

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, APRIL 22, 1991

SESSION OF 1991

175TH OF THE GENERAL ASSEMBLY

No. 25

HOUSE OF REPRESENTATIVES

The House convened at 1 p.m., e.d.t.

THE SPEAKER PRO TEMPORE (FRED BELARDI) 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, make us conscious of the swift passage of time; make us conscious of the fact that we are here today and gone tomorrow. Remind us that it is not always the other person who is going to die but that we might be the next victim of the grim reaper.

Impress upon us that in the words of Lilian Dickson, "Life is our capital and we spend it every day. The question is what we are getting in return." Or in the words of Curtis Jones, "Our life is like a coin. We can spend it any way we wish, but can spend it only once."

O God, make us to understand that in the preparation and the enactment of legislation, we are building for ages to come and that sometime in the near or distant future, our labors will either compliment or mock us.

In Your dear name we pray. Amen.

PLEDGE OF ALLEGIANCE

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

ANNOUNCEMENT BY MINORITY LEADER

The SPEAKER pro tempore. The Chair recognizes the minority leader, Matthew Ryan.

Mr. RYAN. Mr. Speaker, I note for the record that the Speaker pro tem is the gentleman, Mr. Belardi. I say that only so the record will indicate the name of the person in the Chair.

I regret that I am announcing at this time the death of a long-term member of the Republican Caucus who some two terms ago left this House, the lady, Carmel Sirianni, who was a favorite of many of ours who served with her. She died last night. Arrangements will be made for her funeral, which will be Wednesday morning. I will see to it that the Chief Clerk's Office has details as to the Tuesday night and Wednesday

morning funeral if anyone cares to attend it. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and regrets that news from the Republican leader, Matthew Ryan.

JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, the approval of the Journal of Wednesday, April 17, 1991, will be postponed until printed. The Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1133 By Representatives KOSINSKI, PITTS, O'DONNELL, FREIND, McGEEHAN, ADOLPH, WILLIAMS, WOGAN, ARMSTRONG, BARLEY, BELARDI, BIRMELIN, BLACK, BROWN, BUNT, BUSH, CIVERA, CLARK, CLYMER, DeLUCA, DEMPSEY, DONATUCCI, FAIRCHILD, FARGO, FLICK, FOX, GEIST, GODSHALL, HALUSKA, HERSHEY, KAISER, KASUNIC, KENNEY, KRUSZEWSKI, LANGTRY, LAWLESS, LEH, MARSICO, McCALL, McHUGH, MELIO, MICOZZIE, NOYE, O'BRIEN, PERZEL, PHILLIPS, PICCOLA, RAYMOND, SERAFINI, TANGRETTI, E. Z. TAYLOR, J. TAYLOR, VROON and GIGLIOTTI

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," establishing a program to enhance educational opportunities; and providing for additional payments to school districts on account of pupil transportation.

Referred to Committee on EDUCATION, April 22, 1991.

No. 1198 By Representatives HERMAN, STABACK, GEIST, KENNEY, FARMER, BILLOW, ARMSTRONG, JOHNSON, TRELLO, NOYE, TULLI, GODSHALL, E. Z. TAYLOR, GLADECK and VROON

An Act amending the act of May 23, 1945 (P. L. 913, No. 367), known as the "Professional Engineers and Professional Land Surveyors Registration Law," further providing for the status of existing licensees and registrants.

Referred to Committee on PROFESSIONAL LICENSURE, April 22, 1991.

No. 1199 By Representatives MICOZZIE, CIVERA, HECKLER, KENNEY, FARMER, JOHNSON, TRELLO, FARGO, BILLOW and KING

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

Referred to Committee on FINANCE, April 22, 1991.

No. 1200 By Representatives STRITTMATTER, RICHARDSON, E. Z. TAYLOR, VANCE, SAURMAN, DeLUCA, NAILOR, DEMPSEY, ARMSTRONG, FARGO, BILLOW, BUSH, BATTISTO, M. N. WRIGHT, NAHILL, SEMMEL, MERRY, LAWLESS, FOX, BUNT, HECKLER, MARSICO, STEELMAN, NICKOL and SCHULER

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," providing for mental health or mental retardation facilities.

Referred to Committee on HEALTH AND WELFARE, April 22, 1991.

No. 1201 By Representatives CIVERA, ARMSTRONG, MELIO, COLAIZZO, JOHNSON, OLASZ, CARLSON, BISHOP, PERZEL, PESCI, TIGUE, STABACK, HARPER, GEIST, McCALL, MICOZZIE, ITKIN, S. H. SMITH, RAYMOND, ADOLPH, J. TAYLOR, NOYE and VEON

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

Referred to Committee on LOCAL GOVERNMENT, April 22, 1991.

No. 1202 By Representatives BOYES, CAPPABIANCA, FARGO, ACOSTA, BILLOW, KENNEY, PERZEL and MICOZZIE

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), known as the "Liquor Code," further providing for licenses issued in resort areas.

Referred to Committee on LIQUOR CONTROL, April 22, 1991.

No. 1203 By Representatives BOYES, CAPPABIANCA, FARGO, ACOSTA, BILLOW, PRESTON, SCRIMENTI, KENNEY, PERZEL and MICOZZIE

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), known as the "Liquor Code," further providing for license transfers.

Referred to Committee on LIQUOR CONTROL, April 22, 1991.

No. 1204 By Representatives HALUSKA, DALEY, LESCOVITZ, CAPPABIANCA, DeWEESE, GIGLIOTTI, BELFANTI, TRELLO, BELARDI, PETRARCA, LEVDANSKY, HERMAN, STISH, FARGO, MELIO, PESCI, LAUGHLIN, BATTISTO, BILLOW, PISTELLA, ITKIN, D. R. WRIGHT, CORRIGAN, CIVERA, TANGRETTI, JAROLIN, TELEK and COLAIZZO

An Act making an appropriation to the Department of Environmental Resources for allocation to the Bureau of Topographic and Geologic Survey to conduct coal-related research.

Referred to Committee on CONSERVATION, April 22, 1991.

No. 1205 By Representatives KASUNIC, DALEY, LESCOVITZ, DeWEESE, RICHARDSON, HALUSKA, TRELLO, BELARDI, HERMAN, STISH, PESCI, LAUGHLIN, PISTELLA, ITKIN, D. R. WRIGHT, CORRIGAN, CIVERA, TANGRETTI, JAROLIN, TELEK and COLAIZZO

An Act amending the act of June 22, 1937 (P. L. 1987, No. 394), known as "The Clean Streams Law," further providing for the powers and duties of the department and for the operation of mines.

Referred to Committee on CONSERVATION, April 22, 1991.

No. 1206 By Representatives DALEY, LESCOVITZ, CAPPABIANCA, GIGLIOTTI, HALUSKA, TRELLO, BELARDI, PETRARCA, HERMAN, STISH, PESCI, LAUGHLIN, BILLOW, PISTELLA, ITKIN, D. R. WRIGHT, CORRIGAN, CIVERA, TANGRETTI, JAROLIN, TELEK and COLAIZZO

An Act amending the act of December 18, 1984 (P. L. 1069, No. 214), known as the "Coal and Gas Resource Coordination Act," further providing for coordination of gas well drilling through coal mines and for plugging certain gas wells.

Referred to Committee on CONSERVATION, April 22, 1991.

No. 1207 By Representatives LEVDANSKY, DALEY, LESCOVITZ, CAPPABIANCA, DeWEESE, GIGLIOTTI, HALUSKA, BELFANTI, TRELLO, SAURMAN, BELARDI, PETRARCA, HERMAN, STISH, FARGO, PESCI, LAUGHLIN, TRICH, VAN HORNE, BATTISTO, KASUNIC, BILLOW, PISTELLA, ITKIN, D. R. WRIGHT, CORRIGAN, S. H. SMITH, CIVERA, TANGRETTI,

ROBINSON, JAROLIN, TELEK and COLAIZZO

An Act encouraging the use of alternative motor fuels; providing for acquisition and study of vehicles which operate on alternative motor fuels; and providing for powers and duties of the Pennsylvania Energy Office.

Referred to Committee on TRANSPORTATION, April 22, 1991.

No. 1208 By Representatives HALUSKA, DALEY, LESCOVITZ, DeWEESE, RICHARDSON, GIGLIOTTI, BELFANTI, TRELLO, BELARDI, PETRARCA, LEVDANSKY, HERMAN, STISH, FARGO, FAIRCHILD, MELIO, PESCI, CARLSON, LAUGHLIN, VAN HORNE, KASUNIC, BILLOW, PISTELLA, ITKIN, D. R. WRIGHT, CORRIGAN, S. H. SMITH, CIVERA, TANGRETTI, JAROLIN, TELEK and COLAIZZO

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," providing for credits against the utilities gross receipts tax.

Referred to Committee on FINANCE, April 22, 1991.

No. 1209 By Representatives DALEY, LESCOVITZ, CAPPABIANCA, DeWEESE, RICHARDSON, GIGLIOTTI, HALUSKA, BELFANTI, TRELLO, BELARDI, PETRARCA, HERMAN, STISH, FARGO, FAIRCHILD, PESCI, ALLEN, CARLSON, LAUGHLIN, TRICH, BATTISTO, KASUNIC, BILLOW, PISTELLA, ITKIN, D. R. WRIGHT, CORRIGAN, CIVERA, TANGRETTI, ROBINSON, JAROLIN, TELEK and COLAIZZO

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," creating the Department of Energy and prescribing its powers and duties; establishing the Energy Research and Development Advisory Board as an advisory board in the Department of Energy; further providing for the powers and duties of the Department of Environmental Resources and the appointment of mine inspectors; further providing for the composition of the Environmental Quality Board; creating a Division of Administrative Hearings in the Office of Attorney General and prescribing its powers and duties; further providing for mine inspectors and certain conflicts of interest; providing for the salary of the Secretary of Energy; further providing for special powers relating to State vehicles; providing for energy or fuel supply emergencies and for coordination of monitoring of supplies of energy resources; further providing for the composition of the Energy Development Authority and for indebtedness of the Energy Development Authority; transferring certain bureaus, personnel, allocations, appropriations, equipment and other materials; and making repeals.

Referred to Committee on CONSERVATION, April 22, 1991.

No. 1210 By Representatives DALEY, LESCOVITZ, CAPPABIANCA, DeWEESE, GIGLIOTTI,

HALUSKA, BELFANTI, TRELLO, BELARDI, PETRARCA, LEVDANSKY, HERMAN, STISH, FAIRCHILD, PESCI, ALLEN, CARLSON, LAUGHLIN, TRICH, BATTISTO, KASUNIC, BILLOW, PISTELLA, ITKIN, D. R. WRIGHT, CORRIGAN, S. H. SMITH, CIVERA, TANGRETTI, JAROLIN, TELEK and COLAIZZO

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," establishing the Department of Energy and providing for its powers and duties; creating the Energy Research and Development Advisory Board and prescribing its functions; further providing for the composition of the Environmental Quality Board and for special powers relating to State vehicles; providing for energy or fuel supply emergencies and for coordination of monitoring of supplies of energy resources; further providing for the composition of the Energy Development Authority and for indebtedness of the Energy Development Authority; and transferring personnel, appropriations and equipment.

Referred to Committee on CONSERVATION, April 22, 1991.

No. 1211 By Representatives DALEY, DeWEESE, LESCOVITZ, RICHARDSON, GIGLIOTTI, HALUSKA, BELFANTI, TRELLO, SAURMAN, BELARDI, PETRARCA, LEVDANSKY, HERMAN, STISH, FARGO, PESCI, CARLSON, LAUGHLIN, TRICH, VAN HORNE, KASUNIC, BILLOW, PISTELLA, CORRIGAN, S. H. SMITH, CIVERA, TANGRETTI, JAROLIN, JAMES, TELEK and COLAIZZO

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for the use of coal and for inclusion of the cost of certain capital additions in the rate base.

Referred to Committee on CONSUMER AFFAIRS, April 22, 1991.

No. 1212 By Representatives COLAFELLA, BATTISTO, LESCOVITZ, E. Z. TAYLOR, TRELLO, FARGO, GEIST, BOWLEY, ARMSTRONG, GIGLIOTTI, ROBINSON, NAHILL, LAUGHLIN, SCHEETZ, VEON and LaGROTTA

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," changing the terms of office of school directors, superintendents and assistant superintendents.

Referred to Committee on EDUCATION, April 22, 1991.

No. 1213 By Representatives VAN HORNE and HECKLER

An Act amending the act of May 28, 1915 (P. L. 596, No. 259), referred to as the "Second Class City Employee Pension Law," further providing for payments by contributors and the city to the board of pensions.

Referred to Committee on LOCAL GOVERNMENT,
April 22, 1991.

No. 1214 By Representatives VAN HORNE and
HECKLER

An Act amending the act of May 20, 1949 (P. L. 1488, No. 444), entitled "An act relating to police pension funds in boroughs, towns and townships, and authorizing such political subdivisions to appropriate monies thereto," further providing for payments into the police pension fund.

Referred to Committee on LOCAL GOVERNMENT,
April 22, 1991.

No. 1215 By Representatives VAN HORNE and
HECKLER

An Act amending the act of June 5, 1947 (P. L. 458, No. 208), known as the "Parking Authority Law," further providing for the power of an authority regarding pensions.

Referred to Committee on LOCAL GOVERNMENT,
April 22, 1991.

No. 1216 By Representatives VAN HORNE and
HECKLER

An Act amending the act of May 25, 1933 (P. L. 1050, No. 242), referred to as the "Second Class City Firemen Relief Law," further providing for payments by the city and members into the pension fund and for payment of dues to certain members.

Referred to Committee on LOCAL GOVERNMENT,
April 22, 1991.

No. 1217 By Representatives VAN HORNE and
HECKLER

An Act amending the act of May 23, 1945 (P. L. 903, No. 362), entitled "An act authorizing cities of the third class to establish an optional retirement system for officers and employes independently of any pension system or systems existing in such cities," further providing for payments by the city and contributors into the retirement fund.

Referred to Committee on LOCAL GOVERNMENT,
April 22, 1991.

No. 1218 By Representatives VAN HORNE and
HECKLER

An Act amending the act of May 29, 1956 (1955 P. L. 1804, No. 600), referred to as the "Municipal Police Pension Law," further providing for benefits, determination of actuarial soundness, municipal appropriations to the fund, use of State aid and the expense of administering funds.

Referred to Committee on LOCAL GOVERNMENT,
April 22, 1991.

No. 1219 By Representatives VAN HORNE and
HECKLER

An Act amending the act of May 7, 1965 (P. L. 48, No. 38), entitled "A supplement to the act of May 28, 1915 (P. L. 596, No. 259), entitled 'An act requiring cities of the second class to establish a pension fund for employes of said cities, and regulating the administration and the payment of such pensions,' as to employes of second class A cities, reducing the number of years of employment to qualify for a pension; and increasing pension

payments and contributions," further providing for contributions by members.

Referred to Committee on LOCAL GOVERNMENT,
April 22, 1991.

No. 1220 By Representatives VAN HORNE and
HECKLER

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), known as "The Second Class Township Code," further providing for police pension funds.

Referred to Committee on LOCAL GOVERNMENT,
April 22, 1991.

No. 1221 By Representatives VAN HORNE and
HECKLER

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), known as "The Borough Code," further providing for compensation for certain aged employees; and providing for funding of police pensions.

Referred to Committee on LOCAL GOVERNMENT,
April 22, 1991.

No. 1222 By Representatives VAN HORNE and
HECKLER

An Act amending the act of April 5, 1917 (P. L. 39, No. 20), entitled "An act relating to police pension funds in cities of the second class, and directing such cities to appropriate certain moneys thereto," further providing for payments by the city into the police pension fund.

Referred to Committee on LOCAL GOVERNMENT,
April 22, 1991.

No. 1223 By Representatives VAN HORNE and
HECKLER

An Act amending the act of August 17, 1951 (P. L. 1254, No. 295), entitled "An act fixing the minimum pensions of policemen and firemen in certain cities," further providing for annual appropriations to police and firefighters' pension funds.

Referred to Committee on LOCAL GOVERNMENT,
April 22, 1991.

No. 1224 By Representatives VAN HORNE and
HECKLER

An Act amending the act of June 24, 1931 (P. L. 1206, No. 331), known as "The First Class Township Code," further providing for police pensions and annuities.

Referred to Committee on LOCAL GOVERNMENT,
April 22, 1991.

No. 1225 By Representatives VAN HORNE and
HECKLER

An Act amending the act of May 22, 1935 (P. L. 233, No. 99), referred to as the "Second Class City Policemen Relief Law," further providing for payments by the city and contributions by members into the fund.

Referred to Committee on LOCAL GOVERNMENT,
April 22, 1991.

No. 1226 By Representatives VAN HORNE and HECKLER

An Act amending the act of December 6, 1972 (P. L. 1383, No. 293), entitled "An act requiring municipal pension systems to have an actuarial investigation of the fund made by an actuary who shall report his findings to the Department of Community Affairs," further providing for reports by certain municipalities and local governmental units, for the filing of reports and for failure to file timely reports.

Referred to Committee on LOCAL GOVERNMENT, April 22, 1991.

No. 1227 By Representatives VAN HORNE and HECKLER

An Act amending the act of May 20, 1915 (P. L. 566, No. 242), entitled "An act requiring cities of the first class to establish a pension fund for employes of said cities, and all county or other public employes, if any, paid by appropriation of the city councils thereof, and out of the treasury of said cities; and regulating the administration and the payment of such pensions," further providing for payments by the city and public employes to the board of pensions.

Referred to Committee on LOCAL GOVERNMENT, April 22, 1991.

No. 1228 By Representatives VAN HORNE and HECKLER

An Act amending the act of November 10, 1965 (P. L. 835, No. 351), entitled "An act providing pensions for surviving spouses of police officers in cities of the second class A under certain terms and conditions, and providing for contributions by members of the police pension or retirement fund and appropriations by the city for that purpose," further providing for contributions by members and annual appropriations by the city.

Referred to Committee on LOCAL GOVERNMENT, April 22, 1991.

No. 1229 By Representatives VAN HORNE and HECKLER

An Act amending the act of July 29, 1953 (P. L. 1034, No. 270), known as the "Public Auditorium Authorities Law," further providing for an authority's power regarding pension or retirement funds.

Referred to Committee on LOCAL GOVERNMENT, April 22, 1991.

No. 1230 By Representatives VAN HORNE and HECKLER

An Act amending the act of May 24, 1893 (P. L. 129, No. 82), entitled "An act to empower boroughs and cities to establish a police pension fund, to take property in trust therefor and regulating and providing for the regulation of the same," further providing for the annual appropriation by cities.

Referred to Committee on LOCAL GOVERNMENT, April 22, 1991.

No. 1231 By Representatives VAN HORNE and HECKLER

An Act amending the act of May 12, 1943 (P. L. 259, No. 120), referred to as the "Foreign Casualty Insurance Premium

Tax Allocation Law," further providing for the return of unused moneys; and repealing provisions relating to payments to municipalities.

Referred to Committee on LOCAL GOVERNMENT, April 22, 1991.

No. 1232 By Representatives VAN HORNE and HECKLER

An Act amending the act of May 2, 1945 (P. L. 382, No. 164), known as the "Municipality Authorities Act of 1945," further providing for the power of an authority to make contracts of insurance.

Referred to Committee on LOCAL GOVERNMENT, April 22, 1991.

No. 1233 By Representatives VAN HORNE and HECKLER

An Act amending the act of July 3, 1947 (P. L. 1242, No. 507), entitled "An act relating to police and firemen's pension funds in cities of the second class A, and directing such cities to appropriate certain moneys thereto, and requiring reports and audits," further providing for payments by the city into the police and firemen's pension funds and for credit for military service.

Referred to Committee on LOCAL GOVERNMENT, April 22, 1991.

No. 1234 By Representatives VAN HORNE and HECKLER

An Act amending the act of February 1, 1974 (P. L. 34, No. 15), known as the "Pennsylvania Municipal Retirement Law," further providing for the definitions of "actuarially sound" and "actuary," for annual estimates to municipalities, for existing local systems, for the source of municipal funds, for determination of municipal liability, for withdrawal from the system, for contributions by members and for contracts for optional retirement plans.

Referred to Committee on LOCAL GOVERNMENT, April 22, 1991.

No. 1235 By Representatives VAN HORNE and HECKLER

An Act amending the act of June 23, 1931 (P. L. 932, No. 317), known as "The Third Class City Code," further providing for payments into certain pension funds.

Referred to Committee on LOCAL GOVERNMENT, April 22, 1991.

No. 1236 By Representatives VAN HORNE and HECKLER

An Act amending the act of September 23, 1959 (P. L. 970, No. 400), referred to as the "Second Class A City Employee Pension Law," further providing for administration of the fund, for member contributions and for appropriations by the city to the fund.

Referred to Committee on LOCAL GOVERNMENT, April 22, 1991.

No. 1237 By Representatives VAN HORNE and HECKLER

An Act amending the act of August 1, 1975 (P. L. 169, No. 87), entitled "An act relating to pensions for employees of the City of Pittsburgh," further providing for the contribution rate of members and contributions by the city; and requiring the board to retain an actuary.

Referred to Committee on LOCAL GOVERNMENT, April 22, 1991.

No. 1238 By Representatives M. N. WRIGHT, COHEN, TRELLO, BELARDI, FOX, E. Z. TAYLOR, TULLI and MELIO

An Act requiring testing for and notification of radon results concerning sale or lease of residential property.

Referred to Committee on BUSINESS AND COMMERCE, April 22, 1991.

No. 1239 By Representatives ITKIN, J. TAYLOR, DeLUCA, KUKOVICH, STUBAN, DALEY, STETLER, TIGUE, BISHOP, COHEN, STISH, BUSH, GEIST, COLAIZZO, BATTISTO, KOSINSKI, PETRARCA, CAPPABIANCA, GERLACH, CORRIGAN, STURLA, MIHALICH, JOSEPHS, GAMBLE, LAUGHLIN, HARPER, LINTON, PISTELLA, MAIALE, McNALLY, CLARK, MELIO, GIGLIOTTI, OLASZ, TANGRETTI, STEELMAN, E. Z. TAYLOR, KRUSZEWSKI, BUTKOVITZ, TRICH and TRELLO

An Act amending the act of November 4, 1983 (P. L. 217, No. 63), known as the "Pharmaceutical Assistance Contract for the Elderly Act," adding definitions; and further providing for the powers and duties of the Department of Aging.

Referred to Committee on AGING AND YOUTH, April 22, 1991.

No. 1240 By Representatives ITKIN, NAHILL, DeLUCA, DeWEESE, KUKOVICH, STUBAN, BISHOP, STISH, STETLER, SEMMEL, CARLSON, FARGO, TRICH, BILLOW, JOHNSON, LAUGHLIN, STABACK, PISTELLA, GEIST, CAPPABIANCA, COLAIZZO, MERRY, LESCOVITZ, NOYE, BELARDI, MIHALICH, BATTISTO, MELIO, HARPER, REBER, PRESTON, STEIGHNER, LINTON, KRUSZEWSKI, TRELLO, J. TAYLOR, CORRIGAN, VEON and JAMES

An Act amending the act of November 4, 1983 (P. L. 217, No. 63), known as the "Pharmaceutical Assistance Contract for the Elderly Act," further providing for the responsibilities of the Department of Aging.

Referred to Committee on AGING AND YOUTH, April 22, 1991.

No. 1241 By Representatives DeWEESE, DALEY, LESCOVITZ, CAPPABIANCA,

GIGLIOTTI, HALUSKA, TRELLO, BELARDI, PETRARCA, LEVDANSKY, HERMAN, STISH, MELIO, PESCI, LAUGHLIN, TRICH, KASUNIC, BILLOW, PISTELLA, ITKIN, D. R. WRIGHT, CORRIGAN, CIVERA, TANGRETTI, ROBINSON, JAROLIN, TELEK and COLAIZZO

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for approval of utility Clean Air Act implementation plans.

Referred to Committee on CONSUMER AFFAIRS, April 22, 1991.

No. 1242 By Representatives FAJT, LEVDANSKY, PRESTON, PISTELLA, PETRONE, CESSAR, MARKOSEK, DERMODY, MURPHY, MICHLOVIC and KAISER

An Act amending the act of July 28, 1953 (P. L. 723, No. 230), known as the "Second Class County Code," abolishing the office of elected coroner and creating the position of county medical examiner in counties of the second class.

Referred to Committee on URBAN AFFAIRS, April 22, 1991.

No. 1243 By Representatives R. C. WRIGHT, HARPER, BISHOP, HUGHES, EVANS, RICHARDSON, MIHALICH, CAWLEY, BELARDI, ROBINSON, LAUGHLIN, ALLEN, ITKIN, CAPPABIANCA, CARLSON, JOSEPHS, DALEY, FREEMAN, COHEN, TRELLO, KRUSZEWSKI, LINTON, VEON and COLAFELLA

An Act requiring departments, boards, commissions and agencies of the Commonwealth to designate January 15 as the birthday of Dr. Martin Luther King, Jr. on calendars.

Referred to Committee on STATE GOVERNMENT, April 22, 1991.

No. 1244 By Representatives R. C. WRIGHT, MELIO, ULIANA, TRELLO, SCHEETZ, McGEEHAN, JOHNSON, NOYE, PRESTON, ITKIN, KRUSZEWSKI, GEIST, THOMAS, E. Z. TAYLOR, FLICK, STEELMAN and LINTON

An Act prohibiting the use of public or subsidized housing and subsidized mortgage assistance by persons convicted of felonies relating to firearms.

Referred to Committee on URBAN AFFAIRS, April 22, 1991.

No. 1245 By Representatives R. C. WRIGHT, MELIO, TRELLO, SCHEETZ, McGEEHAN, JOHNSON, NOYE, PRESTON, NAHILL, ITKIN, KRUSZEWSKI, GEIST, THOMAS, E. Z. TAYLOR, FLICK and LINTON

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for carrying firearms without a license.

Referred to Committee on JUDICIARY, April 22, 1991.

No. 1246 By Representatives R. C. WRIGHT, MELIO, TRELLO, McGEEHAN, JOHNSON, NOYE, ITKIN, KRUSZEWSKI, THOMAS, E. Z. TAYLOR and LINTON

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

Referred to Committee on JUDICIARY, April 22, 1991.

No. 1247 By Representatives R. C. WRIGHT, MELIO, TRELLO, McGEEHAN, NOYE, PRESTON, ITKIN, KRUSZEWSKI, THOMAS, E. Z. TAYLOR, FLICK and LINTON

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for sentences for carrying unlicensed firearms.

Referred to Committee on JUDICIARY, April 22, 1991.

No. 1248 By Representatives R. C. WRIGHT, MELIO, TRELLO, McGEEHAN, NOYE, PRESTON, ITKIN, KRUSZEWSKI, THOMAS, E. Z. TAYLOR, FLICK, ADOLPH and LINTON

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for possession of weapons on school property.

Referred to Committee on JUDICIARY, April 22, 1991.

No. 1249 By Representatives R. C. WRIGHT, MELIO, TRELLO, PRESTON, ITKIN, KRUSZEWSKI, THOMAS, E. Z. TAYLOR and LINTON

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

Referred to Committee on JUDICIARY, April 22, 1991.

No. 1250 By Representatives R. C. WRIGHT, MELIO, TRELLO, PRESTON, ITKIN, KRUSZEWSKI, GEIST, THOMAS, E. Z. TAYLOR, FLICK and LINTON

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the revocation of a license to carry a firearm.

Referred to Committee on JUDICIARY, April 22, 1991.

No. 1251 By Representatives R. C. WRIGHT, MELIO, TRELLO, ITKIN, KRUSZEWSKI, THOMAS, E. Z. TAYLOR and LINTON

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for systems for reporting and collecting

firearms; and further providing for municipal shares of fines and other money.

Referred to Committee on JUDICIARY, April 22, 1991.

No. 1252 By Representatives FAIRCHILD, PHILLIPS, BUSH, DEMPSEY, D. R. WRIGHT, HAYES, PITTS, B. SMITH, VANCE, NOYE, FOSTER, G. SNYDER, HESS, NICKOL, CLARK, GEIST, DAVIES, CESSAR, GALLEN, SERAFINI, HERMAN, S. H. SMITH, JOHNSON, E. Z. TAYLOR, BIRMELIN, VROON, MARSICO, NAILOR, LEH, GERLACH, HERSHEY, REBER, SAURMAN, FOX, GRUPPO, REINARD, FLEAGLE, FREIND, ADOLPH, MICOZZIE, CIVERA, RAYMOND, STRITTMATTER, ARMSTRONG, BARLEY, SCHULER, SCHEETZ, FARGO, JADLOWIEC, KING, BLACK, TELEK, ANGSTADT, ARGALL, ALLEN, PERZEL, LAWLESS, CHADWICK, BOYES, J. TAYLOR, KENNEY, FARMER, STUBAN, CAWLEY, RUDY, KOSINSKI, PETRARCA, GIGLIOTTI, GAMBLE, BELFANTI and STAIRS

An Act amending the act of July 7, 1980 (P. L. 380, No. 97), known as the "Solid Waste Management Act," further providing for permits for certain commercial hazardous waste facilities.

Referred to Committee on CONSERVATION, April 22, 1991.

No. 1253 By Representatives GIGLIOTTI, PESCI, COLAIZZO, STISH, MELIO, FAIRCHILD, JAROLIN, KAISER, COHEN, ACOSTA, BILLOW, J. TAYLOR, OLASZ, NAHILL, MARKOSEK, STURLA, LAUGHLIN, HARPER, DeLUCA, VROON, MERRY, BUNT, STUBAN, TANGRETTI and JAMES

An Act amending the act of April 29, 1937 (P. L. 487, No. 115), known as "The Permanent Registration Act for Cities of the Second Class, Cities of the Second Class A, Cities of the Third Class, Boroughs, Towns, and Townships," providing for reports of death from funeral directors.

Referred to Committee on STATE GOVERNMENT, April 22, 1991.

No. 1254 By Representatives GIGLIOTTI, PESCI, COLAIZZO, STISH, MELIO, FAIRCHILD, JAROLIN, KAISER, COHEN, ACOSTA, BILLOW, J. TAYLOR, OLASZ, NAHILL, MARKOSEK, STURLA, LAUGHLIN, HARPER, DeLUCA, VROON, MERRY, BUNT, STUBAN, TANGRETTI and JAMES

An Act amending the act of March 30, 1937 (P. L. 115, No. 40), known as "The First Class City Permanent Registration Act," providing for reports of death from funeral directors.

Referred to Committee on STATE GOVERNMENT, April 22, 1991.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 93 By Representatives HERMAN, RUDY, TULLI, WAMBACH, HANNA, KING, NAILOR, HARLEY, CLARK, CIVERA, MARSICO, HESS, CARLSON and GRUPPO

A Resolution extending congratulations to the Penn State men's and women's fencing teams for capturing their second consecutive national championship.

Referred to Committee on RULES, April 22, 1991.

No. 96 By Representatives BELARDI, DeWEESE, BILLOW, JOHNSON, NAILOR, STUBAN, CARLSON, STURLA, KOSINSKI, COLAIZZO, DERMODY, KAISER, HERMAN, RAYMOND, GEIST, CAWLEY, BLAUM, HARPER, FLEAGLE, DALEY, LAUGHLIN, CAPPABIANCA, ANGSTADT, NOYE, RICHARDSON, ITKIN, JOSEPHS, PESCI, LESCOVITZ, MELIO, BELFANTI, COY, STETLER, O'BRIEN, DeLUCA, FOX, STEIGHNER, SAURMAN, PISTELLA, COHEN, G. SNYDER, HERSHEY, HESS, TRELLO, STEELMAN, SERAFINI, HANNA, McCALL, COLAFELLA, MARSICO, BISHOP, MUNDY, RUDY, OLASZ, KASUNIC, COWELL, KRUSZEWSKI, STABACK, NAHILL, VEON, HASAY, M. N. WRIGHT, SURRA, TELEK, FLICK, TANGRETTI, E. Z. TAYLOR, GIGLIOTTI, HARLEY and ADOLPH

A Resolution designating May 1 through 7, 1991, as "Barrier Awareness Week" in Pennsylvania.

Referred to Committee on RULES, April 22, 1991.

No. 97 By Representatives HALUSKA, JAROLIN, TRELLO, STABACK, RUDY, FEE, CALTAGIRONE, ITKIN, OLASZ, MRKONIC, COLAFELLA, CORRIGAN, PRESTON, MIHALICH, PETRARCA, MELIO, COLAIZZO, LUCYK, BATTISTO, TRICH, STEELMAN, BISHOP, GRUITZA, WOZNIAK, DALEY, STUBAN, ROBINSON, COHEN, F. TAYLOR, CARLSON, TELEK, BLACK, DeLUCA, GEORGE, SALOOM, LaGROTTA, SURRA, LESCOVITZ, MARKOSEK, MAYERNIK, GIGLIOTTI, COLE, CAWLEY and TIGUE

A Resolution urging the President of The Pennsylvania State University to take such action as is necessary to continue the tradition of intrastate football rivalry between Penn State and Pitt.

Referred to Committee on RULES, April 22, 1991.

SENATE BILLS FOR CONCURRENCE

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

SB 118, PN 118

Referred to Committee on LOCAL GOVERNMENT, April 22, 1991.

SB 275, PN 284

Referred to Committee on CONSERVATION, April 22, 1991.

SB 335, PN 1045

Referred to Committee on CONSERVATION, April 22, 1991.

SB 391, PN 932

Referred to Committee on CONSUMER AFFAIRS, April 22, 1991.

SB 820, PN 929

Referred to Committee on APPROPRIATIONS, April 22, 1991.

SB 850, PN 1044

Referred to Committee on LIQUOR CONTROL, April 22, 1991.

WELCOMES

The SPEAKER pro tempore. The Chair welcomes Margaret Long, Lafayette College student and an intern with Representative Bob Freeman. She is the guest of Representative Robert Freeman of Northampton County. She is located to the left of the Speaker. Welcome.

The Chair welcomes a group of student government students from Frazier High School, Perryopolis. They are here with their adviser and teacher, Mr. Scott Campbell, and they are the guests of the gentleman from Fayette, Representative Rich Kasunic. They are seated in the back of the House. Welcome.

LEAVES OF ABSENCE

The SPEAKER pro tempore. The Chair recognizes the caucus secretary, Representative Steighner, for leaves of absence.

Mr. STEIGHNER. Thank you, Mr. Speaker.

Mr. Speaker, the majority caucus asks for leave for today for the gentleman from Philadelphia, Mr. ROEBUCK, and the gentleman from Clarion, Mr. David WRIGHT.

The SPEAKER pro tempore. Without objection, the leaves are granted.

The Chair recognizes the Republican whip for leaves of absence.

Mr. HAYES. I request a leave for the gentleman from Bucks County, Mr. TOMLINSON, for the day; the gentleman from Bucks County, Mr. CLYMER, for the day; and the gentleman from Delaware County, Mr. Robert WRIGHT, for the day.

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

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—197

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—5

Clymer Tomlinson Wright, D. R. Wright, R. C.
Roebuck

REPORT OF COMMITTEE ON COMMITTEES

The SPEAKER pro tempore. The Chair recognizes the chairman of the Committee on Committees, Representative Michlovic, who submits the following report, which the clerk will read.

The following report was read:

Committee on Committees
Supplemental Report

In the House of Representatives
April 22, 1991

Resolved, that Representative Tom Tigue, Luzerne County, is elected a member of the Transportation Committee vice Representative Timothy Pesci resigned.

Respectfully submitted,
Thomas A. Michlovic
Chairman
Committee on Committees

On the question,
Will the House adopt the resolution?
Resolution was adopted.

BILLS REMOVED FROM TABLE

The SPEAKER pro tempore. The Chair recognizes the majority leader, Representative Bill DeWeese.

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

- HB 124;
- HB 300;
- HB 301;
- HB 722;
- HB 866; and
- SB 304.

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

ACTUARIAL NOTES

The SPEAKER pro tempore. The Chair submits for the record actuarial notes for HB 232, PN 466, and HB 611, PN 614.

(Copies of actuarial notes are on file with the Journal clerk.)

CALENDAR

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 134, PN 131**, entitled:

An Act requiring advance notification of plant closings and mass layoffs; and providing penalties.

On the question,

Will the House agree to the bill on second consideration?

BILL RECOMMITTED

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

Mr. DeWEESE. Mr. Speaker, I request that HB 134 be recommitted to the Appropriations Committee.

On the question,

Will the House agree to the motion?

Motion was agreed to.

* * *

The House proceeded to second consideration of **HB 135, PN 1320**, entitled:

An Act creating the Pennsylvania Economic Adjustment Board; providing for the development and implementation of a planning process designed to reduce the impact of unstable or declining industry; providing for the establishment of local economic adjustment committees to be monitored by the board; and making an appropriation.

On the question,

Will the House agree to the bill on second consideration?

BILL RECOMMITTED

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

Mr. DeWEESE. Mr. Speaker, I request that HB 135 be recommitted to the Appropriations Committee.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 175, PN 769**, entitled:

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

On the question,

Will the House agree to the bill on third consideration?

Mr. HERSHEY offered the following amendment No. A0317:

Amend Sec. 3, page 4, line 23, by striking out "two" and inserting

five

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The Chair recognizes the gentleman, Representative Hershey.

Mr. HERSHEY. Thank you, Mr. Speaker.

If I could have the attention of the members for just a minute. On this poultry bill that we are going to vote on today, last year when we had the hearings on this refrigeration bill, we asked if we could eliminate the small flock. Then when the small flock was eliminated from the extensive refrigeration and recordkeeping, there was a line put in there that small flocks must market their eggs in 2 days. Now, all these small flocks have cold cellars, root cellars, where they put their eggs and they sell them to their neighbors. They are never involved in a health problem with their eggs, and they asked me if I would offer an amendment to change that 2 days to 5 days.

I ask the floor to support that.

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

Mr. COLE. Thank you, Mr. Speaker.

Mr. Speaker, I am opposed to this amendment. We have many agencies and departments that are opposed to this also.

Let me give you an example of what happened to the clam industry on the Chesapeake Bay just 3 short years ago. The soft clam, which is a big marketing area up in New England, not so much in the Chesapeake Bay area, became a disaster because of contaminated clams that were shipped up to New England. The contamination was coming from lack of refrigeration in regards to sitting out in the boat all day and in shipment, and that killed that industry for a full year. What Maryland did was install inspectors, college students, all around the bay, and they brought that clam industry because of those stringent methods in regards to the health and welfare of the people.

In Pennsylvania we have had an outbreak of salmonella. We have had six people die in one nursing home just a stone's throw distance from here, and I can assure you if the egg industry keeps getting a black eye with salmonella, a lot of producers will be out of business.

We feel this is a very fair bill as it came out of committee, and we do not want to increase the amount from 2 days to 5 days, so for the protection, and this is insurance on the refrigeration of our eggs, that we will be protecting the industry and, more importantly, the consumer who consumes the eggs.

So I am opposed to this amendment offered by my good friend, Representative Hershey, and I would urge a "no" vote.

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

Mr. HERSHEY. I just want to make it clear the salmonella was never traced to a small poultry farm. The small poultry farm sells his eggs to his neighbor, and it is impractical to sell

those eggs in 2 days. What we are going to do, we are going to put the small poultryman out of business if he wants to be a law-abiding citizen.

Now, if somebody wants to know where the salmonella was traced to, I will be happy to tell them. That large poultryman is no longer in business, and he was feeding his chickens things he should not have been feeding them. It was not traced to any small poultryman. We have a lot of small poultry flocks who sell their eggs to the neighbors, and they cool them in their house cellars. It is not a problem.

I respectfully request that you support this amendment.

The SPEAKER pro tempore. The Chair recognizes Representative Godshall.

Mr. GODSHALL. Thank you, Mr. Speaker.

I also rise to support the Hershey amendment. It is practically impossible, with the amount of small farmers we have in this State, to comply to the 2-day period, and I would urge support of the Hershey amendment. Thank you.

The SPEAKER pro tempore. The Chair recognizes, for the second time, Representative Ken Cole.

Mr. COLE. Mr. Speaker, we are not talking about the small person who raises a couple hundred chickens on the poultry farm and going into the marketplace in the nearby towns. You do not come under this legislation if you are under 100 miles. It kicks in if you are supplying eggs 100 miles away.

Now, if you are a small operation and go into the next towns 20 miles, even 50 miles away, how would this affect you if you were a small operator? You have to have at least 3,200 layers on the farm in the first place, so we are not talking about the little guy who is raising a couple hundred chickens. We are looking at the big operators and the protection of the people, and there is a great difference in 48 hours having the eggs sitting around and 5 days, and that is where it can cause and lead to the problem of salmonella.

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

Mr. FLICK. Thank you, Mr. Speaker.

The bill provides an exemption for small manufacturers; at least that is what you would be led to believe. Let me state very clearly that there is not an exemption for small poultry producers. The exemption provides that not only must you have a flock of under 3,200 birds, you must also sell within a 100-mile radius and you must still adhere to the 2-day requirement for distributing your eggs. So there is no exemption. The Appropriations Committee analysis says there is a small producer exemption. There is no exemption in this bill.

Mr. Speaker, hens have been laying eggs for centuries, and neither the hens nor the eggs have been refrigerated. I think that this bill is another case of where the legislature overreacts to a problem.

The bill as it was originally reported from the committee last year, the Ag Committee, provided for a 10-day exemption. We are not seeking to ask for this 10-day exemption. We are merely asking for 5 days, because within a 5-day period of time a small producer should be able to distribute the eggs.

The Secretary of Agriculture in a letter to the House Republican staff indicated their concern was with supporting an extension of this 2-day period that would be interpreted to carry over to food stores and public eating and drinking places, thus relaxing current requirements. The bill is quite specific, and I refer you to the refrigeration section in the bill, if I can find it. If the Speaker will suspend for a minute. I got it here. Thank you, Mr. Speaker. It is on page 3, subparagraph (b) in section 3, and it states: "Refrigeration until use or purchase.—At any public eating or drinking establishment, food processor, retail food store, distributor or other food establishment, a shell egg shall be maintained at an internal temperature not to exceed 45 degrees Fahrenheit until use or preparation or until purchase by a consumer." Very specific, Mr. Speaker. We are not attempting to modify that. We are only trying to provide an exemption for small egg producers.

Thank you, Mr. Speaker. I would urge your support of this 5-day exemption for small egg producers.

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

The following roll call was recorded:

YEAS—109

Adolph	Fairchild	Kasunic	Reber
Allen	Fargo	Kenney	Reinard
Anderson	Farmer	King	Richardson
Angstadt	Fleagle	Langtry	Ryan
Argall	Flick	Lawless	Saurman
Armstrong	Foster	Leh	Scheetz
Barley	Fox	Lloyd	Schuler
Billow	Freeman	Lucyk	Scrimenti
Birmelin	Freind	McHugh	Semmel
Bishop	Gallen	Marsico	Serafini
Black	Gannon	Melio	Smith, B.
Boyes	Geist	Merry	Smith, S. H.
Broujos	Gerlach	Micozzie	Snyder, D. W.
Brown	Gladeck	Mundy	Snyder, G.
Bunt	Godshall	Nahill	Stetler
Bush	Hagarty	Nailor	Strittmatter
Carlson	Haluska	Nickol	Sturla
Cessar	Harley	Noye	Taylor, E. Z.
Chadwick	Harper	Nyce	Taylor, J.
Civera	Hasay	O'Brien	Tulli
Clark	Hayes	Perzel	Uliana
Cornell	Heckler	Pesci	Vance
Coy	Herman	Phillips	Vroon
DeLuca	Hershey	Piccola	Wilson
Davies	Hess	Pistella	Wogan
Dempsey	Jadlowiec	Pitts	Wozniak
Dent	Johnson	Raymond	Wright, M. N.
Durham			

NAYS—83

Acosta	Donatucci	Lescovitz	Saloom
Arnold	Evans	Levdansky	Staback
Battisto	Fajt	Linton	Stairs
Belardi	Fee	McCall	Steelman
Belfanti	Gamble	McGeehan	Steighner
Blaum	George	McNally	Stish
Bowley	Gigliotti	Markosek	Stuban
Butkovitz	Gruppo	Mayernik	Surra
Caltagirone	Hanna	Michlovic	Tangretti
Cappabianca	Hayden	Mihalich	Taylor, F.
Carn	Itkin	Mrkonic	Thomas
Carone	James	Murphy	Tigue
Cawley	Jarolin	Olasz	Trello
Cohen	Josephs	Oliver	Trich
Colafella	Kaiser	Petrarca	Van Horne

Colaizzo	Kosinski	Petrone	Veon
Cole	Krebs	Preston	Wambach
Corrigan	Kruszewski	Rieger	Williams
Cowell	Kukovich	Ritter	
DeWeese	LaGrotta	Robinson	O'Donnell,
Daley	Laughlin	Rudy	Speaker
Dermody			

NOT VOTING—5

Gruitza	Lee	Maiale	Telek
Hughes			

EXCUSED—5

Clymer	Tomlinson	Wright, D. R.	Wright, R. C.
Roebuck			

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

WELCOME

The SPEAKER pro tempore. The Chair at this time is delighted to introduce from Scranton, northeastern Pennsylvania, Kathie Stockie, fellow teachers, and 40 students from the Northeast Institute of Education. They are guests of the Speaker pro tem, Representatives Cawley, Tigue, Staback, and Representative Serafini. They are in the balcony.

VOTE CORRECTION

The SPEAKER pro tempore. For what purpose does the lady, Mrs. Telek, rise?

Mrs. TELEK. Mr. Speaker, to correct the record, please.

The SPEAKER pro tempore. The lady is in order.

Mrs. TELEK. I was not in my seat at the time for amendment A317. I would like to be recorded in the affirmative.

The SPEAKER pro tempore. The Chair thanks the lady.

CONSIDERATION OF HB 175 CONTINUED

The SPEAKER pro tempore. For what purpose does the gentleman, Representative Michlovic, rise?

Mr. MICHLOVIC. Mr. Speaker, I understand that there is a reconsideration motion on the last amendment.

The SPEAKER pro tempore. The Chair is not aware of any reconsideration motion at this time.

VOTE CORRECTION

The SPEAKER pro tempore. The Chair recognizes Representative DeLuca.

Mr. DeLUCA. Mr. Speaker, on April 17 on HB 675, my switch malfunctioned. I would like to be recorded in the affirmative, please.

The SPEAKER pro tempore. The gentleman's remarks will be spread upon the record. The Chair thanks the gentleman.

Mr. DeLUCA. Thank you, Mr. Speaker.

**CONSIDERATION OF HB 175 CONTINUED
AMENDMENT A0317 RECONSIDERED**

The SPEAKER pro tempore. The Chair is in receipt of a reconsideration motion from the gentleman, Representative Cole, who moves that the vote by which the Hershey amendment A0317 to HB 175, PN 769, was passed on the 22d day of April be reconsidered.

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

The following roll call was recorded:

YEAS—194

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

NAYS—1

Corrigan

NOT VOTING—2

James Maiale

EXCUSED—5

Clymer Tomlinson Wright, D. R. Wright, R. C.
Roebuck

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

On the question recurring,
Will the House agree to the amendment?
The clerk read the following amendment No. A0317:

Amend Sec. 3, page 4, line 23, by striking out "two" and inserting
five

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

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman, Representative Cole.

Mr. COLE. Mr. Speaker, the following organizations have supported the original concept of this bill with the 2-day provision in it as it was voted out of committee. Just a few of them are the Department of Health, the Department of Agriculture, DER (Department of Environmental Resources), the Pennsylvania Poultry Federation, the Pennsylvania Farmers' Association, and the Pennsylvania State Grange.

The Pennsylvania Farmers' Association sent out a letter over the weekend—maybe many of you did not get it—but the last paragraph I quote; they say, "We believe that the exemption provided for small producers in the bill is appropriate and we urge passage as reported by the House Agriculture Committee."

So I would urge everyone to consider voting against Mr. Hershey's amendment and let the bill stand as it was voted out of committee. Thank you, Mr. Speaker.

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

Mr. HERSHEY. Thank you, Mr. Speaker.

We support the egg refrigeration bill, and all that it says in here, there is a misinterpretation. I argued with the ag leaders. They have not discussed this with their farmers. When we had the hearing on this bill last year, it had in there a week.

Now, the paperwork required and the refrigeration I have no problems with. Did you read the bill? On page 4? It says, this section shall not apply to an egg producer who meets the following requirements: maintains a flock of 3,200; sells eggs within the 100-mile radius; sells or markets eggs within 2 days. Our small producer cannot live with the 2-day rule. It does not have anything to do with the large shipper. The small producer needs more than 2 days, and that is why I am asking for the amendment.

MOTION TO PLACE BILL ON POSTPONED CALENDAR

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

Mr. MELIO. Mr. Speaker, I would like to just make a recommendation. This is such an important bill. It has been in

the Agriculture Committee for a considerable amount of time, and I know I have a great deal of respect for Representative Hershey and Representative Cole.

Is there any way we can put a hold on this until both parties get together and work on it so that it will be a unanimous bill? I think we owe that to the agricultural community.

I move to table the bill.

The SPEAKER pro tempore. Does the Chair understand that you are making a motion to table the bill?

Mr. MELIO. Well, let us put a hold on it until they can— You know, I just do not want to see anything jeopardize this important bill. I would like to see Representative Hershey and Representative Cole get together and come up with an amendment that will be to everybody's satisfaction.

The SPEAKER pro tempore. Does the Chair understand that the gentleman's motion is to postpone the bill?

Mr. MELIO. Or lay it on the table. Yes.

The SPEAKER pro tempore. The gentleman, Mr. Melio, has moved that the bill be placed on the postponed calendar.

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

The SPEAKER pro tempore. On that motion, the Chair recognizes the gentleman, Mr. Cole.

Mr. COLE. Mr. Speaker, I appreciate Mr. Melio's courtesy, but I would like to run the bill and I would ask him to withdraw his motion. Thank you.

MOTION WITHDRAWN

Mr. MELIO. Okay. I withdraw the motion.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Melio, who has withdrawn his motion.

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

The SPEAKER pro tempore. The Chair at this time recognizes Representative Stairs.

Mr. STAIRS. Thank you, Mr. Speaker.

I was going to echo Representative Cole's remarks, and I thank Mr. Melio for withdrawing his motion, and I would hope that we could vote on this amendment and then vote on the bill.

The SPEAKER pro tempore. The Chair recognizes Representative Flick.

Mr. FLICK. Thank you, Mr. Speaker.

Mr. Speaker, I would suggest that all the groups that the gentleman from Adams County suggested supporting this bill would support this bill with a 5-day exemption for small producers of eggs, and I would also suggest, Mr. Speaker, that the most important consideration in the salmonella disease is temperature, not number of days. While we are requesting an additional 3 days, that does not relieve the small producer from maintaining these eggs at a temperature of 55 degrees Fahrenheit, and that is the most important consideration. There is statistical evidence to show that when that egg is maintained at a 55-degree temperature, the salmonella does not grow as fast.

Now, Mr. Speaker, as I said before, this bill was reported out of Mr. Cole's committee last year with a 10-day exemption. If we do not expand to 5 days the exemption for the small egg producer, there is in fact no exemption. The small egg producer will have to conform to the same standards.

Mr. Speaker, I ask this body to consider that we must walk before we run. Five days is a reasonable period of time for small egg producers who have flocks of less than 3,200 hens and who operate within less than a 100-square-mile radius to dispose of their eggs, and it does not in and of itself provide any additional health risk to our consumers.

Thank you, Mr. Speaker. I would appreciate an affirmative vote on this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair now recognizes Representative Merry.

Mr. MERRY. Mr. Speaker, I rise to essentially support the amendment, the same as our previous speaker has done. I will not go into all the details, but I want to draw your attention to the fact that I have talked to a good many farmers and they would have supported this amendment had it been in it originally.

We really are not far off in our concept. The bill has passed previously with a greater number of days than 2. It even had a greater number of days than 2 in it this year. I am sure your farmer friends back home would appreciate the extra leeway.

The amendment does nothing to erode the bill. It just gives a little additional leeway for farmers, because you can imagine what 2 days would mean between the process of collecting eggs, cleaning, packaging, and getting them to the final market. It just cannot be done practically in a 2-day limit, and if it cannot, then the exemption has no practical meaning to them.

I feel that the Hershey amendment needs to stay in this bill, and I urge its approval.

The SPEAKER pro tempore. The Chair now recognizes Representative Barley.

Mr. BARLEY. Mr. Speaker, thank you very much.

I rise to support Representative Hershey in his amendment as well. Many of the small producers in Lancaster County that I represent are of the Amish and Mennonite faith, and because of their faith they do not market eggs on Sunday. If we have a 2-day restriction, many of the eggs that would be gathered late Friday or on Saturday would not be able to be marketed just because of their religious faith that they do not market eggs on Sunday.

So therefore, because of that reason, among many others—I agree with many of the reasons previously stated—but I think that is just one additional reason that we should give consideration across Pennsylvania, because many of our small producers are of the conservative faiths that would not market their eggs on Sunday as well.

So I think that is just one additional reason why we should support Representative Hershey's amendment. Thank you very much.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Representative Stairs, for a second time.

Mr. STAIRS. Thank you, Mr. Speaker.

I really hate to stand and oppose an amendment by a close friend and a person on my side of the aisle, but I think we have to vote against this amendment to not only protect the consumers of agricultural products in our State, particularly the egg consumers, but also the integrity of the agriculture industry.

The bill with 2 days is supported by the Pennsylvania Poultry Federation, the Pennsylvania Farmers' Association, and I think for the good of the agriculture industry we must keep it at 2 days. So I would urge that we look at this very closely and oppose the amendment, keeping it 2 days for the amount of refrigeration because of the seriousness of salmonella poisoning.

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

The following roll call was recorded:

YEAS—96

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

NAYS—101

Acosta	Donatucci	Lescovitz	Robinson
Arnold	Evans	Levdansky	Rudy
Battisto	Fajt	Linton	Saloom
Belardi	Fee	Lloyd	Scrimenti
Belfanti	Freeman	Lucyk	Staback
Bishop	Gamble	McCall	Stairs
Blaum	George	McGeehan	Steelman
Bowley	Gigliotti	McNally	Steighner
Broujos	Gruitza	Maiale	Stish
Butkovitz	Haluska	Markosek	Stuban
Caltagirone	Hanna	Mayernik	Surra
Cappabianca	Harper	Melio	Tangretti
Carn	Hayden	Michlovic	Taylor, F.
Carone	Hughes	Mihalich	Thomas
Cawley	Itkin	Mrkonc	Tigue
Cohen	James	Mundy	Trello
Colafella	Jarolin	Murphy	Trich
Colaizzo	Josephs	Olasz	Van Horne
Cole	Kaiser	Oliver	Veon

Corrigan	Kasunic	Petrarca	Wambach
Cowell	Kosinski	Petrone	Williams
Coy	Krebs	Pistella	Wozniak
DeLuca	Kruszewski	Preston	
DeWeese	Kukovich	Richardson	O'Donnell,
Daley	LaGrotta	Rieger	Speaker
Dermody	Laughlin	Ritter	

NOT VOTING—0

EXCUSED—5

Clymer	Tomlinson	Wright, D. R.	Wright, R. C.
Roebuck			

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?
Bill was agreed to.

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

The question is, shall the bill pass finally?

The Chair recognizes Representative Fleagle.

Mr. FLEAGLE. Thank you, Mr. Speaker.

Would the gentleman, Representative Stairs, stand for interrogation on this bill?

The SPEAKER pro tempore. The gentleman, Mr. Stairs, indicates that he will. The gentleman may proceed.

Mr. FLEAGLE. Mr. Speaker, on page 3 starting at around line 17 is terminology regarding identification— Can you hear me, Mr. Speaker?

Mr. STAIRS. Is he done?

The SPEAKER pro tempore. The gentleman, Mr. Stairs, may continue.

Mr. STAIRS. Thank you, Mr. Speaker. I would like to respond to Mr. Fleagle.

The labeling he refers to at the present time is a voluntary process, and this bill would implement it and make it mandatory. But as in the State of Maryland that you referred to, if there was an outbreak of salmonella, the Secretary would have the prerogative to label each flock and to address the particular area that the salmonella poisoning is coming from. But I do not think it is necessary to do this, to go to the extra expense, unless there is an outbreak, which it could be done very easily.

Mr. FLEAGLE. Okay. Mr. Speaker— Is this on?

The SPEAKER pro tempore. Yes. The gentleman may continue.

Mr. FLEAGLE. All right. Just for the record, Mr. Speaker, I do not think my questions were heard.

The SPEAKER pro tempore. Will the gentleman use a different microphone.

Mr. FLEAGLE. Mr. Speaker, I hate to put you through this again, but I do not think my questions were heard.

On page 3 starting at approximately line 17 is terminology regarding identification and labeling of egg containers or cartons. Can you tell me how this language differs from present marking requirements on egg cartons or containers, if there is any requirement right now.

Mr. STAIRS. Okay. Thanks. I will repeat that answer again. Unfortunately, there is a problem with the microphones. But as you stated, the labeling presently, voluntarily we are doing a labeling process in Pennsylvania. This legislation would implement a mandatory system. The question that you said about Maryland, if indeed there was an outbreak of salmonella, the Secretary of Agriculture, at his discretion, would be able to implement the same program they have in Maryland if it would be necessary. I do not think he is required to do that all the time, but if there is an outbreak, then we could do that, and that would be a way to find the particular flock that is causing the trouble.

Mr. FLEAGLE. Again, just for the record, let me repeat my question to you.

It is my understanding that in the sister State of Maryland they have an identification system that allows egg producers to keep records of eggs from flocks that are processed on a specific day. In other words, when the eggs are graded, there may be eggs from two or three different flocks being graded at the same time or processed at the same time, and those records are kept so that the processor can narrow it down to at least one or two of the flocks or a flock being processed on that day.

Correct me if I am wrong. You are saying that this new system will not be allowed. Is that correct, Mr. Speaker?

Mr. STAIRS. The answer to that question is yes.

Mr. FLEAGLE. Yes, we will not be able to use the same system? We will not be allowed to use the same type of system that our sister State of Maryland uses?

Mr. STAIRS. Yes; that is my understanding. Yes. That is the answer.

Mr. FLEAGLE. Okay. Thank you, Mr. Speaker.

That is all the questions I have. Can I speak on final passage?

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

Mr. FLEAGLE. Thank you, Mr. Speaker.

Representative Stairs and the Ag Committee is to be commended for the work that he has done on this legislation. I think his aim, at least I believe, is to ultimately protect both the public and the egg producers and processors in this Commonwealth.

I do have some concerns about how this is going to impact financially and operationally on egg producers in our State. This bill has been in the works for at least two terms that I know of and has gone through rather long and close House committee scrutiny, including the hearing process. For expediency's sake, I think it is unfair to hold up the bill any longer. I will, however, make my concerns known to the appropriate Senate committee as it deliberates on the bill.

I plan to vote in the affirmative on this bill and hope my colleagues will also. Thank you, Mr. Speaker.

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

Mr. FLICK. Thank you, Mr. Speaker.

I agree with Representative Fleagle. This is a very important bill. As Representative Stairs and Representative Cole have said, this is an area of concern, and the health and welfare of our constituents is something we should not take lightly.

So I will support the bill, but I will also seek to continue the challenge to amend the number of days and provide for a real exemption for the small egg producers over in the Senate. Thank you, Mr. Speaker.

On the question recurring,
Shall the bill pass finally?

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

YEAS—194

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

NAYS—2

Hasay Serafini

NOT VOTING—1

Maiale

EXCUSED—5

Clymer Tomlinson Wright, D. R. Wright, R. C.
Roebuck

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 401, PN 770**, entitled:

An Act amending the act of September 20, 1961 (P. L. 1541, No. 657), known as the "Pennsylvania Agricultural Commodities Marketing Act of 1968," further providing for the vote on the review of the marketing program and for the collection of producer charges by sales agents.

On the question,

Will the House agree to the bill on third consideration?

Mr. FOSTER offered the following amendments No. A0637:

Amend Title, page 1, line 9, by striking out all of said line

Amend Bill, page 1, lines 13 through 21; page 2, lines 1 through 5, by striking out all of said lines on said pages and inserting

Section 1. Section 10(b) of the act of September 20, 1961 (P.L.1541, No.657), known as the Pennsylvania Agricultural Commodities Marketing Act of 1968, reenacted and amended July 16, 1968 (P.L.359, No.179) and amended May 6, 1987 (P.L.1, No.1), is amended to read:

Amend Sec. 3, page 2, line 15, by striking out "3" and inserting

2

On the question,

Will the House agree to the amendments?

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

Mr. FOSTER. Thank you, Mr. Speaker, and I would direct your attention to amendment 637 rather than any other amendment I may have circulated.

Mr. Speaker, I am offering this amendment to return the one portion of the bill to existing law, and I am doing that to offer some protection to those members in the agricultural community who do not happen to agree with the particular commodity marketing section that they happen to find themselves in.

Just briefly, at the present time a majority of the people casting ballots in a particular commodity can bind every last individual to participate in that program, and then on the ensuing renewal of that program, it requires a two-thirds vote.

Now, Mr. Speaker, I can say this: When we are asking to bind absolutely some individual who asks nothing, does not wish to participate, and does not want to be in the program, is it too much to ask that we keep the two-thirds provision to keep the program in effect?

Let us do a little math for a moment. If there are 300 producers—and I have been told by the Department of Agriculture that participation in balloting runs anywhere in the 50 and 60 percent—it is quite conceivable that only 200 of those 300 will cast ballots. I am asking you, after the program has been in effect and if it is working, should there not be more than 101 of 300 to keep the program in effect? Should we not at least ask the existing two-thirds? I think we owe that much to the hard-working individual out there that puts in 16, 17 hours a day and does not have a lot of time to go to meetings keeping up on all that is transpiring in Harrisburg or among some of his peers.

I would just ask that we preserve the existing law, which does nothing to change the remaining portions of this bill, but keep the existing law merely to protect those individuals in our society.

I would ask for an affirmative vote.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Representative Cole.

Mr. COLE. Thank you, Mr. Speaker.

Mr. Speaker, I am opposed to this amendment.

We have been requested by all of the six commodity boards, as well as the PFA (Pennsylvania Farmers' Association) and the State Grange, to oppose this amendment. The two-thirds vote comes into play after the majority has already voted by referendum to have this program.

I can give you an example about what happened to the apple products in this State just a few years ago.

On CBS (Columbia Broadcasting System), the Alar scare almost completely devastated the apple industry in Pennsylvania. In the first season after the Alar scare, production and sales were off 60 percent. This legislature saw, in its wisdom, to give to that commodity board an additional \$100,000 emergency money for marketing, for marketing to come back from the damage of the Alar scare on that TV program. That industry this year will come back to 100 percent where it was 2 years ago.

The key factor in this bill and why I oppose this amendment, the word is "marketing." We must continue to keep abreast of the marketing aspect of our produce as we relate it to the agricultural industry in Pennsylvania if we are going to maintain our number-one rating. That is a good example - if you do not have the necessary marketing tools to compete. I can give you an example that the State of Washington is number one in marketing throughout this country when you are talking apples. In my county, we produce 6 million bushels of apples a year. We are the number-one producer by county in the Nation, and I know of the food processors and the apple growers down there, the importance that they rely in regards to the marketing aspect. It is a big world we live in, and it is more important even today, as the Eastern European marketing opens up to the farmers of Pennsylvania, that we compete, and I think if this referendum ever went down by requiring a two-thirds vote, that the commodity boards and the producers of all these vegetables and fruits in Pennsylvania would be in trouble.

I think we should do more and not do less in 1991 to maintain a viable sales program and marketing program for our commodity dealers in Pennsylvania. So I oppose the amendment.

THE SPEAKER (ROBERT W. O'DONNELL) PRESIDING

The SPEAKER. The Chair recognizes Mr. Broujos.

Mr. BROUJOS. Mr. Speaker, I rise also to oppose the amendment. At a time when we are facing a recession and at a time when we need to be as competitive as possible, we are doing something that is going to hurt the marketing program. The production of goods is insufficient. To appeal to markets, you have to have good marketing practices. The tendency of this amendment would be to cause people who are in the fruitgrowing business to be reluctant to approve it if in fact they know that certain people who are in farming now and in the fruitgrowing industry will not in fact help to support it and can demand the money to be paid back to them.

The European community will come into a fully integrated market by January of 1993. There will be a tendency to deal inward, because they will lower their barriers to trade, to services, to money, to labor, and as a result, it is going to be highly competitive.

We need to have an effective marketing program. Right now the commodity marketing program in Pennsylvania is probably the strongest one in the United States. We are facing competition not only from Washington but from Oregon. We are facing competition overseas from Korea and Japan and the Pacific Rim. We have goods that have to be sold and can only be marketed by an effective marketing program, an aggressive marketing program, an imaginative program that can only be funded by the farmers and under the program as set forth in this bill without this amendment.

I ask that this amendment be defeated.

The SPEAKER. The Chair recognizes Mr. Barley.

Mr. BARLEY. Thank you, Mr. Speaker.

I would like to ask Representative Cole to stand for a very brief interrogation, a question that I have on the original language of the bill.

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

Mr. BARLEY. Thank you, Mr. Speaker.

The question I have is, would this amendment, the way you understand it, or let me rephrase it another way. On the initial authorization for this checkoff program, would that require a two-thirds vote, and in other words, is it only the every 5 years renewing the program that would go to a simple majority if we were implementing a new commodity board? Would that require a two-thirds vote?

Mr. COLE. If this amendment passes, it would just require a majority vote in both votes - the referendum and also for the program.

Mr. BARLEY. Okay. So you are saying that the way you are proposing the amendment in the bill, a simple majority would be all that is required to initiate the program originally also.

Mr. COLE. I am not proposing the amendment. I am opposed to the amendment.

Mr. BARLEY. No; I am sorry. Under the bill, you are actually modifying the present law.

Mr. COLE. That is correct.

Mr. BARLEY. So you are amending the law.

Mr. COLE. That is correct.

Mr. BARLEY. Now, are you amending the original law so that a simple majority is all that is needed to initiate a program as well as continue the program every 5 years?

Mr. COLE. No.

Mr. BARLEY. You would be requiring a two-thirds to initiate a new program?

Mr. COLE. No; a simple majority.

Mr. BARLEY. Okay. I understand. Thank you.

The SPEAKER. The Chair recognizes Mr. Foster.

Mr. FOSTER. Mr. Speaker, I think the last interrogation may have left many people unclear on what present law is. Present law says that to initiate a program, you need just a majority of the ballots cast, and my amendment would keep that exactly in place. Present law requires that to continue a program, you need a two-thirds majority. My amendment would keep that in place. It would leave existing law exactly as it is.

I would say this to my colleagues: Do we not owe the people out there who work 16 and 17 hours a day and perhaps do not have time to go to a lot of meetings at night, do we not owe them at least the right that only a real majority determine their fate? If you vote for the bill as Mr. Cole has it, you will in many cases have a minority of the producers imposing their will, and I could go through the arithmetic of that very quickly again, and it should be at least a majority.

I offered to make this a simple majority vote and then voluntary participation, but that was not satisfactory. I suggested possibly a majority of all producers, but we did not feel that was a solution. I think the point of equilibrium is existing law, and I just ask you to think of the person whom you run into in your day-to-day contacts in the agricultural community; somebody you see at the Agway store and he waves to you and he says, hey, what is going on up there? Yes, he does not get out to meetings that often to know all the ins and outs. Maybe the only thing he hears or reads are the publications from the Department of Agriculture, and let me tell you, after you have been out in the cold for 17 hours and you read through three pages of that bureaucratic baffle gab, you lose interest in it pretty quickly.

I am just asking you to remember that individual as you vote today. Keep existing law as it is so that a minority cannot run a majority. Please give this an affirmative vote.

The SPEAKER. The Chair recognizes Mr. Coy.

Mr. COY. Thank you, Mr. Speaker.

Will the gentleman, Mr. Cole, stand for interrogation?

Mr. COLE. Yes, Mr. Speaker.

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

Mr. COY. Mr. Speaker, as I understand it, the votes on an issue like this when a referendum takes place can be voted by mail. Is that correct?

Mr. COLE. That is correct.

Mr. COY. Thank you.

Mr. Speaker, to speak on the amendment.

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

Mr. COY. Mr. Speaker, I support the defeat of this amendment. I think that we have given folks who are producers of fruits and other commodities every opportunity to participate when it comes to expending funds of this type, which, after all, are being expended for their benefit.

I recognize the fact that many times information which is handed out by government agencies may not be in the most understandable form, but nonetheless, Mr. Speaker, being able to vote by mail, not having to attend meetings in person, as was alluded to previously, makes this much easier for them to participate.

If they do not understand what is sent to them, they should find somebody that does. These funds are expended through the State Government to help producers produce and market the commodities desired by them. They should be interested in participation, just like every citizen should be interested in participation in the democratic process and in voting.

You can lead a horse to water, Mr. Speaker, but you cannot make him drink every time. The truth of the matter is, we have led the horse to water in this regard; whether or not he drinks is up to him. I ask for the defeat of the amendment.

The SPEAKER. The Chair recognizes Mr. Cole.

Mr. COLE. Mr. Speaker, if I may make a few corrections of statements made by my good friend, Representative Foster.

The minority does not control the referendum; it is the majority. A simple majority, not the minority. They must vote that in the majority.

Let me say this: These programs have been tried in the past on a voluntary basis and they just do not work. And if you take the millions of dollars out of the assessments that are charged these producers, you have no marketing program and you might as well shut the barn door and go home, because you are not going to have a viable program and be a competitor, as Pennsylvania now is one of the leaders in the Nation in regard to agriculture.

I think this is a major step backwards if you vote and approve this amendment, so I urge a "no" vote.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—26

Birmelin	Gladeck	Nahill	Saurman
Brown	Hasay	Nickol	Smith, B.
Bunt	Heckler	Noye	Taylor, E. Z.
Cornell	Kenney	Piccola	Vance

Foster	Lawless	Pitts	Vroon
Fox	Merry	Reber	Wilson
Gerlach	Micozzie		
NAYS—169			
Acosta	Dent	Krebs	Robinson
Adolph	Dermody	Kruszewski	Rudy
Allen	Donatucci	Kukovich	Ryan
Anderson	Durham	LaGrotta	Saloom
Angstadt	Evans	Langtry	Scheetz
Argall	Fairchild	Laughlin	Schuler
Armstrong	Fajt	Lee	Scrimenti
Arnold	Fargo	Leh	Semmel
Barley	Farmer	Lescovitz	Serafini
Battisto	Fee	Levdansky	Smith, S. H.
Belardi	Fleagle	Linton	Snyder, D. W.
Belfanti	Flick	Lloyd	Snyder, G.
Billow	Freeman	Lucyk	Staback
Bishop	Freind	McCall	Stairs
Black	Gallen	McGeehan	Steelman
Blaum	Gamble	McHugh	Steighner
Bowley	Gannon	McNally	Stetler
Boyes	Geist	Maiale	Stish
Broujos	George	Markosek	Strittmatter
Bush	Gigliotti	Marsico	Suban
Butkovitz	Godshall	Mayernik	Sturla
Caltagirone	Gruitza	Melio	Surra
Cappabianca	Gruppo	Michlovic	Tangretti
Carlson	Hagarty	Mihalich	Taylor, F.
Carn	Haluska	Mrkonic	Taylor, J.
Carone	Hanna	Mundy	Telek
Cawley	Harper	Murphy	Thomas
Cessar	Hayden	Nailor	Tigue
Chadwick	Hayes	Nyce	Trello
Civera	Herman	O'Brien	Trich
Clark	Hershey	Olasz	Tulli
Cohen	Hess	Oliver	Uliana
Colafella	Hughes	Perzel	Van Horne
Colaizzo	Itkin	Pesci	Veon
Cole	Jadlowiec	Petrone	Wambach
Corrigan	James	Phillips	Williams
Cowell	Jarolin	Pistella	Wogan
Coy	Johnson	Preston	Wozniak
DeLuca	Josephs	Raymond	Wright, M. N.
DeWeese	Kaiser	Reinard	
Daley	Kasunic	Richardson	O'Donnell,
Davies	King	Rieger	Speaker
Dempsey	Kosinski	Ritter	

NOT VOTING—2

Harley Petrarca

EXCUSED—5

Clymer Tomlinson Wright, D. R. Wright, R. C.
Roebuck

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?
Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—195

Acosta	Durham	LaGrotta	Ritter
Adolph	Evans	Langtry	Robinson
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	Fox	Lloyd	Semmel
Belardi	Freeman	Lucyk	Serafini
Belfanti	Freind	McCall	Smith, B.
Billow	Gallen	McGeehan	Smith, S. H.
<i>Birmelin</i>	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	Suban
Butkovitz	Hagarty	Mihalich	Sturla
Caltagirone	Haluska	Mrkonic	Surra
Cappabianca	Hanna	Mundy	Tangretti
Carlson	Harper	Murphy	Taylor, E. Z.
Carn	Hasay	Nahill	Taylor, F.
Carone	Hayden	Nailor	Taylor, J.
Cawley	Hayes	Nickol	Telek
Cessar	Heckler	Noye	Thomas
Chadwick	Herman	Nyce	Tigue
Civera	Hershey	O'Brien	Trello
Clark	Hess	Olasz	Trich
Cohen	Hughes	Oliver	Tulli
Colafella	Itkin	Perzel	Uliana
Colaizzo	Jadlowiec	Pesci	Van Horne
Cole	James	Petrarca	Vance
Cornell	Jarolin	Petrone	Veon
Corrigan	Johnson	Phillips	Vroon
Cowell	Josephs	Piccola	Wambach
Coy	Kaiser	Pistella	Williams
DeLuca	Kasunic	Pitts	Wilson
DeWeese	Kenney	Preston	Wogan
Daley	King	Raymond	Wozniak
Davies	Kosinski	Reber	Wright, M. N.
Dempsey	Krebs	Reinard	
Dent	Kruszewski	Richardson	O'Donnell,
Dermody	Kukovich	Rieger	Speaker
Donatucci			

NAYS—1

Foster

NOT VOTING—1

Harley

EXCUSED—5

Clymer Tomlinson Wright, D. R. Wright, R. C.
Roebuck

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 804, PN 887**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," providing for the continuation of medical insurance coverage for survivor-spouse annuitants.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that HB 804 be recommended to the Appropriations Committee.

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

CONCURRENT RESOLUTION

Mr. DeWEESE called up HR 95, PN 1369, entitled:

A Concurrent Resolution memorializing members of the General Assembly to recognize April 18, 1991, as a date to "Take Back The Night" in conjunction with efforts by the Pennsylvania Coalition Against Rape, in the commemoration of April as "Sexual Assault Awareness Month," to end sexual violence and celebrate survival.

On the question,
Will the House adopt the resolution?

RESOLUTION RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that HR 95 be recommended to the Committee on Rules.

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

RULES SUSPENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that the rules be suspended to permit the immediate consideration of HR 98, HR 99, and HR 100.

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

The following roll call was recorded:

YEAS—196

Acosta	Durham	Kukovich	Rieger
Adolph	Evans	LaGrotta	Ritter
Allen	Fairchild	Langtry	Robinson
Anderson	Fajt	Laughlin	Rudy
Angstadt	Fargo	Lawless	Ryan
Argall	Farmer	Lee	Saloom
Armstrong	Fee	Leh	Saurman
Arnold	Fleagle	Lescovitz	Scheetz
Barley	Flick	Levdansky	Schuler
Battisto	Foster	Linton	Scrimenti
Belardi	Fox	Lloyd	Semmel
Belfanti	Freeman	Lucy	Serafini

Billow	Freind	McCall	Smith, B.
Birmelin	Gallen	McGeehan	Smith, S. H.
Bishop	Gamble	McHugh	Snyder, D. W.
Black	Gannon	McNally	Snyder, G.
Blaum	Geist	Maiale	Staback
Bunt	George	Markosek	Stairs
Boyes	Gerlach	Marsico	Steelman
Broujos	Gigliotti	Mayernik	Steighner
Brown	Gladeck	Melio	Stetler
Bunt	Godshall	Merry	Stish
Bush	Gruitza	Michlovic	Strittmatter
Butkovitz	Gruppo	Micozzie	Stuban
Caltagirone	Hagarty	Mihalich	Sturla
Cappabianca	Haluska	Mrkonjac	Surra
Carlson	Hanna	Mundy	Tangretti
Carn	Harley	Murphy	Taylor, E. Z.
Carone	Harper	Nahill	Taylor, F.
Cawley	Hasay	Nailor	Taylor, J.
Cessar	Hayden	Nickol	Telek
Chadwick	Hayes	Noye	Thomas
Civera	Heckler	Nyce	Tigue
Clark	Herman	O'Brien	Trello
Cohen	Hershey	Olasz	Trich
Colafiglia	Hess	Oliver	Tulli
Colaizzo	Hughes	Perzel	Uliana
Cole	Itkin	Pesci	Van Horne
Cornell	Jadlowiec	Petrarca	Vance
Corrigan	James	Petrone	Veon
Cowell	Jarolin	Phillips	Vroon
Coy	Johnson	Piccola	Wambach
DeLuca	Josephs	Pistella	Wilson
DeWeese	Kaiser	Pitts	Wogan
Daley	Kasunic	Preston	Wozniak
Davies	Kenney	Raymond	Wright, M. N.
Dempsey	King	Reber	
Dent	Kosinski	Reinard	O'Donnell,
Dermody	Krebs	Richardson	Speaker
Donatucci	Kruszewski		

NAYS—0

NOT VOTING—1

Williams

EXCUSED—5

Clymer	Tomlinson	Wright, D. R.	Wright, R. C.
Roebuck			

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.

RESOLUTIONS ADOPTED

The SPEAKER. The House has before it HR 98, which is called up by the gentleman, Mr. DeWeese, which the clerk will read.

The following resolution was read:

House Resolution No. 98

A RESOLUTION

Designating April 23, 1991, as "Pennsylvania Youth Service Day" in this Commonwealth.

WHEREAS, Young people in cities, suburban areas and small towns throughout the Commonwealth are working hard to help with many of society's most pressing environmental and human service challenges, such as restoring parks and forests, visiting the frail elderly, feeding the hungry, rehabilitating homes and doing literacy training; and

WHEREAS, Community service and youth corps programs are effective means of reducing school dropout rates, promoting self-esteem, preventing adolescent drug and alcohol abuse, providing genuine opportunities for young people to be resources for their communities and helping youth with the school-to-work transition by giving them job and citizenship experiences; and

WHEREAS, Many thousands of young people in programs such as the Pennsylvania Conservation Corps, the Summer Youth Service Corps, the Literacy Corps and the Urban Corps encompass a broad diversity of economic backgrounds, religious affiliations and cultural heritages; and

WHEREAS, Due to the efforts of Penn SERVE and the Pennsylvania Citizen Service Project since 1988, more than 25,000 students in over 150 schools and colleges have volunteered at more than 300 community service sites; and

WHEREAS, Nationally prestigious organizations such as the William T. Grant Foundation, the Children's Defense Fund and the Philadelphia-based Public/Private Ventures have recognized the effectiveness and value of the Pennsylvania Conservation Corps and student community service programs administered by the Pennsylvania Department of Labor and Industry; and

WHEREAS, In 1990, 13% of all school districts surveyed offered academic credit for community service work as a required or elective course, more than twice as many districts as in 1989; and

WHEREAS, Since 1984, the Pennsylvania Conservation Corps, the second largest Statewide program in America, has enrolled 9,000 corps members who have completed 450 conservation, recreation and historical projects in rural, suburban and urban areas throughout this Commonwealth; and

WHEREAS, The Congress of the United States passed the National and Community Service Act of 1990 (Public Law 101-610), which was signed into law by President Bush, providing a \$63,000,000 appropriation in fiscal year 1991 for youth conservation and service corps projects and other kinds of community service initiatives; and

WHEREAS, Youth Service America, the Jefferson Awards, President Bush's Points of Light Foundation and the United States Conference of Mayors have announced a nationwide effort to demonstrate the value of youth service and encourage community agencies and leaders to support local youth service programs; therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania designate April 23, 1991, as "Pennsylvania Youth Service Day" in this Commonwealth.

H. William DeWeese

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—197

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Clymer	Tomlinson	Wright, D. R.	Wright, R. C.
Roebuck			

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

The SPEAKER. The Chair recognizes the majority leader.

Mr. DeWEESE. Mr. Speaker, I would like for all members of the House to have their names added as additional cosponsors, unless there is any objection.

The SPEAKER. With the permission of the majority leader, the Chair would like to hold HR 98 with the clerk, and all members who are interested in indicating a cosponsorship over the next day and as well as tomorrow, if they would please approach the clerk and let him know of their cosponsorship.

* * *

The SPEAKER. The gentleman, Mr. Petrarca, calls up HR 99, which will be read by the clerk.

The following resolution was read:

House Resolution No. 99

A RESOLUTION

Opposing any increase in truck size and weight.

WHEREAS, Under current Federal law, states must allow at least 48-foot semitrailers and 28.5-foot twin trailers on interstate highways; no state weight limit can be less than 80,000 pounds; and states may determine the extent to which they "grandfather" truck weights higher than those allowed under Federal law; and

WHEREAS, The trucking industry is considering seeking Federal statutory increases in truck size and weights which would apply to all states as part of the reauthorization of the Surface Transportation Uniform Relocation Assistance Act of 1987 (Public Law 100-17, 101 Stat. 132); and

WHEREAS, If the statutory increases cannot be obtained, the trucking industry will request a special permitting system that would, given past legislative history, result in future Federal statutory increases; and

WHEREAS, According to the 1988 data from the Fatal Accident Reporting System (FARS), more than 100,000 people were injured and 4,500 others were killed in crashes involving trucks; and

WHEREAS, Passengers of other vehicles were killed in truck-related crashes more often (84% of the truck-related fatalities) than were truck drivers; and

WHEREAS, Studies have shown that longer trucks are more likely to have rear trailer separation, more trailer sway and low speed offtracking than do shorter combination trucks; and

WHEREAS, Seventy-six percent of the trucks in truck-related crashes had broken, substandard or defective parts, and 41% of them were immediately ordered out of service; and

WHEREAS, The Insurance Institute for Highway Safety has found that double and triple trailers are two to three times more likely to be involved in crashes than standard trucks; and

WHEREAS, Large trucks are not required to have antilock brakes or satisfy many of the safety standards required for passenger vehicles; therefore be it

RESOLVED, That the House of Representatives oppose any increase in truck size or weight until it can be shown that larger, heavier trucks are safe and urge the Federal Government to continue to research the safety of large trucks; and be it further

RESOLVED, That the House of Representatives firmly suggest that this matter be resolved within the Congress and that the Congress retain its responsibility to resolve this matter and not delegate the decision to the individual states through a special permitting process; and be it further

RESOLVED, That the House Committee on Federal-State Relations clearly express the concerns of the House of Representatives on this issue at its next meeting with the Pennsylvania Congressional delegation; and be it further

RESOLVED, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

Joseph A. Petrarca
Richard J. Cessar
Jeffrey W. Coy
Richard A. Geist
Samuel E. Hayes, Jr.
Michael R. Veon
Herman Mihalich
Victor John Lescovitz
Peter R. Vroon
Keith R. McCall
Italo S. Cappabianca
Timothy L. Pesci
Thomas J. Fee
David John Mayernik
Andrew Billow, Jr.
Joseph F. Markosek
Frank J. Gigliotti
David K. Levdansky
Peter J. Daley II
Fred A. Trello
Dick L. Hess
Anthony L. Colaizzo
Mark B. Cohen
Anthony H. Williams
Ralph Kaiser

Sara G. Steelman
Patricia Carone
P. Michael Sturla
Harold James
Edward J. Haluska
Richard D. Olasz
Frank LaGrotta
Kevin Blaum
Richard Hayden
Christopher K. McNally
Mario J. Civera, Jr.
Thomas J. Scrimenti
Thomas C. Petrone
Michael P. McGeehan
Edwin G. Johnson
Eugene G. Saloom
Kenneth E. Kruszewski
Frank J. Pistella
Robert Louis Freeman
Gaynor Cawley
Susan Laughlin
Tony DeLuca
Curtis S. Bowley
Edward G. Staback
David W. Heckler
Gregory C. Fajt
Peter C. Wambach
Robert C. Donatucci
Richard A. Kasunic
Dennis E. Leh
Ron Gamble
Phyllis Mundy
Thomas W. Dempsey
Stanley J. Jarolin
David O. King
Frank Tulli, Jr.
Karl W. Boyes
Dwight Evans
Ronald E. Black
Joseph W. Battisto
Jess M. Stairs
Gordon J. Linton
Terry E. Van Horne
Alice S. Langtry
Anthony J. Melio
Thomas M. Tighe
Roy W. Cornell
Jon D. Fox
Michael K. Hanna
Leona G. Telek
Joseph A. Steighner
Camille "Bud" George
Howard L. Fargo
Jerry L. Nailor
Edgar A. Carlson
Ronald R. Cowell
Ruth C. Rudy
Thomas A. Michlovic
Allen G. Kukovich
Michael C. Gruitza
Joseph Preston, Jr.
Dan A. Surra
Nicholas A. Colafella
Daniel F. Clark
John N. Wozniak
Fred C. Noye
Patricia H. Vance
Frank Dermody
Lynn B. Herman

William R. Lloyd, Jr.
 David R. Wright
 Teresa E. Brown
 James R. Roebuck
 Kathrynann W. Durham
 Russ Fairchild
 Fred Belardi
 Ivan Itkin
 Ted Stuban
 Samuel H. Smith
 Raymond Bunt, Jr.
 Bruce Smith
 Ronald S. Marsico
 Terry R. Scheetz
 John E. Barley
 Gregory M. Snyder
 John A. Lawless
 J. Scot Chadwick
 Robert M. Tomlinson
 Lois Sherman Hagarty
 Stephen H. Stetler
 Charles F. Nahill, Jr.
 Daniel L. Anderson
 Patrick E. Fleagle
 Edward J. Lucyk

On the question,
 Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

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

Coy	Johnson	Piccola	Wambach
DeLuca	Josephs	Pistella	Williams
DeWeese	Kaiser	Pitts	Wilson
Daley	Kasunic	Preston	Wozniak
Davies	Kenney	Raymond	Wright, M. N.
Dempsey	King	Reber	
Dent	Kosinski	Reinard	O'Donnell, Speaker
Dermody	Krebs	Richardson	
Donatucci	Kruszewski		

NAYS—0

NOT VOTING—1

Wogan

EXCUSED—5

Clymer	Tomlinson	Wright, D. R.	Wright, R. C.
Roebuck			

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

* * *

The SPEAKER. The gentleman, Mr. Marsico, calls up HR 100, which will be read by the clerk.

The following resolution was read:

House Resolution No. 100

A RESOLUTION

Recognizing April 26, 1991, as Arbor Day; promoting public participation in the celebration; and further recognizing the value of trees to our environment.

WHEREAS, The tree has proved to be a valuable component of our environment by providing us with natural aesthetics for landscaping, a biological tool to control water and wind erosion, a renewable source of food, fuel and lumber for man, a habitat for birds and wildlife, and a natural producer of oxygen and water through the process of transpiration; and

WHEREAS, The original Arbor Day was observed with the planting of more than a million trees; and

WHEREAS, Scientists, environmentalists, foresters and government officials throughout the world are increasingly alarmed about the significant clearing and destruction of the forests of the world and are now exploring the feasibility of large-scale reforestation programs as a means of preventing a possible adverse climate change such as global warming; and

WHEREAS, Arbor Day has been designated by many states as a time to recognize the importance of trees to our environment; and

WHEREAS, Arbor Day is now celebrated throughout the United States and in countries around the world; and

WHEREAS, The last Friday in April is commonly held to be the day to celebrate Arbor Day; therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania hereby designates April 26, 1991, as Arbor Day; and be it further

RESOLVED, That the House of Representatives ask that citizens and communities throughout this Commonwealth, individually and collectively, engage in the celebration of Arbor Day by planting trees in appropriate public places as a source of future enjoyment and civic pride; and be it further

RESOLVED, That a copy of this resolution be conveyed to the Governor and the Senate of this Commonwealth to solicit their support of this designation.

Ronald S. Marsico
 John H. Broujos
 Arthur D. Hershey
 P. Michael Sturla

Russ Fairchild
 David O. King
 Edgar A. Carlson
 Edwin G. Johnson
 Leona G. Telek
 Paul J. Angstadt
 Thomas M. Tigue
 Elaine F. Farmer
 David G. Argall
 Richard D. Olasz
 Thomas W. Dempsey
 Charles W. Dent
 Joseph A. Petrarca
 Frank Tulli, Jr.
 Jerry L. Nailor
 Samuel E. Hayes, Jr.
 Charles F. Nahill, Jr.
 Howard L. Fargo
 Richard J. Cessar
 Bruce Smith
 Robert W. Godshall
 Fred C. Noye
 Fred Belardi
 Keith R. McCall
 Peter C. Wambach
 Gregory C. Fajt
 Jeffrey E. Piccola
 Edward G. Staback
 Jim Gerlach
 Anthony L. Colaizzo
 Italo S. Cappabianca
 Jeffrey W. Coy
 Timothy L. Pesci
 Joseph W. Battisto
 Tony DeLuca
 Lynn B. Herman
 David W. Heckler
 William Russell Robinson
 Patricia H. Vance
 Mario J. Civera, Jr.
 Curtis S. Bowley
 Babette Josephs
 Dick L. Hess
 George E. Saurman
 Arthur D. Hershey
 Richard A. Kasunic
 Matthew N. Wright
 Kenneth M. Jadlowiec
 Susan Laughlin
 Robert Louis Freeman
 David K. Levdansky
 Ronald R. Cowell
 Lois Sherman Hagarty
 John E. Barley
 Ed Arnold
 George C. Hasay
 Frank J. Gigliotti
 Robert J. Flick
 Ivan Itkin
 Frank Dermody
 Steven R. Nickol
 Richard A. Geist
 Ruth B. Harper
 Raymond Bunt, Jr.
 William F. Adolph, Jr.
 George T. Kenney, Jr.
 Chris R. Wogan
 Anthony J. Melio
 Stanley J. Jarolin

Ellen A. Harley

On the question,
 Will the House adopt the resolution?

The following roll call was recorded:

YEAS—195

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

NAYS—0

NOT VOTING—2

Kasunic Taylor, F.

EXCUSED—5

Clymer Tomlinson Wright, D. R. Wright, R. C.
 Roebuck

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

The SPEAKER. For the information of the members, no more votes will be held today.

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes Mr. Cohen for an announcement.

Mr. COHEN. Mr. Speaker, there will be a House Democratic caucus at 3 o'clock. I urge all members to report to the House Democratic caucus at 3 p.m.

REPUBLICAN CAUCUS

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

Mr. NOYE. Thank you, Mr. Speaker.

Republican members, I would ask you to come to the caucus room immediately for a caucus, particularly on HB 209. Thank you.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Chair recognizes Mr. Evans.

Mr. EVANS. There will be an immediate meeting of the House Appropriations Committee in the majority caucus room. Thank you.

RULES COMMITTEE MEETING

The SPEAKER. The Chair announces a meeting of the Rules Committee at the majority leader's desk immediately.

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

HB 231, PN 1437 (Amended)

By Rep. FEE

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for the powers and duties of the commission; permitting Sunday hunting on regulated shooting grounds; authorizing certain disabled persons to hunt with cross-bows; and deleting certain license requirements for regulated hunting grounds.

GAME AND FISHERIES.

RESOLUTIONS REPORTED FROM COMMITTEE

HR 84, PN 1433 (Amended)

By Rep. DeWEESE

A Resolution designating June 15, 1991, as "Operation Welcome Home Day" in Pennsylvania.

RULES.

HR 87, PN 1317

By Rep. DeWEESE

A Resolution recognizing the week of May 5 through May 11, 1991, as "Small Business Week" in Pennsylvania.

RULES.

HR 89, PN 1319 (Concurrent)

By Rep. DeWEESE

A Concurrent Resolution designating the month of May 1991 as "Motorcycle Safety Month."

RULES.

HR 90, PN 1362

By Rep. DeWEESE

A Resolution designating the month of May 1991 as "Physical Fitness and Sports Month."

RULES.

HR 91, PN 1363

By Rep. DeWEESE

A Resolution designating April 1991 as "Pennsylvania Organ and Tissue Donor Month."

RULES.

HR 96, PN 1430

By Rep. DeWEESE

A Resolution designating May 1 through 7, 1991, as "Barrier Awareness Week" in Pennsylvania.

RULES.

RULES SUSPENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. DeWEESE. Mr. Speaker, I move that House rule 30 be suspended to permit HB 29 to go directly to the calendar rather than 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 29, PN 1321**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

SENATE MESSAGE**SENATE INSISTS ON AMENDMENTS
NONCONCURRED IN BY HOUSE**

The clerk of the Senate, being introduced, informed that the Senate has insisted upon its amendments nonconcurring in by the House of Representatives to **HB 244, PN 922**, and has appointed Senators LOEPER, HELFRICK and STEWART a committee of conference to confer with a similar committee of the House of Representatives (already appointed) on the subject of the differences existing between the two Houses in relation to said bill.

BILLS REREPORTED FROM COMMITTEE

HB 90, PN 1439 (Amended)

By Rep. EVANS

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," further providing for the rights of crime victims.

APPROPRIATIONS.

HB 209, PN 1440 (Amended)

By Rep. EVANS

An Act providing for the financial stability of cities of the first class; establishing an authority empowered to assist cities of the first class in their financial affairs and to issue findings and recommendations to cities of the first class and to the General Assembly; creating the authority and providing for its powers and duties; authorizing each city of the first class and the authority to enter into intergovernmental cooperation agreements and specifying certain terms of such agreements and ordinances whereby cities of the first class enter into such agreements; empowering the authority to incur indebtedness, receive revenues, acquire the obligations of assisted cities, make loans and offer other financial assistance to such cities subject to conditions; establishing procedures for the preparation and review of financial plans of cities of the first class while bonds of the authority are outstanding and providing remedies for failure to adhere to such plans; requiring certain contracts to be consistent with the financial plan; making certain provisions with respect to short-term borrowing by cities of the first class; establishing procedures for handling authority funds, and providing for certain payments to the authority; providing security for bonds and notes issued by the authority; authorizing the creation of a debt service reserve fund and providing for its maintenance; granting to the holders of the authority's indebtedness and to the authority certain remedies in the event of default by the authority or by an assisted city on authorized obligations; authorizing cities of the first class to receive financial assistance from the authority under certain terms and conditions; establishing the method for the appointment and composition of the authority board; prohibiting the authority and assisted cities from filing a petition under Federal bankruptcy statutes; authorizing an appropriation for authority operating expenses; authorizing cities of the first class to impose an optional sales and use tax; authorizing cities of the first class to impose certain taxes for the authority; and providing jurisdiction for challenges to this act.

APPROPRIATIONS.

HB 248, PN 1441 (Amended)

By Rep. EVANS

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

APPROPRIATIONS.

BILLS ON SECOND CONSIDERATION

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

HB 90, PN 1439; and HB 248, PN 1441.

**REPORT OF COMMITTEE
OF CONFERENCE PRESENTED**

Mr. BELFANTI presented the Report of the Committee of Conference on **HB 244, PN 1438.**

COMMITTEE MEETING CANCELED

The SPEAKER. The meeting of the Liquor Control Committee originally scheduled for Wednesday, the 24th of April, has been canceled.

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER. The Chair recognizes the lady, Ms. Steelman.

Ms. STEELMAN. Mr. Speaker, I move that the House do now adjourn until Tuesday, April 23, 1991, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 3:14 p.m., e.d.t., the House adjourned.