency regulation IRRC Regulation No. 14-380 does not include language that would balance the reduced reimbursement to pharmacists with an equitable fee increase, while Federal regulations require State Medicaid Programs to provide a reasonable pharmacy dispensing fee, placing the department at risk of administrative sanctions by the Health Care Financing Administration of the Department of Health and Human Services including the loss of Federal financial support for its Medicaid Program; and

WHEREAS, The department may be in violation of the Federal moratorium preventing reductions in pharmacy reimbursements effective on the enactment date of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508, 104 Stat. 1388), November 5, 1990; and

WHEREAS, The department has not demonstrated any need to maintain the Maximum Allowable Cost Program of the department which has a different payment mechanism and update process from the Maximum Allowable Cost Program of the Department of Health and Human Services, causing confusion, placing pharmacist in the position of having to provide medications at a loss or illegally substitute, raising the risk that certain medications may be unavailable to medical assistance recipients and increasing the administrative expense for both pharmacists and the department; and

WHEREAS, The regulation will have a significant negative financial impact on the Commonwealth, on smaller pharmacies which serve a large population of medical assistance recipients, as well as on the public health and welfare of recipients of the Medical Assistance Program; and

WHEREAS, The regulation was not properly promulgated under the Regulatory Review Act, which limits emergency certifications to actual emergencies; and

WHEREAS, On February 5, 1991, the Senate Public Health and Welfare Committee reviewed and disapproved IRRC Regulation No. 14-380; and

WHEREAS, On February 12, 1991, the Public Health and Welfare Committee of the House of Representatives, after review, voted unanimously to disapprove the regulation; and

WHEREAS, On March 11, 1991, the commission transmitted notification, in accordance with section 6(c) of the Regulatory Review Act that because of their failure to take formal action within their 30-day review period, this regulation has been deemed approved by the commission; therefore be it

RESOLVED (the Senate concurring), That the General Assembly disapprove IRRC Regulation No. 14-380 of the Department of Public Welfare, providing a system for reimbursement of services rendered by pharmacists serving medical assistance recipients; and be it further

RESOLVED, That notice of the final disposition of this resolution be sent to the Department of Public Welfare and be published in the Pennsylvania Bulletin.

David P. Richardson, Jr.
Elinor Z. Taylor
W. Curtis Thomas
Ruth B. Harper
Harold James
Jon D. Fox
Timothy L. Pesci
Susan Laughlin
William Russell Robinson
Italo S. Cappabianca
Jean Wilson
Arthur D. Hershey
George E. Saurman
Paul I. Clymer
Peter R. Vroon
Thomas E. Armstrong
David O. King
Patrick E. Fleagle
Jere W. Schuler
Richard A. Kasunic
Terry E. Van Horne
Phyllis Mundy
Ronald E. Black
Dwight Evans
Dick L. Hess
Edwin G. Johnson
Stephen F. Freind
Babette Josephs
Victor John Lescovitz
Paul W. Semmel
Edgar A. Carlson
Mario J. Civera, Jr.
Donald W. Snyder
Robert C. Wright
Anthony J. Melio
Leona G. Telek

CONCURRENT REGULATORY REVIEW RESOLUTION NO. 2 SUBMITTED

The following resolution was read:

A CONCURRENT RESOLUTION

Disapproving a medical assistance regulation submitted by the Department of Public Welfare.

WHEREAS, On February 6, 1991, the Department of Public Welfare submitted IRRC Regulation No. 14-384 on Medical Assistance to the Independent Regulatory Review Commission and the Committee on Public Health and Welfare of the Senate and the Committee on Health and Welfare of the House of Representatives as a final-omitted regulation with an Emergency Certification from the Governor; and

WHEREAS, The regulation was promulgated to offset the expanding costs of providing basic medical assistance services; and

WHEREAS, The purpose of the regulation was threefold: Annex A reduces the reimbursement factor for outlier costs to 80% of charges, Annex B includes Veterans' Aid and Attendance and Housebound Allowance portion of Veterans' Aid pensions in the calculation of available income for payment towards cost of institutionalized care, Annex C limits the amount of medical expenses used as deductions in determining eligibility for medical assistance to 75% of the family's actual accrued expenses; and

WHEREAS, Prior to implementation of Annex A, the outlier costs, defined as an inpatient hospital case having either an extremely lengthy stay or extraordinarily high costs in comparison to most discharges for the same diagnosis related group, were reimbursed on an exceptional-cost basis to hospitals after they had incurred a significant loss in operating a burn or neonatal intensive care unit; and

WHEREAS, Annex A places the burden of assisting with the cost savings sought by the department on the few hospitals providing the specialized, critical care which qualifies for the "stop loss" mechanism of cost outlier payments; and

WHEREAS, Annex A will be eliminated once the hospitals have signed a settlement agreement with the department in an effort to meet Judge Fullam's Order in Temple University - of the Commonwealth System of Higher Education v. White, 729 F. Supp. 1093 (E.D. Pa. 1990), which requires the department to remedy the inadequacy of the diagnosis related group reimbursement to hospitals; and

WHEREAS, Annex B is illegal because section 1612 of the Social Security Act (Public Law 74-271, 42 U.S.C. § 1328a) provides that Veterans' Aid and Attendance Benefits received in addition to the veteran's pension are not income which regulations of the Health Care Finance Administration of the Department of Health and Human Services require to be considered in post-eligibility determinations; and

WHEREAS, Annex C illegally restricts the medical expenses which may be deducted from income in determining financial eligibility for medical assistance, and deprives low-income uninsured working families and nursing home residents of needed health care; and

WHEREAS, The regulation represents a policy decision, a spending authority question, that, in accordance with section 5(e)(4) of the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act, is of such a substantial nature that it requires legislative review; and

WHEREAS, The regulation is illegal and will deprive low-income Pennsylvanians of needed health care, and alternatives which are not harmful to the public health and welfare are available to overcome the fiscal problems faced by the Commonwealth; and

WHEREAS, On February 21, 1991, the Health and Welfare Committee of the House of Representatives, after review, voted unanimously to disapprove IRRC Regulation No. 14-384; and

WHEREAS, On March 1, 1991, Secretary John F. White, Jr. submitted a letter requesting that the commission consider the letter as an amendment to IRRC Regulation No. 14-384 deleting Annex C to allow for additional review of the medical expense deduction provisions; and

WHEREAS, On March 1, 1991, pursuant to section 6(b) of the Regulatory Review Act, the regulation, with the exception of Annex C, became effective for up to 120 days; and

WHEREAS, On March 6, 1991, the commission approved the regulation by a vote of two to zero; and

WHEREAS, On March 11, 1991, the commission notified the Committee on Health and Welfare of the House of Representatives of the commission's approval of the regulation by letter and an attached order; therefore be it

RESOLVED (the Senate concurring), That the General Assembly disapprove IRRC Regulation No. 14-384 of the Department of Public Welfare, providing a system for reimbursement of services rendered by pharmacists serving medical assistance recipients; and be it further

RESOLVED, That notice of the final disposition of this resolution be sent to the Department of Public Welfare and be published in the Pennsylvania Bulletin.

David P. Richardson, Jr.
Elinor Z. Taylor
W. Curtis Thomas
Ruth B. Harper

Harold James
Jon D. Fox
Timothy L. Pesci
Susan Laughlin
William Russell Robinson
Italo S. Cappabianca
Jean Wilson
Arthur D. Hershey
George E. Saurman
Paul I. Clymer
Peter R. Vroom
Thomas E. Armstrong
David O. King
Patrick E. Fleagle
Jere W. Schuler
Richard A. Kasunic
Terry E. Van Horne
Phyllis Mundy
Ronald E. Black
Dwight Evans
Dick L. Hess
Edwin G. Johnson
Stephen F. Freind
Babette Josephs
Victor John Lescovitz
Paul W. Semmel
Edgar A. Carlson
Mario J. Civera, Jr.
Donald W. Snyder
Robert C. Wright
Anthony J. Melio
Leona G. Telek

WELCOMES

The SPEAKER pro tempore. The Chair at this time would like to welcome to the House the Buchanan Elementary School from the city of Lancaster that is in the gallery. The tour is headed by Mr. Tom Woodcock, and they are the guests of Representative Michael Sturla. Would you welcome this group, please. Would you stand.

The Chair welcomes Erina Bernardo, Joe Bernardo, and Albert Tulli, who are the guests of Representative Frank Tulli. They are also in the balcony, and we will give them a welcome.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 220, PN 616**, entitled:

An Act providing for the display of the POW/MIA flag at certain public buildings in this Commonwealth.

On the question,

Will the House agree to the bill on third consideration?

BILL RECOMMENDED

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

Mr. DeWEESE. Mr. Speaker, I move that HB 220, PN 616, be recommitted to the Committee on State Government.

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

* * *

The House proceeded to third consideration of **HB 177, PN 471**, entitled:

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

On the question,
Will the House agree to the bill on third consideration?
Mr. ITKIN offered the following amendment No. A0303:

Amend Sec. 1 (Sec. 1333), page 2, line 5, by striking out "REPORTING" and inserting discovering

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

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

Mr. ITKIN. Mr. Speaker, the amendment I am offering at this time is simply a technical one. It changes one word in a section of the bill to make that particular section consistent with all the other sections.

I urge its adoption.

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

The following roll call was recorded:

YEAS—201

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

Clark	Herman	Olasz	Trich
Clymer	Hershey	Oliver	Tulli
Cohen	Hess	Perzel	Uliana
Colafrilla	Hughes	Pesci	Van Horne
Colaizzo	Itkin	Petrarca	Vance
Cole	Jadlowiec	Petrone	Veon
Cornell	James	Phillips	Vroon
Corrigan	Jarolin	Piccola	Wambach
Cowell	Johnson	Pistella	Williams
Coy	Josephs	Pitts	Wilson
DeLuca	Kaiser	Preston	Wogan
DeWeese	Kasunic	Raymond	Wozniak
Daley	Kenney	Reber	Wright, D. R.
Davies	King	Reinard	Wright, M. N.
Dempsey	Kosinski	Richardson	Wright, R. C.
Dent	Krebs	Rieger	
Dermody	Kruszewski	Ritter	O'Donnell,
Donatucci	Kukovich	Robinson	Speaker
Durham	LaGrotta	Roebuck	

NAYS—0

NOT VOTING—1

Acosta

EXCUSED—0

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

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—201

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

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

NAYS—0

NOT VOTING—1

Acosta

EXCUSED—0

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.

RESOLUTIONS

Mr. MURPHY called up **HR 27, PN 873**, entitled:

A Resolution providing for the appointment of a select committee to investigate nonprofit industrial development corporations and to make recommendations for legislation.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—201

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

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

NAYS—0

NOT VOTING—1

Acosta

EXCUSED—0

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

* * *

Mrs. HARPER called up **HR 52, PN 870**, entitled:

A Resolution urging the Governor to declare the month of April as "I Love My School Uniform Month" in Pennsylvania.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—192

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

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

NAYS—7

Arnold	Fargo	Lawless	Saurman
Davies	Hershey	Merry	

NOT VOTING—3

Acosta	Itkin	Maiale
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EXCUSED—0

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

STATE GOVERNMENT COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Frank Oliver, for the purpose of making a committee announcement.

Mr. OLIVER. Mr. Speaker, there will be a meeting of the State Government Committee in the rear of the House immediately.

RECESS

The SPEAKER pro tempore. At this time we will recess until 1 o'clock; recess until 1 o'clock.

RECESS EXTENDED

The time of recess was extended until 1:15 p.m.

AFTER RECESS

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

SENATE MESSAGE

ADJOURNMENT RESOLUTION FOR CONCURRENCE

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

In the Senate
March 18, 1991

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Tuesday, April 2, 1991, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Tuesday, April 2, 1991, unless sooner recalled by the Speaker of the House of Representatives.

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

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

BILL REPORTED AND REREFERRED TO COMMITTEE ON APPROPRIATIONS

HB 274, PN 285 By Rep. OLIVER

An Act authorizing the incurring of indebtedness for the purpose of guaranteeing a sufficient return on bonds purchased by potential home buyers to enable them to make down payments on future home purchases.

STATE GOVERNMENT.

BILL REPORTED AND REREFERRED TO COMMITTEE ON FEDERAL-STATE RELATIONS

HB 712, PN 789 By Rep. OLIVER

A Joint Resolution ratifying the proposed amendment to the Constitution of the United States relating to compensation for services of Senators and Representatives.

STATE GOVERNMENT.

VOTE CORRECTION

The SPEAKER pro tempore. Does the lady, Ms. Mundy, seek recognition?

Ms. MUNDY. Yes. Thank you, Mr. Speaker.

My switch malfunctioned on HB 702. I would like to be recorded in the affirmative, please.

The SPEAKER pro tempore. The record will so show.

THE SPEAKER (ROBERT W. O'DONNELL) PRESIDING

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

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 191, PN 308**, entitled:

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

On the question,

Will the House agree to the bill on third consideration?

Mr. BROUJOS offered the following amendments No. A0240:

Amend Table of Contents, page 1, lines 11 and 12, by striking out "or monopolize"

Amend Sec. 4, page 3, lines 15 and 16, by striking out "or monopolize"

Amend Sec. 4, page 3, line 18, by striking out ", or to monopolize,"

Amend Sec. 4, page 3, lines 18 and 19, by striking out "in a relevant market"

Amend Sec. 5, page 3, line 23, by inserting after "person" or persons

Amend Sec. 6, page 4, line 13, by removing the period after "definitions)" and inserting

to the extent that those activities or rates are subject to the review of the Pennsylvania Public Utility Commission or a comparable Federal agency. Upon the filing of a complaint against a public utility pursuant to this act, the public utility may request from the Commonwealth Court a declaratory order determining the extent to which the activity or rates subject to the complaint are subject to the review of the Pennsylvania Public Utility Commission. This public utility exemption is in addition to other exemptions granted public utilities in this act, including subsection (f).

Amend Sec. 6, page 4, lines 14 through 28, by striking out all of said lines and inserting

(e) Banks.—This act does not apply to the activities of banks, their affiliates or subsidiaries to the extent that the activities are authorized, regulated or supervised under Federal or State banking laws or regulations.

(f) Federal or State-exempt activities.—Any activity or conduct authorized under Pennsylvania statutory law granting a right, power or authority, or exempt under Pennsylvania statutory law or exempt from the provisions of the antitrust laws of the United States, which would otherwise constitute a violation under section 4 or 5, shall be exempt from the provisions of this act.

Amend Sec. 7, page 4, line 30; page 5, lines 1 through 6, by striking out all of said lines on said pages and inserting

(a) General power.—If the Attorney General has reason to believe that a violation of this act has occurred, the Attorney General shall have authority to investigate on behalf of the Commonwealth, its citizens or a political subdivision.

(b) Required attendance.—

(1) Prior to the institution of a civil action by the Attorney General, he is authorized to require the attendance and

Amend Sec. 7, page 7, lines 7 through 16, by striking out all of lines 7 through 15 and "(d)" in line 16 and inserting

(c)

Amend Sec. 9, page 9, by inserting between lines 5 and 6

(e) Authority of Attorney General.—The Attorney General shall have authority under this section:

(1) To bring all actions on behalf of the Commonwealth.

(2) To bring an action as *parens patriae* on behalf of individuals who have suffered an injury to their property by reason of a violation of section 4 and who resided in this Commonwealth when the violation occurred.

(3) To bring an action on behalf of a political subdivision, if requested to do so by the political subdivision.

(f) Notice to Attorney General.—Within 30 days of filing a complaint under this section, the plaintiff shall serve a copy of the complaint upon the Attorney General in accordance with the rules of civil procedure for service of original process. A copy of the certificate of service shall be filed with the court.

Amend Sec. 12, page 10, lines 13 through 19, by striking out "An action to recover damages" in line 13, all of lines 14 through 19 and inserting

(1) An action to recover damages under section 9 for violation of section 4 is barred if not commenced within four years after the conduct in violation of section 4 is discovered or should have been discovered or, for a continuing violation, at the time the latest violation of section 4 is discovered or should have been discovered.

(2) An action to recover damages under section 9 for violation of section 5 is barred if not commenced within four years after the claim for relief or cause of action accrues.

(c) Actions under sections 9 and 10.—During the pendency of any timely action brought by the Commonwealth under section 9(a) or 10 and for one year after the action is completed, the limitation under this subsection is tolled if the action under this subsection is based in whole or in part on any matter complained of in the action brought by the Commonwealth under section 9(a) or 10.

On the question,

Will the House agree to the amendments?

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

Mr. BROUJOS. Mr. Speaker, I will go over the omnibus amendment section by section. The purpose of this omnibus amendment is to bring to the floor of the House an amendment that has been reviewed very carefully with a number of parties and is generally acceptable or not objected to by the parties that were involved in the negotiations.

In the first section the word "monopolize" is stricken from section 4 so that there is no duplication between that section and section 5. Section 5 continues to have a provision for monopoly, and section 5 is amended to provide that any person or persons may be involved in a monopoly. The purpose of that amendment is to remove a word that is not necessary in section 4 and to remove the term "relevant market," which we are satisfied can be deleted.

The next section relates on page 4 to the question of exemptions. The question of exemptions involves attempting to reach a point at which utilities, banks, insurance companies are exempted where they should be exempted, and that is if in fact the laws governing those industries cover the concerns we have under an antitrust act.

We are satisfied that the language that has been added should exempt activities or rates which are subject to the review of the Public Utility Commission. But in addition, we have accepted the language recommended by the utilities industry that the utility may request a declaratory order in the nature of a declaratory judgment, setting out early on that in fact the activity or rates are subject to review of the Pennsylvania Public Utility Commission. The purpose of this amendment is to arrive at that point with adequate standards where we avoid duplication and multiple acts that apply to the same situation.

The next amendment refers to banks. First, the utility section is not opposed by the utilities.

On banks: That is at the bottom of page 4, lines 14 to 28. The act exempts those activities of banks or affiliates and subsidiaries to the extent that they are authorized, regulated, or supervised under Federal or State banking laws. That is agreed and is not objected to by the banking industry.

Next, in the amendment that came out of committee, there was a very broad exemption that referred to exemption under Federal or State common law and so forth. This also has been reviewed with the industries involved, and we worked out compromise language which does in fact exempt those activities which are authorized under Pennsylvania statutory law granting a right, power, or authority. If in fact a utility is granted a type of monopoly by law, if an insurance company is granted some right, it in fact has a law or a right which is granted by the State, and the State should not turn around and say, that is wrong; that is a monopoly. If in fact it is a right granted, it is a right exempted.

The next section refers, on page 4, section 7, to the investigative process and required attendance of parties. We adopted language that is similar to language in the Senate version and which was certainly acceptable to me that provides, generally, if the Attorney General has reason to believe that a violation has occurred, he shall have authority to investigate. That reasonable basis is throughout law. It is accepted by many States, by the Federal Government. It is language that is predictable and it works.

We go on in that section to say that "Prior to the institution of a civil action by the Attorney General, he is authorized to require the attendance and testimony of witnesses..." and so forth. I must emphasize that in this section there is adequate protection against any arbitrary action on the part of the Attorney General. It first says that he has to have reason to believe that violation of the act has occurred. Secondly, when he makes his request to subpoena, it can simply be refused by a company, and the company can say, I want to go to court and get a court order. And we added last year to this, on our initiative, upon the request of parties, a good-cause provision. So please remember that there is a good-cause provision in here, and it permits a party that feels aggrieved to say, Attorney General, go to court and show good cause.

The next section strikes out a superfluous section on limited disclosure. That is on page 7. It is not necessary. It is already in the act. It is duplicative and it is stricken.

The next section spells out the authority of the Attorney General, and it permits the Attorney General, specifically, to bring an action as *parens patriae* on behalf of individuals who have suffered an injury to their property by reason of a violation of the act. "*Parens patriae*" means that you stand in the shoes of or in behalf of, like as a parent, in behalf of a person and sue for them. That *parens patriae* concept is throughout the law. It is in Federal law; it is in State law, and it is a common expression, and that power should be in the Attorney General's hands to act or he cannot act with all the authority and power and investigative power under the Federal act as it is now constituted.

And finally, we amended the section with respect to recovery of damages to provide specific bars to the period of time within which actions are brought. This language has also been acceptable and it is acceptable to the Attorney General, and no party has made objection to it.

We want to emphasize that the utilities and the insurance companies have no objections to this language. We have worked with them. We have powwowed with them on several occasions. Banks have approved it. The Chamber of Commerce has no objection to these amendments, and we feel that we have gone through what is essentially the legislative process and reached a point where an omnibus amendment has been presented.

I ask for your affirmative vote and support.

The SPEAKER. The Chair recognizes Mr. Piccola.

Mr. PICCOLA. Thank you, Mr. Speaker.

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

Mr. BROUJOS. Yes.

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

Mr. PICCOLA. Thank you, Mr. Speaker.

Referencing your amendment, on the first page you are adding language dealing with public utilities regulated by the Public Utility Commission. Now, am I correct in reading the bill as it presently exists with regard to that section that any entity, any corporation, presently regulated by the Public Utility Commission is exempt under this act? The way the bill is written now.

Mr. BROUJOS. The way the bill is written now, yes. They would have a blanket exemption, even if they committed a monopolistic practice.

Mr. PICCOLA. Well, that is assuming that is possible to do under the Public Utility Code. But let us go now to your language that you are adding to that section. If the Attorney General takes action against a public utility and that public utility goes into Commonwealth Court and seeks the declaratory judgment and receives that declaratory judgment, who is going to pay the attorneys representing that public utility?

Mr. BROUJOS. The attorneys would pay their own fees. The utilities would pay their fees.

Mr. PICCOLA. The utility would pay the fee. And is that fee going to be passed on to the consumers of that particular utility?

Mr. BROUJOS. That is a question for the Public Utility Commission to determine.

Mr. PICCOLA. So you do not know the answer to that.

Mr. BROUJOS. I do not know the answer to that.

Mr. PICCOLA. Okay.

Mr. BROUJOS. Well, that would be, as in any other case, if any other party sues. If the utility had been sued by a private party and wanted to go into court and get preliminary objections sustained, they would be paying their fees.

Mr. PICCOLA. Now, on the bottom of the first page and going on to the second page of your amendment, you deal with the Federal or State-exempt activities, and what you did, I think, from reading the bill, is you deleted the section that is

in the bill right now dealing with Federal or State-exempt activities and added a new section dealing with exempt Federal or State activities, and the only thing that I can determine that is different between the bill and what you are proposing is that you do not include activities that are exempt under common law. Am I reading that accurately?

Mr. BROUJOS. Yes. The words "common law" are not there.

Mr. PICCOLA. May I ask why.

Mr. BROUJOS. Yes. "Common law" is a very broad expression. "Common law" includes the law of counties, the law of district courts, the law of circuit courts, the law of supreme courts. "Common law" is so broad that, technically, if some county court or a Commonwealth court or a district court were to find some exemption, then our court may then be bound by that ruling even though it is not an ultimate appellate court decision. We have about 145 district courts, maybe 11 circuit courts, and each one could have a different ruling. So I think "common law" is a very poor word to use to bind our courts and this law in very general, very abstract terms.

Mr. PICCOLA. Well, Mr. Speaker, I think you and I have a difference as to how important and how definitive the common law is, but let me ask you this.

Mr. BROUJOS. A point of order. You are not asking a question.

Mr. PICCOLA. Let me ask you this, Mr. Speaker: If a company or a corporation acting in good faith on a common law rule, whatever that common law rule might be, is found to be in violation of this act, you are saying that even though they are acting on the reliance of that rule, they can still be prosecuted under this act. Am I reading that correctly?

Mr. BROUJOS. They would be prosecuted under this act, and they would have an opportunity, an ample opportunity, to present any type of defense that they have. And if their defense is that they were acting on some local court decision, then they would so submit it. You realize the problem that you get into if you have multiple utilities throughout the United States relying on different acts, some saying, well, I think I will do this; the others saying, I think I will do that. That may occur, and that does occur. And as an attorney, you know that in the circuit courts there is a problem. The Supreme Court often selects between two different circuit court decisions.

Mr. PICCOLA. I am not sure what your answer was, Mr. Speaker, but I think your answer was that if a company is relying in good faith on a common law principle, that common law principle notwithstanding, they could be prosecuted successfully under this act and they could not raise that common law principle as a defense, because you have taken it out as an exempt activity.

Mr. BROUJOS. No, I did not say that at all.

They can raise a common law defense in a prosecution by the Attorney General in court proceedings filed as an answer or preliminary objections. Nothing is going to prevent them from raising that defense. You want to put in statute a word

that is very nebulous and very broad and opens up so much confusion for administrative agencies and for utilities that it would create more of a nightmare than any other arrangement.

Mr. PICCOLA. Well, Mr. Speaker, I do not know how, and I will ask you, how could a court rule on such a preliminary objection if a common law principle is not allowed to be the basis for an exempt activity?

Mr. BROUJOS. By a court decision.

Mr. PICCOLA. And that is the common law, is it not?

Mr. BROUJOS. You are trying to make in statute a common law ruling of 67 counties. You are trying to institutionalize those decisions to the extent that a utility must rely on it and the Attorney General must rely on it in prosecution.

Now, if you are saying you want common law and if the utility is relying on some local court decision and that is binding on them, or they feel that it is binding on them, then you have got an Attorney General that has to constantly monitor 67 counties, 145 district courts, 11 circuit courts, and make all kinds of decisions that he would be forced to make under your proposal.

We are leaving it up to our State to act like 49 other States have acted and like the Federal Government has acted - without reliance on incorporation of a common law reference.

Mr. PICCOLA. On page 2 of your amendment, Mr. Speaker, you add what you refer to as the "parens patriae" principle to the bill. It is not presently in the bill. Is that correct?

Mr. BROUJOS. That is correct, sir.

Mr. PICCOLA. And is my understanding correct if I say that the Attorney General under Federal antitrust currently brings actions under parens patriae at the present time?

Mr. BROUJOS. What is the question?

Mr. PICCOLA. Do they not in fact bring the Federal antitrust actions or actions under the Federal statute under the concept or under the theory of parens patriae?

Mr. BROUJOS. They have the right to bring it under the Scott-Rodino act, but that is only a right. They do not have the right to use the investigative powers under the Federal acts, which include precomplaint investigation.

I want to emphasize that the investigative function of antitrust is extremely important. No antitrust act in the United States, or in the United States act, simply says a conspiracy is a violation, period. The Attorney General is given the right to investigate. He has to have that power to investigate. He cannot use that power under what you refer to as a parens patriae right under the Scott-Rodino act.

Mr. PICCOLA. And finally, Mr. Speaker, under my interrogation, in the last section you change the statute of limitations section. You delete what is in the bill and I think you add another set of language. Could you explain what the difference is between what is in the bill and what you are adding?

Mr. BROUJOS. Well, I think you can read that section, Mr. Speaker.

Mr. PICCOLA. Well, I know I can read it, but I would like to know what you think the practical effect of the change is.

Mr. BROUJOS. Well, for instance, in "Actions under sections 9 and 10.—During the pendency of any timely action brought by the Commonwealth under section 9(a) or 10 and for one year after the action is completed, the limitation...is tolled"—so it provides for a tolling of the action, and you understand the meaning of the word "toll" so I will not go into that—"if the action under this subsection is based in whole or in part on any matter complained of in the action brought by the Commonwealth under..." those sections.

I think it is a clarification. I think that it is one that the Attorney General can live with and we are satisfied with.

Mr. PICCOLA. Okay. Thank you, Mr. Speaker.

That ends my interrogation. I would like to make a brief remark.

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

Mr. PICCOLA. Thank you, Mr. Speaker.

It is kind of difficult to make a recommendation on this amendment, and I guess it depends on your point of view.

According to Mr. Broujos, he sat down with the special interests involved in this bill and worked out language that he says is acceptable to them and their interests, and he may be absolutely right in terms of what he negotiated.

Some of the things that are in this amendment are good; for example, his first section where he eliminates "monopolize." That is a good amendment to the bill. It narrows the focus of the bill, at least from my point of view.

The language dealing with the PUC, however, in my estimation, has the potential to cost consumers more money, the reason being that the public utilities, if they are brought into court under the antitrust law, will now have the opportunity to go to the Commonwealth Court and to ask for a declaratory judgment calling upon the PUC to take jurisdiction. That is all well and good except, as we all know, there are a lot of attorneys and experts that are going to be called into that kind of a case calling for a declaratory judgment. It adds another layer of litigation which is not going to be paid for by the utilities—I do not know what Mr. Broujos is thinking—it is going to be paid for by the consumers. It is going to result in higher costs for the consumer, because that is all going to be passed on in the rates, in higher rates.

The language that is in the bill now is much simpler. It simply says if a company is governed by the Public Utility Code, if it is regulated by the Public Utility Commission, it is exempt under this act. Very simple. Easy to understand. Plenty of notice. And there are not a whole lot of public utilities—in fact, there are none that I am aware of—that are engaged in monopolistic practices that are not regulated. They are monopolies by definition for the most part, but they are regulated monopolies. So that section is not a good section of his amendment.

I am not sure what his bank section is, whether it is good or bad. I have questions about that. But the section dealing with the Federal-State exemption, by his own admission he takes out the words "common law." Now, his answer was not particularly clear, but I think the practical effect is he has wiped

out a whole area of common law that may be existing out there that local companies, your small business in any number of areas, might be operating under, and in good faith, because that is the rule—that is the local rule or the State rule, whatever it might be; it is common law—and he has wiped that off the books and opened up those companies to potential litigation, not for anything that they are doing illegal right now but for something that will become illegal because of the passage of this act. And I cannot even begin to tell you what those things might be, but Mr. Broujos, in his amendment, is wiping those off the books.

He has taken out the limited disclosure section, but that is not a bad thing, because as he said, it was duplicative.

And the statute of limitations, I am not quite clear as to what that is doing, but I will not prejudice that.

On balance, Mr. Speaker, I would have to say that I am going to vote against the amendment. I think on balance it does more harm to the bill than good and that I would urge the House to vote negatively.

The SPEAKER. The Chair recognizes Mr. Broujos.

Is there anyone else seeking recognition? The Chair recognizes Mr. Broujos.

Mr. BROUJOS. Mr. Speaker, I will ask the House to listen carefully to a few of my points in rebuttal on the observations of the speaker.

First, he raised the question of costs in the event that a public utility goes in to get a declaratory judgment to ask the Commonwealth Court, stop the Attorney General in his tracks; we are regulated by the utility laws. What would happen, I ask him, if we did not have that section? The utility would have to go all the way through the proceedings or go to an appellate court and spend all kinds of money prosecuting and defending a case.

If anything, this section saves money. It saves the utility money. It saves any that may be passed on to the consumer. It saves the Commonwealth money. It is a great device. Let us go in and ask a court to make a declaratory order now to stop what is going on because it is already law. So I think his argument is completely without merit.

Now, on the question of the extent of utilities to control, he wants a blanket exemption of utilities. Utilities do not even want a blanket exemption of utilities. The utilities are responsible. He is trying to out the utilities when the utilities are satisfied with this language. And he assumes that the present insurance and utility laws cover every conceivable anticompetitive activity, and that is not true.

There are situations where the PUC has already decided it is not going to set prices for telephone services. The PUC has declined to control telephone services. As a result, if they do not regulate telephone services and there is some monopolistic practice, that practice should be the subject of this Antitrust Act, and it is, under the language that we have.

We will ask you to vote in favor of this amendment, fairly arrived at through the great discourse that occurs among all the elements of our society, including the House and the right and the left and the center and all of the people. Thanks.

The SPEAKER. The Chair recognizes Mr. Itkin, but before we do, just for the information of the members about the usual course of debate.

The sponsor of a bill or the sponsor of an amendment is usually permitted to be the last speaker. Now, it seems invariably, at least recently, that the gentleman's remarks always seem to provoke some new thoughts that must necessarily be added to the debate. The Chair would like to extend to the author of any amendment and any bill the opportunity to speak last on his or her measure, and the Chair would appreciate the members considering that courtesy.

MEMBER'S PRESENCE RECORDED

The SPEAKER. The Chair recognizes Mr. Itkin.

Mr. ITKIN. Mr. Speaker, Mr. Acosta is in the hall of the House. I would like him added to the master roll, please.

The SPEAKER. The Chair gratefully accepts the gentleman's remarks.

CONSIDERATION OF HB 191 CONTINUED

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

Mr. HECKLER. Mr. Speaker, only for interrogation. I will have no comments. I would ask if the sponsor of the amendment would stand for interrogation.

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

Mr. HECKLER. Thank you, Mr. Speaker.

Mr. Speaker, you have indicated to us, I believe, that—and I refer now to the administrative subpoena process which is included in part in the bill and then amended to some extent by this amendment—you have indicated that there would be a remedy if the businessperson or whoever might receive such a demand felt that it was overbroad, felt that it was not properly grounded, that he would have recourse to some court. Could you indicate to us, please, the portion of the bill and/or your amendment which provides and articulates that guarantee or that protection?

Mr. BROUJOS. Yes, sir.

On page 5, line 23, "In case of disobedience of a subpoena...the Attorney General or his representative may, for good cause shown, invoke the aid of a court of record...and the court may thereupon issue an order..." At that point, the party served with the subpoena would say, I refuse to give you the documents. At that point, the Attorney General could go to a court of the Commonwealth and ask for an order.

Mr. HECKLER. So it would be fair to say that there is no language which specifically provides guidance to— Let us say I am a lawyer for a small businessman who has received one of these demands. My only advice to my client can be to refuse to obey the subpoena, at which point the Attorney General is going to go to court and try and have me held in contempt or my client held in contempt for refusing to comply. Is there any provision in that section that provides for an open hearing, or if a closed hearing, a due process hearing in which both sides are represented?

Mr. BROUJOS. Well, first of all, I think the language "contempt" is improper. What we have said is that the Attorney General, for good cause shown, may invoke the aid of a court of record and simply say, order them to submit the materials under the subpoena. So it is not like they are a criminal.

Number two, you are talking about a procedural device and counsel that is far outside the scope of an act of this nature. Subpoenas now are obtained by a district attorney on a county level or by a defense attorney simply by walking into the clerk of courts and saying, give me a piece of paper that is marked "subpoena," and you fill it out and you take it and you serve it. And the system has worked maybe for a few hundred years. So I think there are adequate safeguards. We even put "good cause" in here that was not even in before, and it was not in under the Antitid-Rigging Act.

Mr. Speaker, this language is similar to the Antitid-Rigging Act investigative powers that already we have on the books in Pennsylvania, and I have never heard of any problem of abuse.

Mr. HECKLER. Well, that is what I am trying to get at, some context for this language. Specifically, is there— For instance, if a subpoena is issued, you can bring a motion to quash that subpoena. Are you suggesting that it would be possible with regard to such an administrative subpoena to move to quash it?

Mr. BROUJOS. You used a word before like "contempt" and a word now of "quashing," and that is not in this procedure and not in this act. There is no quash, because the burden is put on the Attorney General. This act admits the fact that if a person, company, decides, I do not want to give the material to you, they will say, I disobey the subpoena; I call up my attorney and he says, just do not give it.

The Attorney General has the burden to show good cause. It is not a motion to quash on the part of the company and it should not be viewed as that. A very fair system, used probably in 49 other States. We are in good company.

Mr. HECKLER. Well, I suppose the question then is, this section (3) speaks of "...the court may thereupon issue an order requiring the person subpoenaed to obey the subpoena,..." and I am now reading from the bottom of page 5. Does that mean that there is a guarantee that I, as a businessman who has received this subpoena, am going to be able to go before the judge and say, judge, here are my reasons why I think the Attorney General does not have good cause?

Mr. BROUJOS. I think as an attorney you know that that would occur.

Mr. HECKLER. No, no, I do not. I do not.

Mr. BROUJOS. You do not?

Mr. HECKLER. This is a brand-new procedure to me, and I am not trying to be coy with you or the members. I do not see anything here that says anything but the Attorney General has to go, quite possibly in an ex parte proceeding, and say, judge, they will not honor our subpoena; tell them to do so, and then if in fact such an order is entered, then contempt does come into the picture, as is specifically mentioned in your section at the top of page 6.

Mr. BROUJOS. And that is not any different than the situation that pertains in any other situation, any other criminal proceedings. The protection you are talking about, really, is counsel that is provided by legal counsel or a procedural matter that may be done by a court in a rule of procedure. For instance, in your complaints filed in civil actions, you have to give a notice on the cover of the complaint that you have a right to answer within 20 days; if you do not have counsel, you may seek counsel through this source. So you are talking about a procedure; you are questioning a procedure that has been used through, not 49 other States, 48 other States and is acceptable procedure, and I know of no complaints that have been lodged in this type of procedure.

Mr. HECKLER. Mr. Speaker, you have truly confused me now. Is this procedure not strictly limited to civil as opposed to criminal proceedings?

Mr. BROUJOS. Yes.

Mr. HECKLER. Okay, because you are referring to criminal—

Mr. BROUJOS. Well, you talked about the contempt. I thought you were worried about in criminal proceedings. No, it is civil proceedings.

Mr. HECKLER. Well, I do not know if we shed much light on this, Mr. Speaker. I thank you for your answers, in any event.

The SPEAKER. The Chair recognizes Mr. Piccola.

Mr. PICCOLA. Thank you, Mr. Speaker.

First let me urge, relative to what the Chair said earlier, that if Mr. Broujos wishes to respond to the debate, I agree with what the Chair said, and I would hope the gentleman would ask for unanimous consent to make a remark, and I would urge that it be granted to him, because I think, as the mover of the amendment, he should be given that courtesy.

But I would want to comment on the remarks of the gentleman and the inquiry of the gentleman, Mr. Heckler. The gentleman was right on point. He has identified a glaring and major weakness of this bill as well as the failure of the amendment to deal with it. His analysis of the procedure was absolutely correct, but have faith, Mr. Speaker. There will be amendments to follow that will deal with that, and we will hopefully try to correct the defect in the Broujos amendment and in the bill with subsequent amendments.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—201

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	Flick	Linton	Serafini
Battisto	Foster	Lloyd	Smith, B.
Belardi	Fox	Lucyk	Smith, S. H.
Belfanti	Freeman	McCall	Snyder, D. W.
Billow	Freind	McGeehan	Snyder, G.

Birmelin	Gallen	McHugh	Staback
Bishop	Gamble	McNally	Stairs
Black	Gannon	Maiale	Steelman
Blaum	Geist	Markosek	Steighner
Bowley	George	Marsico	Stetler
Boyes	Gerlach	Mayernik	Stish
Broujos	Gigliotti	Melio	Strittmatter
Brown	Gladeck	Merry	Stuban
Bunt	Godshall	Michlovic	Sturla
Bush	Gruitza	Micozzie	Surra
Butkovitz	Gruppo	Mihalich	Tangretti
Caltagirone	Hagarty	Mrkonic	Taylor, E. Z.
Cappabianca	Haluska	Mundy	Taylor, F.
Carlson	Hanna	Murphy	Taylor, J.
Carn	Harley	Nahill	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	Petrarca	Veon
Cole	Jadlowiec	Petrone	Vroon
Cornell	James	Phillips	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—1

Piccola

NOT VOTING—0

EXCUSED—0

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

WELCOMES

The SPEAKER. The Chair is pleased to recognize Dr. Franco Giordano, council general of Italy in Philadelphia. He is the guest of the American-Italian legislative caucus. Will the gentleman please rise.

The Chair also welcomes Mr. Robert Newara and his wife, Judy, and Mr. Richard Brine, who are the guests of Representative Tom Scrimenti. They are to the left of the Speaker. Will the guests please rise.

CONSIDERATION OF HB 191 CONTINUED

On the question,

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

Mr. BROUJOS offered the following amendment No. A0220:

Amend Sec. 9, page 8, line 8, by inserting after "directly" or indirectly

On the question,

Will the House agree to the amendment?

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

Mr. BROUJOS. Mr. Speaker, I am going to ask the indulgence of the House for a little class here on the indirect purchaser. Part of the problem of understanding the indirect purchaser is the word "indirect purchaser" and tying it in with the whole antitrust concept. So if you will turn to your first sheet I handed out in this morning's class, it has an outline that describes who the indirect purchaser is.

Now, it is extremely important to follow this, because just to accept the Supreme Court decision that indirect purchasers cannot recover under the Federal act does not mean that they are bad guys. It does not mean that there is something wrong. It does not mean that there has been any violation or abuse of a process by multiple suits or vexatious suits or clogging of the courts. Very simply, your indirect purchaser is a consumer, and I do not think there is a single person in this House who does not want to protect the interest of a consumer. But that is not enough to ask for protection. You have to go on and say protection under what conditions. That consumer is the victim of price fixing, and where does price fixing occur?

Price fixing and other abuses, such as geographic location determinations and other abuses, occur at the top - the manufacturer or the distributor, in utilities, in Toyota's attempt to impose extra costs on the consumer. The retailer, when he gets the car, when he gets the product, when he gets the washing machine, if he is the victim of overcharging, what does he do? He passes it on to the consumer. The consumer then, when the anticompetitive price-setting, price-fixing conspiracy occurs at the top, pays the price and cannot sue. He is the victim without a remedy.

How many times have we seen legislation go through here—and not too long ago—concerned with victims' rights and compensation of victims? The consumer is a victim. He did not sit in a hotel room. He did not sit with insurance companies or utilities or banks or the Toyota people that met and decided you had to have your undercoat, your innercoat, and your overcoat at \$150 before you buy that car. The consumer did not do that, but can he sue? He could sue from the beginning of antitrust, prior to our colonial formation of a government, until 1977, when the Supreme Court, in reading the act, said, no, under the Illinois Brick case, we are sorry; we do not think and we find that the consumer cannot recover as an indirect purchaser. They did not talk about clogging of the courts; they did not talk about bad purchasers or problems. They read the act, and that is their interpretation. And what did they say? They said, you have to sue under a State law for these indirect purchasers; you have to sue under a State law. They in fact said that the States are the basic repository of antitrust actions.

States were the first to take action. The courts were the first to take action in colonial days. States then adopted laws, and

then there was a Sherman Antitrust Act. Now the pendulum has swung back, and a lot of the antitrust prosecution is presently under State law, under an aggressive and effective National Association of Attorneys General, and they are working together and they are getting good work done.

...One by one the States have passed an indirect purchaser law. One by one they are recognizing that that victim that we are all concerned with does not have a remedy as an indirect purchaser against the conspiracies in the price fixing at the top of that ladder. That is why we need the indirect purchaser in here.

The majority of cases brought were by indirect purchasers prior to 1977, and now their numbers are down very low because there is no right, unless the State gives that right. So what we are asking is simply to restore a right that was taken out of the act in committee when the committee did not have this information available to them.

You take the Kansas v. Utility Corp. case. Now, you wonder, are there problems out there; is there really a need? We have an obligation to show a need, and we have done that by document after document we sent to you.

Gas producers in the Kansas case and pipeline companies conspired to raise the price for residential gas consumers, and the Supreme Court held that only the local distribution company could sue for damages. Kansas and Missouri wanted to sue for the consumer against the pipelines, and the Supreme Court said, you have got to sue under State law. My amendment restores that right, and that is why it is so important. It restores the law to where it was prior to 1977.

I will ask you to favorably consider and vote "yes" to add the indirect purchaser, which is a person who has a right and not a remedy. Thank you.

The SPEAKER. The Chair recognizes Mr. Mayernik.

Mr. MAYERNIK. Thank you, Mr. Speaker.

I stand to oppose the Broujos amendment 220.

The striking of the indirect purchaser was done in the Judiciary Committee by myself and passed by a vote of 17 to 3. The present language that is in the legislation is similar to language that was passed in an antitrust bill in the Senate last session.

Even though Mr. Broujos has passed out a letter from the Attorney General of Connecticut, which he himself did not even sign or take the time—I guess he was not that interested—the Attorney General in Pennsylvania is not opposed to the present language in this legislation. The Attorney General of Pennsylvania, again, is not opposed to the language in this legislation.

The Illinois Brick v. the State of Illinois case was a price-fixing case that the Supreme Court ruled on. The court held that only persons who have purchased directly from the conspirators may recover overcharges. This is a Supreme Court case. If we change this law today in Pennsylvania, it will be contrary to that of the Supreme Court of the United States, plus it would only add to additional litigation in Pennsylvania.

With the existing language, as a policy argument, we find that direct purchasers are in the best position to detect violations; indirect purchasers are not. A survey conducted by the ABA (American Bar Association) on the antitrust section indicates that the vast majority of price-fixing prosecutions were followed by direct purchasers, not indirect purchasers.

The problem is that no one has yet been able to devise, one, a manageable system to allocate damages or, two, to insure against multiple recoveries for the same wrong. Mr. Broujos does not address this. The Broujos amendment, if accepted, would add complexity to litigation, creating a judicial nightmare. It would then require that the actions for antitrust would be brought in State court. Right now we have over a 5-year waiting period in State court, right now. Do we want to add to more litigation? I do not think so. The present language in the amendment would mean that every claim for an overcharge, regardless of how limited, would automatically be transferred into major litigation. It would then be far more difficult to arrive at a reasonable settlement in multiple claims, if they had to be satisfied.

The existing language that we have in the bill right now is proconsumer language for several reasons. The fact that it will assist in maintaining the price of products and goods in Pennsylvania, it will avoid the need for undue complex litigation. The existing language will provide for judicial efficiency in the economy. It will preserve the litigation incentives of direct purchasers and avoid the risk of duplicative recovery. Consumers should have the right to be the beneficiary of the antitrust law.

Our purpose here in the General Assembly is to keep existing businesses in Pennsylvania; attract new businesses to Pennsylvania, which means jobs to Pennsylvania. The purpose of an antitrust bill is to preserve and encourage competition, not to drive businesses into bankruptcy, not to drive businesses out of Pennsylvania.

I would like us to take a look, if we could, at the indirect purchaser paper that Mr. Broujos passed out to all of us, and if we could go another step further in it. He starts with the manufacturer or producer, the distributor, and then he leaves out the wholesaler, the jobber, the middleman, and he goes down to the retailer. I would like to give a little example of my own.

Let us say that the problem occurred in an antitrust with the refiner or distributor, and the gas was sent to a gas station, and then we had 20,000 consumers at the bottom where Mr. Broujos has consumers; instead of 8 or 10 little lines, we have 20,000 or maybe we have 50,000 or maybe we have 100,000 consumers, and now we go to court and we have 100,000 cases, and everybody gets recovery of a whole dollar in U.S. currency. How do we distribute that to individuals? How do we get that money back to the consumer? How does that happen? How? Ask Mr. Broujos. It does not happen. It is impossible to give those damages back to the consumer, to give them the remedy.

That is why we should limit it to direct purchasers. They have better access. They have knowledge of when the damage

or violation occurs, and as a result, I would ask for a negative vote on the Broujos amendment so that we keep the existing language. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Piccola.

Mr. PICCOLA. Thank you, Mr. Speaker.

The gentleman, Mr. Mayernik, is absolutely correct. Referring to the chart that Mr. Broujos handed out, you see all those consumers down there at the bottom, and as Mr. Mayernik indicated, assuming there is a valid case, they are all going to be out \$10, maybe \$15 at the very most, on whatever the action is. As a practical matter, they do not sue individually, Mr. Speaker. Nobody brings an antitrust action for \$15 or \$10. What happens, and I hate to be in the position of attacking my own profession, but what happens is some attorney brings a class action suit, and the guys that make out are the law firms, not the consumer, Mr. Speaker. We are speaking in the name of the consumer, but that is not the guy that is going to make out. It is going to be the law firms that bring these class actions.

Mr. Mayernik is absolutely correct. It is going to clog the courts, increase litigation, and all for very, very little benefit, if any—probably no benefit and negative benefit to the consumer.

I urge the amendment be defeated.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—75

Acosta	Donatucci	LaGrotta	Rieger
Arnold	Fajt	Laughlin	Ritter
Battisto	Fee	Lescovitz	Roebuck
Belardi	Freeman	Levdansky	Scrimenti
Belfanti	Gamble	Linton	Serafini
Bishop	Gruitza	Lloyd	Staback
Blaum	Hanna	Lucyk	Steelman
Bowley	Harper	McGeehan	Stetler
Broujos	Hasay	McNally	Stish
Butkovitz	Hayden	Maiale	Stuban
Caltagirone	Hughes	Melio	Sturla
Cappabianca	James	Michlovic	Surra
Carn	Jarolin	Mihalich	Tigue
Carone	Josephs	Mrkonic	Trich
Cawley	Kaiser	Mundy	Veon
Cohen	Kosinski	Oliver	Williams
Colafella	Krebs	Petrarca	
Cole	Kruszewski	Pistella	O'Donnell,
DeLuca	Kukovich	Richardson	Speaker
DeWeese			

NAYS—127

Adolph	Fairchild	Lawless	Saurman
Allen	Fargo	Lee	Scheetz
Anderson	Farmer	Leh	Schuler
Angstadt	Fleagle	McCall	Semmel
Argall	Flick	McHugh	Smith, B.
Armstrong	Foster	Markosek	Smith, S. H.
Barley	Fox	Marsico	Snyder, D. W.
Billow	Freind	Mayernik	Snyder, G.
Birmelin	Gallen	Merry	Stairs
Black	Gannon	Micozzie	Steighner
Boyes	Geist	Murphy	Strittmatter
Brown	George	Nahill	Tangretti
Bunt	Gerlach	Nailor	Taylor, E. Z.
Bush	Gigliotti	Nickol	Taylor, F.
Carlson	Gladeck	Noye	Taylor, J.

Cessar	Godshall	Nyce	Telek
Chadwick	Gruppo	O'Brien	Thomas
Civera	Hagarty	Olasz	Tomlinson
Clark	Haluska	Perzel	Trello
Clymer	Harley	Pesci	Tulli
Colaizzo	Hayes	Petrone	Uliana
Cornell	Heckler	Phillips	Van Horne
Corrigan	Herman	Piccola	Vance
Cowell	Hershey	Pitts	Vroon
Coy	Hess	Preston	Wambach
Daley	Itkin	Raymond	Wilson
Davies	Jadlowiec	Reber	Wogan
Dempsey	Johnson	Reinard	Wozniak
Dent	Kasunic	Robinson	Wright, D. R.
Dermody	Kenney	Rudy	Wright, M. N.
Durham	King	Ryan	Wright, R. C.
Evans	Langtry	Saloom	

NOT VOTING—0

EXCUSED—0

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

On the question recurring,

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

Mr. PICCOLA offered the following amendments No. A0096:

Amend Sec. 7, page 5, lines 6 through 12, by striking out "require the attendance and" in line 6, all of lines 7 through 12 and inserting

petition a court of record of the Commonwealth, for issuance of a subpoena. The court may, for good cause shown, issue a subpoena requiring the attendance and testimony of witnesses and the production of books, accounts, papers, records, documents and files relating to the investigation. After a subpoena has been properly issued, the Attorney General may administer oaths or affirmations, examine witnesses and receive evidence during the investigation.

Amend Sec. 7, page 5, line 13, by striking out "request for information" and inserting
subpoena

Amend Sec. 7, page 5, line 17, by striking out "request for" and inserting
subpoena requesting

Amend Sec. 7, page 5, lines 23 through 30; page 6, line 1, by striking out all of said lines on said pages and inserting

(3) Failure to obey an order of the court

On the question,

Will the House agree to the amendments?

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

Mr. PICCOLA. Thank you, Mr. Speaker.

Under this bill as Mr. Broujos has proposed it, we will have given the Attorney General awesome powers to begin precomplaint investigatory powers by issuing subpoenas, and the only standard under his bill, as he has amended it, for issuing those subpoenas is reason-to-believe, and the only person he has to prove reason-to-believe to is himself, because there is no review of the reason-to-believe standard. Now, as Mr. Broujos has been quick to point out, if such a subpoena is issued on that reason-to-believe, the guy who receives the subpoena, on advice of Mr. Heckler's attorney perhaps, can

either choose to obey the subpoena or say, I am going to disobey the subpoena, and if he disobeys the subpoena, he goes into court and they have a good-cause hearing to determine whether the Attorney General had good cause to issue the subpoena.

Mr. Speaker, I believe that giving the Attorney General, any Attorney General, the power to simply issue subpoenas before any action has been taken without any review by any independent third party is just too much power to put in the hands of one person or one office. It could be extremely disruptive to small business particularly, but really to any business, whether or not they are a target of the investigation or simply somebody out there that the Attorney General is looking to obtain information from.

This amendment, Mr. Speaker, will take Mr. Broujos' good-cause court proceeding and move it to the front end before the subpoenas are issued and require the Attorney General to go to a court of common pleas perhaps or a judge in this State and show his good cause to that judge and then get the permission to issue the subpoenas.

Now, I have read some of the arguments against this kind of an approach. First of all, in answer to some of the criticisms, it is the safeguard that Mr. Broujos himself is suggesting in the bill. I am just suggesting that we make the Attorney General do that up front and do not require somebody to disobey a subpoena.

Secondly, it has been said that this kind of precomplaint investigatory power is already given to the U.S. Attorney General. Well, I submit, Mr. Speaker, the difference between a U.S. Attorney General - an antitrust division there that has a huge office and a lot of expertise, who is appointed by the President, who has a national policy relative to the economy - is a lot different than an independent, elected Attorney General at the State level, who is going to be issuing subpoenas primarily to small businessmen, who really do not have the time, money, or resources to fight with them or deal with them, and I suggest that the good cause ought to be demonstrated before those subpoenas start to fly.

Thirdly, it has been argued that fighting a subpoena can take up to 5 years. Well, that is absolutely correct, but that can occur under Mr. Broujos' bill as well as the procedure that I am suggesting. We are just suggesting that the court be given the opportunity to pass on or review the good cause that the Attorney General claims to have before he starts to go into these investigations.

It has also been suggested that the good-cause standard would somehow cripple the investigative powers of the Attorney General. Mr. Broujos uses the good-cause standard in his bill. On page 5, subsection (3), when there is a disobedience of the subpoena, the Attorney General, for good cause shown, may invoke the aid of a court of record of the Commonwealth. So Mr. Broujos already has the good-cause standard in his bill, and I am just suggesting we move it so that the subpoenas are not issued and we are requiring people to disobey subpoenas before we get to that good-cause standard.

Now, it has also been suggested that this is somehow going to hamper the Attorney General by making him appear in open court. There is nothing in this amendment that says it has to be in open court. There is nothing that precludes the court from promulgating rules—and they probably will—on ex parte proceedings by the Attorney General under the Antitrust Act, if this becomes law. There is nothing in there to prevent any of that.

Secondly, it has been suggested that this is going to be a little bit more time consuming for the Attorney General. Well, I do not think that is a bad thing necessarily. I think the kinds of powers that we are granting to the Attorney General under this particular proposed legislation require some constraints, and I think the fact that he would have to send one of his deputies to a local judge to pass on his proposed subpoenas is not an undue burden to place upon him so that you have a little bit of independent review.

Finally, it has been suggested that there are sufficient safeguards in here because the individual can disobey the subpoena, on advice of counsel, and go before the court. Quite frankly, Mr. Speaker, there is some misunderstanding, I think, as to the resources of most of the small business in this State. They do not keep attorneys on retainer. They do not have corporate counsel who are going to be able to review antitrust subpoenas or antitrust complaints. They are going to have to either surrender totally to the Attorney General without any advice of counsel, which is probably what they are going to do because they cannot afford counsel, or they are going to have to go out and hire counsel to review something for which there may be no review necessary. What we are suggesting in this amendment, Mr. Speaker, is that we have a court of record in this Commonwealth simply pass upon the good cause that the Attorney General claims he already has before he starts these investigations, before these subpoenas start to fly.

Mr. Speaker, I urge that we adopt the amendment.

The SPEAKER. The Chair recognizes Mr. Broujos.

Mr. BROUJOS. Mr. Speaker, it is important to understand where the good-cause requirement occurs in the investigative process and why it is placed where it occurs.

If you have good cause up front, you destroy the investigative powers of the Attorney General, which are traditionally based on reason-to-believe and reasonable cause. District attorneys and Attorneys General have had the power to investigate, which is a significant part of a prosecution. In order to do that, they have to act and they have to act on information they receive that presents them with some reason to believe that a violation has occurred.

For decades and scores of years, maybe a few hundred years, prosecutors have obtained subpoenas without being required to go into court. That is number one.

Number two, we are not aware of any State other than Louisiana that has a good-cause hearing up front at the very beginning of an investigation.

Number three, there are many, many people who are willing to give information, but they will say, my board of

directors or my president or my home office requires that I have a subpoena. That party would be required to go to court, and the Attorney General would be required to go to court.

Representative Piccola talks a lot about saving costs. By this provision, by putting up front the hearings and the petitions and the good-cause proceedings, he is going to add to the costs of parties that do not even want that cost. They may say, I am willing to give the information, and the Attorney General will say, well, I have to follow the law; let us go in for a hearing. We do not do that in court because we have sorted things out in this society where we avoid this additional and superfluous cost.

Now, let us take another area. Conspiracies in restraint of trade and price fixing often involve a number of persons and have to involve over two. There may be four major parties, and you are telling the Attorney General who is ready to investigate a case and maybe get one of the four conspirators to give information quietly to him, the Attorney General, to determine how he is going to prosecute the case, and all of that stuff is going to go into court. You are going to effectively make public the purpose of the investigation, the details of the investigation, the parties that you are investigating. So what Representative Piccola is doing— And I will say that he is very strong on law enforcement; he has built a reputation on law enforcement; he is sincere, and I give him all the credit that is due for his efforts with respect to law enforcement. But what is he doing? He is in effect creating a potential compromise situation where an Attorney General's case can be compromised among the parties involved by requiring this arbitrary, every situation, all the time, up front.

Finally, I outline to you the very simple steps that we take in my amendment, and that is the Attorney General makes a request, a letter; the letter is refused; he gets a subpoena and goes to the company, bangs on the door and says, here is a subpoena. The guy will say, go away. The Attorney General then has to go to court. That is the way my amendment and the bill reads now. That is the way it is done on the Federal level; that is the way it is done in the Antitid-Rigging Act; that is the way it is done in 48 other States, and that is the way Pennsylvania should do it - simple, protective, and secure.

I ask you to defeat this amendment.

The SPEAKER. The Chair recognizes Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I am somewhat glad to hear about the suspicion with which Jeff Piccola views the Attorney General's Office, and I wish to inform him that we have an aggressive young Democratic candidate for this position. If he is interested, I will be glad to give him the candidate's telephone number, and I am sure Jeff would be a very welcome member of the Democratic nominee's campaign committee in 1992.

The problem though with his amendment is that it deals not only with the current Attorney General, but it deals with the office, and it makes it very, very difficult for any incumbent who holds this office in the future to conduct these investigations, and if other crimes, as Representative Broujos said, had the same labyrinth to run that Representative Piccola pre-

scribes for the Attorney General's Office, it would be very difficult for other crimes to be prosecuted as well.

This amendment basically creates a pretrial before the Attorney General has the evidence, and the first one would have to go to the common pleas court, then it would be appealed to an appellate court, and then it would finally be appealed to the Supreme Court, and all this would be a battle over obtaining a subpoena. This would seem to be a waste of the resources of the Attorney General's Office regardless of who the Attorney General is. It would seem to be counterproductive towards the goal of this bill.

I would therefore urge the defeat of this amendment.

The SPEAKER. The Chair recognizes Mr. Gannon.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to this amendment. Earlier in the debate one of the prime sponsors of the amendment referred to the destructive effect on business, and I believe that that is exactly what this amendment would have, Mr. Speaker.

A very simple reason: This is a precomplaint investigative procedure. It does not necessarily mean that the person whose records are being sought is either suspected of any wrongdoing or is the target of any investigation of any wrongdoing. The Attorney General is simply using his investigative powers to obtain records to put crooks in jail. He does not want to hurt the innocent. In fact, he wants very much to get the cooperation of the innocent victim, and this amendment is a clear deterrent to the innocent victim to come forward voluntarily and provide the information that the Attorney General would need to do a complete and thorough investigation and put criminals where they belong.

There are two things that come into play here. First of all is the great inconvenience that would be caused to the small businessman when he has to be hauled into court for a preliminary preinvestigation hearing to determine whether or not a subpoena is going to be issued so that he can give his records to the Attorney General or provide the information that the Attorney General would need.

The second thing that it causes is embarrassment. As reflected in the bill, many, many of these investigations at this stage are totally confidential, and I think that that is the way we would want it so that the innocent person who is assisting is not drawn into this and tinged with any complicity whatsoever. And now we see the embarrassment of an innocent person, the innocent businessman, being drawn into court so that he can provide the Attorney General with the information that he desperately needs.

For those two reasons alone, Mr. Speaker, I believe that this amendment is destructive to the business community: the inconvenience that it will cause, the embarrassment, and not to mention the cost that is going to be placed upon that small businessman, already alluded to in the prime sponsor's remarks - the additional cost of hiring his lawyers to go into court to represent him just for a proceeding to obtain a petition so that he can get a subpoena for information that this businessman may very well want to provide anyway. This

requirement is so onerous to the investigative procedure that it should be defeated soundly, Mr. Speaker.

Finally, Mr. Speaker, it will have a chilling effect on any investigation, because those who are engaged in these activities are going to be watching very, very carefully, and as soon as they see any sign of any investigation of their activities, evidence will be destroyed, people will shut up, and the availability of important facts will disappear. Investigations will be crippled and their effectiveness soundly deterred by this type of language in this bill.

I ask for a "no" vote on the Piccola amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Piccola.

Mr. PICCOLA. Thank you, Mr. Speaker.

First of all, with regard to Mr. Cohen's aggressive Democratic candidate for Attorney General, that is precisely the guy I am worried about by offering this amendment, Mr. Speaker.

Secondly, there seems to be some belief that this is strictly a criminal statute. My understanding is that this is more akin to a civil cause of action with extra damages as a punitive method of deterring the conduct. But if we are going to compare it to the criminal side of the ledger, we have supervision of criminal investigations as well in this State through grand juries and the issuance of subpoenas by grand juries. They are supervised by judges. That never seemed to hamper a criminal investigation. Search warrants and wiretap applications are also supervised by judges in the criminal side of the coin. We are really not asking for much more than that in this—in fact, we are asking for a lot less than that—in this amendment.

Now, Mr. Gannon keeps making references to this hearing in this. There is nothing in this amendment that says hearing, nothing at all. The word "hearing" does not appear here. There is no requirement for a hearing.

The judge, as he does in wiretap applications and search warrants, is simply going to review what the material is that the Attorney General gives him and issue an order giving him the power to issue subpoenas. No one is going to be embarrassed. No one is going to be embarrassed. No one will even know, presumably, that this is even going on until the subpoenas start coming.

But in my estimation, Mr. Speaker, there should be somebody out there just looking at what the Attorney General is proposing and making sure that that good cause that Mr. Broujos has in his bill is being complied with.

I urge the adoption of the amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—27

Armstrong	Gallen	Merry	Smith, S. H.
Birmelin	Geist	Noye	Taylor, E. Z.
Chadwick	Harley	Piccola	Tomlinson
Clymer	Heckler	Reber	Tulli
Fairchild	Langtry	Reinard	Vroon
Fargo	Lee	Saurman	Wright, M. N.
Fox	Leh	Scheetz	

NAYS—175

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

NOT VOTING—0

EXCUSED—0

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

On the question recurring,

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

The SPEAKER. The gentleman, Mr. Piccola, offers the following amendment, which the clerk will read.

Mr. PICCOLA. Mr. Speaker, I can count. I am not improving very good, so I am going to withdraw the rest of my amendments and not delay the House further.

On the question recurring,

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

Mr. VROON offered the following amendments No. A0330:

Amend Sec. 4, page 3, line 18, by striking out "in restraint of, or to monopolize," and inserting

which substantially restrains

Amend Sec. 4, page 3, lines 18 and 19, by striking out "in a relevant market"

On the question,

Will the House agree to the amendments?

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

Mr. VROON. Thank you, Mr. Speaker.

This amendment is a very, very simple amendment, and it is not something that kills the bill. It is something which, in my opinion, lends strength to the bill. I simply add the idea of substantially restraining competition instead of just simple restraint. This is more in the spirit of the Federal antitrust law and the antitrust laws of a good many of the other States.

The intent of this amendment, Mr. Speaker, the whole idea of this is that if you do not put a word like this into the bill, you are going to have all kinds of very trivial charges being made and you are going to tie up the law enforcement people tremendously investigating all of the small, trivial charges that will inevitably come forth. I believe by inserting this word we are going to hold it to those which really have substance and which are really doing the harm.

So for this reason, I would ask for your support of this amendment.

The SPEAKER. The Chair recognizes Mr. Broujos.

Mr. BROUJOS. Mr. Speaker, nowhere in any antitrust law of a State or the Federal Government do the words "substantially restrain" appear.

As I mentioned earlier, antitrust law came into existence in the Colonies, in court decisions, out of an innate sense of fairness. Those cases were solidified into statutes by States and then by the Federal Government, and at the time the Sherman Antitrust Act was drafted, it was drafted, as an author stated, "...in the light of well-known doctrines of the common law, and sought to condemn as unlawful restraints only conduct which was so restrictive of 'competition' as to amount to restraints of 'trade.' It was not directed at restrictions reasonably ancillary to the doing of business." And this discussion goes on to explain that in the drafting of the original act and in the little Sherman antitrust acts - in New York, in Pennsylvania, and in 49 other States - the same language has been used.

Essentially, the word "substantial" may be a court ruling; it may be something that a court may consider. It should not be put in this act, number one, because of the development of a body of law designating and finding that a restraint of trade is significant and because it will add a work of art that may make it more difficult for fair prosecutions to occur by the Attorney General.

I would ask for the defeat of this amendment.

The SPEAKER. The Chair recognizes Mr. Gannon.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, I just want to echo the comments of Mr. Broujos and make it very specific that nowhere in the Federal

antitrust law, which has been referred to by the prime sponsor of this amendment, does it use the language that he wants to insert in this statute.

So I want to be very emphatic about that, Mr. Speaker, and ask for a "no" vote on this amendment.

The SPEAKER: The Chair recognizes Mr. Vroon.

Mr. VROON. Mr. Speaker, this has been a subject which has been very close to me for many long years. I wrote an essay on this subject many years ago, and in my research for this essay and for many other speeches which I gave, I found out that the courts rely very heavily on this interpretation - substantial lessening of competition. In every takeover, in every major takeover to this day of one corporation by another, the consideration is, does it or does it not substantially lessen competition? For example, here are two food companies and they propose to merge, and one of these food companies does 20 percent of the business; the other one does 40 percent of the business. If the merger succeeded, then there would be 60 percent of the business controlled by one company. So it does substantially lessen competition, and this is the sort of thing that I am talking about.

The very principle of substantial lessening has been observed by our Federal courts all through the years. My essay was written back in the 1940's. That is how long it has been going on, and it is still very much the thing to be followed today in our Federal courts, and our Supreme Court has recognized this throughout all these years.

I think this is a valid proposal, and I ask for your affirmative support.

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

The following roll call was recorded:

YEAS—16

Armstrong	Harley	Noye	Saurman
Birmelin	Heckler	Piccola	Scheetz
Clymer	Johnson	Pitts	Strittmatter
Fargo	Leh	Roebuck	Taylor, E. Z.

NAYS—184

Acosta	Donatucci	LaGrotta	Robinson
Adolph	Durham	Langtry	Rudy
Allen	Evans	Laughlin	Ryan
Anderson	Fairchild	Lawless	Saloom
Angstadt	Fajt	Lee	Schuler
Argall	Farmer	Lescovitz	Scrimenti
Arnold	Fee	Levdansky	Semmel
Barley	Fleagle	Linton	Serafini
Battisto	Flick	Lloyd	Smith, B.
Belardi	Foster	Lucyk	Smith, S. H.
Belfanti	Fox	McCall	Snyder, D. W.
Billow	Freeman	McGeehan	Snyder, G.
Bishop	Freind	McHugh	Staback
Black	Gallen	McNally	Stairs
Blaum	Gamble	Maiale	Steelman
Bowley	Gannon	Markosek	Steighner
Boyes	Geist	Marsico	Stetler
Broujos	George	Mayernik	Stish
Brown	Gerlach	Melio	Stuban
Bunt	Gigliotti	Merry	Sturla
Bush	Gladeck	Michlovic	Surra
Butkovitz	Godshall	Micozzie	Tangretti
Caltagirone	Gruitza	Mihalich	Taylor, F.
Cappabianca	Gruppo	Mrkonic	Taylor, J.

Carlson	Hagarty	Mundy	Telek
Carn	Haluska	Murphy	Thomas
Carone	Hanna	Nahill	Tigue
Cawley	Harper	Nailor	Tomlinson
Cessar	Hasay	Nickol	Trello
Chadwick	Hayden	Nyce	Trich
Civera	Hayes	O'Brien	Tulli
Clark	Herman	Olasz	Uliana
Cohen	Hershey	Oliver	Van Horne
Colafrilla	Hess	Perzel	Vance
Colaizzo	Itkin	Pesci	Veon
Cole	Jadlowiec	Petrarca	Wambach
Cornell	James	Petrone	Williams
Corrigan	Jarolin	Phillips	Wilson
Cowell	Josephs	Pistella	Wogan
Coy	Kaiser	Preston	Wozniak
DeLuca	Kasunic	Raymond	Wright, D. R.
DeWeese	Kenney	Reber	Wright, M. N.
Daley	King	Reinard	Wright, R. C.
Davies	Kosinski	Richardson	
Dempsey	Krebs	Rieger	O'Donnell,
Dent	Kruszewski	Ritter	Speaker
Dermodity	Kukovich		

NOT VOTING—2

Hughes Vroon

EXCUSED—0

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

On the question recurring,

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

Mr. VROON offered the following amendments No. A0320:

Amend Sec. 6, page 3, lines 27 through 29, by striking out all of lines 27 and 28 and "(b)" in line 29 and inserting

(a)

Amend Sec. 6, page 4, line 4, by striking out "(c)" and inserting

(b)

Amend Sec. 6, page 4, line 8, by striking out "(d)" and inserting

(c)

Amend Sec. 6, page 4, line 14, by striking out "(E)" and inserting

(d)

Amend Sec. 6, page 4, line 18, by striking out "(F)" and inserting

(e)

Amend Sec. 6, page 4, line 24, by striking out "(G)" and inserting

(f)

On the question,

Will the House agree to the amendments?

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

Mr. VROON. Mr. Speaker, this amendment refers to page 3 of your bill, section 6, item (a), entitled "Human labor." This item says, "Labor of a human being is not a commodity or an article of commerce," and hence it should be excluded, and it calls for exclusion in the bill.

I have to ask the question, really, is labor not a commodity? Labor just happens to be the major element of cost in nearly

every item that is manufactured for sale in the State of Pennsylvania, in fact in the whole world. It is anything but something that should be exempted here. It is a major element of cost.

The largest restraint of trade or commerce is the monopoly or the near monopoly of labor costs. There are far more casualties in the business community attributable to excessive labor costs than to any conspiracy to limit or to eliminate competition. It is no secret that excessive labor costs have driven hundreds of businesses out of our State. Free competition would eventually reverse that process. Legal redress against such a conspiracy, such a monopoly, is absolutely required.

Human labor should not be exempted. This exemption is grossly inconsistent with the major thrust of this bill. I ask for favor.

The SPEAKER. The Chair recognizes Mr. Broujos.

Mr. BROUJOS. Mr. Speaker, we would ask for the defeat of this amendment.

The whole question of labor in this context is something that requires extensive hearings, extensive examination. It is fraught with historical, political, social, economic consequences and should not be the subject of an amendment at this time, and I would ask for the defeat of that amendment.

I am not aware of any other State law or Federal law that makes such an exclusion.

The SPEAKER. The Chair recognizes Mr. Veon.

Mr. VEON. Thank you, Mr. Speaker.

I would join with the gentleman, Mr. Broujos, and also ask for the defeat of this amendment.

This would be a dramatic departure from labor law. It would be a dramatic departure from antitrust law. There is significant and good definition in Federal law under the Clayton Act that clearly exempts human labor, or labor unions specifically, because that is in essence what this strikes at, from an exemption from the Federal antitrust law.

Much of this bill is patterned after that Federal antitrust law, and I think that we ought to keep that exclusion as it is in Federal law and would ask for a defeat of this amendment.

The SPEAKER. The Chair recognizes Mr. Vroon.

Mr. VROON. I was not going to speak again, Mr. Speaker, but all of those who responded to this, none of them challenged the idea that this is a major element in the cost of manufactured products and that many hundreds of businesses have been sent out of the State because of it. Thank you.

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

The following roll call was recorded:

YEAS—21

Adolph	Gladeck	Lawless	Pitts
Armstrong	Harley	Lee	Saurman
Birmelin	Heckler	Leh	Scheetz
Clymer	Hershey	Noye	Strittmatter
Fargo	Langtry	Piccola	Vroon
Flick			

NAYS—180

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

NOT VOTING—1

Bishop

EXCUSED—0

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

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

Mr. DERMODY offered the following amendment No. A0237:

Amend Sec. 14, page 10, lines 23 through 26, by striking out "to effectuate its" in line 23, all of lines 24 through 26 and insert-

ing
to be consistent with Federal statutes that are parallel with provisions of this act and Federal case law relating to such statutes.

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

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

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, I am offering an amendment to section 14 of the Antitrust Act. Section 14 deals with uniformity of application and construction of the act.

The language as it currently reads requires our courts to construe this bill consistently with the 49 other States. My amendment would delete that language and require the courts to construct the bill consistently with Federal laws, Federal statutes, that are parallel with our act and cases that relate to those statutes.

Pennsylvania corporations and businesses have been subject to the Federal antitrust laws up until this point. I submit this amendment and submit to the members it makes sense for planning for corporations and predictability.

I would also point out that most States that have their own laws have a provision that requires that they be construed consistently with Federal statutes and that this language is consistent with the Senate bill, which also requires that our bill be consistent with the Federal statutes where there are parallel provisions.

So because it makes sense, I would ask the members to support the amendment.

The SPEAKER. The Chair recognizes Mr. Broujos.

Mr. BROUJOS. Mr. Speaker, I am opposed to this amendment for this reason: There has been a movement in the last 10 to 15 years known as the federalism movement. The federalism concept is to move functions of government down to the State level. I think many of us applaud that concept. It has worked in many areas. It has some disadvantages, but a major advantage is that it makes our States more aggressive, more self-reliant, more able to rise to the challenge of economic and social and political problems. We have done it with functions of government that we have moved down to the State level. We have done it with finances. We have done it with concepts of government, but there is always some dilemma. Maybe we do not want to go all the way down to the State level with our power to control the National Guard. Maybe that is not a federalist function we want, so we leave the control of the National Guard for training and annual field training to the Federal Government. That is a good concept. I supported that very strongly against my friends.

However, you have got to make a choice. If we are going to move in the direction of State enforcement, if we are going to move in the direction of State control of our destinies, if we are going to move in the direction of State control of our economies by establishing trade missions abroad, by using our initiative and our pride and our ability as a State to rise up to the challenges we face, then why do we not do it in this situation also? Why are we going to tie ourselves to the coattails of potentially conservative judges or judges that may not care too much about the States and judges that may make decisions that may be contrary to our State interests?

I am saying that this essentially is a matter of State control of the decisionmaking and the application of this act. In the

administration of this act, let us administer it in accordance with our interpretation of what the law should be. That does not mean you cannot consider the Federal statutes and the Federal case law. We sure will. In fact, in many instances we are going to be bound by it. But the important thing is to apply it as section 14 does now, and that is to construe it to effectuate the general purposes and make uniform the laws, not to be bound by it but to consider it.

I would ask for the defeat of this amendment.

The SPEAKER. The Chair recognizes Mr. Piccola.

Mr. PICCOLA. Thank you, Mr. Speaker.

I rise in support of the Dermody amendment.

The gentleman, Mr. Broujos, made a very eloquent speech in support of federalism. The problem is that this amendment is not about federalism; it is about predictability. There is no body of law whatsoever in this State at the State level on antitrust. None. Zero. We have no experience in our State courts concerning antitrust.

One of the biggest problems with this bill is going to be, what does it mean? What does it mean for the individual businessman? And if we are going to have to rely on what the State courts are going to do without any precedent, we do not know what it is going to mean until a whole lot of people have been sued and actions have been brought and taken through the appellate courts. We should, as Mr. Dermody is suggesting, rely on that existing body of law, namely the Federal courts, that have made many, many decisions in this area.

I urge we support the Dermody amendment.

The SPEAKER. The Chair recognizes Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I reluctantly rise to oppose this amendment. Mr. Dermody has tremendously improved this amendment. This amendment is far better than the amendment that he had offered previously and rewrote. But it seems to me that under any law, we are going to consider Federal statutes. Lawyers for companies that are going to be considered are going to come in, they are going to quote Federal cases. The Federal cases will be the guide until such time as there are any State cases. There is no law other than Federal cases to go by except the Federal cases and laws of other States. So Federal cases are inherently going to be considered no matter what.

The only question here is, are Federal cases that would not normally be binding on State courts going to be binding on State courts? Federal courts deal with Federal laws. State courts deal with State laws. The State law is not exactly the same as the Federal law.

I think it is unprecedented, with very, very few exceptions, if any, to mandate that a State law be interpreted as Federal laws are and to in effect pass by State legislation something giving the Federal courts power over the State courts. Normally, a decision of a State court is not appealable to a Federal court because the State court is just dealing with State law and State court interpretations of State law are supreme, unless some Federal constitutional principle is involved here.

I think in the initial run this may simplify things a little bit, but in the long run this is going to create tremendous confu-

sion and make enforcement of this very difficult. I therefore join Mr. Broujos in urging defeat of this amendment.

The SPEAKER. The Chair recognizes Mr. Davies.

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

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

Mr. DAVIES. Mr. Speaker, I pursued a question relative to the major sports franchises in the Commonwealth of Pennsylvania with several of the members who should be knowledgeable about this law. To your understanding, would this provision exempt the major baseball franchises, both in Philadelphia and Pittsburgh, the major hockey franchises, and the major basketball franchises, soccer franchises, and the like, by the provisions of this amendment?

Mr. DERMODY. This amendment would not. If the provisions of the bill do, then it would, but this amendment would not do that. This amendment only applies if there are parallel provisions with the Federal act.

Mr. DAVIES. Well, as I understand it, has not the Federal case law thus far exempted those franchises?

Mr. DERMODY. Yes. But does our bill? I mean, we would only look to Federal law or Federal cases if they have parallel provisions with our bill. That is all.

Mr. DAVIES. Oh. In other words, then this amendment would remain silent on those?

Mr. DERMODY. That is correct.

Mr. DAVIES. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—81

Anderson	George	McGeehan	Scheetz
Arnold	Gerlach	McNally	Serafini
Barley	Gigliotti	Markosek	Snyder, D. W.
Birmelin	Gladeck	Mayernik	Stairs
Caltagirone	Godshall	Nahill	Steelman
Cappabianca	Hagarty	Nickol	Steighner
Cawley	Harley	Noye	Stish
Clymer	Hasay	Olasz	Strittmatter
Colafiglia	Heckler	Pesci	Stuban
Cowell	Hershey	Petrarca	Sturla
DeLuca	Itkin	Petrone	Surra
Dermody	Kaiser	Piccola	Tangretti
Evans	Krebs	Pistella	Taylor, E. Z.
Fajt	LaGrotta	Pitts	Tomlinson
Farmer	Langtry	Preston	Trello
Fee	Laughlin	Reber	Van Horne
Flick	Lawless	Reinard	Veon
Foster	Lee	Ritter	Vroon
Fox	Leh	Saloom	Wright, D. R.
Gallen	Lucyk	Saurman	Wright, M. N.
Gamble			

NAYS—117

Acosta	Corrigan	Kasunic	Roebuck
Adolph	Coy	Kenney	Rudy
Allen	DeWeese	King	Ryan
Angstadt	Daley	Kosinski	Schuler
Argall	Davies	Kruszewski	Scrimenti
Armstrong	Dempsey	Kukovich	Semmel
Battisto	Dent	Levdansky	Smith, B.
Belardi	Donatucci	Lloyd	Smith, S. H.
Belfanti	Durham	McCall	Snyder, G.

Billow	Fairchild	McHugh	Staback
Black	Fargo	Maiale	Stetler
Blaum	Fleagle	Marsico	Taylor, F.
Bowley	Freeman	Melio	Taylor, J.
Boyes	Freind	Merry	Telek
Broujos	Gannon	Michlovic	Thomas
Brown	Geist	Micozzie	Tigue
Bunt	Gruitza	Mihalich	Trich
Bush	Gruppo	Mrkonic	Tulli
Butkovitz	Haluska	Mundy	Uliana
Carlson	Hanna	Murphy	Vance
Carn	Harper	Nailor	Wambach
Carone	Hayden	Nyce	Williams
Cessar	Hayes	O'Brien	Wilson
Chadwick	Herman	Oliver	Wogan
Civera	Hess	Perzel	Wozniak
Clark	Jadlowiec	Phillips	Wright, R. C.
Cohen	James	Raymond	
Colaizzo	Jarolin	Richardson	O'Donnell,
Cole	Johnson	Rieger	Speaker
Cornell	Josephs	Robinson	

NOT VOTING—4

Bishop	Hughes	Lescovitz	Linton
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EXCUSED—0

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

The Chair recognizes the gentleman, Mr. Broujos.

Mr. BROUJOS. One paragraph.

Antitrust laws in general and the Sherman Act in particular are the Magna Charta of free enterprise. They are as important to the preservation of economic freedom and our free enterprise system as the Bill of Rights is to the protection of our fundamental personal freedoms.

I ask for your affirmative vote.

The SPEAKER. The Chair recognizes Mr. Davies.

Mr. DAVIES. Mr. Speaker, I would like to ask the same question of the gentleman, Mr. Broujos.

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

Mr. DAVIES. Mr. Speaker, what is the status of major franchises of the major league teams - baseball teams, the football teams, the hockey teams, and the organized sports teams in the Commonwealth - when this bill is enacted?

Mr. BROUJOS. I do not have an answer to that. Sorry.

Mr. DAVIES. I am sorry. If you do not have the answer, sir, I would have to speak against the bill. Thank you very much.

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

Mr. DAVIES. In light of that, Mr. Speaker, I would ask others to vote against this. I think it seriously places in jeopardy all of those franchises which we have in this Common-

wealth, and until there are provisions put in this to somehow either exempt them from those considerations, I think that we are doing a complete injustice to not only the cities where they are located but the owners and the people, even the fans of those particular respective organizations. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Saurman.

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, I just want to note that Mr. Broujos spoke of this bill in terms of the new federalism. Mr. Piccola talked about the bill in terms of predictability. I think we ought to think about this bill in terms of survival and retention of business in Pennsylvania. I think, particularly without the Dermody amendment, what we have created is a situation which will make our businesses in Pennsylvania less competitive, and I think that we need to be aware of that.

This is an antibusiness bill as it is here. We have lived without this antitrust legislation since the beginning of the Commonwealth, and I think that this is dangerous ground on which we tread at this time. I would ask for a "no" vote. Thank you.

On the question recurring,
Shall the bill pass finally?

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

YEAS—191

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

Corrigan	Johnson	Pitts	Wogan
Cowell	Josephs	Preston	Wozniak
Coy	Kaiser	Raymond	Wright, D. R.
DeLuca	Kasunic	Reinard	Wright, M. N.
DeWeese	Kenney	Richardson	Wright, R. C.
Daley	King	Rieger	
Dempsey	Kosinski	Ritter	O'Donnell,
Dent	Krebs	Robinson	Speaker
Dermody			

NAYS—8

Davies	Heckler	Noye	Saurman
Gallen	Langtry	Piccola	Vroon

NOT VOTING—3

Petrarca	Reber	Stairs
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EXCUSED—0

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 CORRECTIONS

The SPEAKER. The Chair recognizes Mr. Adolph. Mr. ADOLPH. Thank you, Mr. Speaker.

I would like to correct my vote on amendment 320 to HB 191. My switch malfunctioned. I would like to be recorded in the negative.

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

Mr. ADOLPH. Thank you.

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

Mr. PETRARCA. My switch malfunctioned on HB 191. I would like to be recorded in the affirmative.

The SPEAKER. The gentleman will be recorded in the affirmative. The gentleman's remarks will be spread upon the record.

The Chair recognizes Mr. Roebuck.

Mr. ROEBUCK. Thank you, Mr. Speaker.

I would like to correct the record. On amendment A330 to HB 191, my switch malfunctioned. I would like to be recorded in the negative.

RULES SUSPENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. DeWEESE. Mr. Speaker, I move that the rules of the House be suspended to permit immediate consideration of HR 67.

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

The following roll call was recorded:

YEAS—200

Acosta	Evans	Langtry	Roebuck
Adolph	Fairchild	Laughlin	Rudy
Allen	Fajt	Lawless	Ryan
Anderson	Fargo	Lee	Saloom

Angstadt	Farmer	Leh	Saurman
Argall	Fee	Lescovitz	Scheetz
Armstrong	Fleagle	Levdansky	Schuler
Arnold	Flick	Linton	Scrimenti
Barley	Foster	Lloyd	Semmel
Battisto	Fox	Lucyk	Serafini
Belardi	Freeman	McCall	Smith, B.
Belfanti	Freind	McGeehan	Smith, S. H.
Billow	Gallen	McHugh	Snyder, D. W.
Birmelin	Gamble	McNally	Snyder, G.
Bishop	Gannon	Maiale	Staback
Black	Geist	Markosek	Steelman
Blaum	George	Marsico	Steighner
Bowley	Gerlach	Mayernik	Stetler
Boyes	Gigliotti	Melio	Stish
Broujos	Gladeck	Merry	Strittmatter
Brown	Godshall	Michlovic	Stuban
Bunt	Gruitza	Micozzie	Sturla
Bush	Gruppo	Mihalich	Surra
Butkovitz	Hagarty	Mrkonc	Tangretti
Caltagirone	Haluska	Mundy	Taylor, E. Z.
Cappabianca	Hanna	Murphy	Taylor, F.
Carlson	Harley	Nahill	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
Colafrella	Itkin	Petrarca	Vance
Colaizzo	Jadlowiec	Petrone	Veon
Cole	James	Phillips	Vroon
Cornell	Jarolin	Piccola	Wambach
Corrigan	Johnson	Pistella	Williams
Cowell	Josephs	Pitts	Wilson
Coy	Kaiser	Preston	Wogan
DeLuca	Kasunic	Raymond	Wozniak
DeWeese	Kenney	Reber	Wright, D. R.
Daley	King	Reinard	Wright, M. N.
Davies	Kosinski	Richardson	Wright, R. C.
Dempsey	Krebs	Rieger	
Dent	Kruszewski	Ritter	O'Donnell,
Dermody	Kukovich	Robinson	Speaker
Donatucci	LaGrotta		

NAYS—0

NOT VOTING—2

Durham Stairs

EXCUSED—0

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

RESOLUTION ADOPTED

The SPEAKER. The lady, Mrs. McHugh, calls up HR 67, which will be read by the clerk.

The following resolution was read:

House Resolution No. 67

A RESOLUTION

Designating the month of April as "Mummers' Museum Month" in Pennsylvania.

WHEREAS, The Mummers, a band and marching association from Philadelphia, have provided enjoyment to millions of people; and

WHEREAS, The Mummers have played a significant role in the rich cultural tradition of the City of Philadelphia; and

WHEREAS, The Mummers brave adverse weather conditions to warm the hearts of old and young alike; and

WHEREAS, The 40,000 members of the Mummers generate goodwill and strengthen the sense of community in the City of Philadelphia; and

WHEREAS, The Mummers' Museum, a nonprofit organization, contains a vast collection of Mummers memorabilia and showcases the rich history of this outstanding association; therefore be it

RESOLVED, That the House of Representatives designate the month of April as "Mummers' Museum Month" in Pennsylvania.

Connie McHugh
Dennis M. O'Brien
Michael Patrick McGeehan
Babette Josephs
John J. Taylor

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—201

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	Flick	Linton	Serafini
Battisto	Foster	Lloyd	Smith, B.
Belardi	Fox	Lucyk	Smith, S. H.
Belfanti	Freeman	McCall	Snyder, D. W.
Billow	Freind	McGeehan	Snyder, G.
Birmelin	Gallen	McHugh	Staback
Bishop	Gamble	McNally	Stairs
Black	Gannon	Markosek	Steelman
Blaum	Geist	Marsico	Steighner
Bowley	George	Mayernik	Stetler
Boyes	Gerlach	Melio	Stish
Broujos	Gigliotti	Merry	Strittmatter
Brown	Gladeck	Michlovic	Stuban
Bunt	Godshall	Micozzie	Sturla
Bush	Gruitza	Mihalich	Surra
Butkovitz	Gruppo	Mrkonc	Tangretti
Caltagirone	Hagarty	Mundy	Taylor, E. Z.
Cappabianca	Haluska	Murphy	Taylor, F.
Carlson	Hanna	Nahill	Taylor, J.
Carn	Harley	Nailor	Telek
Carone	Harper	Nickol	Thomas
Cawley	Hasay	Noye	Tigue
Cessar	Hayden	Nyce	Tomlinson
Chadwick	Hayes	O'Brien	Trello
Civera	Heckler	Olasz	Trich
Clark	Herman	Oliver	Tulli
Clymer	Hershey	Perzel	Uliana
Cohen	Hess	Pesci	Van Horne
Colafrella	Hughes	Petrarca	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

Maiale

EXCUSED—0

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

The SPEAKER. For the information of the members, the resolution will be held at the desk for the addition of additional sponsors.

There is one additional vote before the House. There is one additional matter before the House this afternoon. It is on supplemental calendar A.

RULES SUSPENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. DeWEESE. Mr. Speaker, I move that the rules be suspended to consider HB 236 without it being referred to the Rules Committee.

On the question,

Will the House agree to the motion?

Motion was agreed to.

SENATE MESSAGE

**AMENDED HOUSE BILL
RETURNED FOR CONCURRENCE**

The clerk of the Senate, being introduced, returned **HB 236, PN 926**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

SUPPLEMENTAL CALENDAR A

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 236, PN 926**, entitled:

An Act authorizing local taxing authorities the option of relieving members of the United States Armed Forces or other civilians serving in the Persian Gulf area or in support of such armed forces from certain local tax filing deadlines.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. It is moved by the gentleman, Mr. McCall, that the House do concur in the amendments inserted by the Senate.

The question recurs, will the House concur in the amendments inserted by the Senate? Those voting to concur will vote "aye"; those voting to nonconcur will vote "no."

On the question recurring,
Will the House concur in Senate amendments?
The SPEAKER. Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—199

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

NAYS—0

NOT VOTING—3

Durham Levdansky Williams
EXCUSED—0

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

Ordered, That the clerk inform the Senate accordingly.

The SPEAKER. For the information of the members, no further votes will be cast today.

VOTE CORRECTION

The SPEAKER. The Chair recognizes Mr. Chadwick.

Mr. CHADWICK. Thank you, Mr. Speaker.

On the Piccola amendment A0096 to HB 191, I was recorded in the affirmative. That vote was recorded in error, and I would like to be recorded in the negative.

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

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

The clerk of the Senate, being introduced, returned **HB 546, PN 598**, with information that the Senate has passed the same without amendment.

BILLS SIGNED BY SPEAKER

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

HB 236, PN 926

An Act authorizing local taxing authorities the option of relieving members of the United States Armed Forces or other civilians serving in the Persian Gulf area or in support of such armed forces from certain local tax filing deadlines.

HB 546, PN 598

An Act making appropriations from the Tax Stabilization Reserve Fund for the fiscal year 1990-1991.

BLACK CAUCUS MEETING

The SPEAKER. The meeting of the Black Caucus scheduled immediately upon the recess will be held in the office of the Speaker, immediately upon the recess.

For the information of the members, the Chair is merely waiting for the transmission of a bill from the Senate. There is no further business before the House.

SENATE MESSAGE**HOUSE AMENDMENTS****CONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 346, PN 716**.

BILL SIGNED BY SPEAKER

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

SB 346, PN 716

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," extending certain personal income tax deadlines for certain individuals.

BILLS PASSED OVER

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

ADJOURNMENT

The SPEAKER. The Chair recognizes Mr. Krebs.

Mr. KREBS. Mr. Speaker, I move that this House do now adjourn until Tuesday, April 2, 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 3:29 p.m., e.s.t., the House adjourned.