

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, APRIL 23, 1991

SESSION OF 1991 175TH OF THE GENERAL ASSEMBLY

No. 26

HOUSE OF REPRESENTATIVES

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

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

PRAYER

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

Let us pray:

Gracious God our Father, we are very aware that in legislating much depends upon You and also much depends upon us. So in that trite and common expression, though nonetheless true, let us pray as if everything depended upon You and labor as if everything depended upon us.

Personally, let me never allow another to do that which is given me to accomplish. Let me dare anyone to do it any better, for You were a part of the assignment and its final accountability is to You. When my work is well done, the angels in heaven rejoice and the heavenly chorus sings out in loud amens.

And so in the gracious words of Longfellow, "Let us then be up and doing, with a heart for any fate; still achieving, still pursuing, learn to labor and to wait."

Remember Representative Carmel Sirianni and Officer James Pietro, who once walked with and among us and have now gone from labor to reward. Bless and keep the bereaved families.

In Your dear name we pray. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Monday, April 22, 1991, will be postponed until printed. The Chair hears no objection.

JOURNALS APPROVED

The SPEAKER. However, the Journals of Tuesday, March 19; Tuesday, April 2; and Wednesday, April 3, 1991, are in print and, without objection, will be approved.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1255 By Representatives THOMAS, MURPHY, CARN, JOSEPHS and OLIVER

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

Referred to Committee on STATE GOVERNMENT, April 23, 1991.

No. 1256 By Representatives KOSINSKI, MCGEEHAN, PESCI, LEVDANSKY, TRELLO, BELARDI, VEON, COHEN, BISHOP, CARN, RICHARDSON, OLIVER, JOSEPHS, BUTKOVITZ, HAYDEN, WILLIAMS, STISH, HARPER, KENNEY, J. TAYLOR, O'BRIEN, PERZEL, WOGAN, McHUGH, MELIO, MAIALE, McNALLY, RIEGER, ROEBUCK, FAJT, KAISER and HUGHES

An Act specifically authorizing collective bargaining between school administrators in school districts of the first class and their public employers; providing for arbitration in order to settle disputes, and requiring compliance with collective bargaining agreements and findings or arbitrators.

Referred to Committee on LABOR RELATIONS, April 23, 1991.

No. 1257 By Representatives SAURMAN, MAIALE, BELARDI, KING, NAHILL, FARMER, TRELLO, NAILOR, ARMSTRONG, BUNT, GEIST, COLAIZZO, ULIANA, MELIO, JOHNSON and GALLEN

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for offenses relating to credit cards; and providing for offenses relating to access devices.

Referred to Committee on JUDICIARY, April 23, 1991.

No. 1258 By Representatives SAURMAN, KOSINSKI, LANGTRY, FREEMAN, MARKOSEK, TRELLO, MURPHY, ITKIN, MICHLOVIC and ACOSTA

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting live pigeon shoots.

Referred to Committee on JUDICIARY, April 23, 1991.

No. 1259 By Representatives SAURMAN, COLAIZZO, NOYE, HERMAN, DEMPSEY, CLARK, JAROLIN, HALUSKA, BILLOW, VROON, CARLSON, J. TAYLOR, FREEMAN, MARKOSEK, BATTISTO, BELFANTI, ARGALL, JOHNSON, DeLUCA, GRUPPO, SEMMEL, NAHILL, HARLEY, DALEY, O'BRIEN, FARMER, TRELLO, FOX, BUNT, PHILLIPS, GEIST, HASAY and E. Z. TAYLOR

An Act amending the act of August 7, 1963 (P. L. 549, No. 290), referred to as the "Pennsylvania Higher Education Assistance Agency Act," authorizing loan forgiveness for certain nurses.

Referred to Committee on EDUCATION, April 23, 1991.

No. 1260 By Representatives SAURMAN, FARGO, BUNT and LEE

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for the dissolution of marriages and for mediation services.

Referred to Committee on JUDICIARY, April 23, 1991.

No. 1261 By Representatives SAURMAN, FARGO, MERRY, PRESTON, GEIST, ARMSTRONG, KENNEY, BELARDI, VROON, NOYE, BUNT, HALUSKA, BATTISTO, NAHILL, TRELLO, E. Z. TAYLOR, MARSICO and R. C. WRIGHT

An Act requiring accreditation of persons performing asbestos remedial actions; prohibiting conflicts of interest among asbestos consultants; and providing for maximum allowable asbestos levels in public access areas.

Referred to Committee on CONSERVATION, April 23, 1991.

No. 1262 By Representatives FLICK, HALUSKA, LANGTRY, KOSINSKI, KENNEY, MICOZZIE, GANNON, SEMMEL, DALEY, HARPER, NAHILL, FARMER, FOX, BUNT, JAMES, GEIST, STRITTMATTER, E. Z. TAYLOR, NOYE, JOHNSON, ALLEN and MAYERNIK

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," providing for special income tax provisions for senior citizens who are entitled to limited pension incomes.

Referred to Committee on FINANCE, April 23, 1991.

No. 1263 By Representatives MARSICO, PETRARCA, CESSAR, LAWLESS, PETRONE, JOHNSON, NAILOR, TRELLO, NAHILL, MICHLOVIC, VEON, SAURMAN, FARGO, MERRY, NOYE,

LINTON, E. Z. TAYLOR, TULLI, ARMSTRONG, LEH and TELEK

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for adult accompaniment of persons holding learners' permits.

Referred to Committee on TRANSPORTATION, April 23, 1991.

No. 1264 By Representatives DONATUCCI, BELARDI, TRELLO, HARPER, BELFANTI, JAMES, OLIVER, HAYDEN and EVANS

An Act requiring reimbursement for postage costs incurred in the mailing of applications for consumer rebates.

Referred to Committee on CONSUMER AFFAIRS, April 23, 1991.

No. 1265 By Representatives REINARD, CORNELL and TOMLINSON

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for review of siting and construction of electric transmission lines by the Pennsylvania Public Utility Commission.

Referred to Committee on CONSUMER AFFAIRS, April 23, 1991.

No. 1266 By Representatives LANGTRY, WOZNIAK, COLAFELLA, FARMER, HERMAN, MELIO, JOHNSON, ALLEN, PESCI, HERSHEY, NAHILL, GEIST, KAISER, VEON, STABACK, VROON, BUNT, STAIRS, PERZEL, BILLOW, BARLEY, ITKIN, WILSON, CIVERA, SEMMEL, TRELLO, HARPER, E. Z. TAYLOR, GIGLIOTTI, TANGRETTI, KRUSZEWSKI and JAMES

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," authorizing school districts to establish honors recognition programs; and providing for Commonwealth reimbursements.

Referred to Committee on EDUCATION, April 23, 1991.

No. 1267 By Representatives LESCOVITZ, JOSEPHS, COLAIZZO, PISTELLA, KRUSZEWSKI and DALEY

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), known as "The Insurance Company Law of 1921," further providing for group accident and sickness insurance.

Referred to Committee on INSURANCE, April 23, 1991.

No. 1268 By Representatives LESCOVITZ, JOSEPHS, COLAIZZO, PISTELLA, KRUSZEWSKI and DALEY

An Act amending the act of May 17, 1921 (P. L. 789, No. 285), known as "The Insurance Department Act of one thousand nine hundred and twenty-one," further providing for group policies.

Referred to Committee on INSURANCE, April 23, 1991.

No. 1269 By Representatives LESCOVITZ, JOSEPHS, COLAIZZO, PISTELLA, KRUSZEWSKI and DALEY

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), known as "The Insurance Company Law of 1921," further providing for group policies.

Referred to Committee on INSURANCE, April 23, 1991.

No. 1270 By Representatives LESCOVITZ, JOSEPHS, COLAIZZO, PISTELLA, KRUSZEWSKI and DALEY

An Act amending the act of June 11, 1947 (P. L. 538, No. 246), known as "The Casualty and Surety Rate Regulatory Act," further providing for rate filings.

Referred to Committee on INSURANCE, April 23, 1991.

No. 1271 By Representatives LESCOVITZ, JOSEPHS, COLAIZZO, PISTELLA, KRUSZEWSKI and DALEY

An Act amending the act of June 11, 1947 (P. L. 551, No. 247), known as "The Fire, Marine and Inland Marine Rate Regulatory Act," further providing for rate filings.

Referred to Committee on INSURANCE, April 23, 1991.

No. 1272 By Representatives LESCOVITZ, JOSEPHS, COLAIZZO, PISTELLA, KRUSZEWSKI and DALEY

An Act amending the act of May 11, 1949 (P. L. 1210, No. 367), referred to as the "Group Life Insurance Policy Law," further providing for life insurance.

Referred to Committee on INSURANCE, April 23, 1991.

No. 1273 By Representatives FREIND, GEIST, MRKONIC, ARMSTRONG, DeLUCA, KENNEY, WOZNIAK, VROON, PETRARCA, NOYE, KOSINSKI, FAIRCHILD, COLAIZZO, DEMPSEY, MELIO, GERLACH, BILLOW, OLASZ, PITTS, TIGUE, JOHNSON, CARLSON, NAILOR, PHILLIPS, FOSTER, HASAY, BIRMELIN, LEH, VAN HORNE, BARLEY, VEON, NICKOL, O'BRIEN, GODSHALL, E. Z. TAYLOR, SCHULER, FLICK and GALLEN

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for the free speech of candidates for elected office.

Referred to Committee on STATE GOVERNMENT, April 23, 1991.

No. 1274 By Representative EVANS

An Act amending the act of July 1, 1990 (P. L. , No. 7A), known as the "General Appropriation Act of 1990," increasing and decreasing certain appropriations to the Executive Department; and making appropriations from the Hazardous Material Response Fund.

Referred to Committee on APPROPRIATIONS, April 23, 1991.

No. 1275 By Representatives BROUJOS, KUKOVICH, CESSAR, HALUSKA, TIGUE, NAHILL, HECKLER, LEH, VEON, NYCE, SAURMAN, PESCI, MELIO, BARLEY, SCHEETZ, STABACK, MAYERNIK, NOYE, CLARK, KING, HANNA, E. Z. TAYLOR, ARMSTRONG, TULLI and GAMBLE

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), known as "The Borough Code," further providing for public employment of police officers.

Referred to Committee on LOCAL GOVERNMENT, April 23, 1991.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 101 By Representatives HARPER, CAPPABIANCA, KUKOVICH, ROBINSON, COHEN, PRESTON, PISTELLA, WOZNIAK, ACOSTA, BUTKOVITZ, JAMES, FREEMAN and GIGLIOTTI

A Resolution memorializing Congress to raise the Federal income tax personal exemption to at least \$5,000.

Referred to Committee on RULES, April 23, 1991.

SENATE MESSAGE

ADJOURNMENT RESOLUTION FOR CONCURRENCE

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

In the Senate
April 22, 1991

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, May 6, 1991, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Monday, May 6, 1991, unless sooner recalled by the Speaker of the House of Representatives.

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

On the question,

Will the House concur in the resolution of the Senate?

Resolution was concurred in.

Ordered, That the clerk inform the Senate accordingly.

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader. Mr. DeWEESE. Mr. Speaker, I move that HB 231 be taken from the table and placed on the active calendar.

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

WELCOMES

The SPEAKER. The Chair is pleased to welcome to the hall of the House, as guests of Representative Patricia Vance, two guest pages - John Sebastian and Gordon Zubrod.

The Chair also welcomes Matt Benedict and Randy Huling, teacher, from Council Rock School District, who are the guests of Tony Melio.

Representative Rick Geist has as his guests today the State boys championship basketball team from Calvary Baptist Christian School in Altoona.

Representative Ken Lee has as his guests Christine Kieffer, Jessica Dellecave, Brendan Orner, Scott Beeman, Christopher Sobjak, Melissa Becker, Matthew Stankavage, and Christine Vanston, with their chaperons, Richard Nasser and Donald Smales.

Also with us today are the PSPE (Pennsylvania Society of Professional Engineers) MATHCOUNTS champions - Peter Minear, Johanna Miller, Andy Wagner, Victor Lum, Iain Keddie, Lynn Lee, Joseph Rozelle, and Enakshi Bose.

Will all the guests please rise.
The guests can be seated.

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes Mr. Steighner. Mr. STEIGHNER. Thank you, Mr. Speaker.

Mr. Speaker, the majority caucus would like to request leave for the day for the gentleman from Clarion, Mr. David WRIGHT.

The SPEAKER. Without objection, leave is granted. The Chair recognizes Mr. Hayes.

Mr. HAYES. Mr. Speaker, yesterday I requested a leave for the gentleman from Bucks County, Mr. Paul CLYMER, and I would also make that same request today.

The SPEAKER. Without objection, leave is granted.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—199

Acosta	Evans	LaGrotta	Roebuck
Adolph	Fairchild	Langtry	Rudy
Allen	Fajt	Laughlin	Ryan
Anderson	Fargo	Lawless	Saloom
Angstadt	Farmer	Lee	Saurman
Argall	Fee	Leh	Scheetz

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

ADDITIONS—1

Pitts

NOT VOTING—0

EXCUSED—2

Clymer

Wright, D. R.

CALENDAR

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 866, PN 1367**, entitled:

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

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that HB 866 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 722, PN 1368**, entitled:

An Act amending the act of December 10, 1974 (P. L. 852, No. 287), referred to as the "Underground Utility Line Protection Law," further providing for the definitions of "excavation work" and "user"; defining "roadway" and "tolerance zone"; further providing for the duty of users, for duties of designers, for duties of contractors and for the one-call system; and making a repeal.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that HB 722 be recommitted to the Appropriations Committee.

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

* * *

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

HB 124, PN 121; HB 300, PN 316; HB 301, PN 317; and SB 304, PN 1052.

MEMBER'S PRESENCE RECORDED

The SPEAKER. The Chair recognizes the presence of Representative Pitts in the hall of the House. His name will be added to the master roll.

RESOLUTIONS

Mr. GAMBLE called up **HR 84, PN 1433**, entitled:

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

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—199

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

NAYS—0

NOT VOTING—1

McNally

EXCUSED—2

Clymer Wright, D. R.

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

* * *

Mr. CAPPABIANCA called up **HR 87, PN 1317**, entitled:

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

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—192

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

NAYS—0

NOT VOTING—8

Cessar	Davies	McHugh	Phillips
Civera	Foster	McNally	Raymond

EXCUSED—2

Clymer Wright, D. R.

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

* * *

Mrs. TAYLOR called up **HR 90, PN 1362**, entitled:

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

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

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

NAYS—0

NOT VOTING—4

Butkovitz	Civera	McNally	Phillips
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EXCUSED—2

Clymer Wright, D. R.

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

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Mr. BELARDI called up **HR 96, PN 1430**, entitled:

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

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

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

NAYS—0

NOT VOTING—4

Civera	Johnson	McNally	Phillips
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EXCUSED—2

Clymer	Wright, D. R.
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The question was determined in the affirmative, and the resolution was adopted.

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Mrs. TAYLOR called up **HR 91, PN 1363**, entitled:

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

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—199

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

NAYS—0

NOT VOTING—1

McNally

EXCUSED—2

Clymer	Wright, D. R.
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The question was determined in the affirmative, and the resolution was adopted.

CONCURRENT RESOLUTION

Ms. RITTER called up **HR 89, PN 1319**, entitled:

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

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—200

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Clymer Wright, D. R.

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

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

WELCOMES

The SPEAKER. The Chair is pleased to welcome to the hall of the House Jamie Chubb and Steve Edenbo, who are guest pages and guests of Representative Jerry Nailor.

Linda Richert and Rody Palojac are guests of Representative Colafella.

And the Windber Catholic Senior Citizens are the guests of Leona Telek.

Will the guests please rise.

HOUSE SCHEDULE

The SPEAKER. For the information of the members, there are about to be announcements on caucus, and the House will return before 1 o'clock. The recess will end at quarter of 1, and votes on the matter this afternoon will begin promptly at 1 o'clock.

DEMOCRATIC CAUCUS

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

Mr. COHEN. Mr. Speaker, we are having an immediate Democratic caucus; an immediate Democratic caucus. I urge the presence of all members of the House Democratic Caucus.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Chair recognizes Mr. Coy.

Mr. COY. Thank you, Mr. Speaker.

On behalf of the chairman of the Appropriations Committee, I would like to call an immediate meeting of the Appropriations Committee in the majority caucus room at the call of the recess.

The SPEAKER. The gentleman has announced a meeting of the Appropriations Committee immediately in the majority caucus room.

VOTE CORRECTIONS

The SPEAKER. The Chair recognizes Mr. Cessar.

Mr. CESSAR. Thank you, Mr. Speaker.

I was not in my seat when HR 87 was voted on. If I had been, I would have voted in the affirmative.

The SPEAKER. The Chair recognizes Mr. Phillips.

Mr. PHILLIPS. I was not in my seat on HR's 87 and 90, and I would like to be recorded in the affirmative.

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

The Chair recognizes Mr. McNally.

Mr. McNALLY. Mr. Speaker, I was away from my desk. I would like to be recorded as having voted in the affirmative for HR's 84, 87, 90, 91, 96, and 89. Thank you.

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

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

HB 1143, PN 1464 (Amended)

By Rep. STUBAN

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), known as the "Public Welfare Code," providing for training for family day-care providers; providing for an annual State plan for child-care services; further providing for powers and duties of the Department of Public Welfare; and making repeals.

AGING AND YOUTH.

VOTE CORRECTIONS

The SPEAKER. The Chair recognizes Mr. Davies.

Mr. DAVIES. Mr. Speaker, I was out of my seat on the vote on HR 87, and I would like to be recorded in the affirmative. Thank you.

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

The Chair recognizes Mr. Kasunic.

Mr. KASUNIC. Mr. Speaker, yesterday while voting on HR 100, my switch malfunctioned. Had I been able to cast my vote, I would have cast it in the affirmative. Thank you.

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

WELCOME

The SPEAKER. The Chair is pleased to welcome to the hall of the House Chris Straub, a page; and his parents, who are in the gallery. They are guests of Representative David King. Will the guests please rise.

RECESS

The SPEAKER. The House will now be in recess until 12:45. Voting will begin promptly this afternoon at 1 p.m.

AFTER RECESS

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

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

HB 1274, PN 1465 (Amended)

By Rep. EVANS

An Act amending the act of July 1, 1990 (P. L. , No. 7A), known as the "General Appropriation Act of 1990," increasing and decreasing certain appropriations to the Executive Department; and making appropriations from the Hazardous Material Response Fund.

APPROPRIATIONS.

The SPEAKER. The Chair turns to today's calendar. Page 5 of the calendar, HB 209.

The Chair asks the gentleman, Mr. Coy, to preside so the Chair can retake his seat in the Assembly for purposes of debate.

**THE SPEAKER PRO TEMPORE
(JEFFREY W. COY) PRESIDING**

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 209, PN 1440**, entitled:

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.

On the question,

Will the House agree to the bill on third consideration?

Mr. GLADECK offered the following amendments No. A0675:

Amend Sec. 209, page 39, line 1, by striking out "not"

Amend Sec. 209, page 39, line 2, by striking out "or voidable solely"

Amend Sec. 209, page 39, line 3, by striking out "but" and inserting

unless

Amend Sec. 209, page 39, line 3, by striking out "shall submit" and inserting submits

Amend Sec. 209, page 41, line 9, by striking out "not"
Amend Sec. 209, page 41, lines 9 and 10, by striking out "or
voidable solely"

Amend Sec. 209, page 41, line 10, by striking out "but" and
inserting

unless

Amend Sec. 209, page 41, line 11, by striking out "shall
submit" and inserting
submits

On the question,

Will the House agree to the amendments?

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

Mr. GLADECK. Mr. Speaker, thank you.

Amendment 0675 says essentially that all future collective-
bargaining agreements that are negotiated by the city of Phila-
delphia, as it would pertain to this act, would have to be in
line with the fiscal plan that the city had adopted and submit-
ted to the financial oversight board or the financial oversight
authority that we are attempting to create by HB 209.

It does not— I think it is important to note that all existing
collective-bargaining agreements that have been negotiated by
the city of Philadelphia and that are currently in effect today,
as we stand and deliberate on this legislation, would remain in
effect if this amendment is adopted. This would only come
into play if there are new collective-bargaining agreements
that would be negotiated and arrived at by the city and by the
unions that would have a relationship with the city and if in
fact those agreements would be in excess of any fiscal plan
that the city had submitted to the financial oversight authority
created by this legislation.

The SPEAKER pro tempore. On the question, the Chair
recognizes the gentleman from Philadelphia, Mr. O'Donnell.

Mr. O'DONNELL. Thank you, Mr. Speaker.

The effect of this amendment would be to void all collec-
tive-bargaining agreements and arbitration awards that are
given or agreed to in excess of the financial plan.

The problem is this: We need to have a balanced budget in
the city of Philadelphia and a financial plan over time that
guarantees the fiscal stability of that city. The difficulty arises
in the context of collective bargaining and arbitration. What
happens if the city budgets unilaterally no money for wages or
fringe benefits or budgets a cutback and then a subsequent
arbitration award or collective-bargaining agreement is in
excess of that number? That problem has to be dealt with by
the legislation and solved. In the legislation the solution is that
the agreement is not void or voidable by virtue of being in
excess of the budget plan, but the city is still required to go
back and find that money and rebudget in such a way that the
plan is still balanced.

The effect of this amendment would be to simply unilater-
ally say that any collective-bargaining agreement or arbitra-
tion in excess of the balanced budget would therefore be void.
The effect of this would be to abrogate collective bargaining
altogether and to abrogate Act 111 for arbitrations altogether
and put the city in a position where it unilaterally determines
what the level of wages and fringe benefits would be.

This bill is an attempt to strike a balance, and I think the
balance has been struck. This amendment in effect makes all
the employees of the city of Philadelphia employees at will. It
goes entirely too far, and I would urge a negative vote.

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

Mr. GLADECK. Mr. Speaker, I appreciate the previous
speaker's analysis, but I do not agree with it entirely. The
truth of the matter is, this does not unilaterally abrogate any
contracts that are negotiated and say that the contract that
was negotiated would not necessarily go into effect. All it says
is that if in fact that contract is to go in effect, the city has to
amend the plan that was originally sent to the financial over-
sight board and reflect the additional cost that that contract
would require the city to pick up. It also has to demonstrate
that the revenue that would be sufficient to pay the costs of
the contract or collective-bargaining agreement will be
available in the affected fiscal years of the plan.

It seems to me that one of the major problems in the city of
Philadelphia— And while I do not live there, I certainly
border it, and I have been up as a member of this chamber for
almost 13 years, and the truth of the matter is that I think
what we are trying to do here today is help the city solve its
own problems. It seems to me that the city has demonstrated
time and time again, going all the way back to the early
1970's, that they are incapable of dealing with the union
problem and the collective-bargaining agreements that are
represented by the various groups that work for the city of
Philadelphia. It seems to me that if we are going to have a
workable plan that has some teeth in it and that is responsible
to the taxpayers not only in the State of Pennsylvania ulti-
mately but to the taxpayers in the city of Philadelphia, that I
do not see that this amendment is outrageous at all. It is
simply good public policy.

We are not saying they can or cannot do anything. We are
simply saying that they have to abide by a financial agreement
that they themselves submitted to the financial oversight
authority that they are requesting that this body enact, and I
do not see that there is anything wrong with that.

I urge your consideration of the amendment. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gen-
tleman from Philadelphia, Mr. O'Donnell.

Mr. O'DONNELL. Thank you, Mr. Speaker.

Just briefly, I agree with many of the gentleman's senti-
ments and none of his amendment.

I would call the attention of the members to line 1 where the
word "not" is stricken out, which would make the line read
that these contracts are void or voidable by virtue of being not
in compliance with the plan.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—79

Adolph	Fairchild	Hershey	Ryan
Allen	Fargo	Hess	Saurman
Argall	Farmer	Jadlowiec	Scheetz
Armstrong	Fleagle	Johnson	Schuler

Barley	Flick	King	Semmel
Birmelin	Foster	Langtry	Smith, B.
Black	Fox	Lawless	Smith, S. H.
Boyes	Freind	Lee	Snyder, G.
Brown	Gallen	Leh	Stairs
Bush	Gannon	Marsico	Strittmatter
Carlson	Geist	Merry	Taylor, E. Z.
Cessar	Gerlach	Micozzie	Telek
Chadwick	Gladeck	Nailor	Tomlinson
Civera	Godshall	Nickol	Tulli
Clark	Gruppo	Noye	Vance
Cornell	Hagarty	Nyce	Vroom
Davies	Harley	Phillips	Wilson
Dempsey	Hayes	Piccola	Wright, M. N.
Dent	Heckler	Pitts	Wright, R. C.
Durham	Herman	Raymond	

NAYS—119

Acosta	Donatucci	Linton	Robinson
Anderson	Evans	Lloyd	Roebuck
Angstadt	Fajt	Lucyk	Rudy
Arnold	Fee	McCall	Saloom
Battisto	Freeman	McGeehan	Scrimenti
Belardi	Gamble	McHugh	Serafini
Belfanti	George	McNally	Snyder, D. W.
Billow	Gigliotti	Maiale	Staback
Bishop	Gruitza	Markosek	Steelman
Blaum	Haluska	Mayernik	Steighner
Bowley	Hanna	Melio	Stetler
Broujos	Harper	Michlovic	Stish
Bunt	Hasay	Mihalich	Stuban
Butkovitz	Hayden	Mrkonic	Sturla
Caltagirone	Hughes	Mundy	Surra
Cappabianca	Itkin	Murphy	Tangretti
Carn	James	Nahill	Taylor, F.
Carone	Jarolin	O'Brien	Taylor, J.
Cawley	Josephs	Olasz	Thomas
Cohen	Kaiser	Oliver	Tigue
Colafiglia	Kasunic	Perzel	Trello
Colaizzo	Kenney	Pesci	Trich
Cole	Kosinski	Petrarca	Uliana
Corrigan	Krebs	Petrone	Van Horne
Cowell	Kruszewski	Pistella	Veon
Coy	Kukovich	Preston	Wambach
DeLuca	LaGrotta	Reber	Williams
DeWeese	Laughlin	Richardson	Wogan
Daley	Lescovitz	Rieger	Wozniak
Dermody	Levdansky	Ritter	

NOT VOTING—2

Reinard O'Donnell, Speaker

EXCUSED—2

Clymer Wright, D. R.

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

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. GLADECK offered the following amendments No. A0676:

Amend Table of Contents, page 2, by inserting between lines 20 and 21

Section 209. Privatization plan of an assisted city.

Amend Table of Contents, page 2, line 21, by striking out "209" and inserting 210

Amend Table of Contents, page 2, line 22, by striking out "210" and inserting 211

Amend Table of Contents, page 2, line 24, by striking out "211" and inserting

212

Amend Table of Contents, page 2, line 27, by striking out "212" and inserting

213

Amend Sec. 104, page 12, line 13, by striking out "209" and inserting

210

Amend Sec. 203, page 25, line 10, by striking out "209(a)" and inserting

210(a)

Amend Sec. 203, page 25, line 12, by striking out "209 and 210" and inserting

210 and 211

Amend Bill, page 32, by inserting between lines 3 and 4 Section 209. Privatization plan of an assisted city.

(a) Requirement of a privatization plan.—While any bonds issued by the authority to assist a city remain outstanding, an assisted city shall develop and periodically revise a privatization plan as described in this section. The authorities shall not provide the net proceeds of the initial bond issue described in section 317, other than any amounts necessary to enable such city to pay principal of or interest on its outstanding bonds, or lease payments securing bonds of other government agencies, which payments, in the authority's discretion, may be made directly to the paying agents for such bonds, until the authority and the city have agreed upon such a plan, which plan as agreed upon shall be included as an appendix to an intergovernmental cooperation agreement between the authority and the city and incorporated therein as part of the financial plan described in section 210.

(b) Elements of plan.—The privatization plan shall include:

(1) an itemized list of:

(i) nonessential activities, which shall include any activity that need not be performed by government and that can be fully discharged and shed as a governmental responsibility; and

(ii) activities in competition with private enterprise, which shall include any activity that is undertaken by a city, or any agency, authority or instrumentality thereof, that is funded by the city or the Commonwealth, and that can be performed by an existing private enterprise doing business in this Commonwealth.

(2) A scheduled process by which the city will cease to perform nonessential activities or activities in competition with private enterprise as soon as possible, consistent with contractual and funding requirements.

(3) The projected revenues or cost savings associated with each nonessential activity or activity in competition with private enterprise, which shall be referenced to and included in the financial plan as described in section 210.

(c) Citizen petition.—Upon petition of a taxpayer or a person directly affected by an activity in competition with private enterprise, the authority shall determine whether the city is engaging in nonessential activity or in activity in competition with private enterprise.

(d) Overriding public interest.—Upon receipt of a petition under subsection (c), the authority shall determine whether there is an overriding public interest. The authority shall make a determination of overriding public interest only if one of the following apply:

(1) The activity by the city involves public safety, criminal justice, education, or city finance, or an activity involving public health and welfare which is more important than the benefits of free market competition.

(2) Cessation of the activity by the city will create an emergency.

(3) The cost of the service provided by a private enterprise will exceed the present cost.

(4) Cessation of the activity will cause irreparable harm or loss of substantial revenue.

(e) Order.—

(1) If the authority determines that the city is engaged in nonessential activity or that the city is engaged in activity in competition with private enterprise and that there is no overriding public interest, the authority shall order the activity to cease as soon as possible, consistent with contractual and funding requirements, and the activity shall be made a part of the privatization plan.

(2) If the authority determines that the city is engaged in an activity in competition with private enterprise but that there is an overriding public interest, the authority shall order the city to charge a reasonable fee for the services rendered. Fees under this paragraph shall be based upon all of the following:

(i) Fair market value of the service.

(ii) Actual cost of the service in terms of labor, equipment and property utilization and other expenses.

Amend Sec. 209, page 32, line 4, by striking out "209" and inserting

210

Amend Sec. 209, page 36, line 29, by striking out "210(e)" and inserting

211(e)

Amend Sec. 209, page 37, line 26, by striking out "209(f)(3)" and inserting

210(f)(3)

Amend Sec. 209, page 38, line 8, by striking out "210(c)" and inserting

211(c)

Amend Sec. 209, page 38, line 18, by striking out "210(b)" and inserting

211(b)

Amend Sec. 210, page 41, line 15, by striking out "210" and inserting

211

Amend Sec. 210, page 41, line 22, by striking out "209" and inserting

210

Amend Sec. 210, page 42, line 14, by striking out "209(c)" and inserting

210(c)

Amend Sec. 210, page 42, line 20, by striking out "209(i)" and inserting

210(i)

Amend Sec. 210, page 44, line 2, by striking out "209(i)" and inserting

210(i)

Amend Sec. 210, page 44, line 25, by striking out "209(h)" and inserting

210(h)

Amend Sec. 211, page 47, line 26, by striking out "211" and inserting

212

Amend Sec. 212, page 49, line 24, by striking out "212" and inserting

213

Amend Sec. 314, page 68, line 19, by striking out "210(e)" and inserting

211(e)

On the question,

Will the House agree to the amendments?

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

Mr. GLADECK. Thank you, Mr. Speaker.

Mr. Speaker, this amendment would require that the financial oversight board develop, in conjunction with the city of Philadelphia, a privatization plan. It would demand that the city draw up a list of their nonessential activities which shall include any activity that need not be performed by government and that could possibly be done by private enterprise.

Secondly, it demands that additionally with the privatization plan that there be included in such a plan the fact that any city activities or services that would be in direct competition with private enterprise be included. This would not preclude the initial sale of bonds by the financial oversight authority that will be created by HB 209. It will in fact be included in any subsequent fiscal plans that would be submitted to the authority and submitted by the city of Philadelphia to that authority.

It seems to me that there are a lot of assets in the city of Philadelphia and a lot of questions about their ability to spend money responsibly and also about some of the services that are offered by the city. It seems to me this is a common-sense approach to allow the city of Philadelphia or to allow the financial oversight board the ability to be able to demand of the city that they compile a list of such activities that are nonessential and that are in direct competition with private enterprise.

If in fact there is included a governmental activity that a citizen or a member of a special interest group in the city of Philadelphia would be concerned with being included on this list, they have the ability under this amendment to petition the financial oversight authority so that that particular portion would not be included in any final privatization plan that would be drawn up. Upon receipt of that petition, the authority would determine, under subsection (d) of the amendment, whether or not there is an overriding public interest. The authority is empowered to make a determination of overriding public interest only if one of the following applies: public safety, criminal justice, education, city finance, or an activity involving public health and welfare which they would deem to be more important than the benefits of a free market competition.

You should keep in mind that the makeup of this authority, as I understand it, would be made up of five individuals - one each as a representative of all of our caucuses in the General Assembly and one by the Governor - and it would require four votes in order to adopt any such plan that is brought up here in this amendment.

I think it is a fair amendment. I think it gets to another part of the problem that the city has, and that is that they have services that we feel may not be essential, there are services that may be able to be privatized and will enable the city to save money, and I think that this is a fair way to approach the problem.

I urge your adoption of the amendment. Thank you.

CONSTITUTIONAL POINT OF ORDER

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, Representative Gladeck's amendment fundamentally changes the nature of this bill from a bill trying to solve Philadelphia's fiscal problems to a bill providing for a State takeover of many essential functions of the city of Philadelphia.

I would call to Representative Gladeck's attention Article III, section 31, of the Pennsylvania Constitution, which says, "The General Assembly shall not delegate to any special commission, private corporation or association, any power to make, supervise or interfere with any municipal improvement, money, property or effects...or to levy taxes or perform any municipal function whatever."

Mr. Speaker, this amendment violates Article III, section 31, of the Pennsylvania Constitution. It extends the role of this special commission that is being set up by Speaker O'Donnell's bill into the day-to-day management decisions of the city of Philadelphia which should be made by the mayor and the city council.

I would note for the record that many of the mayoral candidates are very sympathetic to this amendment, and we may get many of these concepts enacted by legislation by the city of Philadelphia, which is the proper way to do this.

I move this amendment be declared unconstitutional in violation of Article III, section 31.

The SPEAKER pro tempore. The gentleman, Mr. Cohen, moves that amendment 676 to HB 209, PN 1440, is unconstitutional under Article III, section 31. The Speaker, under rule 4, is required to submit questions affecting the constitutionality of a bill to the House for decision, which the Chair now does.

On the question,

Will the House sustain the constitutionality of the amendments?

The SPEAKER pro tempore. On the question, the Chair recognizes the gentleman from Montgomery, Mr. Gladeck.

Mr. GLADECK. Mr. Speaker, I submit to you that the amendment is constitutional. There is no requirement in this amendment that requires the city of Philadelphia to accept anything from this authority.

I understand that you may be opposed to the amendment on its merits, but I think that the people in Pennsylvania deserve an answer as to where you stand on enforcing fiscal responsibility on the city of Philadelphia, especially since they have come to us voluntarily and asked for our assistance in creating this so-called authority.

I think if we mandated that the city of Philadelphia accept the revenue that would be generated by the authority, that is one thing, but we do not mandate that the city of Philadelphia do anything. They do this voluntarily, and if they are going to do it voluntarily, it seems to me it is not outrageous to ask them to have to adhere to certain guidelines that would insure their overall, long-term fiscal responsibility. Thank you.

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

Mr. COHEN. Mr. Speaker, in brief, the city needs the money. We all know that. If the city did not need the money, we would not be here.

This privatization plan will be required while the authority bonds remain outstanding. Obviously, there are going to be authority bonds. Therefore, it is very clear that the city will be bound by the gentleman's amendment, and therefore, it is clear that it is unconstitutional.

The SPEAKER pro tempore. Mr. Gladeck, the record reflects you have spoken once on the issue, and you can speak but once on matters of constitutionality.

On the question, the Chair recognizes Mr. Heckler.

Mr. HECKLER. Thank you, Mr. Speaker.

Just briefly to respond to the observation just made by Mr. Cohen. It is my understanding of this legislation that the only enforcement mechanism which this authority we would be creating under HB 209 has is to refuse to allow further disbursements of funds to the city of Philadelphia. Accordingly, even though initial bonds would be floated, initial funds provided to the city of Philadelphia, if there were a refusal to then comply with the language which Representative Gladeck's amendment would insert, then, and only prospectively, would the authority be in a position of refusing to distribute future funds. So I would suggest that Representative Gladeck's argument that the city only voluntarily undertakes to come to the authority is a valid one and that this is not an intrusion upon the city's autonomy as to its governmental operations.

I would urge that this amendment is constitutional.

The SPEAKER pro tempore. On the question of constitutionality, those voting "aye" will declare the amendment to be constitutional. Those voting "no" will declare the amendment to be unconstitutional.

On the question recurring,

Will the House sustain the constitutionality of the amendments?

The following roll call was recorded:

YEAS—89

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

Dent	Hershey	Ryan	Wright, R. C.
Durham			
NAYS—109			
Acosta	Evans	Linton	Robinson
Arnold	Fajt	Lloyd	Rudy
Battisto	Fee	Lucyk	Saloom
Belardi	Freeman	McCall	Scrimenti
Belfanti	Gamble	McGeehan	Staback
Billow	George	McHugh	Steelman
Bishop	Gigliotti	McNally	Steighner
Blaum	Gruitza	Maiale	Stetler
Bowley	Haluska	Markosek	Stish
Broujos	Hanna	Mayernik	Stuban
Butkovitz	Harper	Melio	Sturla
Caltagirone	Hayden	Michlovic	Surra
Cappabianca	Hughes	Mihalich	Tangretti
Carn	Itkin	Mrkonic	Taylor, F.
Carone	James	Mundy	Taylor, J.
Cawley	Jarolin	Murphy	Thomas
Cohen	Josephs	O'Brien	Tigue
Colafella	Kaiser	Olasz	Trello
Colaizzo	Kasunic	Oliver	Trich
Cole	Kenney	Pesci	Van Horne
Corrigan	Kosinski	Petrarca	Veon
Cowell	Krebs	Petrone	Wambach
Coy	Kruszewski	Pistella	Williams
DeLuca	Kukovich	Preston	Wogan
DeWeese	LaGrotta	Reber	
Daley	Laughlin	Richardson	O'Donnell,
Dermody	Lescovitz	Rieger	Speaker
Donatucci	Levdansky	Ritter	

NOT VOTING—2

Nahill Roebuck

EXCUSED—2

Clymer Wright, D. R.

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

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. STRITTMATTER offered the following amendments

No. A0647:

Amend Sec. 103, page 9, line 11, by striking out all of said line
Amend Sec. 104, page 15, lines 6 through 8, by striking out all of said lines and inserting

“Qualified majority” or “majority.” Not less than six members of the governing board of the Pennsylvania Intergovernmental Cooperation Authority.

Amend Sec. 202, page 15, line 28, by striking out “five” and inserting

nine

Amend Sec. 202, page 15, lines 29 and 30; page 16, lines 1 through 30; page 17, lines 1 through 3, by striking out all of said lines and inserting

- (1) The President pro tempore of the Senate.
- (2) The Speaker of the House of Representatives.
- (3) The Majority Leader of the Senate.
- (4) The Majority Leader of the House of Representatives.
- (5) The Minority Leader of the Senate.
- (6) The Minority Leader of the House of Representatives.
- (7) The Minority Whip of the Senate.
- (8) The Minority Whip of the House of Representatives.

The eight members so appointed shall appoint a ninth member by a vote of at least six members of the board, who shall serve as chairperson of the authority.

(b) Quorum.—Five members of the authority shall constitute a quorum.

Amend Sec. 202, page 17, line 4, by striking out “appointee of the Governor” and inserting
chairperson

Amend Sec. 202, page 17, line 8, by striking out “chairperson,” where it appears the first time

Amend Sec. 202, page 17, lines 12 through 16, by striking out “A majority of the board shall constitute a” in line 12, all of lines 13 through 16 and inserting

All actions of the board shall be taken by an affirmative vote of not less than six members which shall constitute a qualified majority.

Amend Sec. 202, page 17, lines 23 through 25, by striking out “Neither EXCEPT FOR THE SECRETARY OF THE BUDGET OF” in line 23, all of line 24 and “CITY, NEITHER members of the board nor the” in line 25 and inserting

The

Amend Sec. 202, page 17, line 26, by inserting after “shall”
not

Amend Sec. 202, page 17, line 28, by striking out “Members of the board and the” and inserting

The

Amend Sec. 202, page 17, lines 29 and 30, by striking out “public officials or party officers for one year after their” and inserting

a public official or party officer for one year after his

Amend Sec. 202, page 18, line 1, by striking out “Members of the authority and the” and inserting

The

Amend Sec. 202, page 18, lines 2 and 3, by striking out “appointive public officials any time after their periods” and inserting

an appointive public official any time after his period

Amend Sec. 202, page 19, line 4, by inserting a period after “Law”

Amend Sec. 202, page 19, lines 4 through 10, by striking out “provided, however, that notwithstanding the provisions of” in line 4 and all of lines 5 through 10

On the question,

Will the House agree to the amendments?

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

Mr. STRITTMATTER. Thank you, Mr. Speaker.

Amendment A647 would amend the bill to provide a different makeup of composition of the authority. The authority would be comprised of the two leaders from each of the four caucuses in the legislature. Those leaders would then decide upon a chairman who would serve the authority.

I would ask that the members consider this amendment. I believe that this is in the best interests of Philadelphia and would ask for an affirmative vote. Thank you.

The SPEAKER pro tempore. On the question, the Chair recognizes the gentleman from Philadelphia, Mr. O'Donnell.

Mr. O'DONNELL. Mr. Speaker, I would urge a negative vote on this amendment. The amendment strips out the gubernatorial appointee, which I think will decrease the level of confidence the people generally and certainly in the financial

community will have in this board if there is absolutely no participation by the executive.

The SPEAKER pro tempore. The Chair recognizes the gentleman on the amendment, Mr. Strittmatter, for the second time.

Mr. STRITTMATTER. Thank you, Mr. Speaker.

I do not believe that the arguments that were given, you know, merit a rejection of this amendment. I would ask the members to please consider, we are trying to help Philadelphia today. How? Taking the General Assembly out of this process into having five appointed persons not directly responsible to the General Assembly except through the appointment process I believe will not help Philadelphia.

I believe that we must have the new makeup in order to make sure that we are going to have progress. I do not believe it serves anyone's interest to have another independent authority set apart that we then run from. I believe if there are going to be problems, they should be addressed by the General Assembly as we are doing today. I believe that is in the best interest to make sure that the persons, the leaders of our four caucuses, when they are determining the appropriations for the entire Commonwealth and those that will be needed for Philadelphia, such as the appropriations for day care, for the courts, for the port authority, et cetera for Philadelphia, that we also consider making sure that there is enough funding to make sure that this authority and that the city of Philadelphia will be able to survive.

I believe that by taking the step that Representative O'Donnell is suggesting in rejecting this amendment is once again allowing at a later date an out, to say, well, we are not really responsible; we appoint those people, but they are really serving in the best interests of what they feel, and we really, except for appointing them, do not really have control over them.

I think it is best to keep the interest here in the General Assembly. Philadelphia is part of the Commonwealth. Philadelphia is coming to the State, to Harrisburg, asking for this help. I believe that what we should do is make sure that this stays a Commonwealth issue, and I would please ask everyone to please vote for this amendment. Thank you.

The SPEAKER pro tempore. On the question of whether the House will agree to the amendment, the Chair recognizes the gentleman from Wyoming County, Mr. Lee.

Mr. LEE. Thank you, Mr. Speaker.

I rise in support of this amendment.

One of the basic premises of this bill is the idea that there is going to be some outside control of Philadelphia to make sure that Philadelphia gets their fiscal house in order. But unfortunately, the members of the authority would all have to be from Philadelphia.

What this amendment would do is allow for members to be from outside Philadelphia, allow other people from other parts of the State to have some input into the fiscal affairs of Pennsylvania, and I think that can only do good in the long run and really make the stick provisions of this bill have some enforcement provisions.

Right now under the bill, the authority would have to vote to take away Philadelphia's funds, and I cannot see a board comprised solely of Philadelphia people ever doing that. So in order to keep the stick provisions of this bill in order, I support this amendment. Thank you very much.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—82

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

NAYS—118

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

NOT VOTING—0

EXCUSED—2

Clymer Wright, D. R.

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

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. MARSICO offered the following amendments No. A0671:

Amend Sec. 707, page 97, by inserting between lines 6 and 7

(b) Specific.—The act of August 15, 1961 (P.L.987, No.442), known as the Pennsylvania Prevailing Wage Act, is repealed insofar as it applies to any political subdivision or to any agency, authority or instrumentality thereof. Any political subdivision may elect, by ordinance, to place itself and any agencies, authorities, instrumentalities within the jurisdiction of the Pennsylvania Prevailing Wage Act for public works as defined under the Pennsylvania Prevailing Wage Act. No ordinance under this subsection shall be valid during a period of time in which a political subdivision meets any criteria in section 201 of the act of July 10, 1987 (P.L.246, No.47), known as the Financially Distressed Municipalities Act; during such period of time as there are any outstanding tax anticipation notes, loans or bonds under this act; during any fiscal year in which an intergovernmental cooperation agreement is in existence under authority of this act; during any fiscal year in which a grant is received under authority of this act; or during any fiscal year in which taxes are levied under Chapter 5 or 6.

Amend Sec. 707, page 97, line 7, by striking out “(b)” and inserting

(c)

On the question,

Will the House agree to the amendments?

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

Mr. MARSICO. Thank you, Mr. Speaker.

On amendment A0671, this amendment repeals the prevailing wage as it applies to political subdivisions and allows political subdivisions, by ordinance, to elect to place themselves under this bill and under the Prevailing Wage Act.

Cities of the first class subject to this bill and other municipalities that are classified as financially distressed would have such ordinances rendered invalid during the time that the criteria defining a distressed community were met. Cities of the first class subject to the provisions of this bill would be in a position of having any prevailing wage ordinance invalid during any period of time that there are any outstanding tax anticipation notes, loans, or bonds under this act, or during any fiscal year during which there is an intergovernmental cooperation agreement in existence or during which a grant was received from the authority, and during any fiscal year in which taxes are levied under chapters 5 or 6.

This amendment truly addresses the issue of municipal cost. This is an economic issue. There have been repeated studies to show that the use of the prevailing wage unnecessarily increases government construction costs and that the prevailing wage is inflationary. Although there are no studies specific to Pennsylvania, there are very reliable national studies that indicate that the prevailing wage increases construction costs in rural communities by 26 to 37 percent, and in the cities, such as Philadelphia, government construction costs are increased by 5 and 10 percent. When you are talking about hundreds of millions of dollars of infrastructure development and major maintenance, the savings that could accrue to Phil-

adelphia and to other municipalities across this Commonwealth is no small amount.

The primary intent of the prevailing wage law is to protect the local labor market from outside competition. Research by the United States General Accounting Office indicates that because the administration of a prevailing wage law is so impractical, the intent is seldom carried out. The GAO study indicates that the legislation's intent is actually met only when the established prevailing wages are set below local market wages.

Ironically, one of the most recent examples of the fact that the prevailing wage law does not protect the local labor market has come out of the Philadelphia construction labor market and the Philadelphia construction trade unions, which have complained about the loss of government construction jobs to New Jersey firms. These unions have sought the protection of other Pennsylvania law, which in fact is far more effective in protecting their jobs from outside employers and employees. Both Pennsylvania's labor statutes and the School Code include a requirement that employees employed on public works projects be residents of the Commonwealth for at least 90 days prior to their employment. This type of protection has been upheld in other States as constitutional, and a recent Attorney General opinion, in response to an inquiry from the Casey administration, indicates that these Pennsylvania statutes are absolutely enforceable.

This amendment is not an outright repeal of the Pennsylvania Prevailing Wage Act. This amendment provides for a local option. At such time when there are no overriding, dire financial concerns, the city of Philadelphia and other municipalities can choose to utilize the prevailing wage protection if they believe such protection is necessary.

I ask for a “yes” vote on this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question of whether the House will agree to the amendment, the Chair recognizes the gentleman from Philadelphia, Representative Cohen.

Mr. COHEN. Mr. Speaker, this amendment attacks the Prevailing Wage Act for Philadelphia and for other subdivisions, all other subdivisions in the Commonwealth of Pennsylvania.

Why do we have a Prevailing Wage Act? We have a Prevailing Wage Act so construction workers throughout the State of Pennsylvania will get decent wages. We have had the current Prevailing Wage Act in Pennsylvania since 1961. It has secured high-quality construction work throughout the State. We have had prevailing wage laws on a national level since the 1930's. It has worked for nearly 60 years. It is very good public policy. It guarantees that high-quality work will be done at reasonable wages and that government spending power will be used to increase the wages paid throughout the State of Pennsylvania and will not be used to decrease the wages paid throughout the State of Pennsylvania.

This amendment goes far beyond the scope of this bill. I would strongly urge on both public policy arguments and the

passage of this bill that this amendment be seriously and overwhelmingly defeated. We have defeated this amendment before in the past on other legislation and we should defeat it again. Thank you very much.

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

The following roll call was recorded:

YEAS—66

Armstrong	Fox	Langtry	Saurman
Barley	Gallen	Lawless	Scheetz
Birmelin	Geist	Lee	Schuler
Black	Gerlach	Leh	Semmel
Brown	Gladeck	Marsico	Smith, B.
Bunt	Godshall	Merry	Smith, S. H.
Bush	Gruppo	Nahill	Snyder, D. W.
Clark	Hagarty	Nailor	Snyder, G.
Cornell	Harley	Nickol	Strittmatter
Davies	Hayes	Noye	Taylor, E. Z.
Dempsey	Heckler	Nyce	Tomlinson
Fairchild	Herman	Phillips	Tulli
Fargo	Hershey	Piccola	Vance
Farmer	Hess	Pitts	Vroon
Fleagle	Jadlowiec	Reinard	Wilson
Flick	Johnson	Ryan	Wright, M. N.
Foster	King		

NAYS—134

Acosta	DeWeese	Laughlin	Robinson
Adolph	Daley	Lescovitz	Roebuck
Allen	Dent	Levdansky	Rudy
Anderson	Dermody	Linton	Saloom
Angstadt	Donatucci	Lloyd	Scrimenti
Argall	Durham	Lucyk	Serafini
Arnold	Evans	McCall	Staback
Battisto	Fajt	McGeehan	Stairs
Belardi	Fee	McHugh	Steelman
Belfanti	Freeman	McNally	Steighner
Billow	Freind	Maiale	Stetler
Bishop	Gamble	Markosek	Stish
Blaum	Gannon	Mayernik	Stuban
Bowley	George	Melio	Sturla
Boyes	Gigliotti	Michlovic	Surra
Broujos	Gruitza	Micozzie	Tangretti
Butkovitz	Haluska	Mihalich	Taylor, F.
Caltagirone	Hanna	Mrkonic	Taylor, J.
Cappabianca	Harper	Mundy	Telek
Carlson	Hasay	Murphy	Thomas
Carn	Hayden	O'Brien	Tigue
Carone	Hughes	Olasz	Trello
Cawley	Itkin	Oliver	Trich
Cessar	James	Perzel	Uliana
Chadwick	Jarolin	Pesci	Van Horne
Civera	Josephs	Petrarca	Veon
Cohen	Kaiser	Petrone	Wambach
Colafranca	Kasunic	Pistella	Williams
Colaizzo	Kenney	Preston	Wogan
Cole	Kosinski	Raymond	Wozniak
Corrigan	Krebs	Reber	Wright, R. C.
Cowell	Kruszewski	Richardson	
Coy	Kukovich	Rieger	O'Donnell,
DeLuca	LaGrotta	Ritter	Speaker

NOT VOTING—0

EXCUSED—2

Clymer Wright, D. R.

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

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

Mr. MARSICO offered the following amendments No. A0672:

Amend Sec. 707, page 97, by inserting between lines 6 and 7 (b) Specific.—The act of August 15, 1961 (P.L.987, No.442), known as the Pennsylvania Prevailing Wage Act, is repealed insofar as it applies to any city and, notwithstanding section 706, to any school district of the first class, or to any agency, authority or instrumentality thereof. Notwithstanding any provision of this act or any other act, a city may elect, by ordinance, to place itself, any school district of the first class, and any agencies, authorities, instrumentalities thereof within the jurisdiction of the Pennsylvania Prevailing Wage Act for public works as defined under the Pennsylvania Prevailing Wage Act. No ordinance under this subsection shall be valid during a period of time in which the city meets any of the criteria in section 201 of the act of July 10, 1987 (P.L.246, No.47), known as the Financially Distressed Municipalities Act; during such period of time as there are any outstanding tax anticipation notes, loans or bonds under this act; during any fiscal year in which an inter-governmental cooperation agreement is in existence under authority of this act; during any fiscal year in which a grant is received under authority of this act; or during any fiscal year in which taxes are levied under Chapter 5 or 6.

Amend Sec. 707, page 97, line 7, by striking out “(b)” and inserting

(c)

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

AMENDMENTS WITHDRAWN

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

Mr. MARSICO. Mr. Speaker, I intend to withdraw amendment A0672. Thank you.

The SPEAKER pro tempore. The gentleman withdraws amendment 672.

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

Mr. PICCOLA offered the following amendment No. A0650:

Amend Sec. 103, page 9, line 5, by striking out “may” and inserting

shall

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

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

Mr. PICCOLA. Thank you, Mr. Speaker.

These are merely technical amendments.

The SPEAKER pro tempore. The Chair suspected just that. Mr. PICCOLA. Amendment A650 amends the legislative findings of the bill, section 103, and specifically on page 9 of that bill, subsection (13), and it strikes out the word “may” and inserts the word “shall.”

The effect of the amendment would be, referring to the subsection before that, subsection (12), where it says, “That the Commonwealth may attach conditions to grants of authority

to incur indebtedness or assistance to cities of the first class...," it says in subsection (13) as we would propose to amend it that those conditions that the Commonwealth would attach "shall" be, rather than "may" be, incorporated into the intergovernmental cooperation agreements that are proposed to be entered into between the Commonwealth, its instrumentalities, and the cities of the first class.

I think that the conditions that the Commonwealth may attach to the grants of authority should be, not possibly be but should be, incorporated into those intergovernmental cooperation agreements, and I would urge that we adopt the amendment.

The SPEAKER pro tempore. On the question of whether the House will agree to the Piccola amendment, the Chair recognizes the gentleman from Philadelphia, Mr. O'Donnell.

Mr. O'DONNELL. Mr. Speaker, I agree to this amendment.

Now, the short argument is that it is totally superfluous, and on that basis I agree to it. It is, however, the beginning of a long series of very dangerous tinkering, and so I will reserve my remarks for when we get into these more serious matters.

It is superfluous; it is tinkering. Let us do it and end it.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—181

Acosta	Dermody	LaGrotta	Ryan
Adolph	Donatucci	Langtry	Saloom
Allen	Durham	Laughlin	Saurman
Anderson	Evans	Lawless	Scheetz
Angstadt	Fairchild	Lee	Schuler
Argall	Fajt	Leh	Scrimenti
Armstrong	Fargo	Lescovitz	Semmel
Arnold	Farmer	Levdansky	Serafini
Barley	Fee	Linton	Smith, B.
Battisto	Fleagle	Lloyd	Smith, S. H.
Belardi	Flick	Lucyk	Snyder, D. W.
Belfanti	Foster	McCall	Snyder, G.
Billow	Fox	McGeehan	Staback
Birmelin	Freeman	McHugh	Steelman
Black	Freind	McNally	Steighner
Blaum	Gallen	Maiale	Stetler
Bowley	Gamble	Markosek	Stish
Bouyes	Gannon	Marsico	Strittmatter
Broujos	Geist	Mayernik	Stuban
Brown	George	Melio	Sturla
Bunt	Gerlach	Merry	Surra
Bush	Gladeck	Micozzie	Tangretti
Butkovitz	Godshall	Mrkonic	Taylor, E. Z.
Caltagirone	Gruppo	Murphy	Taylor, J.
Carlson	Hagarty	Nahill	Telek
Carn	Hanna	Nailor	Thomas
Carone	Harley	Nickol	Tigue
Cawley	Harper	Noye	Tomlinson
Cessar	Hasay	Nyce	Trello
Chadwick	Hayden	O'Brien	Trich
Civera	Hayes	Olasz	Tulli
Clark	Heckler	Oliver	Uliana
Cohen	Herman	Perzel	Vance
Colafiglia	Hershey	Pesci	Veon
Colaizzo	Hess	Petrarca	Vroon
Cole	Itkin	Petrone	Wambach
Cornell	Jadlowiec	Phillips	Williams
Corrigan	Johnson	Piccola	Wilson
Cowell	Josephs	Pitts	Wogan
Coy	Kaiser	Preston	Wozniak

DeLuca	Kasunic	Raymond	Wright, M. N.
DeWeese	Kenney	Reber	Wright, R. C.
Daley	King	Reinard	
Davies	Kosinski	Ritter	O'Donnell,
Dempsey	Krebs	Robinson	Speaker
Dent	Kukovich	Rudy	

NAYS—16

Bishop	Haluska	Michlovic	Rieger
Cappabianca	James	Mihalich	Roebuck
Gigliotti	Jarolin	Mundy	Taylor, F.
Gruitza	Kruszewski	Richardson	Van Horne

NOT VOTING—3

Hughes	Pistella	Stairs
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EXCUSED—2

Clymer	Wright, D. R.
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The question was determined in the affirmative, and the amendment was agreed to.

On the question,

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

Mr. PICCOLA offered the following amendment No. A0651:

Amend Sec. 203, page 20, line 1, by inserting after "services." Such agreements shall contain proposals by the city to implement, where feasible, reforms including, but not limited to, the following:

- (i) Increased managerial accountability.
- (ii) Consolidation or elimination of inefficient city departments.
- (iii) Renegotiation of collective bargaining agreements.
- (iv) Recertification of tax exempt properties.
- (v) Increased collection of existing tax revenues.
- (vi) Privatization of select city services.
- (vii) Sale of unmanageable city assets.
- (viii) Elimination of excessive overtime.
- (ix) Improve competitive bidding procedures.
- (x) Prevent compensation and benefits of city employees in excess of comparable private sector employees.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On the question, the Chair recognizes the gentleman from Dauphin County, Mr. Piccola.

Mr. PICCOLA. Thank you, Mr. Speaker, and I thank the House and the gentleman, Mr. O'Donnell, for his support on the last amendment.

This amendment deals with section 203 of the bill, which is the section dealing with the powers and duties of the authority which is created under the bill.

One of the most important if not the most important power of the authority is to negotiate the intergovernmental cooperation agreements with the cities containing such terms and conditions that will enable the cities to eliminate and avoid defaults, deficits, to maintain sound budgetary practices, and to avoid the interruption of municipal services.

This amendment would add to that the suggestion that this agreement should contain proposals by the city - proposals by

the city - to implement, where feasible, reforms including, but not limited to, and then there is a whole list of about 10 of them that the city is encouraged under this amendment to come up with and propose to have incorporated into this agreement.

The gentleman, Mr. O'Donnell, said that the last amendment was getting close to dangerous tinkering. Quite frankly, I do not think this is tinkering at all. It is giving some really good, hard, and fast guidelines to the city and to the authority as to the kinds of things that we want to see in these agreements so as to insure real reform in the city of Philadelphia.

Now, let us refer to what these things are that we are giving guidance to in the city: increased managerial accountability; the consolidation or elimination of inefficient city departments; the renegotiation of collective-bargaining agreements; the recertification of tax-exempt properties; increased collection of existing tax revenues; the privatization of select city services; the sale of unmanageable city assets; the elimination of excessive overtime; improve competitive bidding procedures; prevent compensation and benefits of city employees in excess of comparable private sector employees. All ten of these things are good government proposals. They are the kinds of things that every one of our municipalities are probably already doing many times over.

We are not telling the city of Philadelphia or the authority that they must do this or they must incorporate these things into the agreement, but we are strongly encouraging them that when the city does propose them, that they will be incorporated into the agreement.

Mr. Speaker, I do not understand how anyone could possibly oppose this amendment, and I urge its adoption.

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from Philadelphia, Mr. O'Donnell.

Mr. O'DONNELL. Thank you, Mr. Speaker.

I urge the defeat of this amendment.

A continuing theme in this bill is the use of an inter-governmental cooperation agreement for the limited purpose of implementing the powers and duties that are laid out for the authority in this bill. The gentleman, in his remarks, outlined a series of proposals which have on their face a measure of appeal. Some of these ideas would require a change in the city charter; some would require a change in State law; some would require a change in existing collective-bargaining agreements. The notion that, by fiat, all that is going to change because we urge it to happen is simply naive, taking it at its best possible motivation.

The gentleman, in describing his amendment, says, the agreement should contain these matters, and he says, we are not saying it must be in the agreement. But I urge the attention of the members to the very first line of the amendment. It says, "Such agreements shall contain...." It is not a "should"; it is not a "must"; it is not a "may"; it is not a "make nice." It is a "shall," and it is a "shall" which ruins the theory of the intergovernmental cooperation agreement, runs counter to the city charter, runs counter to State law, and runs counter to existing collective-bargaining agreements.

I would urge its defeat.

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

Mr. PICCOLA. Mr. Speaker, while the amendment contains the word "shall," it is modified by the words "where feasible."

I do not disagree with what the gentleman is saying, that perhaps to implement some of these reforms the city charter, city statute, perhaps even State law has to be changed. In those cases, if they are not changed, obviously it would not be feasible, and therefore, they could not be and would not be incorporated into the agreement. But I think we should give every encouragement possible to the city of Philadelphia to come up with these kinds of reforms and to implement them, and if necessary come to us. Go to the city council. Go wherever they have to go to make the necessary changes in the law so that they can implement these kinds of things.

The gentleman is correct. On their face these things are very appealing. More than on their face. They are very appealing. These are the very kinds of reforms that if the city of Philadelphia had been able to implement, they would not be here today asking for this kind of legislation. We are just suggesting that they come up with them sometime down the road when they deal with these agreements.

I urge the adoption of the amendment.

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

The following roll call was recorded:

YEAS—91

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

NAYS—109

Acosta	Evans	Lloyd	Rudy
Arnold	Fajt	Lucyk	Saloom
Battisto	Fee	McCall	Scrimenti
Belardi	Freeman	McGeehan	Staback
Belfanti	Gamble	McHugh	Steelman
Billow	George	McNally	Steighner
Bishop	Gigliotti	Maiale	Stetler
Blaum	Gruitza	Markosek	Stish
Bowley	Haluska	Mayernik	Stuban
Broujos	Hanna	Melio	Sturla
Butkovitz	Harper	Michlovic	Surra

Caltagirone	Hayden	Mihalich	Tangretti
Cappabianca	Hughes	Mrkonic	Taylor, F.
Carn	Itkin	Mundy	Taylor, J.
Carone	James	Murphy	Telek
Cawley	Jarolin	O'Brien	Thomas
Cohen	Josephs	Olasz	Tigue
Colafrilla	Kaiser	Oliver	Trello
Colaizzo	Kasunic	Pesci	Trich
Cole	Kosinski	Petrarca	Van Horne
Corrigan	Krebs	Petrone	Veon
Cowell	Kruszewski	Pistella	Wambach
Coy	Kukovich	Preston	Williams
DeLuca	LaGrotta	Richardson	Wozniak
DeWeese	Laughlin	Rieger	
Daley	Lescovitz	Ritter	O'Donnell,
Dermody	Levdansky	Robinson	Speaker
Donatucci	Linton	Roebuck	

NOT VOTING—0

EXCUSED—2

Clymer Wright, D. R.

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

On the question recurring,

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

Mr. PICCOLA offered the following amendment No. A0652:

Amend Sec. 203, page 20, by inserting between lines 18 and 19 (7) To authorize any financial personnel or managerial performance studies or audits necessary to determine where reform of city procedures would result in a cost savings.

On the question,

Will the House agree to the amendment?

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

Mr. PICCOLA. Thank you, Mr. Speaker.

This amendment also deals with the powers and duties of the authority that we are creating. It adds another power and duty to the list of six that are contained in the bill. It adds a seventh. It authorizes the authority to authorize any financial personnel or managerial performance studies or audits necessary to determine where the reform of city procedures would result in cost savings.

It seems to me, Mr. Speaker, that this kind of a power and duty given to the authority would better enable it to audit and investigate the operation of the city and to perhaps discover some things that maybe many of us already know, but to discover some things officially from an audit perspective, some things that they could do that would result in cost savings to the city of Philadelphia.

I would urge that we adopt the amendment.

The SPEAKER pro tempore. On the question, the Chair recognizes Mr. O'Donnell.

Mr. O'DONNELL. I would urge the defeat of this amendment. These amendments are a series of pieces, and it is a question of how many of them can get in and how many of them can fit together for what kind of purpose. But the underlying purpose here is to put this authority in a very different position than what we anticipate.

The purpose of this authority is not to intervene in the city's affairs and begin to run the city of Philadelphia. The purpose of this authority is to stand back and only enforce budgetary discipline.

There is another provision in the bill, broadly stated, that authorizes the authority to make recommendations to both the city and the General Assembly for needed changes in law or structure. But the notion that this authority should intervene in the city, and quite specifically deal with departments and make recommendations and use its power, even if only the power to marshal public opinion, to intervene in the city's affairs, is arguably unconstitutional but certainly violative of the theory of this bill, and I would urge the defeat of this amendment.

The SPEAKER pro tempore. On the question, the Chair recognizes, for the second time, Mr. Piccola.

Mr. PICCOLA. Mr. Speaker, the gentleman makes a persuasive constitutional argument, but that is not what this amendment does. It merely authorizes the authority to engage in the studies or the audits to discover or determine where reform of city procedures would result in cost savings. The amendment says nothing about even making a recommendation to the city, let alone telling the city to do something. It merely makes that authority a vehicle for investigating these kinds of things and to determine whether there are cost savings available. I would think that would be a service the city might really want to have.

I urge the adoption of the amendment.

The SPEAKER pro tempore. On the question, the Chair recognizes the gentleman from Delaware County, the minority leader, Mr. Ryan.

Mr. RYAN. Mr. Speaker, would the gentleman, Mr. O'Donnell, consent to brief interrogation?

The SPEAKER pro tempore. The gentleman, Mr. O'Donnell, agrees to consent to interrogation, and the gentleman, Mr. Ryan, will proceed.

Mr. RYAN. Mr. Speaker, on page 47 of the bill, lines 7, 8, and 9, would not this language give the authority the authority to do pretty much what Mr. Piccola is suggesting by his amendment?

Mr. O'DONNELL. Yes, Mr. Speaker.

Mr. RYAN. There is nothing to prevent the authority or any of its auditors who are independent experts from making recommendations, I suppose, saying that your financial plan that you have submitted seems to be coming up a little bit short and maybe you ought to take another look at the trash collection, by way of example.

Mr. O'DONNELL. That is correct.

Mr. RYAN. All right. Simply because I have learned how to count and I see we are losing some of these amendments, I thought as a matter of legislative intent I should put on the record what I believe this bill says now, and that is that this amendment is really incorporated into the bill right now, and there is another one here that I am going to speak to Mr. Piccola about that I also believe is incorporated into the bill, and if his staff person would come down here, I would appre-

ciate it. I am still going to vote "yes." I think it is redundant, but if you are going to oppose it and it should go down, I want in the record that I think it is effective anyway.

Mr. O'DONNELL. I agree with the gentleman's remarks, and I will still vote "no."

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

The following roll call was recorded:

YEAS—90

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

NAYS—110

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

NOT VOTING—0

EXCUSED—2

Clymer Wright, D. R.

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

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

The SPEAKER pro tempore. On that question, the Chair recognizes again the gentleman from Dauphin, Mr. Piccola, who offers the following amendment, which the clerk will read.

The House will be at ease.
The Chair recognizes Mr. Piccola.

Mr. PICCOLA. At this time I would like to withdraw my remaining amendments and be recognized for a motion.

The SPEAKER pro tempore. The Chair reverses itself, and the amendment Mr. Piccola has offered is now not offered, and the question recurs, will the House agree to the bill?

On that question, the Chair recognizes the gentleman, Mr. Ryan.

Mr. RYAN. Mr. Speaker, I would like to make it clear that I did not do that.

Mr. PICCOLA. I planned it all along, Matt.

The SPEAKER pro tempore. The intent of the gentleman will be spread upon the record.

The Chair recognizes Mr. Piccola.

Mr. PICCOLA. Thank you, Mr. Speaker.

It is quite accurate, the gentleman, Mr. Ryan, did not even suggest that, let alone influence it. The numbers are quite clear from the board as to what is happening with this legislation.

I would like to make a motion that HB 209 is unconstitutional, based on a violation of Article VIII, section 1, the uniformity clause, of the Constitution as well as—

The SPEAKER pro tempore. Will the gentleman suspend for a moment and come to the desk. The motion is premature. We are not yet on final passage of the bill, and the Chair needs to ascertain whether or not there are further amendments to be offered, and at that point we will go to final passage, and then the gentleman's motion may be germane to the subject.

Are there any other amendments to the bill? The Chair sees and hears no further amendments to the bill.

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

CONSTITUTIONAL POINT OF ORDER

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

Mr. PICCOLA. Thank you, Mr. Speaker.

I would move, based on Article VIII, section 1, and Article III, section 31, of the Pennsylvania Constitution, that this bill, HB 209, is unconstitutional.

The SPEAKER pro tempore. The gentleman, Mr. Piccola, raises the point of order that HB 209, PN 1440, is unconstitutional under Article VIII, section 1, and Article III, section 31, of the Constitution of the Commonwealth of Pennsylvania. The Speaker, under rule 4, is required to submit questions affecting the constitutionality of a bill to the House for decision, which the Chair now does.

On the question,

Will the House sustain the constitutionality of the bill?

The SPEAKER pro tempore. On the question, the Chair recognizes the gentleman from Dauphin, Mr. Piccola.

Mr. PICCOLA. Thank you, Mr. Speaker.

This bill provides for the imposition of a 1-percent sales tax in the city of Philadelphia, and Article VIII, section 1, of the Constitution provides that "All taxes shall be uniform, upon the same class of subjects, within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws." A reading of the section 504 of the bill, which is the situs for the imposition of the sales tax, reveals that this tax is going to be far from uniform. There are exceptions to it depending upon where you reside. You pay a sales tax on, I think, vehicles and some other things depending upon where you live. It is not uniform with respect to the territory; it simply is not. That is unconstitutional.

And I would suggest, as some have already suggested, that this bill is in violation of Article III in that it attempts to delegate to this new authority, a special commission, to supervise unconstitutionally and intervene unconstitutionally in the powers and the duties of the city of Philadelphia, which is prohibited by section 31 of Article III.

The SPEAKER pro tempore. On the question of constitutionality, the Chair recognizes the gentleman from Philadelphia, Mr. O'Donnell.

Mr. O'DONNELL. The gentleman thanks the Chair.

I would urge the House to find this bill constitutional.

There is a whole series of acts that we have passed - the First Class City Revenue Bond Act, the First Class City Government Act of 1919 - and even exceptions to certain existing acts. Act 47, the Distressed Municipalities Act, has an exception that first-class cities cannot receive grants or loans under that act. So we have carved out cities of the first class as well as counties of other classes, and there are clear, constitutionally sound distinctions to be made there.

Second, we are not imposing a tax in the city of Philadelphia. We are authorizing the city of Philadelphia to impose a tax on itself.

And finally, the bare requirement is a rational nexus of benefit and taxation, and that clearly exists in fact and is recited in the bill.

I would urge the House to find this constitutional.

The SPEAKER pro tempore. On the question of constitutionality, the rules of the House require, Mr. Piccola, that members speak but once on the issue of constitutionality.

Any other members seeking recognition?

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

On the question recurring,

Will the House sustain the constitutionality of the bill?

The following roll call was recorded:

YEAS—130

Acosta	Donatucci	Laughlin	Ritter
Arnold	Evans	Lee	Robinson
Battisto	Fajt	Lescovitz	Roebuck
Belardi	Fee	Levdansky	Rudy
Belfanti	Flick	Linton	Ryan
Billow	Foster	Lloyd	Saloom
Bishop	Freeman	Lucyk	Scrimenti
Blaum	Gamble	McCall	Snyder, G.
Bowley	George	McGeehan	Staback
Broujos	Gigliotti	McHugh	Steelman
Bunt	Gladeck	McNally	Steighner
Bush	Godshall	Maiale	Stetler
Butkovitz	Gruitza	Markosek	Stish
Caltagirone	Hagarty	Mayernik	Stuban
Cappabianca	Haluska	Melio	Sturla
Carlson	Hanna	Michlovic	Surra
Carn	Harley	Mihalich	Tangretti
Carone	Harper	Mrkonic	Taylor, F.
Cawley	Hayden	Mundy	Taylor, J.
Chadwick	Heckler	Murphy	Thomas
Cohen	Hughes	Nahill	Tigue
Colafella	Itkin	O'Brien	Tomlinson
Colaizzo	James	Olasz	Trello
Cole	Jarolin	Oliver	Trich
Cornell	Josephs	Perzel	Van Horne
Corrigan	Kaiser	Pesci	Veon
Cowell	Kasunic	Petrarca	Wambach
Coy	Kenney	Petrone	Williams
DeLuca	Kosinski	Pistella	Wogan
DeWeese	Krebs	Pitts	Wozniak
Daley	Kruszewski	Preston	
Dempsey	Kukovich	Richardson	O'Donnell,
Dermody	LaGrotta	Rieger	Speaker

NAYS—69

Adolph	Fargo	King	Scheetz
Allen	Farmer	Langtry	Schuler
Anderson	Fleagle	Lawless	Semmel
Angstadt	Fox	Leh	Serafini
Argall	Freind	Marsico	Smith, B.
Armstrong	Gallen	Merry	Smith, S. H.
Barley	Gannon	Micozzie	Snyder, D. W.
Birmelin	Geist	Nailor	Stairs
Black	Gerlach	Nickol	Strittmatter
Boyes	Gruppo	Noye	Taylor, E. Z.
Brown	Hasay	Nyce	Telek
Cessar	Hayes	Phillips	Tulli
Civera	Herman	Piccola	Uliana
Clark	Hershey	Raymond	Vance
Davies	Hess	Reber	Vroon
Dent	Jadlowiec	Reinard	Wilson
Durham	Johnson	Saurman	Wright, M. N.
Fairchild			

NOT VOTING—1

Wright, R. C.

EXCUSED—2

Clymer

Wright, D. R.

The majority having voted in the affirmative, the question was determined in the affirmative and the constitutionality of the bill was sustained.

On the question recurring,

Shall the bill pass finally?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. O'Donnell.

Mr. O'DONNELL. Thank you, Mr. Speaker.

The city of Philadelphia is on the edge of bankruptcy. There is in the city at this point an accumulated deficit of slightly less than \$250 million on a total budget of about \$2 billion. The anticipated deficit in the next fiscal year is something in excess of \$250 million. There is a very, very long and open debate about whose fault this is. An argument can be made that the city of Philadelphia receives substantial funds from the State of Pennsylvania. It is also factually correct that the citizens of Philadelphia pay a higher percentage of their government's cost with local revenues than almost any other government in Pennsylvania. The questions of mismanagement or management, the questions of cost overruns, et cetera, will be debated for a long time. The issue that is before this House is whether or not we are prepared to take responsibility for dealing with that problem.

There are a number of ways that we might do that. One way is to step in and pay the tab. I do not think that is the appropriate way to go, nor do I think that that is even a possibility. The second way to go is, at no cost to the State of Pennsylvania, to create a mechanism which will enable the city of Philadelphia to solve its own problems. What is being requested in this bill is the tools necessary for the city to solve its own problem at no cost to the Commonwealth.

The bill anticipates the creation of an authority which will float bonds, supported by a dedicated revenue stream, and that revenue coming only from the city of Philadelphia. Those bonds will be used to pay off the existing deficit and take a small bite out of the projected deficit for next year. As a guarantee against future problems, the authority has the discipline of cutting off State funds, subject to certain exceptions, and cutting off the proceeds of bonds if the city fails to adopt or adhere to a balanced budget and long-range financial plan.

I believe this is the middle ground and the only rational way out of this problem, and I would urge its adoption.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman from Delaware, Mr. Ryan.

Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, members of my caucus have naturally asked a lot of questions about this particular bill over a period of time. We had a rather lengthy caucus, I think it was yesterday, on the subject. One of the questions that came up was whether or not the State was putting any money out, either up front or along the way, to keep the authority going, and I advised them and I advise them again, those few who did not attend caucus, that there is a provision for a \$150,000 advance, which will be repaid within a period of a year.

This is something that has been around for a while. We have been waiting, I guess, not necessarily anxiously but we have been waiting to get the so-called Philadelphia bailout bill, and I do not particularly like that name, because I do not

for a minute think that this is a bailout bill. I rather think, however, it is a delay bill.

I am going to vote for this bill. We are going to delay what some people believe is the inevitable. I rather hope that that is not the case. I told my caucus that unless something dramatic takes place in the city of Philadelphia in the next couple of years, really, all we have done is buy them 1 or 2 years and that they will be back in this position probably in 2 years or 3 years, and I am sorry to say that I really believe that to be true. That does not mean that we should abandon them today. I think we really have to put them on notice that we are trying to help out.

Now, what are we doing by helping out? We are really not doing much, are we? We have heard Mr. O'Donnell say that we are giving them the opportunity to help themselves, and that is true. Written into this bill are the words, notwithstanding anything else, there is no legal or moral obligation on the part of this Commonwealth to repay any of this debt. So we have told the world that we have no responsibility to repay these loans. We have no legal responsibility; we have no moral responsibility. Nor do we have any right to tell the elected officials of Philadelphia that they should not be paying \$75,000 and \$80,000 to trashmen or \$60,000 or \$70,000 to telephone operators, which is what Mr. Sidel tells us is part of the problem in Philadelphia. It would be my hope that the people of Philadelphia will recognize the problems that they are having and will address these problems themselves.

The bill is something that has to be done. There are going to be bonds in default. The city will indeed go bankrupt, in my judgment, if something does not happen in the immediate future. By that I mean in the next 6 or 8 weeks, and that is how long it will take to put the bond issue together and to sell it.

Philadelphia has been blessed in the experts that it has used over these past several months, two of them sitting on the floor to Mr. O'Donnell's left.

Speaking for myself again, I am voting "yes" on it. I would hope that it passes. Thank you, Mr. Speaker.

The SPEAKER pro tempore. On the question, the Chair recognizes the gentleman from Chester County, Mr. Vroon.

Mr. VROON. Thank you, Mr. Speaker.

Mr. Speaker, I stand before you as a member of the delegation from the suburban area. We have had this situation come up time after time after time. I remember very well some very lengthy meetings that we had on Philadelphia problems and one or more with Bob O'Donnell, your Speaker, our Speaker. Yes, of course, we have problems, and I am the first one to say, I want to help Philadelphia solve its problems.

Philadelphia, in my opinion, is our city. It is not their city; it is our city. We have an obligation here to protect the interest of Philadelphia. Well, my quarrel is, how do you propose to do it? And I do not like this kind of legislation at all. I do not think this is sound legislation. Oh, I imagine everybody who is from that area and who is committed to that answer will vote, and it is going to be something like 109 votes or more for this bill, and I want to go on record as saying this is not a sound bill by any means.

What in the wide world will happen—and it can happen—if the city defaults for one reason or another in paying back those bonds? Whose obligation then will it be to repay those bonds? It certainly cannot be assumed that some guarantee does not lurk around behind this, and that guarantee is undoubtedly the guarantee of the State of Pennsylvania. Believe it because it is so.

If you think you are going to get away with giving a tool to the city of Philadelphia to bail itself out or rather to work out its problems, think again, because without a doubt, without the backing of this State, there is not going to be anybody that I know of who is going to put good money into those bonds, and as an investor myself, I would not buy a plug nickel's worth of those bonds.

I do not think this is a sound way to do it. I do not think it is right to have an imbalance politically on that commission. This is definitely an imbalance.

If you really mean business, let us have it done in a good, nonpartisan manner. Let us have a commission who is completely professional and equipped to handle these financial problems and not leave it in the hands and under the control of politicians, mostly in the city of Philadelphia, who like to quarrel with each other as to who is going to get the favors on bond attorney fees and so on. So I would say— Does it hurt? Does it strike a responding chord? Is it not true? Of course it is true, and you know it as well as I do.

What we need, Mr. Speaker, and to all you other people who are interested in helping Philadelphia, we need a good fix, not a Band-Aid. When you are ready to come up with a good fix, I will see fit to vote for you, because I want this thing done and done right. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware, Mr. Ryan.

Mr. RYAN. Mr. Speaker, I feel I have to answer the gentleman, Mr. Vroon, because yesterday in caucus I went to some trouble to point out to our caucus—and I will do it again now—to say that the Commonwealth of Pennsylvania has no obligation, Mr. Speaker, under these bonds. Whether you believe that or not, I do not know, but I am telling you, there is no obligation, legal or moral, and you can make snide remarks, but that is a fact, and if you want to quarrel with it, I think it is the kind of thing you should do privately rather than to take me on on it, because that is what I happen to believe to be the law and I think that is the case.

As far as even Stephen on the political part of it, one of the things that was missed in the explanation is, as close as we can get on a political situation is the use of a supermajority, if that is what you will, or a weighted vote. There are five people going to run the authority, each caucus submitting one name, the Governor submitting one, but requiring four of those five members to hire anyone, fire anyone, or take any major action, so that it is as close as you can get to a standoff. It is the same type situation that was used for both the convention center and the port authority, the same idea, trying to keep some kind of a balance and trying to keep some protection.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The question recurs, will the House agree to the bill? On that question, the Chair recognizes the gentleman from Berks, Mr. Leh.

Mr. LEH. Thank you, Mr. Speaker.

Mr. Speaker, Philadelphia is on the verge of bankruptcy today because of what has become the political philosophy of the majority party of this House, not all the members on that side of the aisle but of that party, and that is higher taxes, overregulation, artificially high wages for public union employees, welfare payments, which encourage an influx of idle and utter default on the ability to fight crime. The results have been high unemployment and a flight of business from the inner cities and the middle class moving to the suburbs.

We offered some solutions, I think, today on this side of the aisle to try to correct these matters. They were voted down. I think without those corrections and without our solutions, this bill will do nothing more for the city of Philadelphia than what rearranging the deck chairs would have done on the Titanic.

I agree with the leader, my leader; things need to be done. I do not agree with his vote that he is going to cast on this bill, but I think we need to act responsibly. I do not see that as of yet in the bill that lies before us today, and I believe if history will prove us correct, we will be back here in a short time, and it will not be just to rearrange the deck chairs in Philadelphia; it will be a large sum of money to bail that city out.

I recommend a "no" vote, Mr. Speaker.

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

Mr. MELIO. Thank you, Mr. Speaker.

I rise in support of HB 209.

As a legislator from a suburban area, I believe it is vital to allow Philadelphia to solve its fiscal problems. The city supports several programs that do not benefit their residents but assist suburban areas like mine. One example would be the volunteer loan assistance program. Many suburban fire companies throughout Pennsylvania make use of this program to be able to upgrade their firefighting equipment. Only last year, the amounts that a fire company could borrow were increased, and legislators from Philadelphia supported those increases.

With this in mind, I encourage suburban legislators to now support HB 209. By voting in favor of this legislation, the General Assembly can allow an authority to give the city the freedom to get its own fiscal house in order. In allowing this freedom, the State does not spend any additional money and is not responsible for any bonds Philadelphia would issue. The financial health of Philadelphia is vital to the economic well-being of more than just the city of Philadelphia. It is vital to suburban areas like mine that would benefit from a financially stronger Philadelphia.

I ask you to vote in favor of the bill. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentlelady from Montgomery, Representative Harley.

Mrs. HARLEY. Thank you, Mr. Speaker.

I am going to vote for this bill because Philadelphia is in crisis and this bill will satisfy the credit market. However, having said this, I wish to add several thoughts.

First of all, I do not believe that this bill will do what it is intended to do. It does not attack the real issues which got Philadelphia where it is today. As a city and regional planner, I know that people and businesses vote with their feet when they can, and that is exactly what will happen.

I predict that we will be here again in the not too distant future with a far worse problem, because those groups who could have been a part of the solution will have fled the city and the poor will be left. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady.

The Chair recognizes the gentleman from Montgomery County, Representative Saurman.

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, I rise reluctantly and with a great deal of disappointment. I thought that the circumstances in Philadelphia would have led their leadership to bring to us a plan to change the historical failure of the city. This is not the case. What we are saying is, let us give them more money so that they can go back to business as usual and do the same kinds of things that they have done in the past. There is not one evidence of any change or any desire on the part of the city of Philadelphia to change what they have been doing.

The Pennsylvania Economy League has provided us with ammunition if we want to look at it in terms of what some of the reasons for the failure of Philadelphia are. We need only to look at them to see what kinds of changes need to be recommended or need to be put into place. Nothing has been offered, at least nothing that I have seen. The kinds of things that would have changed that have been offered in terms of amendments. The votes were so decidedly overwhelmingly against them that Mr. Piccola withdrew the remaining amendments that he had, which would have indicated some direction, which would have given some of us an opportunity to say, we support this because now we know that we are not going to be doing things as have been done in the past, that the money that we are going to provide is going to offer them an opportunity, but at the same time, they are going to put forth an effort to change things, and that is not present.

So in spite of the fact that I have been in favor of regionalization, that I support Philadelphia and know that we need them, I do not think that this is good. I think that this is a bad piece of legislation. It is like letting a child continue to do things that are not good for that child to do simply because we do not want to bring them up to the realization that what they are doing is no longer tolerable.

I ask for a "no" vote. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Lancaster County, Mr. Strittmatter.

Mr. STRITTMATTER. Thank you, Mr. Speaker.

I will follow rearranging the chairs on the Titanic with another analogy - that drowning victims should be thrown a life preserver and not a 97-page, heavily weighted bill.

I believe that what the shepherd of this bill, Representative O'Donnell, is doing by taking the floor today is trying to convince us with this simple analogy. It is the same thing as having a family who is deeply in debt, in financial crisis, overextended on every credit card, coming to us and saying, what should I do? We say, we will issue another credit card for you and just let you start running up the tab all over again, and in addition, what we are going to do, we are not just going to charge you the usual interest; we are going to charge you twice the debt service out of your existing revenue, so that not only will you be spending more, charging more, but you now, with the amount of money, the revenue streams, that you had to pay for your ongoing costs, you are not going to be able to pay those, and instead we are going to substitute it with another tax, which I believe is going to be very short of that.

I think that that analogy of having a family who is deeply in debt and issuing another credit card and then taking away their sources of revenue to pay the credit cards that they are already overextended on is crazy. We should be in the business of helping Philadelphia, not in the business of hurting Philadelphia. I would believe that in helping Philadelphia and in the explanations that are given about these bonds not being the obligation of the Commonwealth, certainly they are not the obligation of the Commonwealth, but the people of Philadelphia are.

Many of the services are going to go wanting because of the debt service on these bonds, which we are obligating. The revenue stream is going to come from already— The few dollars that are coming into Philadelphia to pay for these services are going to be obligated to pay off this debt. They are the demands of Wall Street. They want twice the debt limit to cover these bonds. So the services that have been provided out of the revenue streams that are currently in place are going to go wanting. Many of these services are not just, you know, willy-nilly, that, oh, I want to provide the service. They are entitlements. We in the General Assembly have said, these people are entitled to these services, and Philadelphia is not going to be able to provide them. That is why we are going to be obligated in the long run to provide those services. Either they are going to do it through a judge, demanding that the Commonwealth pay for these services because Philadelphia cannot, or they are going to be up here the same as they are today, through Representative O'Donnell, asking for more appropriations during the budget process when we get down to June 30. Every year we go through this. I said this before, why I wanted to have the amendment that was rejected.

I would like to have the leaders of our caucuses involved with this process. They are the ones who are going to have to determine how much money is going to go to Philadelphia to help with these services, and that is why I would please ask that we vote against this bill. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Lehigh, Representative Snyder.

Mr. D. W. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, I was one of the people in our caucus yesterday to express some concerns about this proposal. However, I have had the opportunity to study the proposal and give it much thought, and I would like to support this legislation, but I would like to first ask Mr. O'Donnell if he would submit to just some very brief interrogation.

The SPEAKER pro tempore. Will the gentleman submit to interrogation? The gentleman implies that he will, and the gentleman may proceed.

Mr. D. W. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, the crisis that Philadelphia is facing in their financial troubles is not news that has just come up in recent months. It is an issue that has been lingering for at least 2 years or longer. And my first question to you is, prior to coming to this point in time of looking at this as the alternative that is best suited to address your problems, what steps in general has the city taken over the last year to try to help themselves out of this problem?

Mr. O'DONNELL. It is difficult for me to speak in any depth about the city administration and what it has done. I can acquaint you with the situation.

On the human services shortfall, there appears to be a mandate on the counties to render certain services to people who are entitled, but the appropriation to those counties is capped, as you know. That creates, depending on your county, a shortfall that is large or small. In the city of Philadelphia, that shortfall in human services is approximately \$35 million in this fiscal year, \$50 million in the next fiscal year. The city has attempted to cope with that by reducing the level of human service expenditures down to those services which are mandated, with a couple exceptions. The city has also litigated and attempted to participate in suits, one of which was settled recently with the Commonwealth which would result in a higher level, a needs-based type of budgeting.

The second item that is the single largest producer of deficits in the city is court costs. The court costs have been largely out of the reach of city government, and the constitutional scheme is such that they are in the hands of the Supreme Court. This year the Supreme Court has stepped in and has currently made a commitment to reduce court costs in the county so that a minimum of \$16 million can be saved this year and \$50 million next year.

The short answer, Mr. Speaker, is that although I cannot speak in any depth about measures that the city has taken—although I am getting advice on that subject even while we speak—in my view, the appropriate remedy is to have a sanction on the outside of the city that requires the balancing of the budget, because I believe that it is only with that kind of incentive that the real work is going to get done. The current system of trying to force through mandates and create incentives through funding has frankly not worked, and I think the only thing that is going to work in that city in the short run is

some kind of an authority with teeth, and I think that is what we have here.

Mr. D. W. SNYDER. Mr. Speaker, one of the problems that we see, not being in Philadelphia, is the lack of political will among the elected officials in Philadelphia to tackle the issue. What assurances do we have that they have the political will to impose the tax that we are authorizing them to provide for some of the funding to pay back these bonds?

Mr. O'DONNELL. The city council of Philadelphia unanimously adopted an ordinance indicating their desire to have a 1-percent sales tax and their commitment to passing that tax. As far as the rest of the political will is concerned, it is my view that that is one of the purposes of special purpose governments - to supply a missing ingredient in the political will.

Mr. D. W. SNYDER. Okay. My final general question to you, Mr. Speaker, and as I said, I do not want to belabor this, but I have heard estimates of anywhere from \$200 to \$500 million that is necessary during the upcoming fiscal year that will be required to assist the city of Philadelphia through the issuance of bonds. Assuming that that amount of money can be raised on the market, what is your best estimate of how much money Philadelphia will need and is this a 1-year or a multiple-year process that we are looking at in terms of these loans being required based on the information we have today?

Mr. O'DONNELL. My estimate of the city's deficit in this fiscal year is approximately \$230 million. I believe that a reasonable estimate of the deficit in the next fiscal year, unless significant steps are taken before May 30, is in excess of \$250 million. I believe the size of the bond issue—and I am not an expert—will be approximately \$375 million with the cost of issuance, et cetera. The funds will be used to fund this year's deficit and part of next year's deficit. I think the authority will also float the tax anticipation notes, which are needed to level out the city's cash flow. I think in the short run the authority may be used for other capital needs of the city. I do not anticipate the authority coming back to fund future deficits.

Mr. D. W. SNYDER. Mr. Speaker, if I could just speak—

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

Mr. D. W. SNYDER. Mr. Speaker, you know, in this chamber, other than perhaps deer hunting and horse betting, probably the most favorite sport is Philadelphia bashing, and coming from an area outside Philadelphia, politically it is often very popular to take that position.

However, as someone who has been involved in the legislature for almost 10 years in the human services area, I can appreciate the problems that the city is facing. We as a legislature have put on them the burden of caring for many of the people in most need in our Commonwealth. Certainly because of the financial problems, they are losing their tax base to their suburbs, so we need to look at ourselves as well—it is not just to the city—to see what steps we can take to assist the city of Philadelphia.

However, Mr. Speaker, I think there is some skepticism to even throw out a life preserver because of the basic issue of trust. I think we have failed to see any backbone on the part

of the city of Philadelphia to try and deal with their own problems. We assumed from day 1 when they looked like they were facing problems that they would eventually be marching into this chamber and into the Senate asking for a bailout. We are at that point now, Mr. Speaker, of deciding whether or not we are going to do that or not. I do not think, however, we have very little choice in the matter. Politically this is probably the best thing we can do at the time, realizing that it is, as Mr. Ryan said, a stopgap measure.

I think it requires the partnership of both the legislature and the city to deal with Philadelphia's problems. Their problems are not strictly themselves, but it is also the mandates that we have put on them to provide for certain services.

I reluctantly will be supporting this legislation; however, Mr. Speaker, I feel that that concept of trust has to be restored. We just do not want to create another body that wants to participate in cutting up the small piece of pie that is still available in Philadelphia. We want to create an authority that is going to be meaningful, that is going to provide for some strict reforms for the city. I think we are going to have another chance to come back and debate this again in the near future. I think hopefully that we will see some positive results and that that trust can be restored. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Lackawanna County, Mr. Serafini.

Mr. SERAFINI. Thank you very much, Mr. Speaker.

Mr. Speaker, with the discussion about bond issues relative to the bailout of not only States but now Philadelphia, I have become curious about some of those expenses that are inherent with those bond issues, and I was wondering if the sponsor of this bill might be able to clarify some of my questions.

The SPEAKER pro tempore. The gentleman indicates that he will be glad to stand for interrogation, and the gentleman, Mr. Serafini, may proceed.

Mr. SERAFINI. In your last remarks, Mr. Speaker, you mentioned that the bond issue could be about \$375 million plus expenses for issuance, and I was just wondering what are some of those expenses of issuing a bond issue? What do the law firms and brokerage houses charge to put this bond issue on the market, and what kind of a rating would these bond issues receive if the faith and credit behind the bond issue was a bankrupt city such as Philadelphia? Would you be able to answer those questions for me?

Mr. O'DONNELL. Certainly.

In terms of the credit rating of the bonds, I am not exactly sure, but what stands behind the bonds is not the credit of the city. What stands behind the bonds is a dedicated revenue stream of existing taxation, so that the creditors have a virtual guarantee of being able to recover their money. Also, a cash flow through the authority equal to two times the debt service gives the creditors the additional guarantee that in the event that there is a failure in the tax system, they can reach whatever they need.

So the creditworthiness of the authority's bonds does not depend on the city per se, although there have been indications by people in the financial community that there needs to be significant constraint on the city's spending, because down the road it is the underlying financial health of the city that makes these bonds attractive.

In terms of the cost of issuance, it is necessary to capitalize the interest or the principal and interest on the first year's payment, which is anticipated to be somewhere between \$50 and \$75 million. That needs to be set aside. In addition to that money, you have a 1 year's debt service reserve fund that is required while you are waiting for the taxes to come in to build up the fund to pay off the bonds. So that goes for another 50 million bucks. Okay?

The costs of issuance, in terms of the fees of the various folks involved, are variable, but they usually depend upon the risk involved with the issuance. So Wall Street has yet to evaluate this in a serious way, but there will be an exercise that people go through where underwriters go through and evaluate the marketability of the bonds. Their costs generally run between 2 and 3 percent of the overall size of the issue.

Now, I went out somewhat on a limb when I said \$375 million. I really should retract that from the record since I do not have the expertise. That was just kind of a rough estimate.

Mr. SERAFINI. Well, in that case how would this law firm or the brokerage houses be chosen as to who is going to be issuing the bonds? Would that be the city of Philadelphia or would the State of Pennsylvania have some input into that?

Mr. O'DONNELL. The State of Pennsylvania and the city of Philadelphia have nothing to do with the issuance of the bonds. That will be handled entirely by the authority.

Mr. SERAFINI. Thank you very much, Mr. Speaker. I appreciate your answers. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Lawrence County, Mr. LaGrotta.

Mr. LaGROTTA. Thank you, Mr. Speaker.

Mr. Speaker, it is probably a little bit unusual for someone from Lawrence County, which is at the opposite end of the State from Philadelphia, to stand up on a bill designed to assist Philadelphia, but I am a little bit confused.

It was not too many months ago, Mr. Speaker, that a number of us who were facing reelection to this chamber were confronted with full-page advertisements and fliers, mailings, that accused some of us of participating in some back-room Philadelphia bailout plan in which Philadelphia was going to be given hundreds of millions of State tax dollars. A matter of fact, my own district, the poor people of Ellwood City, received several of those mailings and were extremely confused by it.

Obviously today, Mr. Speaker, that is not happening. The legislation that Mr. O'Donnell has crafted and is asking our support for today is not going to take any money from the taxpayers of Pennsylvania. What the legislation does is what many of those opposition political mailings asked for. It gives the city of Philadelphia the ability to help itself.

Consequently comes my confusion. The same folk who directly or indirectly accused some of us of wanting to give the store to Philadelphia are now opposing a plan that allows Philadelphia to rebuild itself, and I would suggest the following, Mr. Speaker: This is an extremely simple vote for most of us to make. It is extremely important that we assist Philadelphia and that we pass this legislation and give Philadelphia the tools to help itself. A "no" vote on HB 209, Mr. Speaker, is saying to the people of Pennsylvania and to the citizens of Philadelphia, we do not want to give you the opportunity to help yourself; we do not want to give the O'Donnell plan a chance to work, and perhaps is suggesting that what you really want to do is give Philadelphia the millions of dollars that you accused other people of wanting to hand out.

I would urge everyone in this chamber to vote "yes" on HB 209 and let Philadelphia begin the process of rebuilding itself. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Washington County, Representative Trich.

Mr. TRICH. Thank you, Mr. Speaker.

Certainly those constituents whom I represent from Washington County are probably at the far extreme in difference to their counterparts in Philadelphia inasmuch as we come from the southwestern corner of the State. But nonetheless, my support of this bill is one based on a very commonsense rationale. The people whom we propose to give assistance to are Pennsylvanians, the same as the people I represent in my county, some of which are rich, some of which are poor, some black, some white, some Democrat, and even some Republican, but nonetheless they have a dilemma that we need to assist them with, and I feel that Representative O'Donnell and the others who worked on this bill have done so in a manner in which we can do what we have to do for Philadelphia without taxing our own people in our own legislative districts, and certainly that is the charge that we gave them some months ago.

Now, we have heard some comments made that there are not those mechanisms there that can really change anything. I disagree with that. There are mechanisms there where that authority, that commission, will have the opportunity to oversee future spendings in Philadelphia, so therefore, the mechanisms are there.

As for the commentary made by one of my colleagues on the other side of the aisle that Philadelphia itself has not shown that backbone to help itself, to truly help itself, in fact, this legislation does that. It tells the elected officials of Philadelphia that they must vote for a tax increase, a sales tax increase, to get them over this major dilemma. Let us hope that in the next month or 6 weeks, we in the legislature show that same ability to have that backbone should a vote come before this House to raise taxes to in fact help the Commonwealth.

I think Philadelphia does want to help itself. All they need is the vehicle. HB 209 is in fact that vehicle. And for those of us in rural Pennsylvania in the western part of the State, we applaud that effort, and we certainly support their cause. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Bucks County, Representative Heckler.

Mr. HECKLER. Thank you, Mr. Speaker.

Mr. Speaker, this bill has been carefully crafted so as to have a limited effect upon the status quo in Philadelphia. That status quo is so backward, so inefficient, so indifferent to the best interests of its own people, and so in the thrall of special interest that the city is or soon will be bankrupt.

We are creating an authority which at this point will float bonds only based upon the city's own taxation, and we are told that the toothless nature of this authority is justified by the fact that the Commonwealth is not putting up any money.

I came to the floor today with an open mind, hoping that some of our amendments which would have required privatization to be honestly addressed, which would have prevented city government from continuing to give away the store and future labor contracts would be adopted. That has not been the case. I agree with Representative Ryan that this measure will not solve this problem but will only postpone it, and I foresee the day when the authority we create will be the vehicle by which the true Philadelphia bailout with Pennsylvania tax dollars will be sought to be accomplished.

However, we have done nothing today to address or to require Philadelphia to address its very real and fundamental problems. Last year, not so much after this time, I voted against the budget because I thought it was a phony, and I have been happy I did ever since. I have the feeling that I will look back on my "no" vote today in the same way.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Bradford County, Representative Chadwick.

Mr. CHADWICK. Thank you, Mr. Speaker.

I rise as a rural Republican because I sense among many of my rural colleagues a concern that if we vote for this legislation, we will face some political damage back home. We will face the charges that once again we flushed some more of the State's dollars down the toilet of Philadelphia and that we will get nothing in return.

And frankly, when I went to caucus yesterday, it was my intention to vote against this legislation because I assumed that it was a State bailout of the city of Philadelphia, but as I sat there in caucus and I listened to Matt Ryan explain the safeguards and protections that are contained in this legislation, I came to the conclusion that this is not a bailout. What we are doing in this legislation is offering the city of Philadelphia the opportunity to save itself. In more ways than one this legislation really is the least we can do for the city of Philadelphia.

I would like to urge my rural colleagues on both sides of the aisle to join me and show some courage and compassion in extending a helping hand to our neighbors from Philadelphia and vote for this thing. Thank you very much, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the lady from Montgomery County, Representative Hagarty.

Mrs. HAGARTY. Thank you, Mr. Speaker.

Mr. Speaker, while I rise to support this bill, I want to express some thoughts on it and perhaps some thoughts for the future so that if Philadelphia ends up in the same shape, that we will not be faced with the same limited options. Why do I say limited options? I think that all of us had hoped when we were hearing about the development of an oversight board that we would be developing a powerful oversight board, an oversight board ready to step in if need be and to take control, if in fact that was necessary, of city government. Does that sound revolutionary? That may sound revolutionary, but in fact that is what New York State does.

I was interested to learn that in New York, unlike this legislation, the board that was created there in 1975 when New York was on the brink of fiscal disaster, the financial control board there actually has the power, if the city goes into a deficit situation of at least \$100 million, to approve or reject the municipal budget. It can reject expenditures inconsistent with the plan, unlike our board today, and it can even make changes or reject labor contracts which are inconsistent with that plan. So I had hoped, when I first learned of this legislation, that that is what we were prepared to do in Pennsylvania, because, frankly, I am pessimistic, as many of the prior speakers have been, that the city has the will nor have we seen any indication that they are willing to make those changes.

Look at the figures today. As I understand them, the city has a deficit of \$265 million. Even with the sales tax, the sales tax will optimistically pay off only a little bit in excess of what the new debt service has been. And so if they have come to us at this point simply with a bill that asks us, essentially a bill which is solely geared for the purpose of them financing additional money so that they do not go into bankruptcy on July 1 and with no other changes pending in how they do business and a deficit reduction, I am pessimistic that with this toothless board—and I think to some extent it is toothless as an oversight board—that we will be successful in seeing a productive Philadelphia.

Why then do I tell you that I am supporting it? Because I learned today and I am in fact convinced that the Pennsylvania Constitution does not allow us to do what ought to be done. It does not allow us to step in and run the city of Philadelphia through a board and to make the necessary changes in a contract. And so the reason I rise primarily today is to suggest—I do not suggest that we have time to pass a constitutional amendment today with a July 1 budget deficit in Philadelphia, but I do think that those people who are concerned about this city ought to think about introducing now a constitutional amendment so that if this is not enough for Philadelphia to begin to match its revenues to its expenditures, that in the future that constitutional amendment will be in place so that if in the future we have to put in a board that actually can reject union contracts, that can reject spending, and that can step in, we are in a position to do it.

I support this today, because while I do not know what will happen if this city goes bankrupt July 1, there have been some suggestions made to me as to what those results will be that

are frightening indeed, and they are frightening for the region and the State as well as the city.

My understanding is that on July 1, Philadelphia will not be able to meet its debt service. It will not be able to meet its payroll. I am concerned that if Philadelphia cannot meet its debt service and if it goes bankrupt—the only city in this country, I believe, that has ever gone bankrupt—what will happen to our credit ratings in the surrounding counties, in the surrounding townships, and in fact in the State? And what will happen to SEPTA (Southeastern Pennsylvania Transportation Authority), to mass transit, something that I fought for, because it affects the citizens in my district if the city cannot pay anything to SEPTA.

I do not know what the other implications are; I am not sure any of us do, but I think that we have very little choice today other than to say to the city, yes, we will help you with this short-term problem. We will help you although we think it is wrong, and borrowing more money, as has been suggested by a prior speaker, does not seem to make a lot of sense when the problem is they are already spending too much money or more money than they have. But when we are told that this is the only option and that there are hopes in the city of Philadelphia that new elected officials will be able to deal responsibly with the problem, then I suggest that at least for today, this option, which does not cost us anything, which simply sets in motion a process for borrowing, at least we ought to save the city now. But I suggest seriously, it is time for this Commonwealth to consider, if we see increasing evidence that the city cannot handle its own affairs, amending our State Constitution so that in the future we can put in a board that will be able to function not only for the betterment of Philadelphia but for the entire State. Thank you.

The SPEAKER pro tempore. The Chair thanks the lady and recognizes the gentleman from Allegheny County, Representative Trello.

Mr. TRELLO. Mr. Speaker, this piece of legislation today does two things for me. Number one, it allows the city of Philadelphia to have the tools to solve their own problem. The second thing that it will do, it will allow me to go back to my district and tell them that they will not have to pay any taxes at all; only the city of Philadelphia will pay this tax.

The gentleman across the hall said that this will not solve the problem; it will only postpone it. I think that one of our great Presidents, I think it was Lincoln, said that time will solve all problems, and I think this bill will give them the time. I urge a positive vote on the bill.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Lancaster County, Representative Armstrong.

Mr. ARMSTRONG. Thank you, Mr. Speaker.

It seems quite apparent what is going to happen with this bill today. However, there are some problems that I see with it, and I do feel that the bill is fundamentally wrong, and let me express why.

I have had a couple acquaintances in my life that have come to me for money to help them through difficult times, and

after I have noticed that through giving them such funds they continue to come back and come back and ask for more funds, I realize that they cannot handle funds. So therefore, we need to cut off those funds, as I have tried to help the acquaintances of mine—and I am sure many of you have had that in your own lives—and try to show tough love where you would show a plan to help them get on their feet and show themselves responsible in all of their own funds and how they carry themselves in their own society.

Therefore, again, I would like to stand in opposition to the bill, and I believe for our City of Brotherly Love we need to show tough love - cut off the money stream and help them with measures that will help them put themselves back on their feet.

If I am wrong on this bill, I want to be one of the first ones to applaud them, that they took this bill and took it to their own benefit. I would hope to see that happen. But my fear is that a couple years down the road, like it has been said by several others before, this will come back to haunt us. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and now recognizes the gentleman from Cumberland County, Representative Broujos.

Mr. BROUJOS. Mr. Speaker, a speaker on the other side of the aisle referred a few moments ago to the fact that this plan will have limited effect on the status quo in Philadelphia, that nothing is in this act to address or require Philadelphia to address problems. We cannot let go by that statement, because there are within this act, within this bill, a large number of provisions which require reduction in expenses, improvements in productivity, increases in revenues. The plan must provide procedures to avoid a fiscal emergency condition in the future. It must enhance the ability of the city to regain access to short-term and long-term credit markets. The form of the plan is spelled out in detail. There has to be an annual submission of the plan. The authority reviews it. The authority must approve it. If there are any variations, there is the right to cut off the funds.

There are a large number of controls in this act that when there is an agreement between the city and the authority, there are substantial controls; there are substantial means by which improvements can be made, so that in fact there is very much to address and require Philadelphia to address its serious problems.

I ask for a "yes" vote.

The SPEAKER pro tempore. The Chair thanks the gentleman and, on the question, recognizes the gentleman from Philadelphia, Mr. O'Brien.

Mr. O'BRIEN. Thank you, Mr. Speaker.

I rise to urge my colleagues in the House to support this piece of legislation before us today.

Although Philadelphia sometimes tries the patience of this legislative body, I think it is important for us to remember that it is truly a great American city. The city of Philadelphia, its economy, is of great benefit to the entire State of Pennsylvania. Philadelphia also possesses a rich cultural and histor-

ical heritage that has been a great source of pride in the past and continues to be a source of pride for us even today.

Philadelphia stands in the shadows of the greatest crisis that it has ever faced. Unless this legislation or a similar piece of legislation passes, Philadelphia will suffer the disgrace of bankruptcy. That means that thousands of innocent people in the city of Philadelphia may lose their jobs; they will face huge property tax increases; and they will be cut off from very vital city services. This, Mr. Speaker, may represent the last best opportunity for the city of Philadelphia to resolve its fiscal problems.

This bill creates a five-member board that has the authority to float bonds. In exchange, the city concedes significant fiscal controls.

I as a northeast Philadelphia resident have wrestled with the question of whether to impose additional tax burdens on the residents that I represent. I had to weigh the alternatives. The alternatives, frankly, Mr. Speaker, are unthinkable.

If this bill does not pass, the city of Philadelphia will be thrown into a fiscal nightmare that will inflict significant burdens and sufferings on the people of Philadelphia beyond anything that can be contemplated in this legislation. I therefore ask that my colleagues in the legislature support this legislation. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Philadelphia, Mr. Richardson.

Mr. RICHARDSON. Thank you very much, Mr. Speaker.

Mr. Speaker, I rise today to support HB 209, but I think that we need to be a little clearer today on why we are here, because I think that there have been too many inferences and references made to the fact that this is a bailout bill. This is not a bailout bill for Philadelphia. In fact, it allows us the opportunity to put in place some direction that has not been put in place before for many of us who have cried for that, particularly those in other parts of this Commonwealth who have said that we have not been responsible in the city of Philadelphia.

I just want to set the record straight today and say to you that at the national level, there is a \$2,000 national debt. At the same national level there is presently a \$500-billion budget deficit. At our State level, there is anywhere from a \$1.7- to \$2.5-billion deficit, and at the city of Philadelphia's level, a \$2.5- to \$500-million deficit, which results in the fact that there are 41 other States within this country that presently have a budget deficit. And for the life of me I cannot understand why we are not giving an authority to the national government and also to this State government with this same kind of authority that needs to be an oversight for those individuals who have not dealt with their budget deficit. And it seems to me that we always skirt that issue.

I think today that while we are saying to many of you who say that Philadelphia cannot stand on its own, is not being responsible, that you have campaigned against Philadelphia by using that as an argument, constantly saying that Philadelphia is always looking for a handout, which is not true.

Because if the city of Philadelphia falls, so does the rest of this State, and it is about time we recognize and understand that we are a body of one and that we are not segregated and then breaking us up because of the fact that we may have a problem today in Philadelphia or next week in the city of Allegheny or next week in Lackawanna County or in other counties around this Commonwealth where there are in fact deficits that fall on each and every one of you.

And it seems to me that we never talk about that when we talk about double-digit unemployment in other counties within this Commonwealth but want to make it look as though it is all Philadelphia. Well, I am sick and tired of hearing that, and I think it is time that we stand on the floor of this House and make people realize and understand that we are all one body, that we are in fact a legislative body that encompasses 67 counties. We encompass one city, which happens to be the only first-class city, which happens to be Philadelphia, and only one second-class city, which happens to be Allegheny County, and then 48 third-class cities within this Commonwealth, and then boroughs and townships and municipalities throughout this Commonwealth that make up the entire State.

So when you begin to look at the fact that the deficit is not only in the city of Philadelphia but across the board, as you look at deficits in each one of your counties, then you will find that it is not all on the shoulders and backs of only Philadelphia but that this deficit problem has come from a national level. When you look at the fact that there have been moneys cut at every level that you can imagine when it deals with human services, you cannot ignore that, because the dollars have shrunk and it means that we are receiving less dollars in the State, the Commonwealth of Pennsylvania, and as a result, that also implicates the city of Philadelphia because they cannot also do what they must do.

In conclusion, Mr. Speaker, I want to say that we want to commend Mr. Bob O'Donnell, the Speaker of the House of Representatives, and other members of the Philadelphia delegation who worked so very hard, particularly the cochairperson of the Philadelphia delegation along with other legislators, because there has been a collective effort made on behalf of those entities that have been involved in this process for a very long time, and I do not want us to leave this room in thinking that you have done something that the citizens of the city of Philadelphia have not been crying for.

And one final point, and that is that the State owes the city of Philadelphia millions and millions of dollars, particularly in children and youth and other areas, that they have never been paid for. When are we going to give them the money that they are already owed so we do not ever have to revisit this question? And I think that if we do that responsibly, Mr. Speaker, we then can allow ourselves to deal with the issues that presently we are being faced with on a continuous basis every single day.

I ask for an affirmative vote on HB 209.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Philadelphia, Representative Kenney.

Mr. KENNEY. Thank you, Mr. Speaker.

Mr. Speaker, I just have one question of the prime sponsor, if he would stand for just that question.

The SPEAKER pro tempore. The gentleman, Representative O'Donnell, indicates that he will stand for interrogation. The gentleman, Mr. Kenney, may proceed.

Mr. KENNEY. Thank you, Mr. Speaker.

Mr. Speaker, just one question as a Philadelphia taxpayer and someone that represents northeast Philadelphia residents. I just would like to know if it is true that new revenues generated by this plan are controlled by the Intergovernmental Cooperation Authority and not the administration or city council. And what I mean is, those moneys are to benefit the authority to pay the bond and its debt and are not at the control of the mayor or city council, and I think it was explained to me that that is correct. Is that true?

Mr. O'DONNELL. There will be no new net revenue available to the mayor and city council. The bill contains the movement of a whole series of tax revenues that are necessary to build the financial structure, but there will be no new net revenue available to that government. The new net revenue is available to the authority for paying off the bonds.

Mr. KENNEY. Thank you, Mr. Speaker.

May I make just one brief comment?

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

Mr. KENNEY. I join with my colleagues from Philadelphia in support of this legislation and would ask if I could submit further remarks for the record. Thank you.

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

REMARKS SUBMITTED FOR THE RECORD

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

Mr. Speaker, as a Philadelphia legislator, I rise in support of HB 209 which creates the Intergovernmental Cooperation Authority for the city of Philadelphia.

Although this legislation is not the solution to Philadelphia's fiscal and management problems, it should provide the city with enough financial stability and leadership to guide it back to temporary solvency.

There are sections of this proposal that I do not fully support. However, on the whole, I believe the city is in severe need of an oversight board to put it back on sound financial footing, to begin the process of correcting the years of mistakes and mismanagement of the Goode administration.

As an elected official of northeast Philadelphia, I believe Philadelphia citizens and taxpayers have far too great an investment in the city to allow it to fall into bankruptcy. We live in the city, raise our children in the city, and work in the city. We look to city government to provide us with the basic services we deserve and require. When that investment is jeopardized by incompetent leadership and mismanagement, it is the duty of the State legislature to take the steps necessary to correct the problem.

The future of Philadelphia is in jeopardy. That is why I support the formation of an oversight authority to protect the people and their investment. I want to emphasize that it is imperative that no new revenues generated by this plan be controlled by

the Goode administration or city council, but by the Inter-governmental Cooperation Authority only.

Make no mistake, the action taken by the legislature today is only a temporary fix. In the end it is up to the voters of Philadelphia to make permanent changes at the polls. It is incumbent upon the citizens of the city to take a hard look at the candidates vying for elected office in Philadelphia and select responsible, qualified individuals to protect their investment in the city. Thank you, Mr. Speaker.

The SPEAKER pro tempore. Will the House agree to the bill? On the question, the Chair recognizes the gentleman from Philadelphia, Representative O'Donnell.

Mr. O'DONNELL. Thank you, Mr. Speaker.

It is a pleasure to return to this microphone. I remember being here with Jim Manderino and having him explain his success at this podium to me by saying, you had better start with what you believe in, and I believe in this bill. I believe in the ability of this House to rise to the occasion and I believe in the city of Philadelphia and its future, and I ask you to vindicate those beliefs this afternoon.

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—121

Acosta	Fajt	Linton	Rudy
Arnold	Fee	Lloyd	Ryan
Battisto	Flick	Lucyk	Saloom
Belardi	Fox	McCall	Scrimenti
Belfanti	Freeman	McGeehan	Snyder, D. W.
Billow	Gamble	McHugh	Staback
Bishop	George	McNally	Steelman
Blaum	Gigliotti	Maiale	Steighner
Broujos	Gruitza	Markosek	Stetler
Bunt	Hagarty	Mayernik	Stish
Butkovitz	Haluska	Melio	Stuban
Caltagirone	Hanna	Michlovic	Sturla
Cappabianca	Harley	Mihalich	Surra
Carn	Harper	Mundy	Tangretti
Carone	Hayden	Murphy	Taylor, F.
Cawley	Hughes	Nahill	Taylor, J.
Chadwick	Itkin	O'Brien	Thomas
Cohen	James	Olasz	Tigue
Colaella	Jarolin	Oliver	Trello
Colaizzo	Josephs	Perzel	Trich
Cole	Kaiser	Pesci	Van Horne
Cornell	Kasunic	Petrarca	Veon
Corrigan	Kenney	Petrone	Wambach
Cowell	Kosinski	Pistella	Williams
Coy	Krebs	Pitts	Wogan
DeLuca	Kruszewski	Preston	Wozniak
DeWeese	Kukovich	Richardson	Wright, R. C.
Daley	LaGrotta	Rieger	
Dermody	Laughlin	Ritter	O'Donnell,
Donatucci	Lescovitz	Robinson	Speaker
Evans	Levdansky	Roebuck	

NAYS—79

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

Boyes	Gerlach	Mrkonic	Taylor, E. Z.
Brown	Gladeck	Nailor	Telek
Bush	Godshall	Nickol	Tomlinson
Carlson	Gruppo	Noye	Tulli
Cessar	Hasay	Nyce	Uliana
Civera	Hayes	Phillips	Vance
Clark	Heckler	Piccola	Vroon
Davies	Herman	Raymond	Wilson
Dempsey	Hershey	Reber	Wright, M. N.
Dent	Hess	Reinard	

NOT VOTING—0

EXCUSED—2

Clymer Wright, D. R.

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.

WELCOMES

The SPEAKER pro tempore. The Chair is pleased to welcome several guests to the House of Representatives this afternoon. Mr. and Mrs. James Nagle from Meadville are the guests of Representative Teresa Brown.

Mr. William Cluck is to the left of the Speaker as the guest of the Speaker.

The Chair also is pleased to welcome Chad Moyer, Marcus Hite, and Kristie Pottieger, guest pages, who are the guests of the gentleman from Perry County, Representative Fred Noye. They are on the bench in the front of the House.

And the Chair is pleased to introduce Mr. Jerry Gleisner of Millcreek Township, who is in the gallery and who is the guest of the gentleman from Erie, Representative Boyes.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER pro tempore. The Chair recognizes the lady from Philadelphia, Representative McHugh.

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

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

Mrs. McHUGH submitted the following remarks for the Legislative Journal:

Mr. Speaker, it is with some reservations that I rise today to support HB 209, which establishes the Pennsylvania Inter-governmental Cooperation Authority.

Although this legislation is not the answer to the city's difficulties, it should provide Philadelphia with enough financial stability to temporarily prevent its complete financial collapse.

Like most citizens of Philadelphia, I am concerned about the future of our city. My family has resided in Philadelphia for four generations; my roots are in the city. For 20 years I have worked as a volunteer leader for numerous worthwhile civic organizations. We all, as Pennsylvanians, have a vested interest in Philadelphia, and I support this legislation to put an oversight board in place.

I want to make certain that the hardworking men and women and the businesses of this city are spared any tax hikes, if at all

possible, and only after all other possibilities to shrink the size of the problem have been explored. It is my hope that by putting Philadelphia on sound financial footing we will be able to prevent any new tax increases.

I am not completely comfortable with this bill. However, if it guarantees that the mayor and city council have no control over any new revenues generated by the measure, then I will support it.

The people of my district and residents throughout the city deserve the protections afforded by this proposal. We pay taxes in Philadelphia; we live, work, and raise our families in the city; and we deserve protection from the irresponsible actions of the Goode administration and city council.

As an elected Representative, I support this bill to prevent the chaos and hardship which would accompany the bankruptcy of Philadelphia. In the end, this is not the action which will restore stability and credibility to Philadelphia. The voters of the city will determine the future of Philadelphia at the polls. This bill is only a temporary reprieve. The solution will be provided by informed, concerned voters.

VOTE CORRECTION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Anderson.

Mr. ANDERSON. Mr. Speaker, I would like to correct the record. On amendment A0675 to HB 209, I voted "no." I wish to be recorded in the affirmative.

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

The Chair desires to remind members on both sides of the aisle that there are substantive votes remaining to be taken in this day's session, and we will be proceeding with the rest of the calendar at this time.

HOUSE CONCURRENT REGULATORY REVIEW RESOLUTIONS

Mr. DeWEESE called up HCRRR 1, entitled:

In the House, April 2, 1991

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

On the question,

Will the House adopt the resolution?

The SPEAKER pro tempore. On the question, the Chair recognizes the gentleman from Philadelphia, Representative Evans.

Mr. EVANS. Mr. Speaker, I guess that was to get the TV's in order now that the Speaker has left? Do we still get TV?

The SPEAKER pro tempore. I trust you will meet with the same success that he did, Representative Evans.

Mr. EVANS. Mr. Speaker, regarding HCRRR 1, there have been some concerns within our caucus on the potential fiscal impact of this particular resolution, and there was during last year's budget negotiations a general agreement to increase the Federal limit regarding pharmaceuticals in the Commonwealth of Pennsylvania. As a result of that particular agreement, basically we are in a position of potentially having sanctions against us if we should let this occur.

RESOLUTION RECOMMITTED

Mr. EVANS. As a result of this, we are asking that this particular resolution—I make a motion—be sent to the House Appropriations Committee, Mr. Speaker. Rerefer it to the House Appropriations Committee, Mr. Speaker.

THE SPEAKER (ROBERT W. O'DONNELL) PRESIDING

The SPEAKER. The gentleman, Mr. Evans, is in order and moves that Regulatory Review Resolution No. 1 be recommitted to the Committee on Appropriations.

On the question,

Will the House agree to the motion?

The SPEAKER. On the motion, the Chair recognizes the lady, Mrs. Taylor.

Mrs. TAYLOR. Mr. Speaker, I rise to oppose the motion before the House. I would like to inform the members that these resolutions come before the House of Representatives through the IRRC process, the Independent Regulatory Review Commission.

Now, these original regulations have been opposed by the Health and Welfare Committees in the Senate and in the House, and there has been a bipartisan effort to oppose these regulations. However, when they went to the IRRC commissioners, the commissioners did approve the regulations over the objections of the staff.

Now, Mr. Speaker, the question arises, should we be using the IRRC process to deal with budgetary matters? Resolution 1 acts to prevent publication of the regulation 14-380, which limits the amount of reimbursement to pharmacists who fill medical assistance prescriptions with generic drugs. The question arises, who will absorb the excess cost if the drug costs more than is reimbursed? The pharmacists oppose this regulation, and on March 16 they filed suit against the Commonwealth over this resolution.

I believe that in a bipartisan effort this House should support the resolution and not postpone its passage or the message to the people that we represent, because the pharmacists may come to the point where they refuse to accept medical assistance customers, and, Mr. Speaker, I do not believe that we should be dealing with the budget deficit through altering these regulations.

The majority leader gave his word and he has kept his word that we would deal with these regulations in a timely fashion, and he has done that, and now, Mr. Speaker, I think that we must support the resolution before the House and that we should not permit this resolution to go back to the Appropriations Committee.

The SPEAKER. The Chair recognizes Mr. Saurman.

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, this resolution is before us because on several occasions in the past, all four caucuses, through their Health and Welfare Committees, have rejected the proposals that have been made by the Department of Welfare. Even today

we were told that there may be some discrepancies, and yet, Mr. Speaker, Pennsylvania has not received any notification of being out of compliance, and had they been, they would have been so notified. Additionally, Mr. Speaker, the fees that are paid to Pennsylvania pharmacists are only the second lowest in the United States.

Mr. Speaker, the department has not shown that this is an emergency, and yet the department has decided to use an end run in this process of using IRRC as a way to attempt to balance the budget. This has been repeated and repeated.

Mr. Speaker, now is the time for this House to indicate that spending policies of this nature should and must follow the procedure that has been put in place and not allow this subterfuge to take place.

I would ask that we not recommit at this time. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mrs. Taylor.

Mrs. TAYLOR. Mr. Speaker, may I point out again that we are merely following today what is set up in the regulatory process. There is nothing in the IRRC process that says that we can, at this point, put this regulation in the Appropriations Committee. We have already acted on it through our Health and Welfare Committees. We have already said that this is not the way we want to go in the regulatory process, and I do not think that it is proper that it be recommitted to the Appropriations Committee. I think it is proper that the members of this General Assembly take a vote on this and send it to the Senate so that we can make known to the people we represent that we disapprove of the approval of this regulation.

The SPEAKER. The Chair recognizes Mr. Strittmatter.

Mr. STRITTMATTER. Thank you, Mr. Speaker.

I would like to remind the House and the majority leader that last week I brought this issue up at the time when the House was passing over these resolutions. At the time I objected, and I was told by the majority leader that we would be addressing this issue in a timely fashion—in a timely fashion—that the Senate could deal with it today. Now, that is still debatable whether this is a timely fashion, but certainly by agreeing to this motion, this would be going against what was told to us last week, that we would be able to deal with this and vote on this issue. This is a last-minute effort to bypass the feelings of the House.

I would please ask for a negative vote and please ask that we vote on this measure today. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader.

Mr. DeWEESE. With all due respect to the gentleman from Lancaster, we are dealing with this in a timely fashion. Obviously we are dealing with it in a manner that he does not embrace. But the gentledady from Chester has asserted that the majority leader, in her view, was dealing with this in a timely fashion. I am not acquiescing to the position of the gentleman, Mr. Strittmatter, but we are taking this matter up.

There is a matter of fiscal responsibility that we believe supersedes the bipartisan cooperation that the gentledady from Chester County alluded to earlier in her remarks. She was accurate. There was a bipartisan spirit in the early weeks

of these negotiations and deliberations, but an overwhelming and superseding obligation on the part of those of us in this chamber prevails, and that obligation is that we must be fiscally responsible. Also, litigation has been filed subsequent to this bipartisan cooperation, and if we vote today on the measure, we will be predetermining in certain ways what that litigation is attempting to ascertain.

I do not believe that I have been equivocal, Mr. Speaker. I stand firmly behind the statement that I made to you and Mrs. Taylor that we would deal with this matter in a timely fashion. It has to be dealt with today. This is the 10th calendar day. We are dealing with it today through the parliamentary exercise which is obviously our option. We are trying to curtail its advancement, but we are dealing with it.

So I would respectfully disagree with the gentleman, and I would ask that the motion of the gentleman, Mr. Evans, to rerefer this to Appropriations be sustained. Thank you.

Mrs. TAYLOR. Mr. Speaker?

The SPEAKER. The lady has spoken twice on the issue.

The Chair recognizes Mr. Richardson.

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

Mr. Speaker, I want to indicate that the House Health and Welfare Committee has gone through a lot of work and time with respect to this issue on this House Concurrent Resolution 1.

I want to say that the issue that is in front of us, as we move deliberately through disapproving these regs through IRRC, through raising the question to the Department of Public Welfare, places us in a position—and I want to be very honest about this, Mr. Speaker—that has caused us to be at this point where we are today, and that is that we stand to support the motion to recommit the resolution to the Appropriations Committee because of the following reason: With respect to this budgetary issue that we are faced with in the time of crisis in this Commonwealth, it seems to me that we only do ourselves a disservice if we do not allow ourselves to deal with the appropriations process of allowing us to come back and revisit this issue at the appropriate time before this fiscal year ends. If we vote to spend the money now, without getting an opportunity to be able to deal with this issue in its current crisis, I believe we do a disservice.

There are some issues, however, that are on the table that I think need to be corrected, and that is, one, the so-called process by which we have been dealing with these emergency regulations, and I think that there is going to be much discussion around this issue, as it deals with the circumventing of the General Assembly as it deals with this particular issue, around when it is our responsibility to deal with matters as a legislative body.

The other thing is that there is now a Federal suit that presently is in court with the pharmacists and the Department of Public Welfare around this issue. It seems to me that we have to give some time for that to work itself through the process, and at that time we will find out whether or not the pharmacists will have won their lawsuit, which also may be tied into this budget process.

I think at the Federal level, there has not been a clear understanding as to whether or not the Feds may or may not be able to push through mandating any particular regulations on this General Assembly or through the department, which is also another matter that is presently before the court.

So I stand to indicate to the members of the House of Representatives today that I ask for an affirmative vote to send this matter to the House Appropriations Committee for a fiscal note and an opportunity for us to work through the budget process so that we do not spend dollars that we do not have at this present moment or, in a period of time when we have shrinking dollars, that we cannot adhere to the cost of the Commonwealth of Pennsylvania's budget. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Itkin.

Mr. ITKIN. Mr. Speaker, this resolution comes at an extremely difficult time for us in the legislature. It comes at a time when we as a body are trying to act responsibly and fairly in the face of existing and projected revenue shortfalls. As we search for ways to address our fiscal instability, I am hesitant to support measures which I believe are unfair, and we as a legislature have a question of fairness before us this afternoon.

RRR 1, if adopted, would disapprove the emergency regulations currently in effect in Pennsylvania. These regulations mandate that reimbursement to pharmacists for their acquisition costs for generic drugs be limited if the drugs appear on what is called the Federal upper limit list.

Since 1987 DPW has strenuously argued with the Federal Government that while we reimburse pharmacists more on their acquisition costs than do other States, we couple that with an extremely low dispensing fee; in fact, the second lowest in the country. Unfortunately, the Federal Government has insisted that we must comply with their upper limit policy. Correspondence from the Department of Public Welfare to the Feds illustrates the impact these emergency regulations will have, and I would like to paraphrase a quote from a letter that Eileen Schoen wrote in October of 1987: "If we were to reduce product costs, we would have to raise our dispensing fee considerably in order to maintain reasonable reimbursement rates and insure adequate pharmaceutical services for our clients."

Unfortunately, their arguments were rejected, and the State has now been requested to return \$3.1 million in financial adjustments for this unfounded accusation that we are over-reimbursing on generic drugs. My understanding is that we have lost the \$3.1 million regardless of what action we take today. That is indeed unfortunate. The question is, what do we do now? If DPW does not adopt the Federal upper limits, we are told we will end up risking Federal funding for our medical assistance drug program.

I understand that a proposed solution to this problem had been suggested by the pharmacists - that is, to accept the imposition of the upper limit caps for those drugs on the Federal list, reimburse pharmacists at the lower Federal rate on these drugs, and use that money the State saves to increase

the dispensing fee only on these drugs. They wanted to make it a supplemental fee so that it only applies to those drugs and does not in any way automatically increase other dispensing fees, either for DPW or the PACE (Pharmaceutical Assistance Contract for the Elderly) program. Unfortunately, I understand that the department and the administration have rejected this revenue-neutral proposal.

As a result, I think it would be inappropriate for us to pass this resolution today, but I think a better tack would be to introduce new legislation which would raise the dispensing fee to a reasonable level. I am committed to do that, and after we recommit this resolution to the Appropriations Committee, I will introduce in the very near future legislation to raise the dispensing fee. I hope that I will have the support of a majority of this House for this endeavor. I truly believe that this is the most prudent course of action.

Passing this resolution today will really have no significant effect. It will not help the pharmacists, and it will probably jeopardize us in placing us in a position for further Federal admonishments and penalties.

Please support the motion to recommit and support my legislation to raise the dispensing fee at the appropriate time. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Strittmatter.

Mr. STRITTMATTER. Thank you, Mr. Speaker.

I would just like to remind the members of the House that this concurrent resolution has been before us for quite some time; the Appropriations chairman has had ample time to look into this; that this move, just as the majority leader had said, this is the way we are going to deal with this in a timely fashion.

I believe that we should deal with it in a timely fashion, not by ducking the issue and voting to put it back into Appropriations, which in effect will kill this measure. I believe that the previous speaker, Representative Itkin, in going on and talking about the economic crisis that we are in in Pennsylvania at this time, I just do not understand those arguments, why we are going to be any better off by allowing legal fees to just be ratcheted up and up and up by delaying action on this concurrent regulatory review resolution.

We can solve the problem today by passing this resolution and having the Senate pass the resolution. They have been waiting for it. As the majority leader said, we are going to deal with it in a timely fashion. His way of dealing with it in a timely fashion is not to take a vote on it but to vote to put it back into the Appropriations Committee.

I would please ask the people to vote against this motion, and understand that if you do vote for this motion, you are voting to kill this measure. Thank you.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—99

Acosta	Dermody	LaGrotta	Robinson
Arnold	Donatucci	Laughlin	Roebuck
Battisto	Evans	Lescovitz	Saloom
Belardi	Fajt	Levdansky	Scrimenti

Belfanti	Fee	Linton	Staback
Billow	Freeman	Lloyd	Steelman
Bishop	Gamble	Lucyk	Steighner
Blaum	George	McCall	Stetler
Bowley	Gigliotti	McGeehan	Stish
Broujos	Gruitza	McNally	Stuban
Butkovitz	Haluska	Maiale	Sturla
Caltagirone	Hanna	Markosek	Surra
Cappabianca	Harper	Mayermik	Taylor, F.
Carn	Hayden	Meilio	Thomas
Carone	Hughes	Mihalich	Tigue
Cawley	Itkin	Mrkonic	Trello
Cohen	James	Murphy	Trich
Colafella	Jarolin	Olasz	Van Horne
Colaizzo	Josephs	Oliver	Veon
Cole	Kaiser	Petrone	Wambach
Corrigan	Kasunic	Pistella	Williams
Cowell	Kosinski	Preston	Wozniak
Coy	Krebs	Richardson	
DeLuca	Kruszewski	Rieger	O'Donnell,
DeWeese	Kukovich	Ritter	Speaker
Daley			

NAYS—97

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

NOT VOTING—4

Gallen	Michlovic	Pesci	Petrarca
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EXCUSED—2

Clymer	Wright, D. R.
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The question was determined in the affirmative, and the motion was agreed to.

* * *

Mr. DeWEESE called up HCRRR 2, entitled:

In the House, April 2, 1991

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

On the question, _____
Will the House adopt the resolution?

MOTION TO RECOMMIT

The SPEAKER. The Chair recognizes Mr. Evans.

Mr. EVANS. Mr. Speaker, on Resolution No. 2, there also is some concern with a potential fiscal impact on this particular resolution. I would also like to make a motion that this be recommitted to the House Appropriations Committee. The information that has been provided to me, Mr. Speaker, indicates that it has a potential impact of \$1.4 million this year, and potentially, in next year's budget negotiations, it could have as much as an \$8-million effect in terms of our particular negotiations.

I have expressed before, Mr. Speaker, that it is important that members need to understand the votes that they make. In this particular case, I, along with the majority leader, feel that this particular resolution needs to again be closely looked at by the House Appropriations Committee. Thank you, Mr. Speaker.

On the question,

Will the House agree to the motion?

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

Mrs. TAYLOR. Mr. Speaker, I appreciate the Appropriations chairman wanting his committee to take a closer look at this resolution. I can assure you, sir, that the Health and Welfare Committees in both the House and the Senate took a very strong and studied look at these resolutions.

It appears to me that today— You know, we were told a few weeks ago that you are going to manage the House. I hope you can manage the constituents that you represent, because let me tell you, if you are not listening, let me tell you just exactly what this resolution is going to do to veterans, to burn victims, to those in nursing homes who are now going to have zero amount of money to spend. Let me tell you that Resolution 2 prevents the publication of regulation 14-384, which limits hospitals to 80 percent of the cost of care of the neonatal infants, and reduces to zero—yes, my friends, zero—the amount of money available to military veterans in nursing homes.

The portion of the regulation dealing with hospitals will not go into effect if the pooling negotiations are successful. Regarding the portion of the regulations affecting veterans, again, a lawsuit has been filed on their behalf to reverse the regulation.

Is it not strange that at a time when we are welcoming back our veterans from the Persian Gulf, is it not strange that now this General Assembly this afternoon may—now, I say “may” because I hope you will not—turn your back on the veterans in nursing homes? They had \$5 a month, \$5 a month, to buy newspapers, \$5 to buy shaving lotion, but, no, you are going to take that away from them if you vote to recommit this to the Appropriations Committee.

I would call for a negative vote on this, and, Mr. Speaker, I would appreciate it if you would recognize Representative Lawless.

The SPEAKER. The Chair recognizes Mr. Tigue.

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, the previous speaker spoke about, is it not strange that we are talking about veterans at this time? It sure is. It is always strange when we stand on the House floor and we put veterans in a separate category. I happen to be a veteran. Thousands of my constituents are veterans. I do not seek special treatment nor should they, nor do most of them seek special treatment.

What we are talking about surely is strange. We have a Federal Government who, on one hand, stands waving the flag and, on the other hand, keeps passing resolutions, regulations, and laws that say, we are telling you you must do this. It certainly is strange, but as strange as that may seem, what are we talking about with the veterans in this? Why should a widow who receives the minimal Social Security have to help the taxpayer defray the cost of her nursing home costs when a veteran, who has \$356 extra, does not?

Now, keep in mind that the veteran's pension that we are talking about is still not counted for qualifying for medical assistance, so what we are saying in essence is, we are already treating that veteran specially. We are allowing them to receive 356 additional dollars a month and still qualify for medical assistance. We are not trying to change that. No one is arguing against that. What we are trying to change is the unlevel playing field of veterans.

Those veterans who are in Hollidaysburg, in the Erie veterans' home, and in the soon-to-be-constructed Scranton home for veterans must give up the \$356 to help defray the costs of their treatment. So now, oh, my God, we are saying to other veterans, you, too, have a responsibility to help defray the cost of your treatment. What is wrong with that?

We constantly hear that we do not want to spend more money, that we should pay our own way, yet we keep doing things which will allow certain individuals - whether they be legislators, veterans, senior citizens, handicapped - to not pay what they are able to pay. It is unfair. It is unfair because we are taking the payment out of the pockets of the sons and grandsons and granddaughters and great-grandchildren of those people who have the means to pay. My parents do not want me paying for something that they can afford.

I have more senior citizens per capita in my district than anyone in the State; in fact, than anyone in the country except for an area in Florida. My senior citizens, many of whom are veterans, are not concerned about themselves. Sure, if they need help, they want help, and that is what government is about. It is not about putting them into a separate category. I am asked, what are we doing to help their grandchildren; what are we doing for their college education? I will tell you what we are doing: We are letting certain people, because it sounds nice, to stand up and wave the flag, and we have so many sunshine patriots—sometimes I get nauseous—that we do not do what is right.

I am asking you to recommit this for two reasons: One is that it is the right thing to do, and just as important perhaps, it is time that those people who have assets, who can afford to

pay, pay like everyone else, regardless of their stature. Thank you.

The SPEAKER. The Chair recognizes Mr. Lawless.

Mr. LAWLESS. Mr. Speaker, I rise to oppose the recommitment of the House concurrent regulatory review resolution. In particular, I would like to tell you a little story, particularly of a 97-year-old woman who is a veteran's widow, who currently receives \$238. She will receive \$30 if this goes through. Thirty dollars in a nursing home today is nothing. It costs between \$22 and \$25 to have their laundry done. You are not allowing these people to get the newspaper or a candy bar per day. You are basically taking their lives away from them.

This 97-year-old person whom I speak of is my grandmother. She is a veteran's widow of World War I. She had three sons in World War II. We are now taking her down to \$30 a month.

I urge all members of my caucus and all my colleagues on the other side to vote to oppose the recommitment of this. Thank you.

The SPEAKER. The Chair has allowed a very, very wide latitude, but the specific motion at hand is a motion to recommit, and commentary on the substance of the regulation is not strictly speaking in order. The level of noise and attention in the House is an indication that perhaps the members of the House share the Chair's view.

The Chair recognizes Mr. Johnson.

Mr. JOHNSON. Thank you, Mr. Speaker.

Would the gentleman, Mr. Evans, stand for a brief interrogation?

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

Mr. JOHNSON. Thank you, Mr. Speaker.

Now, I understand that the regulations that have been put forth which this would change require the aid and attendance money to be taken from our veterans in nursing homes?

The SPEAKER. Will the gentleman suspend.

The gentleman, Mr. DeWeese, will respond to the interrogation.

Mr. DeWEESE. The response that I would have to the gentleman, Mr. Johnson, would be illustrative of this whole issue, but it is a response to your question.

If I have two veterans from Greene County who are 75 years old and fought at Anzio in the World War and now they are on medical assistance and one of them is fortunate enough to be housed in the State veterans' home in your district, that person right now receives \$356 from the Federal Government, but that money is melded into the operational funds that keep our State facility operating; that keep that older, indigent veteran going; that keep him in clean sheets and keep him warm and keep him fed and keep him with the adequate pharmaceuticals. So that \$356 from the Federal Government to your or to my constituent who is up at Hollidaysburg comes through that kind of process.

What happens now for my second veteran from Greene County who might be in the nursing home 5 miles from my house, right now—the gentledady from Chester is correct—the

\$356 goes to that veteran, and that veteran can really give that money to the granddaughter on graduation or use it for a toothbrush or a book or whatever - a worthy cause, I admit. But in this time of fiscal strife and confusion and difficulty and challenge, the State now is saying that we are going to meld that money from the Federal Government into the operational efforts to keep these poor veterans in these nursing homes in our districts.

So the veterans in these other homes will be treated exactly the same way as the good veterans who are treated in the home in your district. Right now veterans are treated this way in your home and this way in the other nursing homes. We are trying to make it the same. We are trying to be fiscally responsible, and I think that should answer your question.

Mr. JOHNSON. Thank you, Mr. Speaker.

May I speak on the motion?

The SPEAKER. The gentleman is in order.

Mr. JOHNSON. I emphatically oppose the motion to recommit. The veterans whom Mr. DeWeese referred to are not spending this \$356 on donations to their grandchildren; they are giving it to their spouses to live outside the nursing home.

This is a tremendous injustice to take this money away from these veterans, and I certainly would urge a "no" vote on the motion to recommit.

The SPEAKER. The Chair recognizes Mr. King.

Mr. KING. Thank you, Mr. Speaker.

As you are well aware, I am sure there are many veterans in this House, and while these same veterans, as they speak to this issue today, are not asking for special care for all their veterans, certainly I want to stand here and be on record that I oppose this recommitment on the basis that there are special needs of veterans that we should address. The insertion of annex B into that and taking away those special benefits for our truly needy veterans is not an issue of flag waving but an issue of checkbook waving. For those who really need it, I say keep it in there.

Another thing that I wish to address, another point, is that I truly believe that this attempt by the executive branch of our State government, through this measure of putting it back into the Appropriations Committee, is truly a test of oversight wills: Will the committee have oversight over this issue or will it be railroaded down the road on the basis of this attempt to put it back into Appropriations?

So I ask for your vote against this recommitment. Thank you.

The SPEAKER. The Chair recognizes Mr. Strittmatter.

Mr. STRITTMATTER. Thank you, Mr. Speaker.

I would rise to ask the House, and you know, like Yogi Berra says, *deja vu* all over again. I do not believe that this is the way that we should be addressing this issue. If the majority leader is so firm in his arguments as to why these resolutions should be defeated, I believe that they should stand up and either be presented and enacted or else go down; why use a parliamentary procedure to get around it if you are so firmly believing in your arguments.

So I would ask that this motion be defeated so that we can address the issue. Thank you.

The SPEAKER. The Chair recognizes Mr. Saurman.

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, there are two parts to this original resolution, and I know the motion is whether to vote to recommit or not recommit. In such a discussion, however, one has to recognize that recommitment means to defeat this resolution, and therefore, it seems appropriate to me that when we are talking about whether to recommit or not, we ought to be thinking about what we are doing if we recommit.

On that basis, the first part of this places a burden of assisting with the cost savings by the department on those few hospitals that provide the specialized critical care which qualifies for the stop-loss mechanism of cost outlier payments. That means for those patients who have to stay in the hospital because of extraordinary circumstances, that the hospital is the one that is going to pick up the cost that currently the State has been providing, and that is how we are going to make up this money that we are looking for - putting an additional burden on hospitals that are already overburdened because of their contribution.

The second part, we talk about waving a flag. I think we should wave a flag, but what we should do when we are waving that flag is talk about what is legal and what is illegal. Annex B is illegal because section 1612 of the Social Security Act provides that veterans' aid and attendance benefits received in addition to the veteran's pension are not income which regulations of the Health Care Finance Administration of the Department of Health and Human Services require to be considered in posteligibility determinations. So this resolution is attempting to keep legal what in fact the regulations that have been provided will do in an illegal fashion.

Mr. Speaker, I ask that we vote against recommitment and correct these situations, one for legality and the other for compassion for those hospitals that cannot afford to carry this burden.

The SPEAKER. The Chair recognizes Mrs. Taylor.

Mrs. TAYLOR. Mr. Speaker, I would like to interrogate the Appropriations chairman. He is on his way to the back there, but I have a very good question for Representative Evans.

The SPEAKER. This is on the motion to recommit?

Mrs. TAYLOR. Yes.

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

Mrs. TAYLOR. When we are looking for recommitment of this, do you as the Appropriations chairman know how much the fiscal impact is of this regulation on the Commonwealth?

Mr. EVANS. I have, Mr. Speaker, some numbers here that indicate to me that during this particular fiscal year, it could have an impact of \$1.4 million, and next year it could have an impact of \$8.2 million.

Mrs. TAYLOR. Mr. Speaker, I know that the Appropriations chairman is always bogged down with figures, but I had some figures that showed that it did not reach the \$1

million, which means that then it cannot be considered an emergency regulation. Is that not true, Mr. Chairman, that it has to reach the \$1 million before it can even be considered as an emergency regulation?

Mr. EVANS. That is my understanding, Mr. Speaker.

Mrs. TAYLOR. I wonder if you could for the record state where you got the figure of over \$1 million.

Mr. EVANS. Could you repeat that question again, Mr. Speaker?

Mrs. TAYLOR. Yes. I wonder, you said you had a figure that the savings to the Commonwealth would be over \$1 million. Where did you get that figure?

Mr. EVANS. My understanding, Mr. Speaker, is that this information came from the Department of Public Welfare.

Mrs. TAYLOR. Just let me say to my good friend, Mr. Evans, who can so ably represent the people who sent him here, that I hope that someday in the near future you will come before this body not on a parliamentary issue, not on asking for fiscal notes, but for really looking at the substance of the issue that is before you. That would make your people proud.

The SPEAKER. I am sure that all the members of the House appreciate the lady's advice, and if the gentleman, Mr. Evans, wants to construe it as a question, he certainly may. I think the debate is really wandering very, very far afield, and the Chair is now inclined to begin to constrict the debate.

Mr. EVANS. I guess you are correct, Mr. Speaker, that the only reason that I have made this particular motion is because when I was elected as chairman of the House Appropriations Committee, I emphasized the importance of looking at the fiscal aspect of anything we do, Mr. Speaker. Although, Mr. Speaker, my good friend from Chester County may disagree with me about hiding behind fiscal notes, fiscal notes are connected, and any implications dealing with the fiscal aspect of things are substance.

So, Mr. Speaker, I do not make these motions frivolously. I make these motions because I have real concern and want the members to know that this has a direct impact upon this current budget as well as how we move in the future, Mr. Speaker. I believe that members on both sides of the aisle need to understand exactly what they are voting on, and hopefully once they have the information, Mr. Speaker, they will do the right thing, and the right thing, Mr. Speaker, is to send this particular resolution to the House Appropriations Committee, Mr. Speaker. Thank you.

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

The following roll call was recorded:

YEAS—12

Battisto	Cappabianca	Lucy	Roebuck
Billow	DeWeese	McNally	Steighner
Broujos	Evans	Mihalich	Tigue

NAYS—187

Acosta	Fargo	LaGrotta	Rudy
Adolph	Farmer	Langtry	Ryan
Allen	Fee	Laughlin	Saloom
Anderson	Fleagle	Lawless	Saurman

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

NOT VOTING—1

Mrkonic

EXCUSED—2

Clymer Wright, D. R.

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

On the question recurring,
Will the House adopt the resolution?

VOTE CORRECTION

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

Mr. ROEBUCK. Yes, Mr. Speaker.
My switch is malfunctioning. I wish to be recorded in the negative on the last vote.

CONSIDERATION OF HCRRR 2 CONTINUED

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

Mr. RICHARDSON. Mr. Speaker, on the resolution I have two technical amendments.

The SPEAKER. Has the gentleman circulated his amendments?

Mr. RICHARDSON. Yes.

The SPEAKER. The amendments to be offered by the gentleman have not been circulated. This matter will be over temporarily.

Mr. RICHARDSON. Mr. Speaker, if they feel that it is a situation in which they are not necessary because they are technical and the Senate can do them, that is fine. I just wanted to offer these two because they were given to us by our legal counsel as technical points that were left out of the resolution when it was originally drafted by the Reference Bureau.

RESOLUTION PASSED OVER TEMPORARILY

The SPEAKER. The Chair would urge the gentleman to give the counsel for the majority and minority each a copy. Meanwhile, we will have the amendments begin to be reproduced for circulation. In case that proves necessary, we will go over this resolution temporarily.

REPORT OF COMMITTEE OF CONFERENCE CONSIDERED

Mr. BELFANTI called up for consideration the following Report of the Committee of Conference on **HB 244, PN 1438**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," requiring notice and public hearings prior to the closure, sale, lease or transfer of any State-owned institution.

On the question,

Will the House adopt the report of the committee of conference?

The SPEAKER. The Chair recognizes Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker—

Mr. GALLEN. Point of order, Mr. Speaker.

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

Mr. GALLEN. We do not have a conference report on our desks. At least I do not.

Mr. BELFANTI. It has been circulated.

The SPEAKER. The Chair is advised by the clerks that this has been circulated.

The Chair recognizes Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

As I was starting to say, before us today is a conference report. I have been advised that the copies of the conference report have been inserted into everyone's binders and that is where the location is.

This report was adopted unanimously by the six conferees representing the four caucuses and also was adopted previously by an overwhelming margin in this chamber. The importance of this legislation cannot be understated. Do we as

a General Assembly, the representatives of the people, deserve input into harsh and sometimes rash executive decisions?

Consider this conceivable scenario, if you will: The 1991 budget gets resolved, and as usual we find some ingenious ways of robbing Peter to pay Paul and maybe even borrow some money out of next year's funds to balance this year's books. August and September roll around. The week before we return for session in the fall, Governor Casey announces the efforts he will make to save the State's fiscal integrity for next year. Now, without discussing the measures with House and Senate leaders, a press conference is abruptly called. Governor Casey releases a list of State facilities which will be closed. The abrupt cessation of services provided by these facilities and its impact on the health and welfare of our constituents cannot be taken into account. The administration must save some while abandoning others.

Here is the new list of targeted facilities: the Philadelphia area offices of the Department of Community Affairs; the Scranton State School for the Deaf; the Thaddeus Stevens State School of Technology in Lancaster; the Norristown Regional Office of DER; the Bald Eagle, Big Pocono, Hickory Run, Lehigh Gorge, and Shikellamy State Parks; the Department of Health laboratory in Lionville; the Hiram G. Andrews Rehabilitation Center in Johnstown; unemployment offices in Altoona, Beaver Falls, Chester, Gettysburg, Hazleton, Lebanon, and all fifth- through eighth-class counties; the Veterans Home at Hollidaysburg; Public Welfare offices in every fourth- through eighth-class county; the Allentown, Haverford, Norristown, and Somerset State Mental Hospitals; Bloomsburg, Clarion, Lock Haven, and Shippensburg State Universities; all PennDOT maintenance district offices in sixth- through eighth-class counties. All of these facilities will be closed or phased out over the next 3 years according to the Governor's statement. It cannot happen, you say. Well, many people thought that; so did the Jeff Coys, the Dave Argalls, the Stan Jarolins, the Huck Gambles, and the Lynn Hermans. We all thought it could not happen.

Okay. Let us say my list is a little too big and only 10 percent of the aforementioned facilities will be abruptly closed within 90 days from the announcement. The question now becomes, can some of these facilities be saved perhaps under some other auspices? Can Lock Haven University be transferred into a community college? Can Allentown Mental Hospital be transformed into a rehabilitation center? Would Hershey Medical be interested in the Scranton State School for the Deaf? How do we as legislators open these discussions up with the Governor? The answer is, good luck. The Secretaries of Education and Welfare will play ring-around-a-rosy with you right up to the day your facility is closed.

Mr. Speaker, HB 244 creates a new process where we as legislators, as in a representative form of government, can negotiate with Bob Casey or some future Governor before the ax falls. This process presently exists at the Federal level.

I hold here a copy of the Base Closure and Realignment Act. As you are aware, President Bush has ordered Defense

Secretary Dick Cheney to cut some fat out of the Defense budget. Dick Cheney subsequently announced 41 U.S. military bases will be closed. That plan has been submitted to an eight-member commission for review. Under the Base Closure and Realignment Act, the plan then gets submitted from this review committee to the appropriate committees of the Federal level, U.S. Congress, and then the entire Congress will then decide in the final analysis which bases will close and which bases will remain open.

This General Assembly in many respects mirrors the Federal Government, and it is ironic that some of the same Senate leaders who are taking the Governor's side on the issue of HB 244 are intensely lobbying their Congressmen to save their military base back in their districts. In fact, the Governor himself has asked that public hearings be held on the base closings announced by Secretary Cheney. Thank God they have a process where the three branches of government are separate but equal. HB 244 reestablishes that notion at the State level: separate but equal.

I urge your concurrence on HB 244, and I stand ready to answer any questions about the very minor changes that were made in the legislation insofar as the way it passed this chamber a month ago. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Schuler.

Mr. SCHULER. Thank you, Mr. Speaker.

Will the gentleman stand for interrogation?

Mr. BELFANTI. Yes, sir.

The SPEAKER. The gentleman indicates that he will.

Mr. SCHULER. Thank you, Mr. Speaker.

Mr. Speaker, does this bill include the State System of Higher Education?

Mr. BELFANTI. Yes, Mr. Speaker. According to the legalese, the experts up in the Reference Bureau, land grant universities cannot be closed by the Governor. All State-related universities could, upon Executive order under the present set of laws that we have in this Commonwealth, be closed by Executive order. The language in HB 244 would protect any agency that is directly under the Governor or under any of the departments. It would not, however, protect liquor stores, which are under the Liquor Control Board which is independent, or it could not save the turnpike because that is under a commission, but anything that is directly under the Governor and/or any of his Cabinet-level officials is covered under this proposal.

Mr. SCHULER. Then I am correct that only the Board of Governors of the State System of Higher Education could address these issues, like closing, reduction of staff, and not the Governor?

Mr. BELFANTI. If this legislation were passed and sustains a gubernatorial veto, we will then be part of that process. However, many people were under the impression that only the board of trustees at State general hospitals would have a say as to whether a facility would ever be closed. They did not feel that the Governor had the ability to close any facility. As you are aware, here in the General Assembly we have part of the process when any facility is to be divested

or sold, but that issue has been taken to the courts and the courts have ruled that the Executive, under the laws that the Commonwealth has presently, does have the ability to take the abrupt action of closing a facility, notwithstanding the objections of the boards of trustees of the facilities impacted.

So I believe that if HB 244 becomes the law of the land, then the General Assembly absolutely does have a say and becomes part of the negotiating process. In the absence of HB 244, by Executive order the Governor could in fact close a State-related university without the approval of the board of trustees.

Mr. SCHULER. Well, that is a matter of debate. But let me ask then a further question. If the Governor would decide, what department would make these proposals to the General Assembly then to close a State System school?

Mr. BELFANTI. The Department of Education.

Mr. SCHULER. All right. Thank you, Mr. Speaker.

Mr. Speaker, may I make a comment?

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

Mr. SCHULER. Thank you, Mr. Speaker.

I think what we have here is a situation that is going to create some problems for the State System of Higher Education in the future. I think recently, if you have been reading the newspaper, you noticed that we have had some debate already in this area. I think this is going to magnify the situation.

It is my opinion that the State System of Higher Education is an independent organization and responsible only to the Board of Governors, and I do not believe that the Board of Governors can only make those decisions. Now, they may recommend a proposal to the General Assembly, but I do not believe it rests within the power of the executive branch. Thank you, Mr. Speaker.

THE SPEAKER PRO TEMPORE (THOMAS C. CORRIGAN, SR.) PRESIDING

The SPEAKER pro tempore. The Chair recognizes Representative Coy. Do you seek recognition?

Mr. COY. Thank you, Mr. Speaker.

I join with Representative Schuler in his concern on this issue. The State System of Higher Education has sought in recent weeks to insure its independence, and while there is concern about encroachment of that independence on this issue and with specific regard to this legislation, I nonetheless feel that independence is enhanced by passage of this legislation. The legislation speaks directly to the term "department"; no department shall have the right to close an institution without legislative hearings. With regard to the State System of Higher Education, I am not certain there is a department that comes into play. In fact, it would be my judgment that there would not be, that the independence of that Board of Governors is not precluded by an action of any department, and specifically in this case, the Department of Education.

Nonetheless, whatever body of an executive branch is making a decision on closure, the purpose and the desires sought in this legislation is that legislative input be involved and be involved by law. After all, Mr. Speaker, the legislature authorized these various schools, hospitals, commissions, and so on. The legislature appropriates funds annually for the operation of these schools, hospitals, commissions, and so on. Likewise, Mr. Speaker, when the tough decisions about fiscal responsibility which may involve closure or reduction in force of these types of schools, hospitals, or commissions must be made, I feel and many of us feel that the legislature must be involved in that decision also.

What we seek, therefore, is input. We seek input in a process. We do not seek to subvert a process. We seek to be coequals in this legislative branch of government, which has the ability to authorize and therefore ought to have input on closure.

Mr. Speaker, I urge adoption of the conference report. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Cawley.

Mr. CAWLEY. Thank you, Mr. Speaker.

I would like to interrogate the maker of the conference report.

The SPEAKER pro tempore. The gentleman acknowledges that he will be interrogated.

Mr. CAWLEY. Thank you, Mr. Speaker.

Mr. Speaker, you read a list of some institutions that you said are now on the potential hit list.

Mr. BELFANTI. Hypothetical; hypothetical list.

Mr. CAWLEY. Could you tell me, did you acquire that list from someone from the administration?

Mr. BELFANTI. No. I took it out of the Commonwealth Directory at random.

Mr. CAWLEY. Thank you, Mr. Speaker.

Mr. BELFANTI. You thought you were going to lose the Scranton State School for the Deaf, and you may, come July or August, but it is not on any list that I know of.

Mr. CAWLEY. Well, I appreciate that, Mr. Speaker. I can cancel the ambulance that was on the way to pick me up. Thank you.

The SPEAKER pro tempore. Thank you.

The Chair recognizes the lady, Mrs. Langtry.

Mrs. LANGTRY. Thank you, Mr. Speaker.

May I interrogate Representative Belfanti?

The SPEAKER pro tempore. The gentleman will be interrogated.

Mrs. LANGTRY. Thank you.

Once again, following up on the same question, you mentioned a list of mental hospitals but did not include one that I am especially interested in; namely, Woodville. Is that to say that Woodville is not included in this legislation or is?

Mr. BELFANTI. I am sorry. Maybe the noise level in the hall did not allow for people to hear my first few paragraphs when I talked in hypotheticals about what may happen next year.

The facilities that are already on the hit list remain on that list, and they are real. The three State general hospitals - of course, Philipsburg has already been closed a few weeks ago; Woodville is still on the list and so is the Scotland School. Those other institutions that I mentioned were purely hypothetical instances of what can happen this time next year, and we have no process in place to react to it as our colleagues in the U.S. Congress do.

I am just asking through this legislation that we have input. We are an equal branch of government—that is what they taught me in Pennsylvania history—but in some instances we are not. And I believe in the instance of closures, the legislature has not been involved, and it is ironic that we are involved when something far less disastrous happens; namely, a divestiture or a sale or a transformation of a facility into some other type of facility with very little loss of jobs, with very little loss of services. We are required to adopt divestiture plans. We are required to have input in that type of scenario, and we have no input in the most disastrous form of Executive orders, and that is abrupt closures without warning, and that is what we are asking for through this legislation.

Mrs. LANGTRY. Right. I appreciate that, and I support this legislation.

Could you briefly tell me what the changes are that were made in the conference committee?

Mr. BELFANTI. As the legislation traveled here from the Senate, it had already been on its fifth printing. This is now its sixth printing, so it has been altered six times. If you would like me to explain how it was altered from the last printing—

Mrs. LANGTRY. Yes.

Mr. BELFANTI. —the last time it visited this chamber, the Senate had inserted language in the Appropriations Committee that would extend that 25-percent trigger mechanism, not simply to staff complements but to also include patients at things such as mental institutions.

It was not my intention to require the General Assembly become involved anytime there is a loss of patients in a particular facility or prisoners in a prison. The mental health and retardation advocacy groups across the State were very upset at that Senate language, because they felt that in effect what we were saying is, once a patient is admitted, because of this new law we are throwing the key away. We are going to force them to stay in a mental institution forever, because if you let over 25 percent of them out, you have to go through this big, long legislative process, and that was not my intention, so that language was stricken. The original intention of the 25-percent reduction in staff remains, however.

So the legislation is very similar to the frame it was in when it first was adopted by this chamber by a vote of 188 to 12.

Mrs. LANGTRY. Thank you very much.

Mr. BELFANTI. You are welcome.

The SPEAKER pro tempore. The Chair thanks the lady and recognizes Representative Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, would the gentleman, Mr. Belfanti, submit to interrogation?

Mr. BELFANTI. Yes.

The SPEAKER pro tempore. The gentleman indicates that he will.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I would like to return to the point that Representative Schuler was attempting to address and then it was followed up on by Representative Coy, and that is with respect to buildings owned by and other services provided through the State System of Higher Education. This speaks to legislative intent, and I am asking you and Representative Coy, as particularly two of the House members who serve on the conference committee, to either agree or disagree with this interpretation.

Can we interpret the language in this conference report in such a way that this report is not intended to confer upon any department of State government new or expanded authority to close buildings or to in any way affect the material reduction of complement services or staff, confer authority or expand authority that does not exist elsewhere in the law?

Mr. BELFANTI. As far as legislative intent, Mr. Speaker, I can assure you that there is no intention to confer additional authority on department heads. The primary purpose of this legislation is to give us, the General Assembly, additional authority to react to closures and drastic reductions in the work force. It certainly is not my intention to extend authority from the State System to the Department of Education. However, I mention the Department of Education only because the legislation does say that if a closure order comes down, that the report from the administration will travel to the appropriate standing committee, and the standing committee I think dealing with the State System of Higher Education would be the Education Committee.

Mr. COWELL. But therefore, if somewhere else in the Commonwealth's laws the Department of Education or the Department of General Services or some other department of State government does not already have the authority to close a building or transfer ownership or, again, to affect the reduction of complement services or staff, this is not intended to give such authority to any department.

Mr. BELFANTI. You are absolutely correct with that.

Mr. COWELL. Secondly, can we understand that the State System of Higher Education's Board of Governors is not a department as so defined in this legislation?

Mr. BELFANTI. That is correct, Mr. Speaker.

Mr. COWELL. Okay. Thank you very much, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House adopt the report of the committee of conference?

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

YEAS—189

Acosta	Dermody	Kukovich	Saloom
Adolph	Donatucci	LaGrotta	Saurman
Allen	Durham	Langtry	Scheetz
Anderson	Evans	Laughlin	Schuler

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

NAYS—11

Fargo	Gladeck	Levdansky	Piccola
Flick	Lee	Murphy	Pitts
Foster	Leh	Nickol	

NOT VOTING—0

EXCUSED—2

Clymer Wright, D. R.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the committee of conference was adopted.

Ordered, That the clerk inform the Senate accordingly.

CONSIDERATION OF HCRRR 2 CONTINUED
REMARKS SUBMITTED FOR THE RECORD

The SPEAKER pro tempore. The Chair recognizes Representative Richardson.

Mr. RICHARDSON. I just have remarks for the record on Resolutions 1 and 2, sir, to be submitted, and I ask for an affirmative vote on this resolution.

The SPEAKER pro tempore. Has the gentleman, Mr. Richardson, withdrawn his amendment?

Mr. RICHARDSON. First, Mr. Speaker, yes; we withdraw the amendments on Resolution 2.

And for the record, I have remarks to submit with respect to Resolution 2, and if it comes before us, I ask for an affirmative vote on HCRRR 2.

The SPEAKER pro tempore. Will the gentleman submit his remarks to the clerk.

Mr. RICHARDSON submitted the following remarks for the *Legislative Journal*:

During discussions with the majority leader and the chairman of the Appropriations Committee, the importance of existing agreements with the administration on the issue of pharmacy reimbursements became apparent. With my understanding of that commitment on the part of leadership, and an equal understanding of the budget constraints which drove that decision in mind, I have decided not to pursue the very real and important substantive issues which were cause for the Health and Welfare Committee to disapprove the pharmaceutical services regulation and for the committee to report to the House Concurrent Regulatory Review Resolution No. 1. I now reluctantly urge you to vote "yes" on the motion to recommit.

Even though the Commonwealth may remain out of compliance with the Federal regulation which requires that the State's payment for drugs may not exceed, in the aggregate, the Federal MAC along with the payment of a reasonable dispensing fee in order to meet the Federal upper limits, it is reasonable that this problem—the problem being that pharmacists are being paid less for drugs with no increase in their dispensing fee to compensate for that decrease—be addressed in the appropriation process during budget negotiations rather than now.

It is my understanding that the budget agreement on the pharmacy regulations dates back to last year's budget negotiations. That agreement and the circumstances that led to it predate the current administration practice of pursuing budget policy through emergency regulations, it can arguably be handled in separate forum. The remaining questions on whether the pharmacy regulation affects the accessibility of medical assistance services to recipients can and will be decided by the courts.

But Concurrent Regulatory Review Resolution No. 2 is a different matter.

The Governor's implementation of his budget goals by promulgating emergency regulations is an insult to the General Assembly and to the citizens of Pennsylvania and to our collective pride in our democratic form of government. Constitutionally, the General Assembly cannot and has not delegated its appropriation power, but the Governor seems to believe we have. RRR 2 must pass both Houses of the General Assembly to tell the Governor that we will not delegate our spending authority in time of crisis. We are elected leaders and we will lead. The Governor has no "implied authority" to control spending to avoid a projected deficit in next year's budget. Separation of powers is one of the principles on which our democratic form of government rests. The Governor cannot be allowed to use regulations to force his position in budget negotiations. To allow him to do so circumvents one of the few checks that balance power between the branches of government. We must vote "yes" on Concurrent Regulatory Review Resolution No. 2.

On the question recurring,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—193

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

NAYS—5

DeWeese	Mihalich	Pesci	Tigue
Evans			

NOT VOTING—2

Mrkonic	Taylor, F.
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EXCUSED—2

Clymer	Wright, D. R.
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The question was determined in the affirmative, and the resolution was adopted.

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

VOTE CORRECTION

The SPEAKER pro tempore. Why does the gentleman, Mr. Reinard, rise?

Mr. REINARD. Correction of the record, Mr. Speaker. The SPEAKER pro tempore. The gentleman is in order. Mr. REINARD. On HB 209, amendment A675, my switch was not working. I would like the record to show that I would have voted in the affirmative. The SPEAKER pro tempore. The gentleman's remarks will be spread upon the record.

WELCOME

The SPEAKER pro tempore. The Chair wishes to welcome Al Ammons and Greg Molinaro. They are guests of the majority leader, Mr. DeWeese, and they are to the left of the Speaker. Will those gentlemen rise.

BILL ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 29, PN 1321**, entitled:

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

On the question, Will the House concur in Senate amendments?

The SPEAKER pro tempore. Moved by the gentleman, Mr. Lloyd, that the House concur in the amendments inserted by the Senate.

The question recurs, will the House concur in the amendments inserted by the Senate?

The Chair recognizes the gentleman, Mr. Lloyd. Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, this is the bill that allows barber school graduates to continue practicing under supervision while they are awaiting admission to their profession after having successfully passed the exam.

When the bill left the House, the temporary practice permit extended until the exam was taken. The Senate amended the bill to extend the temporary permit until such time as the results of that exam are received.

Mr. Speaker, I think that is a reasonable amendment, and I would ask for an affirmative vote.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The question is, will the House concur in the amendments inserted by the Senate?

Those voting to concur will vote "yes"; those voting to nonconcur will vote "no."

On the question recurring, Will the House concur in Senate amendments?

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

YEAS—199

- | | | | |
|----------|-----------|----------|---------|
| Acosta | Fairchild | Langtry | Roebuck |
| Adolph | Fajt | Laughlin | Rudy |
| Allen | Fargo | Lawless | Ryan |
| Anderson | Farmer | Lee | Saloom |

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

NAYS—0

NOT VOTING—1

Arnold

EXCUSED—2

Clymer Wright, D. R.

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

Ordered, That the clerk inform the Senate accordingly.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 90, PN 1439**, entitled:

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.

On the question,

Will the House agree to the bill on third consideration?

Mr. PICCOLA offered the following amendment No. A0489:

Amend Bill, page 2, lines 2 thorough 30; pages 3 through 12, lines 1 through 30; page 13, lines 1 through 25, by striking out all of said lines on said pages and inserting

Section 1. Sections 479.1 and 479.3 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, added June 30, 1984 (P.L.458, No.96), are amended to read:

Section 479.1. Definitions.—The following words and phrases when used in sections 479 through 479.5 shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Board” means the Pennsylvania Board of Probation and Parole.

“Commission” means the Pennsylvania Commission on Crime and Delinquency.

“Crime” means an act [committed in this Commonwealth which, if committed by a mentally competent, criminally responsible adult who had no legal exemption or defense, would constitute a crime as defined in and proscribed by Title 18 of the Pennsylvania Consolidated Statutes (relating to crimes and offenses) or enumerated in the act of April 14, 1972 (P.L.233, No.64), known as “The Controlled Substance, Drug, Device and Cosmetic Act.” No act involving the operation of a motor vehicle which results in injury shall constitute a crime for the purpose of this act unless the injury was intentionally inflicted through the use of a motor vehicle.] committed in this Commonwealth by a person without regard to legal exemption or defense, which would constitute a crime under 18 Pa.C.S. (relating to crimes and offenses), 30 Pa.C.S. § 5502 (relating to operating watercraft under influence of alcohol or controlled substance) or 5502.1 (relating to homicide by watercraft while operating under influence) or 75 Pa.C.S. § 3731 (relating to driving under influence of alcohol or controlled substance) or 3735 (relating to homicide by vehicle while driving under influence).

“Dispositional proceeding” means any proceeding which occurs in open common pleas court which potentially could dispose of the case, including, but not limited to, Accelerated Rehabilitative Disposition, pleas, trial and sentence.

“Family” means when used in reference to a person:

(1) anyone related to that person within the third degree of consanguinity or affinity;

(2) anyone maintaining a common-law relationship with that person; or

(3) anyone residing in the same household with that person.

“Feloniously assaultive crime” means an act committed in this Commonwealth which, if it had been committed by a mentally competent, criminally responsible adult who had no legal exemption or defense, would constitute a felony as defined in and proscribed by Chapter 25, 27, 29, 31 or 37 of Title 18 of the Pennsylvania Consolidated Statutes (relating to crimes and offenses). No act involving the operation of a motor vehicle which results in injury shall constitute a feloniously assaultive crime for the purpose of this act unless the injury was intentionally inflicted through the use of a motor vehicle.]

“Law enforcement agency” means the Pennsylvania State Police and municipal police departments.

“Minor judiciary” means district justices, Philadelphia Municipal Court and Pittsburgh Magistrate Court.

“Personal injury crime” means an act, attempt or threat to commit an act, which would constitute a misdemeanor or felony as defined in and proscribed by the following:

18 Pa.C.S. Ch. 25 (relating to criminal homicide).

18 Pa.C.S. Ch. 27 (relating to assault).

18 Pa.C.S. Ch. 29 (relating to kidnapping).

18 Pa.C.S. Ch. 31 (relating to sexual offenses).

18 Pa.C.S. Ch. 37 (relating to robbery).

18 Pa.C.S. Ch. 49 Subch. B (relating to victim and witness intimidation).

18 Pa.C.S. § 3301 (relating to arson and related offenses).

75 Pa.C.S. § 3735 (relating to homicide by vehicle while driving under influence).

“Prosecutor’s office” means the Office of Attorney General and the office of a district attorney of a county.

“Victim” means [a person against whom a crime is being or has been perpetrated or attempted.] any of the following:

(1) A person against whom a crime is being or has been perpetrated or attempted.

(2) A parent or legal guardian of a child so victimized, except when the parent or legal guardian of the child is the alleged offender.

(3) A family member of a homicide victim, including step-brothers or stepsisters, stepchildren, stepparents or a fiance, one of whom to be identified to receive communication as provided for in this act.

Section 479.3. Basic Bill of Rights for Victims.—Victims of crime have the following rights:

[(1) To have included in any presentence report information concerning the effect that the crime committed by the defendant has had upon the victim, including any physical or psychological harm or financial loss suffered by the victim, to the extent that such information is available from the victim or other sources.

(2) To have restitution ordered as a condition of probation whenever feasible.

(3) Upon request of the victim of a feloniously assaultive crime, to be promptly informed by the district attorney whenever the assailant is to be released on parole, furlough or any other form of supervised or unsupervised release from full incarceration.]

(1) To receive basic information concerning the services available for victims of crime, including information concerning social services such as community-based victim services, grief counseling, rape crisis or domestic violence services.

(2) To be protected from harm and threats of harm arising from their cooperation with law enforcement and prosecution efforts, including a waiting area during common pleas court proceedings separate from the defendants and families and friends of defendants. In proceedings before the minor judiciary, a seating area separate from the defendants shall be provided.

(3) To be notified of significant actions within the criminal justice system pertaining to their case.

(4) To be given notice of all substantive public criminal proceedings and to be accompanied at such proceedings by a family member, victim advocate or other person for purposes of emotional support.

(5) In cases involving personal injury crimes, burglary or violations of 75 Pa.C.S. § 3731 (relating to driving under influence of alcohol or controlled substance), to provide prior comment to the prosecutor’s office on the reduction or dropping of any charge prior to the entry of a plea.

(6) To have opportunity to offer prior comment on the sentencing of a defendant, and also including the submission of a written or oral victim impact statement detailing the physical, psychological and economic effects of the crime on the victim and the victim’s family.

(7) To be restored, to the extent possible, to the precrime economic status through the provision of restitution, compensation as provided under the crime victims’ compensation program pursuant to sections 477 through 477.19, and the expeditious return of property which is seized as evidence in the case when, in

the judgment of the prosecutor, the evidence is no longer needed for prosecution of the case.

(8) In personal injury crimes, to be notified of the pretrial and presentence release of the defendant. In other crimes, to be notified of the manner in which this information may be obtained by the victim.

(9) In personal injury crimes where the offender is sentenced to a county correctional facility, to be notified sufficiently in advance of the release of the offender, including parole, pardon, work release, furlough, or community service and to be provided immediate notice of the escape of the offender.

(10) Where the offender is sentenced to a State correctional facility, to be given the opportunity to provide prior comment on State postsentencing release decisions, including work release, furlough, parole, pardon or community treatment center placement and to be provided immediate notice of an escape of the offender.

(11) In crimes involving child victims, to be advised of the rights and protections provided by child victims pursuant to the provisions of 23 Pa.C.S. Ch. 63 (relating to child protective services) and 42 Pa.C.S. Ch. 59 Subch. D (relating to child victims and witnesses).

(12) To be notified of the opportunity to receive notice when an offender is committed to a mental health facility from a county prison or State correctional institution and the release, placement or escape of the offender from the mental health facility.

Section 2. The act is amended by adding sections to read:

Section 479.6. Responsibilities of Law Enforcement Agencies under Basic Bill of Rights.—(a) All law enforcement agencies are responsible for providing basic information on services available for crime victims. The information shall be in writing and shall be provided to the victim within twenty-four hours of the agency's first contact with the victim and shall include the following:

(1) An explanation of the victim's rights pursuant to the provisions of section 479.3 and responsibilities pursuant to the provisions of section 479.10.

(2) The telephone numbers of agencies which provide appropriate services, including community-based victim service agencies, grief counselors, rape crisis centers and domestic violence programs.

(3) The procedures for dealing with victim or witness intimidation and harassment pursuant to 18 Pa.C.S. Ch. 49 Subch. B (relating to victim and witness intimidation) and domestic violence and child abuses under 23 Pa.C.S. Ch. 61 (relating to protection from abuse) and Ch. 63 (relating to child protective services).

(4) Notice of the availability of victim's compensation pursuant to sections 477 through 477.19 and the agency which can provide claims assistance.

(5) An orientation to the pretrial judicial process.

(6) In personal injury crimes, to be provided a form pursuant to section 479.11(a).

(b) Within one year of the effective date of this section, all law enforcement agencies shall prepare an attachment to or revise the police report to provide for the victim's signature, signifying that the information required in subsection (a) has been provided to the crime victim in a timely manner.

(c) In personal injury crimes, law enforcement agencies shall make reasonable efforts to notify the victims of the arrest of the suspect as soon as possible, but not more than eight hours after the preliminary arraignment.

(d) In personal injury crimes, all law enforcement agencies and sheriffs, deputy sheriffs and constables are responsible for immediately notifying the victim of an inmate's escape from the custody of the law enforcement agency, sheriff, deputy sheriff and constable.

Section 479.7. Responsibilities of Prosecutor's Office under Basic Bill of Rights.—(a) The prosecutor's office shall coordinate the information provided to victims under sections 479.1 through 479.9.

(b) The prosecutor's office shall provide information to law enforcement agencies concerning services available to victims in the county, including community-based victim services, grief counseling, rape crisis or domestic violence services.

(c) The prosecutor's office shall coordinate the following services for victims and witnesses of crime:

(1) An orientation to the court system including an explanation of the process, and the role of the victim.

(2) Advance notice of at least forty-eight hours of any dispositional proceedings scheduled and timely notice of continuances.

(3) Assistance with prior comment on the key decisions regarding disposition, including, but not limited to, the entry of a plea and sentence, including the submission of written or oral victim impact statements.

(4) A waiting area during common pleas court proceedings separate from the defendants and families and friends of the defendants. In proceedings before the minor judiciary, a seating area separate from the defendant shall be provided.

(5) Notice of the disposition and sentence of the defendant, including any sentence modifications. When the defendant is released from incarceration at the sentencing hearing, reasonable efforts shall be made to notify the victim as soon as possible when it involves a personal injury crime and the victim has given prior notice.

(6) Assistance with the preparation of, submission and follow-up on financial assistance claims to the Crime Victim's Compensation Board and expeditious return of property when, in the judgment of the prosecutor, the evidence is no longer needed for prosecution of the case.

(7) Where the victim requests notice pursuant to sections 479.3(9), (10) and (12), the prosecutor's office shall provide the victim with the appropriate forms as provided in section 479.8 or 479.11 and the victim's responsibilities pursuant to section 479.10.

(8) Notice of the opportunity to receive notice when an offender is committed to a mental health institution from a county prison or State correctional institution and the subsequent release and placement or escape of the offender.

(9) Services associated with the victim's or witness's ability to participate in the criminal justice process, including, to the extent of available resources, transportation, child care and employer or creditor intercession.

Section 479.8. Responsibilities of Department of Corrections and Pennsylvania Board of Probation and Parole.—

(a) Within one year of the effective date of this act, the Department of Corrections and the Pennsylvania Board of Probation and Parole shall develop standardized forms regarding victim notification pursuant to section 479.3(10). The form shall include the address where the form is to be sent.

(b) Where the department and board has received notice of a victim's desire to have input pursuant to section 479.3(10), the appropriate agency shall notify the victim sufficiently in advance of a pending release decision to extend an opportunity for prior comment.

(c) The victim's prior comment may be oral or written and shall be considered by the department or the board as to the advisability of release and any conditions of release which may be imposed.

(d) Where the department has received notice of a victim's desire to receive notification as provided for in section 479.3(10) regarding escape of the offender, the superintendent of the State correctional institution shall immediately notify the victim of the escape.

(e) Where the department has received notice of a victim's desire to receive notification as provided for in section 479.3(12), the superintendent of the State correctional institution shall notify the victim of the commitment of the offender to a mental health facility and the location of the facility within twenty-four hours of the commitment.

(f) All records maintained by the department and the board pertaining to victims shall be kept separate, and current address, telephone number and any other personal information of the victim and family members shall be deemed confidential.

(g) The department or the board shall notify the victim of the final decision rendered and relevant conditions imposed prior to the release of the offender.

Section 479.9. Responsibilities of Department of Public Welfare and Mental Health Institutions under Basic Bill of Rights.—(a) Within one year of the effective date of this act, the Department of Public Welfare shall develop standardized forms, which shall include the address where the completed form is to be sent, for the receipt of notice from the victim concerning the victim's interest in discharge decisions and notification of an escape. Sufficient copies of the forms shall be provided to the office of the district attorney for distribution to victims upon court-ordered commitment of the offender to a mental health institution in the State system.

(b) Where the Department of Public Welfare has received notice of a victim's desire to receive notification as provided for in section 479.3(12) regarding release, placement or escape of the offender, the Department of Public Welfare shall designate the appropriate official to notify the victim of the discharge of the offender from the mental health institution and the facility to which the offender was discharged within twenty-four hours of the discharge. The Department of Public Welfare or the designated official shall immediately notify the victim of an escape of the offender from the mental health institution.

Section 479.10. Responsibilities of Victims of Crime under Basic Bill of Rights.—A victim shall provide a valid address and telephone number and any other information which facilitates contact to all agencies responsible for providing information and notice to the victim. The victim shall be responsible for providing timely notice of any changes in the status of such information. The information provided shall not be disclosed to any person other than a law enforcement agency, corrections agency or district attorney's office without the prior written consent of the victim.

Section 479.11. Responsibilities of President Judge of Court of Common Pleas under Basic Bill of Rights.—The president judge shall adopt, by local rule, forms and procedures to provide for:

(1) Pretrial and presentence victim notification pursuant to section 479.3(8).

(2) Postsentencing notification pursuant to section 479.3(9).

(3) Victim notification of the commitment of an offender to a mental health facility pursuant to section 479.3(12).

Section 3. This act shall take effect as follows:

(1) The addition of section 479.3(8), (9) and (12) of the act shall take effect upon the promulgation of local rules pursuant to section 479.11 but no later than one year from the effective date of this act.

(2) Except as provided in paragraph (1), this act shall take effect in 180 days.

On the question,

Will the House agree to the amendment?

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

Mr. PICCOLA. Thank you, Mr. Speaker.

This rather large omnibus amendment is a result of a lot of work that has been done by a variety of parties to address the legitimate concerns of the law enforcement community with regard to the significant new duties that are imposed upon them as a result of HB 90.

We recognize the need to increase and improve services to victims in the Commonwealth. HB 90, as it will be amended, proposes new safeguards and protections to victims of personal injury crimes, in addition to mechanisms for victim notification of pretrial and postsentencing release of an offender. Police departments, district attorneys' offices, county and State prisons, and the Department of Public Welfare, by virtue of their mental health institutions, will all have new duties imposed upon them to insure victim notification, education, protection, and advocacy throughout the criminal justice process.

These new rights and services to victims are important. Our criminal justice system must be more attentive to the victims, particularly with regard to their input as to the sentencing of the defendant. However, we must not overlook the primary duty of law enforcement; that is, the protection of the public safety. We must strike a balance. For the police, it is to protect the community through patrol, investigation, and arrest of suspects. For our district attorneys, it is to prosecute those persons who are arrested. For our prisons, it is to safely incarcerate those persons who are convicted. There is no doubt that law enforcement agencies will have to devote significantly more time to victims as a result of this legislation.

This amendment, as it was drafted, with the concurrence of the prime sponsor, has these goals in mind. The criminal justice agencies referred to before will be able to provide these new services to victims without impairing their public safety function.

These initiatives do not come without a cost, especially to our counties, which are continually called upon to expand programs without corresponding funding. HB 77, which we passed on April 3, will provide increased victim witness assistance funding through the Pennsylvania Commission on Crime and Delinquency to our counties for these new expanded and extended services.

When HB 77 passed, you may recall I expressed my concern about the wisdom of continuing to finance such programs through offender fees. I continue to note that concern and that at some point we will not be able to fund these important services only through fees upon criminal defendants. It is our hope, however, that these fees will be adequate, at least for the short term.

I urge that the House adopt this amendment, and I believe that it has the concurrence of the prime sponsor, Ms. Ritter.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Will the House agree to the amendment? On that question, the Chair recognizes Representative Ritter.

Ms. RITTER. Thank you, Mr. Speaker.

I know it will surprise some of you, but I have worked very diligently with Representatives Piccola, Hagarty, and Heckler and the Republican staff of the House Judiciary Committee, most particularly Mary Woolley and Paul Dunkelberger who worked very hard, as well as Gary Tennis and Mary Achilles from the Philadelphia district attorney's office, to address the concerns expressed by law enforcement officials and district attorneys about this bill regarding procedures and costs. And I believe that this amendment represents a compromise that goes far towards addressing those concerns, to lessening the impact and the burden on local governments, and yet maintaining the integrity of the concept of victims' rights. So this bill, as it will be amended, is supported by Commissioner Lehman, and I also have a letter from the Chiefs of Police Association applauding this effort on our behalf.

So I would therefore ask the members of this House to support the Piccola amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—198

Acosta	Durham	Kukovich	Robinson
Adolph	Evans	LaGrotta	Roebuck
Allen	Fairchild	Langtry	Rudy
Anderson	Fajt	Laughlin	Ryan
Angstadt	Fargo	Lawless	Saloom
Argall	Farmer	Lee	Saurman
Armstrong	Fee	Leh	Scheetz
Arnold	Fleagle	Lescovitz	Schuler
Barley	Flick	Levdansky	Scrimenti
Battisto	Foster	Linton	Semmel
Belardi	Fox	Lloyd	Serafini
Belfanti	Freeman	Lucyk	Smith, B.
Billow	Freind	McCall	Smith, S. H.
Birmelin	Gallen	McGeehan	Snyder, D. W.
Bishop	Gamble	McHugh	Snyder, G.
Black	Gannon	McNally	Staback
Blaum	Geist	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, J.
Carone	Harper	Nailor	Telek
Cawley	Hasay	Nickol	Thomas
Cessar	Hayden	Noye	Tigue
Chadwick	Hayes	Nyce	Tomlinson
Civera	Heckler	O'Brien	Trello
Clark	Herman	Olasz	Trich
Cohen	Hershey	Oliver	Tulli
Colafella	Hess	Perzel	Uliana
Colaizzo	Hughes	Pesci	Van Horne
Cole	Itkin	Petrarca	Vance
Cornell	Jadlowiec	Petrone	Veon
Corrigan	James	Phillips	Vroon
Cowell	Jarolin	Piccola	Wambach
Coy	Johnson	Pistella	Williams
DeLuca	Josephs	Pitts	Wilson
DeWeese	Kaiser	Preston	Wogan
Daley	Kasunic	Raymond	Wozniak

Davies	Kenney	Reber	Wright, M. N.
Dempsey	King	Reinard	Wright, R. C.
Dent	Kosinski	Richardson	
Dermody	Krebs	Rieger	O'Donnell,
Donatucci	Kruszewski	Ritter	Speaker

NAYS—0

NOT VOTING—2

Maiale

Taylor, F.

EXCUSED—2

Clymer

Wright, D. R.

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—198

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

DeWeese	Kasunic	Preston	Wogan
Daley	Kenney	Raymond	Wozniak
Davies	King	Reber	Wright, M. N.
Dempsey	Kosinski	Reinard	Wright, R. C.
Dent	Krebs	Rieger	
Dermody	Kruszewski	Ritter	O'Donnell,
Donatucci	Kukovich	Robinson	Speaker

NAYS—0

NOT VOTING—2

Hughes Richardson

EXCUSED—2

Clymer Wright, D. R.

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.

HCRRR 2 RECONSIDERED

The SPEAKER pro tempore. The Chair is in possession of a reconsideration motion by the gentleman, Mr. Pesci, and he moves that the vote by which House Concurrent Resolution 2 was passed on the 23d day of April be reconsidered.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—200

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

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Clymer Wright, D. R.

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

On the question recurring,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—195

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

Dempsey	Kosinski	Reinard	Wright, R. C.
Dent	Krebs	Richardson	
Dermody	Kruszewski	Rieger	O'Donnell,
Donatucci	Kukovich	Ritter	Speaker
Durham			

NAYS—5

DeWeese	Mihalich	Tigue	Veon
Evans			

NOT VOTING—0

EXCUSED—2

Clymer Wright, D. R.

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

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

RULES SUSPENDED

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that House rule 30 be suspended so that when HB 702 comes from the Senate, it can go immediately to the calendar rather than to the Rules Committee.

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

The following roll call was recorded:

YEAS—196

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

DeLuca	Kaiser	Preston	Williams
Daley	Kasunic	Raymond	Wilson
Davies	Kenney	Reber	Wogan
Dempsey	King	Reinard	Wozniak
Dent	Kosinski	Richardson	Wright, M. N.
Dermody	Krebs	Rieger	Wright, R. C.
Donatucci	Kruszewski	Ritter	
Durham	Kukovich	Robinson	O'Donnell,
Evans	LaGrotta	Roebuck	Speaker
Fairchild	Langtry		

NAYS—0

NOT VOTING—4

EXCUSED—2

Battisto Colaizzo DeWeese Maiale

Clymer Wright, D. R.

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.

SENATE MESSAGE

AMENDED HOUSE BILL
RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned **HB 702, PN 1432**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

**SUPPLEMENTAL CALENDAR A
BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 702, PN 1432**, entitled:

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

On the question,
Will the House concur in Senate amendments?

The SPEAKER pro tempore. The Chair recognizes Representative Evans.

Mr. EVANS. Thank you, Mr. Speaker.

HB 702, Mr. Speaker, is the bill we passed back about March 12 that was dealing with the issue of a Federal augmentation, the issue of the hospital pooling. The only change in the Senate, Mr. Speaker, was an amendment that dealt with nursing pooling.

I would suggest to the members of the House that we should concur in HB 702. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Pitts.

Mr. PITTS. Thank you, Mr. Speaker.

I also rise to urge the members to concur in the amendments to HB 702. It implements the pooling arrangement. I urge concurrence.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Pistella.

Mr. PISTELLA. Thank you, Mr. Speaker.

Mr. Speaker, I was wondering if the gentleman, Mr. Evans, could answer a brief question for me on the Senate amendment.

The SPEAKER pro tempore. The gentleman indicates that he will.

Mr. PISTELLA. Thank you, Mr. Speaker.

Mr. Speaker, I have met with representatives from both categories of organizations covered in HB 702. My question was, in the language regarding the notification by the Governor of the approval of the Health Care Financing Administration, HCFA, are you aware of what in fact the timetable would be for the approval by HCFA of this proposal?

Mr. EVANS. My understanding, Mr. Speaker, is that HCFA has 90 days, first. Secondly, we have submitted the inpatient aspect for hospitals but we have not submitted the aspect for nursing homes. We are at that point where we are moving— What has been indicated to us by the Secretary of the Budget is that we are moving in that direction.

Mr. PISTELLA. So it is safe to say then, in approximately 90 days from the signature of the Governor to approve the amendment of the plan, we can expect HCFA to get back to us.

Mr. EVANS. I would say yes, Mr. Speaker.

Mr. PISTELLA. Great. Thank you very much, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The question is, will the House concur in amendments inserted by the Senate? Moved by the gentleman, Mr. Evans, that the House concur in the amendments inserted by the Senate.

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

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—200

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

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Clymer Wright, D. R.

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

Ordered, That the clerk inform the Senate accordingly.

CALENDAR CONTINUED

BILL ON FINAL PASSAGE POSTPONED

The House proceeded to consideration on final passage postponed of HB 161, PN 158, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for handicapped plates and placards; requiring pedalcycle helmets for persons five years of age or younger; and providing a penalty.

On the question recurring, Shall the bill pass finally?

DECISION OF CHAIR RESCINDED

The SPEAKER pro tempore. Without objection, the Chair rescinds its decision that HB 161 has been agreed to for the third time as amended.

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

Mrs. HAGARTY offered the following amendments No. A0628:

Amend Sec. 1 (Sec. 3510), page 1, line 11, by striking out "or in a pedalcycle trailer"

Amend Sec. 1 (Sec. 3510), page 2, line 8, by striking out "\$50." and inserting \$25. Persons age 17 and under shall not be subject to the penalty provisions of this subsection on the first offense.

Amend Sec. 2, page 2, line 12, by striking out "60" and inserting

90

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

The SPEAKER pro tempore. The Chair recognizes Mrs. Hagarty.

Mrs. HAGARTY. Thank you.

Mr. Speaker, this is an amendment which I prepared in response to some of the legitimate issues which were raised last week with regard to the legislation which requires bike helmets for passengers only on bicycles.

The amendment, first of all, takes out the words "or in a pedalcycle trailer" so that if you have a trailer in which the young child is carried, that child does not need a helmet, because my understanding is that those trailers have seatbelts and are really safe enough probably without a helmet.

Second of all, it reduces the fine from \$50 to \$25, including costs.

Additionally, it provides that if a person 17 or under is the one who is in violation of the act for a first offense, that they shall not be subject to the fine.

I would appreciate support of this amendment.

The SPEAKER pro tempore. The Chair thanks the lady.

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

The following roll call was recorded:

YEAS—194

Table listing names of members who voted 'YEAS' (194 total). Includes Acosta, Adolph, Allen, Angstadt, Argall, Armstrong, Arnold, Barley, Battisto, Belardi, Belfanti, Billow, Birmelin, Bishop, Black, Blaum, Bowley, Boyes, Broujos, Bunt, Bush, Burkovitz, Caltagirone, Cappabianca, Carlson, Carn, Carone, Evans, Fairchild, Fajt, Fargio, Farmer, Fee, Fleagle, Flick, Foster, Fox, Freeman, Freind, Gallen, Gamble, Gannon, Geist, George, Gerlach, Gigliotti, Gruitza, Gruppo, Hagarty, Haluska, Hanna, Harley, Harper, Hasay, Langtry, Laughlin, Lawless, Lee, Leh, Lescovitz, Levdansky, Linton, Lloyd, Lucyk, McCall, McGeehan, McHugh, McNally, Maiale, Markosek, Marsico, Mayernik, Melio, Merry, Michlovic, Micozzie, Mihalich, Mrkonic, Mundy, Murphy, Nahill, Roebuck, Rudy, Ryan, Saloom, Saurman, Scheetz, Schuler, Scrimenti, Semmel, Serafini, Smith, B., Snyder, D. W., Snyder, G., Staback, Stairs, Steelman, Steighner, Stetler, Stish, Strittmatter, Stuban, Sturla, Surra, Tangretti, Taylor, E. Z., Taylor, F., Taylor, J.

Table listing names of members who voted 'NAYS' (6 total). Includes Cawley, Cessar, Chadwick, Civera, Clark, Cohen, Colafella, Colaizzo, Cole, Cornell, Corrigan, Cowell, Coy, DeLuca, DeWeese, Daley, Davies, Dempsey, Dent, Dermody, Donatucci, Durham, Hayden, Hayes, Heckler, Herman, Hershey, Hess, Hughes, Itkin, Jadlowiec, James, Jarolin, Johnson, Josephs, Kaiser, Kasunic, Kenney, King, Kosinski, Krebs, Kruszewski, Kukovich, LaGrotta, Nailor, Nickol, Noye, O'Brien, Olasz, Oliver, Perzel, Pesci, Petrarca, Petrone, Phillips, Piccola, Pistella, Pitts, Preston, Raymond, Reber, Reinard, Richardson, Rieger, Ritter, Robinson, Telek, Thomas, Tigue, Tomlinson, Trello, Trich, Tulli, Uliana, Van Horne, Vance, Veon, Vroon, Wambach, Williams, Wilson, Wogan, Wozniak, Wright, M. N., Wright, R. C., O'Donnell, Speaker.

NAYS—6

Table listing names of members who were 'NOT VOTING' (0 total). Includes Anderson, Brown, Gladeck, Godshall, Nyce, Smith, S. H.

NOT VOTING—0

EXCUSED—2

Clymer, Wright, D. R.

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

On the question recurring,

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

Mrs. HAGARTY offered the following amendments No. A0626:

Amend Sec. 1 (Sec. 3510), page 2, by inserting between lines 4 and 5

(c) Civil actions.—In no event shall a violation or alleged violation of subsection (a) be used as evidence in a trial of any civil action; nor shall any jury in a civil action be instructed that any conduct did constitute or could be interpreted by them to constitute a violation of subsection (a); nor shall failure to use a pedalcycle helmet be considered as contributory negligence nor shall failure to use a pedalcycle helmet be admissible as evidence in the trial of any civil action.

Amend Sec. 1 (Sec. 3510), page 2, line 5, by striking out "(c)" and inserting

(d)

Amend Sec. 1 (Sec. 3510), page 2, line 9, by striking out "(d)" and inserting

(e)

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

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

Mrs. HAGARTY. Thank you.

Mr. Speaker, this amendment simply conforms this to our seatbelt law in cars just to make sure that if a motorist is negligent in the operation of his vehicle, that he cannot use it as a defense that the young child did not have on a helmet on the back of the bike. Thank you.

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

The following roll call was recorded:

YEAS—197

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

NAYS—1

Nyce

NOT VOTING—2

Colaiffella Hershey

EXCUSED—2

Clymer Wright, D. R.

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

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—157

Acosta	Dent	Kukovich	Roebuck
Adolph	Dermody	LaGrotta	Rudy
Allen	Donatucci	Langtry	Ryan
Angstadt	Durham	Laughlin	Saloom
Argall	Evans	Lawless	Saurman
Armstrong	Fairchild	Lescovitz	Schuler
Arnold	Fajt	Levdansky	Semmel
Barley	Farmer	Linton	Snyder, D. W.
Battisto	Fee	McCall	Snyder, G.
Belardi	Flick	McGeehan	Staback
Belfanti	Fox	McHugh	Stairs
Billow	Freeman	McNally	Steelman
Bishop	Gallen	Maiale	Steighner
Black	Gannon	Markosek	Stetler
Blaum	Geist	Marsico	Stish
Bowley	Gerlach	Mayernik	Stuban
Boyes	Gigliotti	Melio	Sturla
Broujos	Godshall	Micozzie	Surra
Bunt	Gruppo	Mihalich	Tangretti
Bush	Hagarty	Mrkonc	Taylor, E. Z.
Butkovitz	Haluska	Murphy	Taylor, J.
Caltagirone	Hanna	Nahill	Telek
Cappabianca	Harley	Nailor	Thomas
Carlson	Harper	Noye	Tomlinson
Carn	Hayden	O'Brien	Trello
Carone	Hayes	Olasz	Trich
Cessar	Heckler	Oliver	Tulli
Chadwick	Herman	Perzel	Uliana
Civera	Hershey	Pesci	Vance
Clark	Hess	Petrarca	Veon
Cohen	Itkin	Phillips	Vroon
Colaiffella	James	Piccola	Wambach
Colaizzo	Johnson	Pistella	Williams
Cole	Josephs	Pitts	Wilson
Cornell	Kaiser	Preston	Wogan
Corrigan	Kenney	Raymond	Wright, R. C.
Cowell	King	Reber	
Coy	Kosinski	Rieger	O'Donnell,
DeLuca	Krebs	Ritter	Speaker
DeWeese	Kruszewski	Robinson	

NAYS—42

Anderson	George	Lucyk	Scrimenti
Birmelin	Gladeck	Merry	Serafini
Brown	Gruitza	Michlovic	Smith, B.
Cawley	Hasay	Mundy	Smith, S. H.
Daley	Hughes	Nickol	Strittmatter
Davies	Jadlowiec	Nyce	Taylor, F.
Dempsey	Jarolin	Petrone	Tigue
Fargo	Kasunic	Reinard	Van Horne
Fleagle	Lee	Richardson	Wozniak
Foster	Leh	Scheetz	Wright, M. N.
Gamble	Lloyd		

NOT VOTING—1

Freind

EXCUSED—2

Clymer Wright, D. R.

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.

HB 90 RECONSIDERED

The SPEAKER pro tempore. The Chair is in possession of a reconsideration motion filed by the gentleman, Mr. James, and he moves that the vote by which HB 90, PN 1439, was passed on the 23d day of April be reconsidered. That is the matter before the House.

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

The following roll call was recorded:

YEAS—200

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Clymer Wright, D. R.

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

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—200

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Clymer Wright, D. R.

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.

CONDOLENCE RESOLUTION ADOPTED

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

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

The clerk will read the resolution.

The following resolution was read:

**COMMONWEALTH OF PENNSYLVANIA
THE HOUSE OF REPRESENTATIVES
RESOLUTION**

WHEREAS, Carmel A. Sirianni of Montrose passed away recently at the age of sixty-eight; and

WHEREAS, Ms. Sirianni represented many things to many people, among them a dedicated professional and avowed steward of many political, social and charitable causes. A graduate of Bloomsburg University, she earned a master's degree from Bucknell University and pursued additional coursework at Pennsylvania State University and Marywood College. She served as an educator, guidance director and assistant to the principal in the Mount View School District and was an administrative assistant to Kenneth B. Lee, former speaker of the Pennsylvania House of Representatives, prior to entering the political arena herself; and

WHEREAS, Elected to represent the 111th Legislative District in the Pennsylvania House of Representatives in 1974, Ms. Sirianni served as minority chairman of the Agriculture and Rural Affairs Committee and as a member of the policy, Labor Relations and Agricultural Research Projects Committees. A former member of the executive board and finance committee of the Pennsylvania Republican State Committee and the Platform Committee at the 1984 GOP convention, she served as chairman for the 10th and 11th Congressional Districts for the 1987 Presidential Campaign Committee; now therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania note with sadness the passing of native daughter, Carmel A. Sirianni, who served in a way most befitting the highest ideals of public service; express heartfelt condolences to her family; and be it further

RESOLVED, That a copy of this resolution be transmitted to the Family of Carmel A. Sirianni.

We hereby certify that the foregoing is an exact copy of a resolution introduced in the House of Representatives by the Honorable Kenneth E. Lee and unanimously adopted by the House of Representatives.

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

On the question,
Will the House adopt the resolution?

The SPEAKER pro tempore. Those in favor of the resolution will rise and remain standing as a mark of respect for the deceased former member.

(Whereupon, the members of the House and all visitors stood in a moment of silence in solemn respect to the memory of the Honorable Carmel A. Sirianni.)

The SPEAKER pro tempore. The resolution has been unanimously adopted.

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

RULES SUSPENDED

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that the rules of the House be suspended so that we can immediately take up HR 103, HR 108, and HR 109.

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

The following roll call was recorded:

YEAS—195

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

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

NAYS—0

NOT VOTING—5

Godshall	Maiale	Reinard	Tomlinson
Hagarty			

EXCUSED—2

Clymer	Wright, D. R.
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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 pro tempore. The gentleman, Mr. Murphy, calls up HR 103, which will be read by the clerk.

The following resolution was read:

House Resolution No. 103

A RESOLUTION

Proclaiming the weekend of May 3 through 5, 1991, as "Parents Without Partners Weekend" throughout Pennsylvania.

WHEREAS, Parents Without Partners, Inc. is an international, nonprofit membership organization devoted to the welfare and interests of single parents and their children; and

WHEREAS, On the weekend of May 3 through 5, 1991, the Western Pennsylvania Regional Council of Parents Without Partners will host a multistate conference in Pittsburgh; and

WHEREAS, The success of Parents Without Partners with its educational, family, recreational and community service activities offers inspiration to adults and children not only in Pittsburgh but throughout Pennsylvania; therefore be it

RESOLVED, That the House of Representatives congratulate Parents Without Partners of Western Pennsylvania on its conference; and be it further

RESOLVED, That the House of Representatives proclaim May 3 through 5, 1991, as "Parents Without Partners Weekend" throughout Pennsylvania.

Thomas J. Murphy, Jr.
 Patricia Carone
 Ron Gamble
 Thomas A. Michlovic
 Thomas C. Petrone
 Frank J. Gigliotti

On the question,
 Will the House adopt the resolution?

The following roll call was recorded:

YEAS—200

Acosta	Evans	Langtry	Roebuck
Adolph	Fairchild	Laughlin	Rudy
Allen	Fajt	Lawless	Ryan
Anderson	Fargo	Lee	Saloom
Angstadt	Farmer	Leh	Saurman
Argall	Fee	Lescovitz	Scheetz
Armstrong	Fleagle	Levdansky	Schuler
Arnold	Flick	Linton	Scrimenti
Barley	Foster	Lloyd	Semmel
Battisto	Fox	Lucyk	Serafini
Belardi	Freeman	McCall	Smith, B.

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Clymer	Wright, D. R.
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The question was determined in the affirmative, and the resolution was adopted.

* * *

The SPEAKER pro tempore. The gentleman, Mr. Belardi, brings up HR 108, which will be read by the clerk.

The following resolution was read:

House Resolution No. 108

A RESOLUTION

Designating May, 1991, as "Foster Care Month" in Pennsylvania.

WHEREAS, Children are our future, they are reflections of our hopes and dreams; and

WHEREAS, The family is the primary social unit within society and, when families are strong and healthy, our society is able to thrive; and

WHEREAS, Many families are experiencing difficult problems, and the children in these families are seriously harmed as a result of poverty, parental immaturity and substance abuse; and

WHEREAS, Pennsylvania has approximately 7,000 families willing to serve as foster parents, and these families care for about 12,000 children; and

WHEREAS, Foster care is a temporary arrangement which provides the needed physical and emotional support for children unable to live with their biological parents; and

WHEREAS, Foster parents provide help so that other families will have a realistic chance to restore themselves and eventually assume their rightful parenting duties; therefore be it

RESOLVED, That the House of Representatives designate the month of May, 1991, as "Foster Care Month" in Pennsylvania.

Fred Belardi
Edward G. Staback
Frank A. Serafini
Gaynor Cawley
Thomas M. Tighe

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

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

NAYS—0
NOT VOTING—4

DeWeese Fajt Preston Tighe
EXCUSED—2

Clymer Wright, D. R.

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

* * *

The SPEAKER pro tempore. The lady, Ms. Steelman, calls up HR 109, which will be read by the clerk.

The following resolution was read:

House Resolution No. 109

A RESOLUTION

Memorializing members of the House of Representatives to recognize April, 1991, as "Sexual Assault Awareness Month" to end sexual violence and celebrate survival.

WHEREAS, To commemorate "Sexual Assault Awareness Month," rape crises centers are organizing marches, rallies and vigils across this Commonwealth during the month of April, 1991.

WHEREAS, According to the United States Senate Judiciary Committee's report entitled "Violence Against Women: The Increase of Rape In America 1990," last year more women reported having been raped than in any year in the United States history; and

WHEREAS, According to the committee's report, the number of rapes in this country which were reported to authorities exceeded 100,000 for the first time ever; and

WHEREAS, According to the committee's report, the United States Justice Department figures indicate that Pennsylvania experienced a 3% increase in reported rapes for 1990 with a total of 3,044 rapes reported to police; and

WHEREAS, According to the committee's report, Pennsylvania ranks 9th among all states in the nation relating to the number of reported rapes; and

WHEREAS, According to the committee's report, the number of rapes reported each year to the authorities is lower than the actual number of rapes which occur each year; and

WHEREAS, According to the committee's report, the guilt, embarrassment, fear, distrust and anxiety which a sexual assault victim often feels, due to internal and external social factors, continues to discourage many victims of violent sexual assault from reporting incidents of such violence to the proper authorities; therefore be it

RESOLVED, That the House of Representatives recognize that every citizen of this Commonwealth has the right to live free from the fear of sexual violence whether on the streets or in her or his own home; and be it further

RESOLVED, That the House of Representatives recognize the need to promote an awareness of sexual violence and the development of appropriate programs to combat such violence which tears at the social and moral fabric of our nation and State; and be it further

RESOLVED, That the House of Representatives recognize the need for this Commonwealth to provide hospitals, rape crises centers and other domestic institutions with the necessary resources and support to properly assist victims of sexual violence to overcome their tragedies; and be it further

RESOLVED, That the House of Representatives recognize the need to educate children and all citizens of this Commonwealth concerning helpful techniques to prevent becoming victimized by

sexual violence, as well as providing channels of assistance to help those who do become victims of sexual violence; and be it further

RESOLVED, That members of the House of Representatives recognize the need to work with rape crises centers, hospitals, law-enforcement agencies and other public service institutions to help create a social environment in which victims of sexual violence do not suffer from embarrassment, shame, guilt or intimidation when reporting incidents of such violence; and be it further

RESOLVED, That the General Assembly recognize the commemoration of April, 1991, as "Sexual Assault Awareness Month" in an effort to rid society of sexual violence; and be it further

RESOLVED, That the House of Representatives encourage all its members to participate within their local communities in the events that will occur in April, 1991, to commemorate "Sexual Assault Awareness Month," as well as work closely throughout the month of April, 1991, with rape crises centers in their districts in recognition of the need to end sexual violence and celebrate life.

Sara G. Steelman
Karen A. Ritter
Ed Arnold
Stephen H. Stetler
P. Michael Sturla
Robert Louis Freeman
Leo J. Trich, Jr.
Babette Josephs
Dennis M. O'Brien
Connie McHugh
Joseph F. Markosek
Ellen A. Harley
Peter J. Daley II
H. William DeWeese
Allen G. Kukovich
Anthony J. Melio
Michael R. Veon
David K. Levdansky
Ruth B. Harper
Fred A. Trello
Victor John Lescovitz
Edward G. Staback
Edwin G. Johnson
Timothy L. Pesci
Jeffrey W. Coy
Phyllis Mundy
Charles F. Nahill, Jr.
Tony DeLuca
Kenneth E. Kruszewski
Robert E. Belfanti, Jr.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—200

Acosta	Evans	Langtry	Roebuck
Adolph	Fairchild	Laughlin	Rudy
Allen	Fajt	Lawless	Ryan
Anderson	Fargo	Lee	Saloom
Angstadt	Farmer	Leh	Saurman
Argall	Fee	Lescovitz	Scheetz
Armstrong	Fleagle	Levdansky	Schuler
Arnold	Flick	Linton	Scrimenti
Barley	Foster	Lloyd	Semmel
Battisto	Fox	Lucyk	Serafini
Belardi	Freeman	McCall	Smith, B.
Belfanti	Freind	McGeehan	Smith, S. H.
Billow	Gallen	McHugh	Snyder, D. W.

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Clymer Wright, D. R.

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

EDUCATION COMMITTEE MEETING

The **SPEAKER** pro tempore. The Chair recognizes the gentleman, Mr. Cowell, for the purpose of making an announcement.

Mr. **COWELL**. Thank you, Mr. Speaker.

Mr. Speaker, I have two announcements concerning the Education Committee.

First, the committee will meet in room 140 immediately after adjournment to consider several regulations presented to the committee.

COMMITTEE MEETING CANCELED

Mr. **COWELL**. Secondly, tomorrow's meeting scheduled for 9:30 a.m. is canceled. Thank you, Mr. Speaker.

The **SPEAKER** pro tempore. The Chair thanks the gentleman.

VOTE CORRECTIONS

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Petrarca. Why do you rise?

Mr. PETRARCA. Thank you, Mr. Speaker.

Voting on amendment 637 to HB 401, I would like to vote in the negative. Thank you.

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

The Chair recognizes the gentleman, Mr. Hershey. Why do you rise?

Mr. HERSHEY. Thank you, Mr. Speaker.

On amendment A0626 to HB 161, I failed to vote. I would like to be recorded in the affirmative.

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

The Chair recognizes the gentleman, Mr. Saloom.

Mr. SALOOM. On the motion to recommit HCRRR 1, I was recorded in the affirmative. I wish to have been recorded in the negative.

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

The Chair recognizes the gentleman, Mr. Fajt. Why do you rise?

Mr. FAJT. Mr. Speaker, I would like to be recorded in the affirmative on HR 108.

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

JUDICIARY COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Caltagirone. Why do you rise?

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

Just to remind the members of the House Judiciary Committee, tomorrow at 2 o'clock, Senate room 461, the Pennsylvania Crime Commission report. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

BILL REMOVED FROM TABLE

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

Mr. DeWEESE. Mr. Speaker, I move that HB 1274 be removed from the table and placed on the active calendar.

On the question,

Will the House agree to the motion?

Motion was agreed to.

VOTE CORRECTIONS

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Pesci. Why do you rise?

Mr. PESCI. Mr. Speaker, on HCRRR 1, my switch malfunctioned. I was not recorded as voting. I would like to be recorded in the negative.

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

The Chair recognizes the gentleman, Mr. Michlovic. Why do you rise?

Mr. MICHLOVIC. Mr. Speaker, on HCRRR 1, I was out of my seat. I would like to be recorded in the affirmative for the motion to recommit it to committee. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

ANNOUNCEMENT BY MR. JAMES

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. James. Why do you rise?

Mr. JAMES. Mr. Speaker, thank you.

I would like to make an announcement, please. The meeting of the ad hoc Subcommittee on African-American Minority and Rural Health Care which is scheduled for 2 p.m. will be changed to 12 p.m. tomorrow.

The SPEAKER pro tempore. The Chair thanks the gentleman.

VOTE CORRECTION

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Van Horne. Why do you rise?

Mr. VAN HORNE. Thank you, Mr. Speaker.

To have my vote recorded in the affirmative on HR 109.

The SPEAKER pro tempore. The Chair thanks the gentleman.

SENATE MESSAGE**SENATE CONCURRENCE
IN HOUSE RESOLUTION**

The clerk of the Senate, being introduced, informed that the Senate has concurred in the resolution from the House of Representatives as follows:

A CONCURRENT RESOLUTION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SENATE MESSAGE

SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE

The clerk of the Senate, being introduced, informed that the Senate has adopted the Report of the Committee of Conference on the subject of the differences existing between the two Houses on **HB 244, PN 1438**.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 251, PN 262

By Rep. PISTELLA

An Act amending the act of June 21, 1939 (P. L. 566, No. 284), known as "The Pennsylvania Occupational Disease Act," further providing for compensation for disability from beryllium poisoning.

LABOR RELATIONS.

THE SPEAKER (ROBERT W. O'DONNELL) PRESIDING

BILLS SIGNED BY SPEAKER

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

HB 29, PN 1321

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

HB 244, PN 1438

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," requiring notice and public hearings prior to the closure, sale, lease or transfer of any State-owned institution.

HB 702, PN 1432

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

BILLS PASSED OVER

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

ADJOURNMENT

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

Mr. TOMLINSON. Mr. Speaker, I move that this House do now adjourn until Monday, May 6, 1991, at 1 p.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 5:17 p.m., e.d.t., the House adjourned.