

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, JUNE 26, 1991

SESSION OF 1991

175TH OF THE GENERAL ASSEMBLY

No. 47

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:

Breathe on me, Breath of God, fill me with life anew,
That I may love what Thou dost love, and do what
Thou wouldst do.

Breathe on me, Breath of God, until my heart is pure,
Until with Thee I will one will, to do and to endure.

Breathe on me, Breath of God, till I am wholly Thine,
Till all this earthly part of me glows with thy fire
divine.

This is our prayer and hope, O God, that we feel Your breath, experience Your presence, and hear Your still small voice as we labor here in this legislative chamber, the ante-rooms, our offices, and the hallways in promoting the good of Your people.

May we never weary in well-doing, for in due season we shall reap if we feint not.

In Your dear name we pray. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Tuesday, June 25, 1991, will be postponed until printed. The Chair hears no objection.

JOURNAL APPROVED

The SPEAKER. The Journal of Wednesday, June 5, 1991, is in print and, without objection, will be approved.

ADDITIONS AND DELETIONS OF SPONSORS

The SPEAKER. The Chair acknowledges receipt of additions and deletions of sponsors of bills, which will be submitted to the clerk for the record.

(Copy of list is on file with the Journal clerk.)

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes Mr. Steighner.

Mr. STEIGHNER. Thank you, Mr. Speaker.

Mr. Speaker, I would ask for leave for today only for the gentleman from Westmoreland, Mr. PETRARCA, and the gentleman from Erie, Mr. CAPPABIANCA.

The SPEAKER. Without objection, leaves are granted.

The Chair recognizes Mr. Hayes. No leaves of absence for the Republican Party.

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—201

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	Lucy	Smith, B.
Belardi	Freeman	McCall	Smith, S. H.
Belfanti	Freind	McGeehan	Snyder, D. W.
Billow	Gallen	McHale	Snyder, G.
Birmelin	Gamble	McHugh	Staback
Bishop	Gannon	McNally	Stairs
Black	Geist	Maiale	Steelman
Blaum	George	Markosek	Steighner
Bowley	Gerlach	Marsico	Stetler
Boyes	Gigliotti	Mayernik	Stish
Broujos	Gladeck	Melio	Strittmatter
Brown	Godshall	Merry	Stuban
Bunt	Gruitza	Michlovic	Sturla
Bush	Gruppo	Micozzie	Surra
Butkovitz	Hagarty	Mihalich	Tangretti
Caltagirone	Haluska	Mrkonic	Taylor, E. Z.
Carlson	Hanna	Mundy	Taylor, F.
Carn	Harley	Murphy	Taylor, J.
Carone	Harper	Nahill	Telek
Cawley	Hasay	Nailor	Thomas
Cessar	Hayden	Nickol	Tigue

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—2

Cappabianca Petrarca

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader. Mr. DeWEESE. Mr. Speaker, I move that SB 14 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.

SENATE MESSAGE

HOUSE BILL CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 739, PN 816**, with information that the Senate has passed the same without amendment.

BILL SIGNED BY SPEAKER

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

HB 739, PN 816

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 policies issued to creditors.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1786 By Representatives DEMPSEY, BUSH, HECKLER, GEIST, VEON, CAWLEY, PETRARCA, JOHNSON, FAIRCHILD, GERLACH, CESSAR, MERRY, CLARK,

HALUSKA, KRUSZEWSKI, BELFANTI, STUBAN, BATTISTO, B. SMITH, G. SNYDER, PRESTON, NAILOR, VROON, STABACK, BILLOW, HARPER, KING, LEH, HAGARTY, THOMAS, HANNA, NOYE, J. TAYLOR, SAURMAN, STEELMAN and TRELLO

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

Referred to Committee on JUDICIARY, June 26, 1991.

No. 1787 By Representatives FREEMAN, TOMLINSON, CAPPABIANCA, FAJT, TRELLO, TIGUE, VEON, PISTELLA, BELARDI, BILLOW and RICHARDSON

An Act amending Title 9 (Burial Grounds) of the Pennsylvania Consolidated Statutes, classifying certain activities by cemetery companies as for-profit.

Referred to Committee on BUSINESS AND COMMERCE, June 26, 1991.

No. 1788 By Representatives BIRMELIN, ARMSTRONG, GLADECK, VROON, BARLEY, HECKLER, THOMAS, GAMBLE, FARGO, GALLEN, NOYE, JOHNSON, LAWLESS and LEH

An Act amending the act of July 23, 1970 (P. L. 563, No. 195), known as the "Public Employee Relations Act," further providing for membership voting on a strike issue.

Referred to Committee on LABOR RELATIONS, June 26, 1991.

No. 1789 By Representatives REINARD, COLAIZZO, DEMPSEY, HALUSKA, FAIRCHILD, TIGUE, HECKLER, BARLEY, MICOZZIE, JOHNSON, GEIST, VROON, STABACK, MARSICO, MERRY, CLYMER, ADOLPH, DeLUCA, TOMLINSON, GALLEN, ARMSTRONG, NOYE, GANNON, REBER, WOGAN and MELIO

An Act amending the act of November 30, 1965 (P. L. 847, No. 356), known as the "Banking Code of 1965," further providing for real estate loans.

Referred to Committee on BUSINESS AND COMMERCE, June 26, 1991.

No. 1790 By Representatives REINARD, CLARK, GLADECK, FAIRCHILD, BARLEY, FARGO, JOHNSON, ITKIN, NAHILL, VROON, M. N. WRIGHT, MARSICO, MERRY, LANGTRY, COLAIZZO, STURLA, CORNELL, MAIALE, ARMSTRONG, NOYE, LEH, E. Z. TAYLOR and MELIO

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," providing for an exclusion from sales tax for transfer of motor vehicles between individuals, partnerships and corporations.

Referred to Committee on FINANCE, June 26, 1991.

No. 1791 By Representatives NOYE, OLASZ, E. Z. TAYLOR, FARGO, STUBAN, GEIST, CLARK, SCHULER, VROON, HERSHEY, BATTISTO, BELARDI, TOMLINSON, ARMSTRONG, SAURMAN, TRELLO and RICHARDSON

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," authorizing the State System of Higher Education to sell bonds; and providing for certain debt service payments by the Commonwealth.

Referred to Committee on EDUCATION, June 26, 1991.

No. 1792 By Representatives NOYE, OLASZ, NAILOR, CLARK, RICHARDSON, TRELLO, SAURMAN, FARGO, STABACK, TIGUE, BILLOW, JOHNSON, GEIST, HECKLER, GLADECK, VROON, HERSHEY, CARONE, BELARDI, TOMLINSON, LEH, E. Z. TAYLOR, BUNT and ARMSTRONG

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," requiring the Department of Transportation to repair damage to private lands occasioned by changes in storm water drainage in relation to highway projects.

Referred to Committee on TRANSPORTATION, June 26, 1991.

No. 1793 By Representatives NOYE, BILLOW, HECKLER, TOMLINSON, TRELLO, SAURMAN, GLADECK, VROON and HERSHEY

An Act amending the act of July 16, 1968 (P. L. 351, No. 173), referred to as the "Prisoner Pre-release Plan Law," further providing for mandatory minimum sentences; and making editorial changes.

Referred to Committee on JUDICIARY, June 26, 1991.

No. 1794 By Representatives HASAY, PETRARCA, CESSAR, ITKIN, JOHNSON, DEMPSEY, FAIRCHILD, D. R. WRIGHT, NAILOR, M. N. WRIGHT, MUNDY, BELARDI, SALOOM, BELFANTI, HESS, BUNT, LEH, STABACK, LANGTRY, NOYE, STEELMAN, MELIO, GERLACH, CLARK, VEON, LAUGHLIN, BATTISTO, STAIRS, SCHEETZ, GODSHALL, VROON, HALUSKA, BROWN, LEE, SAURMAN, BILLOW, OLASZ, TOMLINSON, E. Z. TAYLOR, MERRY, CARLSON, TIGUE, GEIST, G. SNYDER, KENNEY, CLYMER, MRKONIC,

JAROLIN, FEE, FARGO, TRELLO, HECKLER, ARMSTRONG, NYCE, S. H. SMITH, TELEK, REBER, NICKOL and NAHILL

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the financial responsibility of antique motor vehicle owners.

Referred to Committee on TRANSPORTATION, June 26, 1991.

No. 1795 By Representatives GLADECK, BARLEY, BUNT, CORNELL, FARGO, FARMER, FLICK, GEIST, HARLEY, HAGARTY, HECKLER, JOHNSON, LANGTRY, McHUGH, NAHILL, NICKOL, PITTS, REBER, RYAN, SAURMAN, S. H. SMITH, B. SMITH and TULLI

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), known as the "Liquor Code," adding and amending certain definitions; further providing for retail dispensers, hearings, licenses and license revocations; establishing a private liquor system; imposing a tax; and making repeals.

Referred to Committee on LIQUOR CONTROL, June 26, 1991.

No. 1796 By Representatives GERLACH, CAWLEY, TIGUE, FOSTER, NYCE, ARMSTRONG, NOYE, NAILOR, ANGSTADT, JADLOWIEC, TRELLO, STABACK, TANGRETTI, HALUSKA, MERRY, MICOZZIE, MUNDY, COLAIZZO, HERMAN, HANNA, GODSHALL, MARSICO, SCHEETZ, BUSH, BARLEY, HECKLER, SEMMEL, CLARK, TRICH, HAYES, LEE, MELIO, ARGALL, HERSHEY, STETLER, BUNT, D. W. SNYDER, TOMLINSON, CARONE, FOX, WOZNIAK, FLICK, ALLEN, KREBS, REBER, ULIANA, DENT and LAWLESS

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for the establishment of standards for exempting from taxation a portion of the market value of real property.

Referred to Committee on LOCAL GOVERNMENT, June 26, 1991.

No. 1797 By Representatives BROUJOS, CESSAR, MRKONIC, BELFANTI, CAWLEY, KOSINSKI, McNALLY, JOHNSON, COWELL, PISTELLA, MAYERNIK, JAMES, ITKIN, NOYE, ANGSTADT, TRELLO, JAROLIN, KRUSZEWSKI, McHALE, DALEY, HARPER, MELIO, COLAFELLA and VEON

An Act amending the act of December 15, 1982 (P. L. 1266, No. 287), entitled "An act conferring limited residency status on military personnel and their dependents assigned to an active duty

station in Pennsylvania," further providing for rates of tuition for certain military personnel and their dependents.

Referred to Committee on MILITARY AND VETERANS AFFAIRS, June 26, 1991.

No. 1798 By Representatives PICCOLA, LEH, ARMSTRONG, HECKLER, GLADECK, CHADWICK, DEMPSEY, MARSICO and STRITTMATTER

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, prohibiting the interruption of government services by labor disputes.

Referred to Committee on LABOR RELATIONS, June 26, 1991.

No. 1799 By Representatives MIHALICH, VROON, BILLOW, SERAFINI, KUKOVICH, GIGLIOTTI, KOSINSKI, VAN HORNE, BUNT, LEVDANSKY, VEON, FOX, TRELLO, TANGRETTI, STABACK, MAIALE, FREEMAN, JOSEPHS, PISTELLA, LAWLESS, SCHEETZ, KASUNIC, ARMSTRONG, DeLUCA, LEE, CAWLEY, STEELMAN, GEORGE, PETRARCA, FEE and TRICH

An Act providing for the disposal of waste tires; conferring powers and duties on the Department of Environmental Resources and the Department of Revenue; imposing a tax; providing for penalties; establishing the Waste Tire Monofill Fund; and making appropriations.

Referred to Committee on CONSERVATION, June 26, 1991.

No. 1800 By Representatives KRUSZEWSKI, FEE, JAROLIN, GODSHALL, PETRONE, HESS, CAPPABIANCA, MICOZZIE, KREBS, STISH, CORRIGAN, HASAY, ANDERSON, FOSTER, TOMLINSON, REINARD, ITKIN, STUBAN, HANNA, GRUITZA, HALUSKA, KASUNIC, LEVDANSKY, WOZNIAC, STABACK, BELARDI, COY, STEIGHNER, COLAIZZO and MELIO

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, prohibiting the use of gill nets.

Referred to Committee on GAME AND FISHERIES, June 26, 1991.

No. 1801 By Representatives JOSEPHS, THOMAS, CARN, LINTON, HAGARTY, HARPER and ROBINSON

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, revising the law relating to firearms; providing for registration and permits; and imposing penalties.

Referred to Committee on JUDICIARY, June 26, 1991.

No. 1802 By Representatives MURPHY, FAJT, COWELL, McNALLY, RITTER, STURLA, CORRIGAN, ITKIN, JOHNSON, COLAIZZO, ROBINSON, MICHLOVIC, VEON, BELFANTI, HERMAN, KRUSZEWSKI, JOSEPHS, PESCI, NAHILL, CARONE, DALEY, GIGLIOTTI, FARMER, PRESTON, LEVDANSKY, MUNDY, HARPER, BELARDI, THOMAS, HAGARTY, FREEMAN, PISTELLA, CIVERA, DERMODY, STEELMAN, RUDY and RICHARDSON

An Act creating a Women's Equity Fund for women entrepreneurs seeking to establish or expand a business within this Commonwealth; providing small-capital infusions to women-owned businesses; specifying the conditions of and requirements for investment; establishing the Women's Equity Fund Board and providing for its powers and duties; granting authorization to expend appropriated funds to the Bureau of Women's Business Development; and making appropriations.

Referred to Committee on STATE GOVERNMENT, June 26, 1991.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 155 By Representatives NAHILL, CORNELL, FOX, MELIO, ARGALL, KOSINSKI, PESCI, ANGSTADT, RUDY, STABACK, COLAIZZO, BATTISTO, PHILLIPS, KASUNIC, DeLUCA, HECKLER, DENT, MARSICO, GEIST, ITKIN, GALLEN, SAURMAN, ARMSTRONG, JOSEPHS, BUNT, ADOLPH, TRELLO, VROON, RICHARDSON, E. Z. TAYLOR, CIVERA, LANGTRY, J. TAYLOR, LAUGHLIN, GLADECK, NOYE, HAGARTY, BELARDI, STETLER, CLYMER, STEIGHNER, HESS, CARLSON, TIGUE, HERSHEY, SERAFINI, STRITTMATTER, FARGO, B. SMITH, SURRA, HARPER, TELEK, KENNEY, MICOZZIE, JOHNSON and GERLACH

A Resolution requesting the Governor to proclaim the week of July 21, 1991, as "Lyme Disease Awareness Week."

Referred to Committee on RULES, June 26, 1991.

No. 156 By Representatives NOYE, SCHULER, BILLOW, GEIST, NAILOR, RICHARDSON, TRELLO, SAURMAN, FARGO, STUBAN, STABACK, JOHNSON, MELIO, VROON, COY, HERSHEY, BATTISTO, ADOLPH, OLASZ, TOMLINSON, E. Z. TAYLOR and ARMSTRONG

A Resolution encouraging the Pennsylvania Association of Colleges and Universities to establish an awards program to recognize colleges and universities maintaining and achieving high academic standards for their student athletes.

Referred to Committee on RULES, June 26, 1991.

No. 157

(Concurrent) By Representatives CIVERA, DeLUCA, COLAIZZO, FARGO, FLEAGLE, WAMBACH, JADLOWIEC, KAISER, ANGSTADT, DENT, GIGLIOTTI, HERMAN, NOYE, COLAFELLA, CAPPABIANCA, HAYES, FLICK, MERRY, PESCI, PITTS, ULIANA, SCRIMENTI, CORRIGAN, TRICH, CARLSON, KREBS, WOZNIAK, GEIST, MELIO, HARPER, LAUGHLIN, BOWLEY, MICOZZIE, SEMMEL, BUNT, McGEEHAN, CESSAR, KOSINSKI, MARKOSEK, LINTON, VAN HORNE, COY, JAROLIN, JOHNSON, GRUPPO, SERAFINI, MARSICO, HALUSKA, HECKLER, LESCOVITZ, KRUSZEWSKI, RUDY, SALOOM, D. W. SNYDER, GERLACH, FARMER, ARGALL, SAURMAN, NICKOL, MIHALICH, HAGARTY, NAILOR, ITKIN, FAJT, KENNEY, RAYMOND, VEON, STUBAN, STEELMAN, SCHULER, B. SMITH, OLASZ, PETRARCA, WILSON, BOYES, TELEK, E. Z. TAYLOR, G. SNYDER, FAIRCHILD, TOMLINSON, TANGRETTI, CLYMER, KING, McCALL, HANNA, BELFANTI, BUSH, BARLEY, HERSHEY, BISHOP, FREEMAN, TIGUE, M. N. WRIGHT, GODSHALL, S. H. SMITH, BATTISTO, NYCE, DEMPSEY, STETLER, J. TAYLOR, COWELL, FOX, BROWN, STEIGHNER, STABACK, PHILLIPS, HESS, ADOLPH, ANDERSON, O'BRIEN, ARMSTRONG, LANGTRY, KASUNIC, CLARK, BELARDI, COLE, LEH, GALLEN, CAWLEY, STURLA, ARNOLD, CORNELL, HASAY and SURRA

A Concurrent Resolution designating October 8, 1991, as "Pennsylvania Firefighters' Day."

Referred to Committee on RULES, June 26, 1991.

No. 158 By Representatives GEORGE, HASAY, HAYDEN, SURRA, ARNOLD, KREBS, STEELMAN, FREEMAN, SAURMAN, S. H. SMITH, STISH, BILLOW and BOWLEY

A Resolution directing the Committee on Conservation to conduct hearings on the proposed regulations relating to residual waste in the Commonwealth of Pennsylvania.

Referred to Committee on RULES, June 26, 1991.

No. 159 By Representatives BUNT, MRKONIC, JOHNSON, WAMBACH, McCALL, MICOZZIE, PESCI, GIGLIOTTI, REBER, ANGSTADT, HALUSKA, PHILLIPS, NYCE, NAHILL, KASUNIC, DEMPSEY, FOX, DALEY, ITKIN, GALLEN, SAURMAN, GEIST, ARMSTRONG, TRELLO, VROON, VEON, RAYMOND, HERSHEY, TIGUE, KENNEY, SERAFINI, LAWLESS, DENT, CARLSON, GERLACH, SCHULER, BELARDI, OLASZ, TOMLINSON, CIVERA and RICHARDSON

A Resolution memorializing Congress to select and approve a site in the Valley Forge area for a National Cemetery.

Referred to Committee on RULES, June 26, 1991.

SENATE BILL FOR CONCURRENCE

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

SB 515, PN 1353

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, June 26, 1991.

SENATE RESOLUTION FOR CONCURRENCE

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

SR 28, PN 489

Referred to Committee on FEDERAL-STATE RELATIONS, June 26, 1991.

CALENDAR

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1393, PN 2091**, entitled:

An Act authorizing the Department of Transportation to conduct a demonstration project for surface upgrading of dirt roads in rural counties.

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

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

The question is, shall the bill pass finally?
Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—197

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

NAYS—0

NOT VOTING—4

Kosinski	Maiale	Micozzie	Wright, R. C.
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EXCUSED—2

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

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

* * *

The House proceeded to third consideration of **SB 405, PN 1230**, entitled:

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, adding provisions relating to credited service as a retirement incentive; and further providing for special early retirement and for accrued liability.

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

The SPEAKER. The gentleman, Mr. Cowell, offers the following amendment. Will the gentleman, Mr. Cowell, send his amendment to the desk, please.

PARLIAMENTARY INQUIRY

Mr. RYAN. Mr. Speaker?

The SPEAKER. For what purpose does the gentleman rise?

Mr. RYAN. Point of parliamentary inquiry.

The SPEAKER. The gentleman will state his inquiry.

Mr. RYAN. Mr. Speaker, it is my understanding this particular bill was amended in the Appropriations Committee. I am wondering if you would tell me the rules with respect to the Appropriations Committee making amendments of substance.

The SPEAKER. Rule 19(a) on fiscal notes indicates that when a bill is referred to the Appropriations Committee for a fiscal note, the committee shall be limited in its consideration of any such bill to the fiscal aspects of the bill and shall not consider the substantive merits of the bill nor refuse to report, et cetera.

FILMING PERMISSION

The SPEAKER. John Sanks of WPVI-TV is given permission for 10 minutes of silent footage on the House floor.

CONSIDERATION OF SB 405 CONTINUED

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

Mr. COWELL offered the following amendments No. A1025:

Amend Title, page 1, line 2, by inserting after "Statutes," amending certain definitions;

Amend Title, page 1, lines 5 and 6, by striking out "and for accrued liability." and inserting
, accrued liability, termination of annuities and creditable nonschool service.

Amend Bill, page 1, lines 9 through 12, by striking out all of said lines and inserting

Section 1. The definition of "approved leave of absence" in section 8102 of Title 24 of the Pennsylvania Consolidated Statutes is amended and the section is amended by adding a definition to read:

§ 8102. Definitions.

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

* * *

"Approved leave of absence." A leave of absence which has been approved by the employer for sabbatical leave, service as an exchange teacher, or professional study, or a maternity leave of absence required by the employer.

* * *

"Maternity leave of absence." An involuntary leave of absence required by the employer because of the pregnancy of the member and occurring prior to May 17, 1975.

Section 2. Sections 8304(b) and 8312 introductory paragraph and paragraph (3) of Title 24 are amended to read:

§ 8304. Creditable nonschool service.

(b) Limitations on nonschool service.—Creditable nonschool service credit shall be limited to:

- (1) Intervening military service.
- (2) Other military service not exceeding five years.
- (3) Service in any public school or public educational institution in any state other than this Commonwealth or in any territory or area under the jurisdiction of the United States. This paragraph includes service, prior to July 1, 1965, at a community college established under the act of August 24, 1963 (P.L.1132, No.484), known as the Community College Act of 1963.

(4) Service as an administrator, teacher, or instructor in the field of public school education for any agency or department of the government of the United States whether or not such area was under the jurisdiction of the United States.

(5) Previous service as an employee of a county board of school directors which employment was terminated because of the transfer of the administration of such service or of the entire agency to a governmental entity.

(6) Previous service as a county employee as a nurse. For every three years or major fraction thereof in previous work experience, an individual may buy one year of creditable service, not to exceed a total of five years. The purchase of this service shall begin within three years of the employee's eligibility to purchase this creditable service.

(7) Creditable service for the period of time spent on a maternity leave of absence, required by the employer, which creditable service shall not exceed two years per leave and shall be applicable only to a maternity leave which was mandatory prior to May 17, 1975.

(8) Service in the Cadet Nurse Corps with respect to any period of training as a student or graduate nurse under a plan approved under section 2 of the act of June 15, 1943 (Public Law 78-73, 57 Stat. 153), if the total period of training under the plan was at least two years, the credit for such service not to exceed three years.

Amend Bill, page 2, by inserting after line 30

Section 3. Section 8324 of Title 24 is amended by adding a subsection to read:

§ 8324. Contributions for purchase of credit for creditable nonschool service.

(f) Creditable maternity leave.—Contributions on account of Class T-C credit for creditable maternity leave pursuant to section 8304(b)(7) shall be determined by applying the member's basic contribution rate plus the normal contribution rate as provided in section 8328, at the time of the member's return to school service, to the total compensation received during the first year of subsequent school service, and multiplying the product by the number of years and fractional part of a year of creditable service being purchased, together with statutory interest during all periods of subsequent school or State service to the date of purchase. The amount paid for the purchase of credit for creditable maternity leave shall not be eligible for withdrawal as a lump sum under section 8345(a)(4)(iii).

Section 4. Section 8346(b) of Title 24 is amended to read:

§ 8346. Termination of annuities.

(b) Return to school service during emergency.—When, in the judgment of the employer, an emergency creates an increase in the work load such that there is serious impairment of service to the public or in the event of a shortage of appropriate subject

certified teachers, an annuitant may be returned to school service for a period not to exceed [75 days] 95 full-day sessions in any school year without loss of his annuity. In computing the number of days an annuitant has returned to school service, any amount of time less than one-half of a day shall be counted as one-half of a day.

Amend Sec. 2, page 3, line 1, by striking out "2" and inserting

5

Amend Sec. 3, page 3, line 22, by striking out "3" and inserting

6

Amend Sec. 4, page 7, line 28, by striking out "4" and inserting

7

Amend Sec. 5, page 8, line 11, by striking out "5" and inserting

8

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes Mr. Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, the amendment that I am offering, amendment 1025, proposes several additions to the legislation before us.

The first change— And I would note that each of these changes was previously dealt with in legislation that has been approved by the House Education Committee, and in all cases the issues pertain to school employees or annuitants who had been school employees previously.

The first issue deals with the maternity leave of absence. A number of years ago, in the mid-1970's, there were a number of female school employees who were unlawfully required to take maternity leaves. Subsequent court decisions determined that those mandated maternity leaves in fact were unlawful. This amendment would allow the individuals who were involved to purchase the time during which they were unlawfully required to take that maternity leave.

The second issue that the amendment deals with is with respect to cadet nurses. A couple of years ago we amended the State Employees' Retirement Code to allow individuals who had service as cadet nurses to purchase their time in the State Employees' Retirement System. This would allow individuals who had similar service to similarly purchase time in the School Employees' Retirement System.

And the third issue that the amendment deals with is with respect to annuitants who currently are allowed to teach for up to 75 days per school year without any negative effect on their eligibility for pension. This would change that cutoff of 75 days to 95 days. So as a result, with this amendment, and if the legislation were enacted in amended form, an annuitant in the School Employees' Retirement System could in the future teach for an additional 95 days per year without affecting their pension. And the reason for that amendment is to provide for a larger pool of teachers, experienced teachers, who could help solve some of the problems being experienced by school districts with respect to a shortage of teachers and a shortage of appropriate substitutes.

Mr. Speaker, I would urge adoption of the amendment.

The SPEAKER. The Chair recognizes Mr. Davies.

Mr. DAVIES. Thank you, Mr. Speaker.

I support the amendment. These measures had been passed through in legislation that already passed the Education Committee.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—201

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

NAYS—0

NOT VOTING—0

EXCUSED—2

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

On the question,

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

Mr. DALEY offered the following amendments No. A1197:

Amend Sec. 2, page 3, line 2, by striking out "a subsection" and inserting subsections

Amend Sec. 2 (Sec. 5302), page 3, by inserting between lines 18 and 19

(d) Persons with dual coverages.—The provisions of this act shall apply to persons who have dual coverage under the Public School Employees' Retirement System and the State Employees' Retirement System during the length of time necessary to fulfill the requirements of this act. However, this provision shall apply only to those persons who are covered both by the Public School Employees' Retirement System and the State Employees' Retirement System.

Amend Sec. 1 (Sec. 5302), page 2, line 19, by striking out "(d)" and inserting

(e)

On the question,

Will the House agree to the amendments?

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

Mr. DALEY. Thank you, Mr. Speaker.

What this amendment simply will do, it provides persons with dual coverages. The provisions of the act shall apply to persons that will have dual coverage under both the Public School Employees' Retirement System and the State Employees' Retirement System and determine the length of time in order to be necessary in terms of buying the retirement time, and I urge the adoption of this amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—198

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	Levdansky	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	McHale	Snyder, G.
Birmelin	Gannon	McHugh	Staback
Bishop	Geist	McNally	Stairs
Black	George	Maiale	Steelman
Blaum	Gerlach	Markosek	Steighner
Bowley	Gigliotti	Marsico	Stetler
Boyes	Gladeck	Mayernik	Stish
Broujos	Godshall	Melio	Strittmatter
Brown	Gruitza	Merry	Stuban
Bunt	Gruppo	Michlovic	Sturla
Bush	Hagarty	Micozzie	Surra
Butkovitz	Haluska	Mihalich	Tangretti

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

NAYS—0

NOT VOTING—3

Carone	Colaizzo	Pistella
EXCUSED—2		

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

On the question recurring,

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

Mr. KING offered the following amendments No. A1039:

Amend Title, page 1, line 4, by striking out "and"

Amend Title, page 1, line 6, by removing the period after "liability" and inserting

; and including enforcement officers and investigators in the Office of Attorney General within the definition of "enforcement officer" for retirement purposes.

Amend Bill, page 2, by inserting after line 30

Section 2. The definition of "enforcement officer" in section 5102 of Title 71 is amended to read: § 5102. Definitions.

The following words and phrases as used in this part, unless a different meaning is plainly required by the context, shall have the following meanings:

"Enforcement officer."

(1) Any enforcement officer or investigator of the Pennsylvania Liquor Control Board who is a peace officer vested with police power and authority throughout the Commonwealth and any administrative or supervisory employee of the Pennsylvania Liquor Control Board vested with police power who is charged with the administration or enforcement of the liquor laws of the Commonwealth.

(2) Any enforcement officer or investigator of the Office of Attorney General who is a peace officer vested with police power and authority throughout this Commonwealth and any administrative or supervisory employee of the Office of Attorney General vested with police power who is charged

with the administration or enforcement of the criminal laws of this Commonwealth.

Amend Sec. 2, page 3, line 1, by striking out "2" and inserting

3

Amend Sec. 3, page 3, line 22, by striking out "3" and inserting

4

Amend Bill, page 7, by inserting between lines 27 and 28

Section 5. Any employee of the Office of Attorney General who comes within the definition of "enforcement officer" under 71 Pa.C.S. § 5102 shall receive credited service as an enforcement officer for previous service in another agency of State government in which he performed services now performed by the Office of Attorney General and for service in the Office of Attorney General prior to the effective date of this amendatory act.

Amend Sec. 4, page 7, line 28, by striking out "4" and inserting

6

Amend Sec. 5, page 8, line 11, by striking out "5" and inserting

7

On the question,

Will the House agree to the amendments?

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

Mr. KING. Mr. Speaker, thank you.

I would like to say at the offset that I have added an additional cosponsor to this amendment, Representative Belardi, who is cosponsoring this amendment.

This amendment A1039 will bring in additional enforcement officers from the Attorney General's staff and will provide additional enhancement to this particular bill, and we ask for adoption of this amendment. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—201

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	McHale	Snyder, G.
Birmelin	Gamble	McHugh	Staback
Bishop	Gannon	McNally	Stairs
Black	Geist	Maiale	Steelman
Blaum	George	Markosek	Steighner
Bowley	Gerlach	Marsico	Stetler
Boyes	Gigliotti	Mayernik	Stish
Broujos	Gladeck	Melio	Strittmatter
Brown	Godshall	Merry	Stuban
Bunt	Gruitza	Michlovic	Sturla
Bush	Gruppo	Micozzie	Surra
Butkovitz	Hagarty	Mihalich	Tangretti
Caltagirone	Haluska	Mrkonic	Taylor, E. Z.
Carlson	Hanna	Mundy	Taylor, F.
Carn	Harley	Murphy	Taylor, J.

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Cappabianca Petrarca

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?

Mr. NOYE offered the following amendments No. A1051:

Amend Title, page 1, line 5, by striking out "and" and inserting a comma

Amend Title, page 1, line 6, by removing the period after "liability" and inserting

; and for retirement counseling services.

Amend Sec. 3, page 3, line 23, by striking out "AND 5706(A)" and inserting

, 5706(a), 5902(a) and 5903(a) and (b)

Amend Bill, page 7, by inserting between lines 27 and 28 § 5902. Administrative duties of the board.

(a) Employees.—The secretary, clerical, and other employees of the board and their successors whose positions on the effective date of this part are under the classified service provisions of the act of August 5, 1941 (P.L.752, No.286), known as the [']Civil Service Act['], shall continue under such provisions. The compensation of all other persons appointed shall be determined by the board and shall be consistent with the standards established by the Executive Board of this Commonwealth. The secretary shall act as chief administrative officer for the board. In addition to other powers and duties conferred upon and delegated to the secretary by the board, the secretary shall:

(1) Serve as the administrative agent of the board.

(2) Serve as liaison between the board and applicable legislative committees, the Treasury Department, the Department of the Auditor General, and between the board and the investment counsel and the mortgage supervisor in arranging for investments to secure maximum returns to the fund.

(3) Review and analyze proposed legislation and legislative developments affecting the system and present findings to the board, legislative committees, and other interested groups or individuals.

(4) Direct the maintenance of files and records and preparation of periodic reports required for actuarial evaluation studies.

(5) Receive inquiries and requests for information concerning the system from the press, Commonwealth officials, State employees, the general public, research organizations, and officials and organizations from other states, and provide information as authorized by the board.

(6) Supervise a staff of administrative, technical, and clerical employees engaged in record-keeping and clerical processing activities in maintaining files of members, accounting for contributions, processing payments to annuitants, [and] preparing required reports, and retirement counseling.

§ 5903. Duties of the board to advise and report to heads of departments and members.

(a) Manual of regulations.—The board shall, with the advice of the Attorney General and the actuary, prepare and provide, within 90 days of the effective date of this part, a manual incorporating rules and regulations consistent with the provisions of this part to the heads of departments [and their respective retirement counselors] who shall make the information contained therein available to the general membership. The board shall thereafter advise the heads of departments within 90 days of any changes in such rules and regulations due to changes in the law or due to changes in administrative policies.

(b) Member status statements and certifications.—The board shall furnish annually to the head of each department on or before April 1, a statement for each member employed in such department showing the total accumulated deductions standing to his credit as of December 31 of the previous year and requesting the member to make any necessary corrections or revisions regarding his designated beneficiary. In addition, for each member employed in any department and for whom the [retirement counselor] department has furnished the necessary information, the board shall certify the number of years and fractional part of a year of credited service attributable to each class of service, the number of years and fractional part of a year attributable to social security integration credits in each class of service and, in the case of a member eligible to receive an annuity, the benefit to which he is entitled upon the attainment of superannuation age.

Section 4. Section 5905 of Title 71 is amended by adding a subsection to read:

§ 5905. Duties of the board regarding applications and elections of members.

(c.1) Termination of service.—The board shall, in the case of any member terminating State service who is entitled to an annuity, advise such member in writing of any benefits to which he may be entitled under the provisions of this part and shall have the member prepare, on or before the date of termination of State service one of the following three forms, a copy of which shall be given to the member and the original of which shall be filed with the board:

(1) an application for the return of total accumulated deductions; or

(2) an election to vest his retirement rights, and if he is a joint coverage member and so desires, elect to become a full coverage member and agree to pay within 30 days of the date of termination of service the lump sum required; or

(3) an application for an immediate annuity, and if he desires:

(i) an election to convert his medical, major medical and hospitalization insurance coverage to the plan for State annuitants; and

(ii) if he is a joint coverage member, an election to become a full coverage member and an agreement to pay within 30 days of date of termination of service the lump sum required.

Section 5. Section 5906(f) and (j) of Title 71 are amended to read:

§ 5906. Duties of heads of departments.

[(f) Retirement counselor.—The head of department shall designate an employee of his department to serve as a retirement counselor subject to approval by the board. Such retirement counselor shall assist the head of department in advising the employees of the department of their rights and duties as members of the system.]

(j) Termination of service.—The head of department shall, in the case of any member terminating State service who is ineligible for an immediate annuity, advise such member in writing of any benefits to which he may be entitled under the provisions of this part and shall have the member prepare, on or before the date of termination of State service [one of the following three forms, a copy of which shall be given to the member and the original of which shall be filed with the board:

(1) an application for the return of total accumulated deductions; or

(2) an election to vest his retirement rights, and if he is a joint coverage member and so desires, elect to become a full coverage member and agree to pay within 30 days of the date of termination of service the lump sum required; or

(3) an application for an immediate annuity; and if he desires,

(i) an election to convert his medical, major medical, and hospitalization insurance coverage to the plan for State annuitants; and

(ii) if he is a joint coverage member, an election to become a full coverage member and an agreement to pay within 30 days of date of termination of service the lump sum required].

Amend Sec. 4, page 7, line 28, by striking out “4” and inserting

6

Amend Bill, page 8, line 11, by striking out all of said line and inserting

Section 7. This act shall take effect as follows:

(1) The amendments to the definition of “retirement counselor” in 71 Pa.C.S. § 5102 and the amendments to 71 Pa.C.S. §§ 5902(a)(6), 5903(a) and (b), 5905(c.1), repealing 71 Pa.C.S. § 5906(f) and amending 71 Pa.C.S. § 5906(j) shall take effect on the date of publication in the Pennsylvania Bulletin of a certification by the State Employees’ Retirement Board that the seven-office Statewide retirement counseling field office network is fully implemented.

(2) The remainder of this act shall take effect immediately.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes Mr. Noye.

Mr. NOYE. Thank you, Mr. Speaker.

Mr. Speaker, this is a technical amendment. It was requested by the Retirement Board. They wanted this language placed in the bill. I see really no controversy about it whatsoever.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—200

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

NAYS—0

NOT VOTING—1

Reber

EXCUSED—2

Cappabianca Petrarca

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?

Mr. HERMAN offered the following amendments No. A1729:

Amend Title, page 1, line 4, by striking out "and"
Amend Title, page 1, line 6, by removing the period after "liability" and inserting
; and providing for credit for service with another state government.

Amend Bill, page 3, by inserting between lines 21 and 22
Section 3. Title 71 is amended by adding a section to read:
§ 5304.1. Credit for service with another state government.

(a) Eligibility for credited service.—A member who was employed by another state government shall be eligible for credited service for the period of time during which the member was an employee of another state government.

(b) Limitations on eligibility.—A member shall be eligible to receive credit for service provided that he does not have credit for such service in the retirement system of another state and is not entitled to receive, eligible to receive now or in the future or receiving retirement benefits for such service under a retirement system administered and paid for by an agency of another state government.

(c) Contributions.—This service time may be purchased only if the member makes an election to purchase within one year of the effective date of this section, and the member shall pay an amount that is equal to the full actuarial cost of the increased benefit obtained by virtue of the purchase as provided in section 5505(f) (relating to contributions for the purchase of credit for creditable nonstate service).

Amend Sec. 3, page 3, line 22, by striking out "3" and inserting

4

Amend Sec. 3, page 3, line 22, by inserting after "5308.1,"
5505(f)

Amend Sec. 3, page 4, by inserting between lines 28 and 29
§ 5505. Contributions for the purchase of credit for creditable nonstate service.

(f) Temporary Federal service and service with another state government.—

(1) Contributions on account of credit for service as a temporary Federal employee assigned to an air quality control complement for the Department of Environmental Resources during the period of 1970 through 1975, as authorized in section 5304(c)(5) (relating to creditable nonstate service) and as an employee of another state government, as authorized in section 5304.1 (relating to credit for service with another state government), shall be equal to the full actuarial cost of the increased benefit obtained by virtue of the purchase. The increased benefit attributable to the purchased service shall be the difference between:

[(1)] (i) the annual amount of a standard single life annuity, beginning at the earliest possible superannuation age, calculated assuming no future salary increases, assuming credit for the service to be purchased; and

[(2)] (ii) the annual amount of a standard single life annuity, calculated on the same basis, but excluding credit for the service to be purchased.

The earliest possible superannuation age shall be the age at which the member becomes first eligible for superannuation retirement assuming continued full-time service and credit for the amount of service which the member has elected to purchase, or the current attained age of the member, whichever is later. The full actuarial cost of the increased benefit attributable to the purchased service shall be the actuarial present value of a deferred annuity equal to the amount of the increased benefit determined above, beginning at the earliest possible superannuation age and payable for life, calculated

using a preretirement interest assumption of 1.5%, a post-retirement interest assumption of 4%, no preretirement mortality assumption and standard postretirement mortality assumptions. The purchase payment shall be made in lump sum by the member within 30 days of certification by the board of the required purchase amount or may be amortized through salary deductions in amounts agreed upon by the member and the board with interest payable on the unpaid balance at the rate applicable to the most recently issued 30-year bonds of the United States Treasury Department.

(2) The amount paid for the purchase of service credit under this subsection shall not be payable as a lump sum withdrawal under section 5705(a)(4)(iii) (relating to member's options).

Amend Sec. 4, page 7, line 28, by striking out "4" and inserting

5

Amend Bill, page 8, by inserting between lines 10 and 11
Section 6. The addition of 71 Pa.C.S. § 5304.1 shall apply to individuals who were members of the State Employees' Retirement System on March 1, 1991.

Section 7. The addition of 71 Pa.C.S. § 5304.1 shall be retroactive to March 1, 1991.

Amend Sec. 5, page 8, line 11, by striking out "5" and inserting

8

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

The SPEAKER. The Chair recognizes Mr. Herman.
Mr. HERMAN. Thank you, Mr. Speaker.

What this amendment will do is it will allow persons who have previous State time in another State earned, to be able to purchase that retirement time at full actuarial value, and as a result, there will be no cost to the Commonwealth. I would appreciate an affirmative vote, Mr. Speaker.

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

The following roll call was recorded:

YEAS—199

Table with 4 columns of names: Acosta, Adolph, Allen, Anderson, Angstadt, Argall, Armstrong, Arnold, Barley, Battisto, Belardi, Belfanti, Billow, Birmelin, Bishop, Black, Blaum, Bowley, Boyes, Broujos, Brown, Bunt, Butkovitz, Caltagirone, Carlson, Carn, Carone, Evans, Fairchild, Fajt, Fargo, Farmer, Fee, Fleagle, Flick, Foster, Fox, Freeman, Freind, Gallen, Gamble, Gannon, Geist, George, Gerlach, Gigliotti, Gladeck, Godshall, Gruitza, Gruppo, Hagarty, Haluska, Hanna, Harley, LaGrotta, Langtry, Laughlin, Lawless, Lee, Leh, Lescovitz, Levdansky, Linton, Lloyd, Lucyk, McCall, McGeehan, McHale, McHugh, McNally, Maiale, Markosek, Marsico, Mayernik, Melio, Merry, Michlovic, Micozzie, Mihalich, Mrkonic, Mundy, Robinson, Roebuck, Rudy, Ryan, Saloom, Saurman, Scheetz, Schuler, Scrimenti, Semmel, Serafini, Smith, B., Smith, S. H., Snyder, D. W., Snyder, G., Staback, Stairs, Steelman, Steighner, Stetler, Stish, Strittmatter, Stuban, Surla, Surra, Tangretti, Taylor, E. Z.

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

NAYS—0

NOT VOTING—2

Bush O'Donnell,
Speaker

EXCUSED—2

Capabianca Petrarca

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?

Mr. NICKOL offered the following amendments No. A1016:

Amend Title, page 1, line 2, by inserting after "Statutes," adding and amending certain definitions relating to military service;

Amend Bill, page 1, lines 9 through 12, by striking out all of said lines and inserting

Section 1. The definition of "intervening military service" in section 8102 of Title 24 of the Pennsylvania Consolidated Statutes is amended and the section is amended by adding definitions to read:

§ 8102. Definitions.
The following words and phrases when used in this part shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Intervening military service." Active military service of a member who was a school employee immediately preceding his induction into the armed services or forces of the United States in order to meet a [draft] military obligation excluding any voluntary extension of such obligational service and who becomes a school employee within 90 days of the expiration of such service.

"Induction." To be drafted or, if a member of a reserve component of the armed forces, to be ordered on or after August 2, 1990, into active military service other than active duty to meet periodic training requirements.

"Military obligation." A draft obligation or, if a member of a reserve component of the armed forces, an order on or after August 2, 1990, to enter into active military service, other than an order to enter into active duty to meet periodic training requirements.

"Reserve component of the armed forces." The United States Army Reserve, United States Navy Reserve, United States Marine Corps Reserve, United States Coast Guard Reserve, United States Air Force Reserve, Pennsylvania Army National Guard and Pennsylvania Air National Guard.

Section 2. The introductory paragraph and paragraph (3) of section 8312 of Title 24 are amended to read:

Amend Bill, page 2, by inserting after line 30

Section 3. Section 5102 of Title 71 is amended by adding definitions to read:

§ 5102. Definitions.

The following words and phrases as used in this part, unless a different meaning is plainly required by the context, shall have the following meanings:

"Induction." To be drafted or, if a member of a reserve component of the armed forces, to be ordered on or after August 2, 1990, into active military service other than active duty to meet periodic training requirements.

"Military obligation." A draft obligation or, if a member of a reserve component of the armed forces, an order on or after August 2, 1990, to enter into active military service, other than an order to enter into active duty to meet periodic training requirements.

"Reserve component of the armed forces." The United States Army Reserve, United States Navy Reserve, United States Marine Corps Reserve, United States Coast Guard Reserve, United States Air Force Reserve, Pennsylvania Army National Guard and Pennsylvania Air National Guard.

Amend Sec. 2, page 3, line 1, by striking out "2" and inserting

4

Amend Sec. 3, page 3, line 22, by striking out "3" and inserting

5

Amend Sec. 4, page 7, line 28, by striking out "4" and inserting

6

Amend Bill, page 8, by inserting between lines 10 and 11

Section 7. The amendments of 24 Pa.C.S. § 8102 and 71 Pa.C.S. § 5102 shall be retroactive to August 2, 1990.

Amend Sec. 5, page 8, line 11, by striking out "5" and inserting

8

On the question,

Will the House agree to the amendments?

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

Mr. NICKOL. Thank you, Mr. Speaker.

The Military Code presently grants State employees the right to purchase retirement credit for periods of time such as the recent national emergency during which many were called to active military service as reservists or members of the Pennsylvania National Guard. Public school employees and certain members of the State Employees' Retirement System are not covered by the Military Code. While both the Public School Employees' Retirement Code and the State Employees' Retirement Code allow members to purchase retirement credits for intervening periods of active military service, the

applicable definitions in the two codes would not cover active military service during the recent events in the Persian Gulf.

My amendment would grant equal treatment to all members of the retirement systems by allowing State and public school employees the right to purchase retirement credits on the same basis when called to active service to meet military obligations, as during the recent events in the Persian Gulf.

I have also circulated a fiscal note on my amendment. Please allow me to correct one point in the second paragraph of the fiscal note. Title 24 does not currently allow a reservist or a member of the National Guard called to service under Desert Storm to purchase this time, not as nonintervening military service nor as intervening military service. "Military service" in Title 24 is defined as, quote, "All active military service for which a member has received a discharge other than an undesirable, bad conduct, or dishonorable discharge," end of quote. Reservists and National Guardsmen are not discharged following a period of activation. Rather, they are separated from active duty and revert back to Reserve status.

Mr. Speaker, I would appreciate the members' support for this amendment. Thank you.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes Mr. Fargo.

Mr. FARGO. Thank you, Mr. Speaker.

I would just like to ask a question of the Chair or possibly of the Appropriations chairman about the fiscal note that is being presented here. If I read the next to the last paragraph correctly, it indicates that we cannot pass a bill unless we have an actuarial note, and it goes on to say that this amendment has been forwarded to the commission for an actuarial note. Does this satisfy the requirements that we have an actuarial note when in fact we have not received the final notice as to what the cost of this amendment would be?

The SPEAKER. The Chair understands the gentleman to be addressing a parliamentary inquiry to the Chair?

Mr. FARGO. Yes. I would be glad to have the Chair answer that question.

The SPEAKER. For the information of the gentleman, an actuarial note is required for the bill, and it has been attached. Actuarial notes are not required for amendments.

Mr. FARGO. Thank you then.

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

The following roll call was recorded:

YEAS—19

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

NAYS—0

NOT VOTING—2

Hayden Williams

EXCUSED—2

Cappabianca Petrarca

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?

Mr. PHILLIPS offered the following amendment No. A1081:

Amend Sec. 2 (Sec. 5302), page 3, line 8, by striking out "any active member" and inserting an active member or member furloughed from State employment between February 1, 1991, to December 31, 1991,

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes Mr. Phillips.
Mr. PHILLIPS. Thank you, Mr. Speaker.

Amendment 1081 to SB 405 would clarify that any active member furloughed between February 1 and December 31, 1991, and who meets the age and service requirements would be eligible for early retirement. This has to do with the individuals who were furloughed during the Governor's cutback.

I would ask for support.

On the question recurring,

Will the House agree to the amendment?

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

NAYS—0

NOT VOTING—1

Williams

EXCUSED—2

Cappabianca Petrarca

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

On the question recurring,

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

Mr. HECKLER offered the following amendments No. A1040:

Amend Title, page 1, line 4, by striking out "and"

Amend Title, page 1, line 6, by removing the period after "liability" and inserting

; and authorizing purchases of certain creditable nonstate service by justices of the peace.

Amend Sec. 3, page 3, lines 22 and 23, by striking out all of said lines and inserting

Section 3. Section 5308.1 of Title 71 is amended to read:

Amend Bill, page 4, by inserting between lines 28 and 29

Section 4. Section 5505 of Title 71 is amended by adding a subsection to read:

§ 5505. Contributions for the purchase of credit for creditable nonstate service.

(g) Justice of the peace service.—Contributions on account of credit for service as a justice of the peace shall be determined by the board to be equal to the amount he or she would have paid as employee contributions together with statutory interest to date of purchase had he or she been a State employee during his or her period of service as a justice of the peace for the Commonwealth plus the amount determined by applying the Commonwealth normal contribution rate for active members at the beginning of the district justice system as of January 1970 to the starting salary of the district justice for the magisterial district in which the member was elected dating from the beginning of the district justice system as of January 1970 and multiplying the result by the number of years and fractional part of a year of creditable service being purchased together with statutory interest from entry into State service as a district justice to the date of purchase. The amount so determined by the State Employee Retirement Board to be paid into the State Employee Retirement System shall be the obligation of the justice who requested credit for previous service as a justice of the peace for the Commonwealth prior to 1970. A justice of the peace desiring to purchase his or her service time prior to 1970 shall have been elected or appointed a district justice any time during or after 1970. The class that he or she is to enter in the pension system shall be determined by the time of his or her entry into the district justice system. It shall be incumbent upon the district justice to certify to the board with a copy of his or her commission or commissions the amount of time that he or she served the Commonwealth as a justice of the peace. The salary dollar amount that shall be used in the formula for determining the member's contributions shall be equal to the starting salary of the district justice for the magisterial district in which he or she was elected, dating from the beginning of the district justice system as of January 1970. In no event shall such an amount be the obligation of the Commonwealth or the county in which the justice served.

Section 5. Sections 5508(c) and 5706(a) of Title 71 are amended to read:

Amend Sec. 4, page 7, line 28, by striking out "4" and inserting

6

Amend Sec. 5, page 8, line 11, by striking out "5" and inserting

7

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

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

Mr. HECKLER. Thank you, Mr. Speaker.

Mr. Speaker, this amendment would permit justices of the peace who now serve as district justices to purchase credit for the time they served as justices of the peace before the creation of the district justice system.

I would urge the adoption of this amendment.

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

The following roll call was recorded:

YEAS—200

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

NAYS—0

NOT VOTING—1

Robinson

EXCUSED—2

Cappabianca Petrarca

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. TAYLOR offered the following amendments No. A1263:

Amend Title, page 1, line 5, by striking out “and” and inserting a comma

Amend Title, page 1, line 6, by removing the period after “liability” and inserting
and for termination of annuities.

Amend Sec. 1, page 1, line 9, by striking out “The” and inserting

Sections 8312

Amend Sec. 1, page 1, lines 9 and 10, by striking out “of section 8312”

Amend Sec. 1, page 1, line 10, by inserting after “(h)”
and 8346(a)

Amend Sec. 1, page 2, by inserting after line 30

§ 8346. Termination of annuities.

(a) General rule.—If an annuitant returns to school service or enters State service and elects multiple service membership, any annuity payable to him under this part shall cease and in the case of an annuity other than a disability annuity the present value of such annuity, adjusted for full coverage in the case of a joint coverage member who makes the appropriate back contributions for full coverage, shall be frozen as of the date such annuity ceases. In the event that the cost-of-living increase enacted December 18, 1979 occurred during the period of such State or school employment, the frozen present value shall be increased, on or after the member attains superannuation age, by the percent applicable had he not returned to service. This subsection shall not apply in the case of any annuitant who renders services as an academic or degreed professional for a period of not more than half the hours performed by full-time employees in any one month to institutions of higher education.

(1) The employees of the hiring institution in which an annuitant renders services who have selected representatives to act in their interests through collective bargaining shall authorize a permissive contract provision under the terms and conditions of employment clause before annuitants may continue to receive their annuity as well as payment from the institution.

(2) When employees of a hiring institution have not selected representatives to bargain collectively in their interests, annuitants may continue to receive their annuity as well as payment from the institution.

(3) Annuitants shall be subject to all provisions of labor contracts in effect at the time of their employment by the hiring institution.

Amend Sec. 3 (Sec. 5706), page 6, line 27, by striking out all of said line and inserting

not apply in the case of any annuitant [who]:

(1) Who may render services

Amend Sec. 3 (Sec. 5706), page 7, by inserting between lines 3 and 4

(2) Who renders services as an academic or degreed professional for a period of not more than half the hours performed by full-time employees in any one month to institutions of higher education.

(i) The employees of the hiring institution in which an annuitant renders services who have selected representatives to act in their interests through collective bargaining shall authorize a permissive contract provision under the terms and conditions of employment clause before annuitants may continue to receive their annuity as well as payment from the institution.

(ii) When employees of a hiring institution have not selected representatives to bargain collectively in their interests, annuitants may continue to receive their annuity as well as payment from the institution.

(iii) Annuitants shall be subject to all provisions of labor contracts in effect at the time of their employment by the hiring institution.

On the question,

Will the House agree to the amendments?

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

Mrs. TAYLOR. Mr. Speaker, the intent of this amendment would be to allow faculty who are retired to return to the institution of higher learning, and they would be permitted to work half time provided that it was in accord with not only the hiring institution but also the bargaining unit.

I would ask for an affirmative vote.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—197

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

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

NAYS—0

NOT VOTING—4

Kaiser	Mihalich	Murphy	Williams
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EXCUSED—2

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

On the question recurring,

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

Mr. JOHNSON offered the following amendments No. A1087:

Amend Sec. 3, page 3, line 22, by inserting after "Sections" 5304(c),

Amend Sec. 3, page 3, by inserting between lines 23 and 24 § 5304. Creditable nonstate service.

(c) Limitations on nonstate service.—Creditable nonstate service credit shall be limited to:

- (1) intervening military service;
- (2) other military service not exceeding five years;
- (3) service in any public school or public educational institution in any state other than this Commonwealth or in any territory or area under the jurisdiction of the United States; or service as an administrator, teacher, or instructor in the field of education for any agency or department of the government of the United States, whether or not such area was under the jurisdiction of the United States, the total of such service not exceeding the lesser of ten years or the number of years of active membership in the system, as an officer or employee of the Department of Education or as an administrator, teacher, or instructor employed in any State-owned educational institution or The Pennsylvania State University;

(4) previous service with a governmental agency other than the Commonwealth which employment with said agency was terminated because of the transfer by statute of the administration of such service or of the entire agency to the Commonwealth;

(5) service as a temporary Federal employee assigned to an air quality control complement for the Pennsylvania Department of Environmental Resources at any time during the period of 1970 through 1975. This service time may be purchased only if the member makes an election to purchase within one year of the effective date of this paragraph, and the member shall pay an amount which is equal to the full actuarial cost of the increased benefit obtained by virtue of the purchase as provided in section 5505(f);

(6) service in the Cadet Nurse Corps with respect to any period of training as a student or graduate nurse under a plan approved under section 2 of the act of June 15, 1943 (Public Law 78-73, 57 Stat. 153), if the total period of training under such plan was at least two years, the credit for such service not to exceed three years; [or]

(7) service prior to July 1, 1971, at a community college established under the act of August 24, 1963 (P.L.1132, No.484), known as the Community College Act of 1963[.]; or

(8) previous railroad service by persons who serve as railroad inspectors for the Pennsylvania Public Utility Commission.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes Mr. Johnson.

Mr. JOHNSON. Thank you, Mr. Speaker.

This is a very simple amendment. It involves very few people in the Commonwealth. This would permit PUC (Public Utility Commission) railroad inspectors to buy back the railroad time into the retirement system.

It is not an expensive amendment to the Commonwealth, and I certainly would urge your adoption, because it helps these few railroad inspectors who are now working for PUC.

I would appreciate your support. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—180

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

Davies	Kaiser	Piccola	Williams
Dempsey	Kasunic	Pistella	Wilson
Dent	Kenney	Pitts	Wogan
Dermody	King	Preston	Wozniak
Donatucci	Kosinski	Raymond	Wright, D. R.
Durham	Kruszewski	Reber	Wright, M. N.
Evans	Kukovich	Reinard	Wright, R. C.

NAYS—17

Arnold	Gruitza	McNally	Stish
Billow	Jarolin	Ritter	Tigue
Bowley	Krebs	Scrimenti	Van Horne
Cawley	Lloyd	Staback	Wambach
Cowell			

NOT VOTING—4

Bishop	Josephs
Butkovitz	O'Donnell, Speaker

EXCUSED—2

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—201

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	McHale	Snyder, G.
Birmelin	Gamble	McHugh	Staback
Bishop	Gannon	McNally	Stairs
Black	Geist	Maiale	Steelman
Blaum	George	Markosek	Steighner
Bowley	Gerlach	Marsico	Stetler
Boyes	Gigliotti	Mayernik	Stish
Broujos	Gladeck	Melio	Strittmatter
Brown	Godshall	Merry	Suban
Bunt	Gruitza	Michlovic	Sturla
Bush	Gruppo	Micozzie	Surra
Butkovitz	Hagarty	Mihalich	Tangretti
Caltagirone	Haluska	Mrkonic	Taylor, E. Z.
Carlson	Hanna	Mundy	Taylor, F.
Carn	Harley	Murphy	Taylor, J.
Carone	Harper	Nahill	Telek
Cawley	Hasay	Nailor	Thomas
Cessar	Hayden	Nickol	Tigue
Chadwick	Hayes	Noye	Tomlinson
Civera	Heckler	Nyce	Trello
Clark	Herman	O'Brien	Trich
Clymer	Hershey	Olasz	Tulli

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Cappabianca Petrarca

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

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

* * *

The House proceeded to third consideration of **HB 496, PN 1914**, entitled:

An Act providing for the management of nutrients on certain agricultural operations to abate nonpoint source pollution; providing for the certification of nutrient management specialists; and providing for the assessment of other nonpoint sources of nutrient pollution to the waters of this Commonwealth.

On the question,

Will the House agree to the bill on third consideration?

Mr. SEMMEL offered the following amendment No. A1527:

Amend Sec. 3, page 3, line 14, by inserting after "thousand" five hundred

On the question,

Will the House agree to the amendment?

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

Mr. SEMMEL. Thank you, Mr. Speaker.

I think today we have to consider inserting "five hundred" after the "one thousand." With over 90 percent of our dairy cattle being registered or grade holstein animals, the average weight is approximately 1,500 pounds, and for this reason I think we need to be more accurate in defining the animal unit at 1,500 pounds. Thank you.

The SPEAKER. The Chair recognizes Mr. Coy.

Mr. COY. Thank you, Mr. Speaker.

Mr. Speaker, the amendment before the House seeks to change what is a generally accepted agricultural standard defi-

inition. It is like seeking to change, by legislation, the amount of inches in a foot. It is like saying there are now, because we passed this amendment, 14 inches in a foot. We cannot do this. No matter if we would try to support this, we cannot. This is a generally accepted agricultural definition. For that reason I oppose the amendment, and I ask the members to oppose it, but let me go a step further.

Mr. Speaker, the bill before us today is the result of a compromise worked out between many groups. The bill is supported by many groups as it stands, without amendment. Included in these groups are the Chesapeake Bay Foundation, Pennsylvania Ag Industries, the State Conservation Commission, the Pennsylvania State Grange, the Pennsylvania Farmers' Association, the Pennsylvania Farmer's Union, the Agricultural Advisory Committee to the Department of Environmental Resources, the Pennsylvania Pork Producers Council, the Pennsylvania Agronomic Products Association, and many other folks and organizations who have had a great deal of work over the last 2, 3 years on this legislation.

This bill was the result of two public hearings, one in the last session and one in this session, and this has been the result of a lot of work. The organizations that I just mentioned have endorsed the bill as it is, without amendment. It is a good bill. It is a bill that addresses a crucial problem of nutrient management in Pennsylvania.

For that reason I oppose this amendment. As I said before, because it really seeks to change a standard definition, but beyond that, because the bill before us is good and it is a good piece of legislation without the amendment, I ask the members to oppose it.

The SPEAKER. The Chair recognizes Mr. Scheetz.

Mr. SCHEETZ. Thank you, Mr. Speaker.

I also encourage the House members to turn down this particular amendment.

As Representative Coy stated, we are dealing with a standard in the agricultural community, and there is no reason whatsoever that Pennsylvania should have a different standard than the other States. It would make communication between States very difficult. We would be talking 1,500 pounds for an animal unit, and the other States generally accept the 1,000 pounds as an animal unit. So it makes no sense whatsoever for us to change this particular standard, plus the fact, Representative Semmel stated that this coincides more in line with the weight of a holstein dairy cow. Well, what about a Jersey dairy cow? What about my hogs? What about lambs? These are all covered by this bill, and it totally confuses the issue, and I recommend a negative vote on this one. Thank you.

The SPEAKER. The Chair recognizes Mr. Stairs.

Mr. STAIRS. Thank you, Mr. Speaker.

I certainly would like to support this amendment. The 1,000-pound animal unit is sort of an arbitrary figure that is used in some circles and maybe not in others, but I think in reality, in the dairy industry, which is the industry that is going to be greatly affected by this legislation, the holstein cattle weigh much more than 1,000 pounds, and I think it

would be much more practical and much easier to figure out for the farmers and the people who work in this to use the 1,500 pounds, which would be a more realistic weight for the holstein cattle. So I think it would help our farming community, particularly the small family farm that is going to be affected by this, to make it simpler for them to understand and for them also to meet the standards.

As far as different farm groups being in favor of this, certainly in hearings, many people spoke in favor, but I do not believe everybody has heard all the details yet, and once that is known— And really, the 1,000-pound issue was never debated as being in favor of it or being opposed to it.

I would hope that we would make it simplified, easier to administer, and to be more realistic, and the 1,500 pounds certainly would be of much more benefit to our small farmers in our farming community.

The SPEAKER. The Chair recognizes Mr. Wambach.

Mr. WAMBACH. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the Semmel amendment. I rise to oppose the amendment because of the sensitivity of the issue on nutrient management; the work that Representatives Coy and Barley put into the bill as well as the Governor's Commission on Nutrient Management and a commission that I serve on with Representative Coy, the Chesapeake Bay Commission. The groups involved in this bill, Mr. Speaker, brought about this compromise and the approach on nutrient management for Pennsylvania and Pennsylvanians.

The numbers that have been reached are not arbitrary numbers; the numbers that have been reached are as a result of a study that was done to in fact create those levels so all can in fact abide by them. I think what we have to do is understand that we are talking about a sensitive compromise here on nutrient management that will in fact bring Pennsylvania into a model for the Chesapeake Bay area and the surrounding States as well.

So I would like to see the membership oppose the Semmel amendment and all amendments to HB 496 and approve the bill without amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Cole.

Mr. COLE. Thank you, Mr. Speaker.

Mr. Speaker, I am opposed to this amendment. We are not talking about the small family farmer. In this bill and, indirectly, this amendment, we are trying to get to the large animal farm to control the nutrient runoffs on the farm.

For 3 years many of us have been working on this legislation in conjunction with the Chesapeake Bay Commission and the farming interests, and as Representative Coy has stated, all the groups have given their endorsement to this bill without any amendments. It has been discussed, and we feel that the bill is in excellent shape from a compromise standpoint. So I rise to oppose this amendment.

The SPEAKER. The Chair recognizes Mr. Arnold.

Mr. ARNOLD. Mr. Speaker, I also rise to oppose the Semmel amendment.

It seems a rather innocuous-type thing, but we are not here today arguing the weight of a holstein cow. Paul and I could

have arguments, if he wants, on that. But we are talking about nutrient management. This is a very important part of that - animal equivalent units. Representative Scheetz has stated it well.

I urge my colleagues on both sides of the aisle to endorse the work that the nutrient management people have done in getting to this point. We do not need to water down this bill. I urge a "no" vote on this amendment. Thank you.

The SPEAKER. The gentleman, Mr. Semmel, is recognized.

Mr. SEMMEL. I think what we are trying to do here and say is to encourage all of us to give this consideration. This is a good bill, but we would like to make it much better.

Fifteen hundred pounds is more realistic. If indeed you want to attempt to talk with the scientific community, I am not sure whether the English standard would be the same as the U.S. standard. There is no really acceptable definition. It does not only affect the large farmer; it also affects the small farmer. So let us be realistic. As the world changes, standards, goals, methods also change.

I ask for an affirmative vote.

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

The following roll call was recorded:

YEAS—88

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

NAYS—113

Acosta	Fee	Lucyk	Saloom
Arnold	Freeman	McCall	Scheetz
Battisto	Gamble	McGeehan	Scriminti
Belardi	George	McHale	Staback
Belfanti	Gigliotti	McNally	Steelman
Billow	Godshall	Maiale	Steighner
Bishop	Gruitza	Markosek	Stetler
Blaum	Haluska	Mayernik	Stish
Bowley	Hanna	Melio	Stuban
Broujos	Harper	Michlovic	Sturla
Butkovitz	Hayden	Mihalich	Surra
Caltagirone	Heckler	Mrkonic	Tangretti
Carn	Hughes	Mundy	Taylor, F.
Carone	Itkin	Murphy	Thomas
Cawley	James	Nailor	Tigue
Cohen	Jarolin	Noye	Trello
Colafella	Josephs	Olasz	Trich

Colaizzo	Kaiser	Oliver	Tulli
Cole	Kasunic	Pesci	Van Horne
Corrigan	Kosinski	Petrone	Vance
Cowell	Krebs	Pistella	Veon
Coy	Kruszewski	Preston	Wambach
DeLuca	Kukovich	Reber	Williams
DeWeese	LaGrotta	Richardson	Wozniak
Daley	Laughlin	Rieger	Wright, D. R.
Dermody	Lescovitz	Ritter	
Donatucci	Levdansky	Robinson	O'Donnell,
Evans	Linton	Roebuck	Speaker
Fajt	Lloyd	Rudy	

NOT VOTING—0

EXCUSED—2

Cappabianca Petrarca

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?

Mr. STAIRS offered the following amendments No. A1786:

Amend Sec. 6, page 11, line 11, by striking out "two" and inserting

three

Amend Sec. 6, page 11, line 16, by striking out "TWO" and inserting

three

On the question,

Will the House agree to the amendments?

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

Mr. STAIRS. Thank you, Mr. Speaker.

This amendment is different but still very similar to the last amendment, not talking about the weight of the animals but particularly the animal units per acre. In the present legislation, they are allowing 2 animal units per acre, and my amendment would change that to 3. In doing so, there are really two reasons why I offer this amendment to help make this a better piece of legislation.

Hypothetically, we are trying to help the small family farm, which I think we all have a desire to help in our legislative intent. For example, a small family farm on 60 acres with 40 holstein cows and 30 calves, you are way above the 2, and by having 3 animal units per acre, you would allow this farmer to come under that guideline and help him in his farming operation.

I guess probably more importantly, I might add that animal units per acre is not something that we can say, well, we should have 2 animal units per acre or 3 animal units per acre or 4 animal units per acre, because it varies, and why it varies is because the breed of the livestock would vary and also, probably more importantly, what the cattle consume, their diet. A cow that is consuming a very high protein diet would produce much larger quantities of manure as well as a richer protein and nutrient manure than a cow that is maybe a beef cow that is on a more fibrous diet. So there is nothing sacred about 2, 3, or 4 animal units per acre, and we are allowing dif-

ferent farming practices to be exempt from this because of different diet or different feed or different consumption and also a different way the cattle are handled.

So many farmers would be hindered quite extensively by the 2 animal units per acre, and environmentally, we could even go to 4, but I propose to have 3 animal units per acre to make this a better bill for the farming community and also not affecting the environmental effects.

The SPEAKER. The Chair recognizes Mr. Coy.

Mr. COY. Thank you, Mr. Speaker.

Mr. Speaker, what Representative Stairs just said, that his amendment is trying to help the family farmer, is exactly what this legislation, without these amendments, does.

This bill is being done at the request of farmers. This bill is being done to protect farmers from liability issues that may result from nutrient runoff into streams and creeks and into waterways in the Commonwealth. This legislation is being done to protect and help farmers from local ordinances already in the Commonwealth. There are numerous local ordinances passed by townships and, in some cases, counties which provide for nutrient management plans. This legislation is an attempt to bring about a statewide law.

Now, let us be clear about what the amendment that Mr. Stairs is proposing would do. It would raise a threshold. That is all. The threshold we set in this legislation is just that: it is a threshold which triggers a review process. It does not say you cannot apply nutrients to soil. It says when you reach a certain level of application of more animal equivalent units per acre, you have to have a nutrient management plan filed and reviewed. That is good for the farmer. That is good for all of us who live in and around farms because it requires everybody to take a look at the nutrients that are being applied to soil, whether they be commercial in nature or produced by animals.

The fact is, Mr. Speaker, that is what we are talking about here, the setting of a threshold; the setting of a threshold which requires a further procedural step. It does not say, no, you cannot do this. It says you have got to plan and you have got to review those plans.

Raising the threshold, again, Mr. Speaker, will go against the endorsement by the several groups, including the farmers' associations and the Grange, that have endorsed this bill the way it stands. I oppose this amendment in like manner. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Scheetz.

Mr. SCHEETZ. Thank you, Mr. Speaker.

I also rise to oppose this amendment.

I feel that this bill, as Representative Coy has said, has had a very fair airing to the agricultural community as to what they would like to see in this bill, and it was agreed upon basically that we would settle for the 2 animal units at 1,000 pounds per unit.

This bill, Mr. Speaker, is going to affect me personally in my agricultural operation, and I do not find any problem whatsoever with living with this particular standard. I certainly want to encourage the members to vote against this particular amendment. Thank you.

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

The following roll call was recorded:

YEAS—91

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

NAYS—110

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

NOT VOTING—0

EXCUSED—2

Cappabianca Petrarca

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. HERSHEY offered the following amendments No. A1744:

Amend Sec. 6, page 11, line 19, by striking out "90" and inserting

30

Amend Sec. 6, page 11, line 28, by striking out "90" and inserting

30

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

The SPEAKER. The Chair recognizes Mr. Hershey.
Mr. HERSHEY. Thank you, Mr. Speaker.

In section 6, page 11, line 19, we want to strike out 90 days and make it 30, and the reason for that is, if a farmer has a plan approved and we get into adverse weather, the soil conservation district has 90 days to look at his change. We think that is too long; we think that should be 30.

I think this is a fairly simple amendment and should be included in the bill. Thank you.

The SPEAKER. The Chair recognizes Mr. Coy.
Mr. COY. Thank you, Mr. Speaker.

Mr. Speaker, it is a simple amendment, and I agree with that part of the gentleman's statement, but I disagree with the latter, that it should be included in the bill. It should not be.

Mr. Speaker, the bill requires conservation districts to review plans within 90 days, and if not rejected within 90 days, the plan is automatically accepted. This amendment proposes to change that level to 30 days. It seems rather innocuous. It is not. The fact is, it is a rather short amount of time, 30 days, for a conservation district to review, especially in those highly concentrated agricultural areas in the State where a conservation district might have to review hundreds of plans within a period of time. It is an unreasonable amount of time. It is too short to accomplish the goal. The fact that we have included language, Mr. Speaker, which says the plan is accepted if it is not rejected automatically, I think, gives the applicant an opportunity to pass here without having a big problem.

Mr. Speaker, I am not going to raise the issue of the need for a fiscal note for this amendment, but I believe it has a fiscal nature. I think it would definitely have a fiscal effect. You are requiring conservation districts to do this work in a third of the amount of time that the bill would by the amendment. I think it has a definite effect on the staff of the district. A fiscal note has not been asked for on the amendment. I am not going to raise the issue, but I do believe it has a fiscal problem with it.

The fact is, once again, Mr. Speaker, this is another attempt to weaken a good bill, a good bill which has been agreed to by many groups, and I ask the members of the House to defeat the amendment.

The SPEAKER. The Chair recognizes Mr. Chadwick.
Mr. CHADWICK. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is different than the first two, and I urge the members to pay close attention to what we are talking about here.

Under the current legislation, the conservation district has 90 days, 3 months, to approve or disapprove a plan. Now, let us suppose in April severe weather destroys a crop and a

farmer has to change his plan and plant a different crop. If he wants to amend that plan, the bureaucrats in the conservation district have 90 days to look at that. Well, if that happens in April, it could be July before that farmer has an opportunity to plant a new crop, and that is too late. Thirty days is long enough when the farmer's livelihood is at stake.

I urge that we support this amendment. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—97

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

NAYS—103

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

NOT VOTING—1

Wright, R. C.

EXCUSED—2

Cappabianca Petrarca

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. ARMSTRONG offered the following amendment No. A1746:

Amend Sec. 4, page 6, line 15, by inserting after "FILING." In developing its criteria for modifications of a plan, the commission shall permit modifications to be effected without the approval of the local conservation district, provided that the modifications are developed by a certified specialist and forwarded to the conservation district within 30 days of development.

On the question,

Will the House agree to the amendment?

The SPEAKER. On the question, the Chair recognizes Mr. Armstrong.

Mr. ARMSTRONG. Thank you, Mr. Speaker.

This amendment would give the farmer the right to modify his nutrient management plan if he were to experience some kind of change in circumstances. For instance, if a farmer were to realize a rainy season, therefore making a lower field that was supposed to be able to receive the nutrients wet and inappropriate for these nutrients for that time being, this amendment would allow him to call a nutrient management specialist to modify the plan and to allow him to change his application. Then this change would be submitted to the local conservation district within 30 days.

I feel this is a very needed change and would appreciate your affirmative vote today.

The SPEAKER. The Chair recognizes Mr. Coy.

Mr. COY. Thank you, Mr. Speaker.

For many of the same reasons I asked opposition to the last amendments, I ask opposition to this one, but for one further reason. The amendment is really, I think, crafted in error. The fact of the matter is, this amendment strictly construed would require farmers who seek to modify plans to submit a plan for review when they may not even have had to submit an original plan. In other words, this would cover every farmer who seeks to make a change. So farmers who may not have come under the original requirement for review and submission of plans would come under requirement for modification. For that reason alone, I think it is too onerous to the small farmer, and for the reasons stated before, I ask for opposition to the amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Armstrong.

Mr. ARMSTRONG. Mr. Speaker, I would like to oppose that particular conjection that was just made. Any farmer who is going to be in this plan, there are already restrictions for where they have to apply to be a part of this plan. This particular amendment will apply to that farmer, not to the

ones who are not included in this plan who have not passed those thresholds.

This is very important for our farmers. We should not hold them hostage to our local conservation districts, the bureaucrats, because of weather problems, so we need to have some sensibility here and some rationale to allow the farmers to modify their plans.

The SPEAKER. The Chair recognizes Mr. Coy.

Mr. COY. I was not going to speak again, but I really have to.

You know, you talk about the nasty bureaucrats at the conservation districts. Well, that is just amazing. I know the folks who are in my local conservation districts and they are not nasty bureaucrats. We are talking about people who have agriculture interests at heart. We are talking about people who serve on these boards who are often farmers or who once were farmers or who were involved in agriculture or agriculture education. We are not talking about nasty bureaucrats pulling up on a farm and making decisions about this. We are talking about people who are interested in conservation. We are talking about folks who are already working with farmers on conservation and on soil erosion, and they will now be working with them on nutrient management. We are not talking about a nasty bureaucrat, and I certainly hope that none of the folks who work for the local conservation districts in those counties that we are talking about think that their legislator thinks they are a nasty bureaucrat. They are a person who is out to help the farmer, and that is what the bill does.

I ask for opposition to the amendment.

The SPEAKER. The Chair recognizes Mr. Scheetz.

Mr. SCHEETZ. Mr. Speaker, on this particular amendment I would certainly like to ask for its approval. I think—And I understand where Representative Coy is coming from, but in this particular amendment you are giving the farmer the right to make a last-minute change that I think is very necessary in an environment that he is totally unable to control, basically meaning the weather.

I think this amendment definitely should have a positive vote. Thank you.

The SPEAKER. The Chair recognizes Mr. Arnold.

Mr. ARNOLD. Mr. Speaker, would it be in order that I question the maker of this amendment?

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

Mr. ARNOLD. Thank you, Mr. Speaker.

Mr. Speaker, let us say that you own a 100-acre farm in Lancaster County. You have made a decision you are going to plant your crops. Do you mean to tell me that should we have severe weather, whether it be drought or storms, that you feel every time you are going to change your plan and, instead of corn, raise soybeans, that you are going to bother your county conservation committee with a change of plans?

Mr. ARMSTRONG. If you do not, you will be in violation of the plan.

Mr. ARNOLD. Do you have any idea why you are going to be submitting a plan?

Mr. ARMSTRONG. Submitting a plan to show the nutrients that you are going to be putting on the ground to be in compliance with this bill.

Mr. ARNOLD. That is correct, and that plan is a long-range plan. It is not a plan that is going to change every 6 months. It is something that we have had in place, those of us who are conservation minded, and really in fact you are causing your conservation district lots more work and lots more problems. And frankly, as a farmer, I know that my conservation district does not require me because of severe weather to simply change the cropping practice on a field, and you are completely off on this.

I urge the members of the House to recognize what is attempted to be done here and oppose this amendment. Thank you.

The SPEAKER. The Chair recognizes Mr. Saurman.

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, I am not a farmer, but as I see this, this is a conservation bill for farmers. It is an emergency measure without which a farmer could be put in jeopardy. This does not do anything to the regulation or the balance. What it does is provide a mechanism—and the commission is the one that will develop it—simply to say that if an emergency comes up and the farmer has to make an adjustment, if he goes to a certified specialist, then that plan can be approved without the delay. And, Mr. Speaker, I think that this is a very important thing. It is not going to hurt the conservation effort totally. In fact, it strengthens that effort by allowing the unforeseen circumstances to be met and allowing the farmer to exist.

I would support this amendment.

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

Mrs. RUDY. Thank you, Mr. Speaker.

I rise to oppose this amendment, Mr. Speaker. While this amendment might sound good on the surface, it is a thinly disguised loophole, in my estimation. And after 3 years of study on this matter, I can see this amendment throwing the whole measure out of kilter, and this amendment is a manner in which people can actually escape what this whole bill is set out to do.

So I rise to oppose the amendment and urge my colleagues to do so also.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—96

Adolph	Fairchild	Johnson	Ryan
Allen	Fargo	Kenney	Saurman
Anderson	Farmer	King	Scheetz
Angstadt	Fleagle	Langtry	Schuler
Argall	Flick	Lawless	Semmel
Armstrong	Foster	Lee	Serafini
Barley	Fox	Leh	Smith, B.
Birmelin	Freind	McHugh	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	Taylor, J.
Cessar	Gruppo	Noye	Telek
Chadwick	Hagarty	Nyce	Tomlinson
Civera	Harley	O'Brien	Tulli
Clark	Hasay	Perzel	Uliana
Clymer	Hayes	Phillips	Vance
Cornell	Heckler	Piccola	Vroon
Davies	Herman	Pitts	Wilson
Dempsey	Hershey	Raymond	Wogan
Dent	Hess	Reber	Wright, M. N.
Durham	Jadlowiec	Reinard	Wright, R. C.

NAYS—104

Acosta	Evans	Linton	Roebuck
Arnold	Fajt	Lloyd	Rudy
Battisto	Fee	Lucyk	Saloom
Belardi	Freeman	McCall	Scrimenti
Belfanti	Gamble	McGeehan	Staback
Billow	George	McHale	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
Carn	Hughes	Mihalich	Tangretti
Carone	Itkin	Mrkonic	Taylor, F.
Cawley	James	Mundy	Thomas
Cohen	Jarolin	Murphy	Tigue
Colafella	Josephs	Olasz	Trello
Colaizzo	Kaiser	Oliver	Trich
Cole	Kasunic	Pesci	Van Horne
Corrigan	Kosinski	Petrone	Veon
Cowell	Krebs	Pistella	Wambach
Coy	Kruszewski	Preston	Wozniak
DeLuca	Kukovich	Richardson	Wright, D. R.
DeWeese	LaGrotta	Rieger	
Daley	Laughlin	Ritter	O'Donnell,
Dermody	Lescovitz	Robinson	Speaker
Donatucci	Levdanski		

NOT VOTING—1

Williams

EXCUSED—2

Cappabianca Petrarca

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

On the question recurring,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

The Chair recognizes Mr. Barley.

Mr. BARLEY. Thank you, Mr. Speaker.

This piece of legislation, HB 496, was a piece of legislation, when it was originally introduced, that was introduced with some reserved support from myself, and I introduced a similar piece of legislation with, I guess, some reserved support from the prime sponsor of this bill. And there have been some modifications to this bill over this period of a few months. There was one public hearing held on the bill that lasted probably 2 hours with a minimum amount of input.

One of the statements made earlier by the prime sponsor was that this bill was designed specifically to help farmers. I think if you look at page 6 of the bill, on line 4 it says, "The establishment of restrictions related to the time and manner in which nutrients are to be applied to land." That is just a specific statement within the bill. And so when we start talking about intents to establish restrictions related to the time and the methods that farmers have historically used to apply nutrients, I really question whether those kinds of intentions are solely for the purpose of helping farmers.

So in addition to that, there were several amendments offered today that from a practical production standpoint in agriculture, I think they really made a lot of sense, a lot of good common sense. In every case the amendments were voted down. They were amendments that I feel were extremely important to be a part of this legislation before it could be considered to be acceptable for the farming community. This legislation will very severely restrict small producers.

The legislation, I believe, originally— And many of us who have concerns for the environment—and, of course, farmers have historically been good stewards of the soil—we are concerned about large operations that have hundreds and hundreds of animal units, and so we are concerned that we can somehow control that. Well, by putting these thresholds in this bill, we are actually in many cases controlling farmers with 40 and 50 acres because the thresholds are so low and they are so arbitrary. So that is another real deficiency in the bill.

Another problem I have with the bill—and realizing the State Conservation Commission has very fine representation on it from the agriculture community, and I think they have done a good job in conservation—nutrient management is the science of agronomy. It is matching the nutrient needs of a crop to the uptake of that crop and the amount of nutrients you put on the land. It is far different from designing contour strips or terraces or waterways, the kind of expertise and the kind of experience that the conservation folks have had. Yes, it is related, but it will require a significantly different kind of training and expertise.

Looking at who in Pennsylvania is already doing similar and performing similar functions, it is bureaus within the Department of Agriculture. You have the Bureau of Plant Industry. They are dealing with regulating and licensing commercial fertilizer. Here we are talking about regulating commercial fertilizer as well as organic fertilizer or farm waste. I think that in itself makes an argument that the Department of Agriculture should have full control over the administration of the program. They understand production agriculture. They are already dealing with it. So that is one additional reason why I am opposing final passage of the bill.

The Department of Agriculture through that same bureau is dealing with pesticide application, something that is directly related to production of crops and production agriculture as we know it and practice it in Pennsylvania. It is part of the science of agronomy, and we have many private consultants,

we have many people in the field today who are specializing in nutrient management, in crop management, and I think they would be well qualified to do this. I think there are ways to do this without the involvement of the public sector to the extent that this bill requires them to be involved. I think we can do much more through the private sector.

For those reasons and additional reasons, I am opposing final passage of this legislation. Thank you very much.

The SPEAKER. The Chair recognizes Mr. Stairs.

Mr. STAIRS. Thank you, Mr. Speaker.

I rise with some apprehension. Certainly this legislation is needed in Pennsylvania. I was hopeful that the amendments that were offered could have certainly made the agriculture more palatable to the agricultural community and still maintain the environmental concerns that we all have in our Commonwealth.

You know, as I see the bill now, we are setting aside approximately \$250,000 to begin to implement a program that will probably start in maybe every 3 or 4 years. I would have hoped that we could have resolved it and all had it in place the way we want to see it, but I guess my concern—I would ask my fellow colleagues to oppose this legislation. I know we are going to come back in a couple years and we are probably either going to endorse it or we are probably going to oppose it, because we are going to see really what is going to be taking place. We are going to be knowing what we have done. I would certainly like to see the Department of Agriculture have a stronger role in this legislation and a lesser role by the DER.

There are a number of unanswered questions, and reluctantly we are going to vote “no” because this bill does have potential, and I hope that if it does pass, the Senate can at least make the needed corrections. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Chadwick.

Mr. CHADWICK. Thank you, Mr. Speaker.

Let us make no mistake, improved nutrient management is needed in the Commonwealth of Pennsylvania. And when we started this process, I thought that is what we were going to do. I thought we were going to come up with a piece of legislation that controlled nutrients and fertilizers. Instead, we have gone far beyond that, and we actually have a bill in front of us now that allows government to tell farmers what crops they can plant. When did we ever get to the point where government took so much control over our lives that they were telling farmers what crops they could plant?

This bill simply goes too far. We have failed, unfortunately, to address the legitimate concerns of the farm community that were expressed in the amendments that were offered today. It is time to go back to the drawing board and defeat this legislation. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Broujos.

Mr. BROUJOS. Mr. Speaker, I have seldom seen a bill pertaining to agriculture go through such a prolonged and thorough evaluation and consideration of everybody involved. I have seldom seen a person, sponsor, as Representative Coy listen carefully to all sides, listen to people who wanted to

compromise, wanted to change provisions, wanted to make them less restrictive or more restrictive.

What has happened in the Chesapeake Bay is a major ecological disaster. The failure of Pennsylvania to regulate its nutrient management has resulted in the devastation of the shellfish and the rockfish and other fish. The Chesapeake Bay has put bans on fishing and crabbing and many pursuits in the Chesapeake Bay. I have sailed the bay since I was 10 years old and I have seen the devastation.

We are at fault in Pennsylvania. We have sought to voluntarily seek to restrain ourselves and to put voluntary restrictions and plans into effect. Those voluntary programs have failed. I have seen the efforts within my own district where very valiant and cooperative farmers have gone out and built all kinds of structures, manure pits, and devices to try and stem the tide of the nutrients that go into the tributaries, that go into the streams, that go into the Susquehanna, and go into the Chesapeake Bay, and it has not been sufficient, and the farmers know that, and the farmers have recognized it, and the people with the Chesapeake Bay Foundation and the Alliance for the Chesapeake Bay have understood that.

We have been reluctant to impose certain standards upon the farm community because we respect them and we love them and we know the great job they do in providing food for us. They are great people. They are the last bastion of individualism. They are the last bastion of volunteerism, of hard work, of dedication to their family, of family life, religion. The farm community is strong. This bill makes that farm community stronger. It does not tell them what to do. It works with them, and there has been compromise after compromise. Voluntary efforts are insufficient. We do not want regulation of the farm community to the extent that we tell them where to plant and how to harvest and what to do. This is a compromise. This is a compromise that works and meets the needs. We owe it to the ecology. We owe it to the people in Maryland. We owe it to the farmers and the fishermen and the Chesapeake Bay. We owe it to ourselves.

I ask for strong support for this bill.

The SPEAKER. The Chair recognizes Mr. Cole.

Mr. COLE. Thank you, Mr. Speaker.

The previous speaker kind of stole my speech. I have had the privilege of serving as chairman of the Chesapeake Bay Commission for the States of Maryland, Virginia, and Pennsylvania for two terms. What the previous speaker told you is the effort that we are trying to make here in Pennsylvania in cleaning up the Chesapeake Bay, but while we are doing that, we are improving our water quality in the waters of the Commonwealth of Pennsylvania.

In 1981 the EPA (Environmental Protection Agency) study, a \$25-million study, pointed the finger at Pennsylvania as one of the major contributors to the pollution of the bay, and that was the nutrient overload coming from the Susquehanna River of 50 percent of the fresh water that is provided in the Chesapeake Bay. That is what this bill is about today - in that effort, not a Band-Aid approach, but a major environmental effort in controlling the nutrients in our waterways in Penn-

sylvania. That is what this bill is about. This today in HB 496 is another major step in that effort to preserve the Chesapeake Bay and also the waters and the wells on our own properties, especially on our farms. This is a good bill. Three years of work and dedication, 3 years of working with all organizations on both sides of the issue to come up with a very good compromise bill.

I urge a "yes" vote on HB 496 in bringing Pennsylvania as the leader in nutrient management in this Nation, another feather in our cap as we strive to clean up the environment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Scheetz.

Mr. SCHEETZ. Thank you, Mr. Speaker.

In spite of all the red flags that are being waved by some of my colleagues over here, I rise to enthusiastically, in fact, support this particular bill. I think it is a bill that is a result of many, many meetings, many years of consideration. I think some of the objections that have been raised to the bill do not have any substance whatsoever. The fact that some people think this bill, the jurisdiction of the bill, the enforcement of the bill, ought to be in the Agriculture Department, I certainly believe is not valid reasoning.

I would like to point out that in my district where the Agriculture Department has had primacy, of course, in the enforcement of some programs, their people have actually been run off the farms in my district. So there is no reason to believe that if it would be in the Agriculture Department, it would be any different than any other department where the bureaucrats are doing their work. I found them extremely difficult to deal with on the pseudorabies program, on the Dog Law enforcement, and to say that that would be a cure-all is totally unrealistic.

Also, mention was made about this bill affecting small operators. True, they will have to file a plan, but only the operators that have over 2 animal units per acre are going to have to file a plan with the conservation district, the Conservation Commission. This is certainly a very realistic way of doing it. I do not see any major problem whatsoever in complying with that kind of restriction.

The other thing I would like to point out is this business about applying nutrients to the ground. Unless the nutrients stay in place and are utilized by the crops, you do not have any program, any management whatsoever. Therefore, it is very important to get the soil conservation district, the soil conservation people involved with this particular program. So it is a natural place to put the authority as far as governing this particular program.

In the past when I have had complaints from some of my constituents concerning manure problems, I did not call DER's main office. I called my local conservation district people, and they went out and they took care of the problem. I never heard a word after that.

It is certainly the most logical place to place this type of authority. It is run by a board of farmers elected by other farmers, and it is certainly a practical way of approaching this particular program. They are a hybrid between the bureaucracy and agriculture, and it is a logical place.

I would encourage all members to support this particular legislation.

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

Mr. HERSHEY. Yes.

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

Mr. HERSHEY. Thank you, Mr. Speaker.

We spent some time on this bill. There was some time spent on this bill that we did not all have a chance to have some input. And since we did not get some of our amendments in today and it is not the way I would like to see it, I am going to be opposing the bill. Thank you.

The SPEAKER. The Chair recognizes Mr. Coy.

Mr. COY. Thank you, Mr. Speaker.

Mr. Speaker, we have heard a lot of reasons why people are finally now not for nutrient management, why they really do not support nutrient management which will help to clean waterways in Pennsylvania and in the Chesapeake Bay. But let me tell you why the Pennsylvania Farmers' Association supports this. Let me read a letter. You heard earlier about how this is harsh and unfair to farmers. This letter is dated June 21, 1991. It is addressed to me, but you all got a copy. I read in part the letter: We believe the amendments to HB 496 that were offered in the Agriculture Committee strengthen the bill and the bill's objectives in establishing a consistent and effective nutrient management program for Pennsylvania without imposing harsh and unnecessary burdens upon agricultural operations. We urge you to support and vote in favor of the final passage of the bill as it was reported from committee. Signed by Al Myers, the legislative liaison to the Pennsylvania Farmers' Association.

Mr. Speaker, every session the Pennsylvania Farmers' Association puts out a book on their policy, the things they support. This bill is one of the things they support. And why do they support it? Because of what I said before. So they will not have to face local ordinances in every township and in every county across the Commonwealth; so they will not be imposed upon by liability actions that result from local ordinances; so that they can have a consistent law statewide that they can depend upon for their planning of their nutrients and the application thereof.

Mr. Speaker, there is nothing in this bill that a good farmer and a good steward of the land is not already doing. A good farmer and a good steward of the land already reviews application of nutrients, already decides when the best time for the application is, and on what soils those nutrients ought to be applied to and in what amounts. He does this because he believes in the improvement of the land and not in the devastation thereof.

Mr. Speaker, the Department of Agriculture does not have the capability nor does it want the capability of enforcing the actions of this bill. That is why we agreed on the conservation districts and on the Conservation Commission, because they are already visiting farmers talking about conservation of soil and soil erosion and other good, best management farming

practices. Added to that list can now be nutrient management.

Representative Cole was exactly correct when he said that this bill improves water quality and will improve water quality first in the Commonwealth of Pennsylvania on our shores and, secondly, in those areas that lie downstream, like the Chesapeake Bay.

Mr. Speaker, it is up to us in Pennsylvania to lead the way with nutrient management so that whoever lives downstream can be the result of the good things we contribute and not the bad elements that are sometimes being contributed now.

Mr. Speaker, the enemy in this bill clearly is the large agribusiness operation which operates on small pieces of land with large amounts of animals. They are the people whom we are trying to regulate. They are the folks who are not complying and who need to be regulated.

Furthermore, Mr. Speaker, as I said before, nutrient management is a concept which the good farmer already embraces and is already practicing. It is a bill whose time has come for Pennsylvania. It has had a lot of study, and I commend, very frankly, the Farmers' Association, the Chesapeake Bay Foundation, the Alliance for the Chesapeake, and the other groups who have worked diligently on what is truly a compromise and a good bill. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Merry.

Mr. MERRY. Mr. Speaker, I hate the interruption, but after listening to this final speech, there are some things that I believe should be said by people like me that probably will be voting negatively on what should have been an important bill.

None of us are against nutrient management. It has all the good points that the previous speaker has said. But it must be noted that there is a certain amount of overkill in this bill. It addresses certain farmers that are not in everybody's district. I understand that it addresses an overnutrient problem in the Chesapeake watershed. I do not have a Chesapeake watershed in my district, as many of these individuals here do not, and that is not to discredit the need for correction in those areas. But, Mr. Speaker, this bill could have been modified to address the needs of particularly the small farmers in a much better fashion than this final version, and for that reason I oppose the bill and urge others to do the same.

The SPEAKER. The Chair recognizes Mr. Noye.

Mr. NOYE. Thank you, Mr. Speaker.

Mr. Speaker, I tried to sit here and stay out of this debate, but the mention of the letter from the Pennsylvania Farmers' Association causes me to have serious concerns about the impression being given that the Pennsylvania farmers out there throughout Pennsylvania really want to solve this problem with this piece of legislation, and that could not be further from the truth.

Mr. Speaker, this whole concept started with some divergent opinions, and a sincere effort was made to try to find some common ground. The fact of the matter is, the Pennsylvania Farmers' Association found themselves in a no-win situation, and a few of their leadership decided to reach a compromise without really running this whole process through their rank and file. I can tell you that the rank-and-file farmer

of Pennsylvania has had it with bureaucratic regulation, and it does not matter where it comes from.

We last year or the session before put a right-to-know process in front of them, and that was not going to cause any real burden to them, but it does, and now we are right back again with the same type of thing. This really is not going to affect a lot of farmers, but it will, and it is another program that will come under, even though we are saying the conservation district, we all know that that means DER. We all know that DER right now is so understaffed they cannot handle half the programs we have assigned to them.

This whole process is just another attempt— And I really wish it was something that was going to benefit the whole Chesapeake Bay program. But, Mr. Speaker, the Chesapeake Bay program—and that really affects my district, because I have two of the major watersheds, the Susquehanna River and the Juniata River, that go right through a big portion of my district—but, Mr. Speaker, when we passed that Chesapeake Bay program for making funds available to farmers to help control the nutrient problem, I was absolutely astonished and amazed to find on the map the areas that were eligible to participate in the program. The Juniata River was exempt all through Mifflin, Juniata, and Snyder Counties all the way down to where it meets the Susquehanna River. They were not even included in the program. Only one tiny little section of the Susquehanna from Sunbury down to Harrisburg was considered in the program. And the map is a hodgepodge. If any of you have affected waterways, I wish you would take a look at the map and see the areas that are affected that really come under the Chesapeake Bay program.

You know, the intent of the Chesapeake Bay program is admirable. I supported it. I voted for every program. But I cannot believe that we are really interested in good faith in solving the problem when you see such a large section of two of the major contributors to the Chesapeake Bay being exempt from participating in the program.

Mr. Speaker, I reluctantly have to oppose this legislation. I believe that we are just creating another layer, another burden on our farmers. There is a better way to go about it. If you want to go after the big producers, then there is a way to do that. In my particular area right now a township has already taken it upon themselves to pass a nutrient management bill at the local level. That may be the way to approach it, because in their ordinance they got at the real problem, the big operator, and not all the family farmers who are trying to survive.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Coy.

Mr. COY. Mr. Speaker, for certainly the final time, Representative Noye just mentioned about the local ordinances that were passed, and that is precisely the main, primary reason why the Pennsylvania Farmers' Association supports statewide legislation, so they do not have to look at a local ordinance in every county or township, and my bill, the bill that you will vote on shortly, precludes local ordinances and it says that this bill shall have primacy.

For that and many other reasons— And I do not choose to challenge the integrity of the Pennsylvania Farmers' Association and their process of endorsement of legislation. They do it through policy, and every farmer who is a member has a chance to vote on it, and they have supported this legislation, Mr. Speaker.

I cannot say anything more. Please support this bill.

On the question recurring,
Shall the bill pass finally?

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

YEAS—138

Acosta	Fee	Linton	Saurman
Angstadt	Flick	Lloyd	Scheetz
Argall	Freeman	Lucyk	Scrimenti
Arnold	Gamble	McCall	Smith, B.
Battisto	George	McGeehan	Snyder, G.
Belardi	Gigliotti	McHale	Staback
Belfanti	Gladeck	McNally	Steelman
Billow	Godshall	Maiale	Steighner
Bishop	Gruitza	Markosek	Stetler
Blaum	Hagarty	Mayernik	Stish
Bowley	Haluska	Melio	Stuban
Boyes	Hanna	Michlovic	Sturla
Broujos	Harley	Mihalich	Surra
Butkovitz	Harper	Mrkonic	Tangretti
Caltagirone	Hayden	Mundy	Taylor, F.
Carn	Heckler	Murphy	Taylor, J.
Carone	Herman	Nahill	Thomas
Cawley	Hughes	Nailor	Tigue
Cohen	Itkin	Nickol	Tomlinson
Colaella	James	Nyce	Trello
Colaizzo	Jarolin	O'Brien	Trich
Cole	Josephs	Olasz	Uliana
Cornell	Kaiser	Oliver	Van Horne
Corrigan	Kasunic	Pesci	Vance
Cowell	Kenney	Petrone	Veon
Coy	Kosinski	Pistella	Wambach
DeLuca	Krebs	Preston	Williams
DeWeese	Kruszewski	Reinard	Wilson
Daley	Kukovich	Richardson	Wogan
Dent	LaGrotta	Rieger	Wozniak
Dermody	Langtry	Ritter	Wright, D. R.
Donatucci	Laughlin	Robinson	Wright, M. N.
Evans	Lawless	Roebuck	
Fajt	Lescovitz	Rudy	O'Donnell,
Farmer	Levdansky	Ryan	Speaker

NAYS—62

Adolph	Davies	Hess	Raymond
Allen	Dempsey	Jadlowiec	Reber
Anderson	Durham	Johnson	Saloom
Armstrong	Fairchild	King	Schuler
Barley	Fargo	Lee	Semmel
Birmelin	Fleagle	Leh	Serafini
Black	Foster	McHugh	Smith, S. H.
Brown	Fox	Marsico	Snyder, D. W.
Bunt	Freind	Merry	Stairs
Bush	Gallen	Micozzie	Strittmatter
Carlson	Geist	Noye	Taylor, E. Z.
Cessar	Gerlach	Perzel	Telek
Chadwick	Gruppo	Phillips	Tulli
Civera	Hasay	Piccola	Vroon
Clark	Hayes	Pitts	Wright, R. C.
Clymer	Hershey		

NOT VOTING—1

Gannon

EXCUSED—2

Cappabianca Petrarca

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.

RULES COMMITTEE MEETING

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

URBAN AFFAIRS COMMITTEE MEETING

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

Mrs. HARPER. Thank you, Mr. Speaker.

I rise to announce a meeting of the Urban Affairs Committee in room 39E at the call of the recess.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The gentleman, Mr. Evans, is recognized.

Mr. EVANS. Mr. Speaker, at the recess of the House, the House Appropriations Committee will meet in the majority caucus room. Thank you.

TRANSPORTATION COMMITTEE MEETING

The SPEAKER. The Chair recognizes Mr. Lescovitz.

Mr. LESCOVITZ. Thank you, Mr. Speaker.

At the recess, the House Transportation Committee will have a meeting in the back of the House. Thank you.

VOTE CORRECTION

The SPEAKER. The Chair recognizes Mr. Pistella.

Mr. PISTELLA. For the purpose of correcting the record, Mr. Speaker. I was not recorded as having voted on SB 405, amendment 1197. I wish to be recorded in the affirmative. Thank you.

JUDICIARY COMMITTEE MEETINGS

The SPEAKER. The Chair recognizes Mr. Caltagirone.

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

I would like to remind the members of the House Judiciary Committee that a meeting has been called for Thursday, June 27, 10 a.m., room 418, and we are also going to have a Judiciary Committee meeting on Friday, June 28, 10 a.m., the room to be announced. Thank you.

The SPEAKER. It is important the members do not leave the floor of the House.

VOTE CORRECTIONS

The SPEAKER. The Chair recognizes Mr. Steighner.
 Mr. STEIGHNER. Thank you, Mr. Speaker.
 Mr. Speaker, when the vote was taken on HR 143 on 6/19, my switch was inoperative. Had it been working, I would have voted in the affirmative.
 The SPEAKER. The Chair recognizes Mr. Itkin.
 Mr. ITKIN. Mr. Speaker, on amendment 1087 to SB 405, I was recorded as voting in the affirmative. I wish the record to show that I wish to be voted in the negative.

The SPEAKER. The Chair recognizes Mr. Colaizzo.
 Mr. COLAIZZO. Mr. Speaker, I was not indicated as voting on amendment A1197 to SB 405. I wanted to be indicated as voting in the affirmative.

The SPEAKER. The Chair recognizes the lady, Ms. Bishop.
 Ms. BISHOP. Thank you, Mr. Speaker.
 On amendment 1087, Johnson, to SB 405, I was recorded as not voting. I wish to be recorded in the affirmative.
 The SPEAKER. The Chair recognizes Mr. Kosinski.
 Mr. KOSINSKI. For corrections of the record, Mr. Speaker.

From yesterday, June 25: HB 544, amendment 1271, the Gregory Snyder amendment, I wish to be cast in the affirmative. For today: On HB 1393 I was unrecorded. I wish to be cast in the affirmative.

COMMITTEE MEETING CANCELED

The SPEAKER. The Chair recognizes Mr. Murphy.
 Mr. MURPHY. Mr. Speaker, there was an Insurance Committee meeting scheduled for tomorrow. That meeting will be postponed until next week. Thank you.

TRANSPORTATION COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman, Mr. Lescovitz.
 Mr. LESCOVITZ. Thank you, Mr. Speaker.
 I would like to call that meeting now in the back of the House - the House Transportation Committee.
 The SPEAKER. The gentleman is in order, although at some risk, because the House is about to begin its work again.
 Transportation Committee meeting in the rear of the House.

The Chair once again urges the members, please, do not leave the hall of the House.

VOTE CORRECTIONS

The SPEAKER. The Chair recognizes the lady, Ms. Steelman.
 Ms. STEELMAN. Mr. Speaker, I would like to correct the record. On June 18, HB 539, amendment 1365, I was not recorded as voting. I would like to have my vote recorded in the affirmative.

The SPEAKER. The Chair recognizes Mr. Wozniak.
 Mr. WOZNIAK. Thank you, Mr. Speaker.
 Yesterday, HB 544, amendment 1118, I would like to be recorded in the negative.

The SPEAKER. The Chair recognizes Mr. Kaiser.
 Mr. KAISER. Mr. Speaker, on amendment 1263 to SB 405, my vote was not recorded, and I would like to be recorded in the affirmative.

The SPEAKER. The Chair recognizes Ms. Carone.
 Ms. CARONE. Mr. Speaker, I would like it shown on the record that I voted in the positive for amendment 1197 to SB 405. I was in the House. Thank you.

RULES SUSPENDED

The SPEAKER. The Chair recognizes the majority leader.
 Mr. DeWEESE. Mr. Speaker, I move that rule 22 be suspended to permit HB 1736 to go immediately to the calendar without committal to the Rules Committee.

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

The following roll call was recorded:

YEAS—198

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

NAYS—0

NOT VOTING—3

Geist	Itkin	Tangretti
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EXCUSED—2

Cappabianca	Petrarca
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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.

BILL REPORTED FROM COMMITTEE AND CONSIDERED FIRST TIME

HB 1736, PN 2162 (Amended)

By Rep. TRELLO

An Act authorizing and regulating the operation of video lottery machines; creating the Video Lottery Control Commission and providing for its powers and duties; providing for additional duties of the Director of the Bureau of the Pennsylvania State Lottery; providing for licenses and related fees for machine manufacturers, distributors and operators and for licensed establishments; regulating machine payoff and the distribution of machine proceeds; providing for local options; and providing for enforcement and penalties.

FINANCE.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND RECOMMITTED TO COMMITTEE ON RULES

HB 1466, PN 1682

By Rep. TRELLO

An Act providing for tax amnesty; providing for duties of the Department of Revenue; and making an appropriation.

FINANCE.

HB 1477, PN 1704

By Rep. TRELLO

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

FINANCE.

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader. Mr. DeWEESE. Mr. Speaker, I move that HB 1736 be recommitted to the Appropriations Committee.

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

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND RECOMMITTED TO COMMITTEE ON RULES

HB 684, PN 749

By Rep. D. R. WRIGHT

An Act requiring retail motor vehicle fuel stations to have air pumps for the public; and providing penalties.

CONSUMER AFFAIRS.

HB 1632, PN 1922

By Rep. D. R. WRIGHT

An Act authorizing the Center for Rural Pennsylvania to develop a Statewide, coordinated Long-Distance Teaching Program; and making an appropriation.

CONSUMER AFFAIRS.

HB 1634, PN 2161 (Amended)

By Rep. D. R. WRIGHT

An Act relating to rural health care; providing for voice, video or data communication links; establishing eligibility criteria; providing for duties of the Bureau of Planning within the Department of Health; and making an appropriation.

CONSUMER AFFAIRS.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

SB 263, PN 272

By Rep. D. R. WRIGHT

An Act amending the act of December 22, 1983 (P. L. 306, No. 84), entitled "Board of Vehicles Act," further providing for mobile home parks.

CONSUMER AFFAIRS.

JUDICIARY COMMITTEE MEETING

The SPEAKER. For the information of the members, there will be a meeting of the House Judiciary Committee on Thursday, June 27, 1991, at 10 a.m. in room 418 - room 418, 10 a.m., Thursday morning.

VOTE CORRECTION

The SPEAKER. The gentleman, Mr. Kasunic, is recognized.

Mr. KASUNIC. I would like to correct the record.

Yesterday I failed to vote on HB 544, amendment 1118. Had I voted, I would have voted in the negative.

BILLS REREPORTED FROM COMMITTEE

HB 200, PN 210

By Rep. DeWEESE

An Act amending the act of August 22, 1953 (P. L. 1344, No. 383), known as "The Marriage Law," providing for the distribution of information relating to fetal alcohol syndrome.

RULES.

HB 713, PN 790

By Rep. DeWEESE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting the possession of a firearm or other dangerous weapon in a court facility.

RULES.

HB 794, PN 877

By Rep. DeWEESE

An Act amending the act of November 30, 1967 (P. L. 658, No. 305), known as the "Business Improvement District Act of 1967," authorizing cities of the first class to finance services within business improvement districts.

RULES.

HB 1549, PN 1865

By Rep. DeWEESE

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, increasing fines for fare evasions.

RULES.

BILLS ON SECOND CONSIDERATION

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

HB 200, PN 210; HB 713, PN 790; HB 794, PN 877; and HB 1549, PN 1865.

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes Mr. Noye.

Mr. NOYE. Mr. Speaker, for the Republican members, on the announcement of the adjournment, I guess, or recess, whatever is coming up, we would ask you to come to the caucus room for a very brief caucus. Thank you, Mr. Speaker.

VOTE CORRECTIONS

The SPEAKER. The Chair recognizes Mr. McNally.

Mr. McNALLY. Mr. Speaker, for purposes of correcting the record.

Yesterday on HB 544, amendment A1118, I was away from my desk. I wish to be recorded as having voted in the negative. Thank you.

The SPEAKER. The Chair recognizes Mr. Saurman.

Mr. SAURMAN. Thank you, Mr. Speaker.

To correct the record from yesterday. HB 544, amendment 0993, I was not recorded. I would like to be recorded in the affirmative. Thank you.

HOUSE BILL INTRODUCED AND REFERRED

No. 1827 By Representatives BATTISTO, STRITTMATTER, ROEBUCK, GIGLIOTTI, LEH and OLIVER

An Act amending the act of October 27, 1955 (P. L. 744, No. 222), known as the "Pennsylvania Human Relations Act," further providing for the right to freedom from discrimination in employment, housing and public accommodations; prohibiting discrimination because of familial status; amending and adding certain definitions; further providing for the powers and duties of the Pennsylvania Human Relations Commission; further providing for enforcement, remedies and penalties; making editorial

changes; and continuing the Pennsylvania Human Relations Commission pursuant to the Sunset Act.

Referred to Committee on STATE GOVERNMENT, June 26, 1991.

RESOLUTIONS

Mr. BUTKOVITZ called up HR 144, PN 1970, entitled:

A Resolution establishing a select committee of the House of Representatives to study the shared ride program to determine the cause of recent problems in its operation and recommend means of improving the services provided by the program.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—200

Table listing names of representatives who voted 'YEAS' (200 total). Columns include Acosta, Adolph, Allen, Anderson, Angstadt, Argall, Armstrong, Arnold, Barley, Battisto, Belardi, Belfanti, Billow, Birmelin, Bishop, Black, Blaum, Bowley, Boyes, Broujos, Brown, Bunt, Bush, Butkovitz, Caltagirone, Carlson, Carn, Carone, Cawley, Cessar, Chadwick, Civera, Clark, Clymer, Cohen, Colafella, Colaizzo, Cole, Cornell, Corrigan, Cowell, Coy, DeLuca, DeWeese, Daley, Davies, Dempsey, Dent, Dermody, Donatucci, Durham, Evans, Fairchild, Fajt, Fargo, Farmer, Fee, Fleagle, Flick, Foster, Fox, Freeman, Freind, Gallen, Gamble, Gannon, Geist, George, Gerlach, Gigliotti, Gladeck, Godshall, Gruitza, Gruppo, Hagarty, Haluska, Hanna, Harley, Harper, Hasay, Hayden, Hayes, Heckler, Herman, Hershey, Hess, Itkin, Jadlowiec, James, Jarolin, Johnson, Josephs, Kaiser, Kasunic, Kenney, King, Kosinski, Krebs, Kruszewski, Kukovich, LaGrotta, Langtry, Laughlin, Lawless, Lee, Leh, Lescovitz, Levdansky, Linton, Lloyd, Lucyk, McCall, McGeehan, McHale, McHugh, McNally, Maiale, Markosek, Marsico, Mayernik, Melio, Merry, Michlovic, Micozzie, Mihalich, Mrkoncic, Mundy, Murphy, Nahill, Nailor, Nickol, Noye, Nyce, O'Brien, Olasz, Oliver, Perzel, Pesci, Petrone, Phillips, Piccola, Pistella, Pitts, Preston, Raymond, Reber, Reinard, Richardson, Rieger, Ritter, Robinson, Roebuck, Rudy, Ryan, Saloom, Saurman, Scheetz, Schuler, Scrimenti, Semmel, Serafini, Smith, B., Smith, S. H., Snyder, D. W., Snyder, G., Staback, Stairs, Steelman, Steighner, Stetler, Stish, Strittmatter, Stuban, Sturla, Surra, Tangretti, Taylor, E. Z., Taylor, F., Taylor, J., Telek, Thomas, Tigue, Tomlinson, Trello, Trich, Tulli, Uliana, Van Horne, Vance, Veon, Vroon, Wambach, Williams, Wilson, Wogan, Wozniak, Wright, D. R., Wright, M. N., Wright, R. C., O'Donnell, Speaker

NAYS—0
NOT VOTING—1

Hughes

EXCUSED—2

Cappabianca Petrarca

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

* * *

Mr. MARKOSEK called up **HR 147, PN 1973**, entitled:

A Resolution memorializing the President and Congress to convene a United States Surgeon General's Workshop on autism.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—201

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

NAYS—0
NOT VOTING—0
EXCUSED—2

Cappabianca Petrarca

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

* * *

Mr. BELARDI called up **HR 150, PN 2044**, entitled:

A Resolution designating July 3, 1991, as "Nondependence Day."

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

NAYS—0

NOT VOTING—1

Wright, R. C.

EXCUSED—2

Cappabianca Petrarca

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

VOTE CORRECTION

The SPEAKER. The Chair recognizes Mr. Kenney. Mr. KENNEY. Thank you, Mr. Speaker.

Mr. Speaker, I just wanted to correct the record from yesterday. On HB 544, amendment A1196, I would like to be recorded in the affirmative. Thank you, Mr. Speaker.

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

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of SB 820, PN 1380, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," providing for resident State troopers; providing for underwater search teams; and making a repeal.

On the question, Will the House agree to the bill on third consideration? Mr. TRICH offered the following amendment No. A1699:

Amend Sec. 3 (Sec. 713), page 3, line 8, by inserting after "which" , on the effective date of this act,

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

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

Mr. TRICH. Mr. Speaker, I am merely offering an agreed-to amendment that merely clarifies the intent of the legislation and would hope that my colleagues would approve it.

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

The following roll call was recorded:

YEAS—201

- 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 McHale Snyder, G.

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Cappabianca Petrarca

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. 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?

On that question, the Chair recognizes Mr. Levdansky. Mr. LEVDANSKY. Thank you, Mr. Speaker. Mr. Speaker, I was wondering if Mr. Pitts would stand for a brief period of interrogation?

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

Mr. LEVDANSKY. Thank you, Mr. Speaker.

Mr. Speaker, presently in a number of communities across the Commonwealth, the Pennsylvania State Police presently provide police protection. My specific concern centers on at least two communities in Allegheny County which have been declared financially distressed by the Department of Commu-

nity Affairs under Act 47. In those communities, in those financially distressed communities, the Pennsylvania State Police have been providing police protection to the residents of those communities. I was wondering if you could explain how this legislation would impact those distressed communities which are presently provided police protection by the State Police.

Mr. PITTS. Mr. Speaker, it will have no impact on those communities.

Mr. LEVDANSKY. Mr. Speaker, specifically section 713, which sets into motion the administrative component of this legislation. Do you believe that the State Police administratively could continue to make a decision to continue to provide police protection to those communities which I refer to?

Mr. PITTS. Yes, Mr. Speaker.

Mr. LEVDANSKY. Okay.

Thank you, Mr. Speaker. No further questions.

On the question recurring,

Shall the bill pass finally?

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

YEAS—186

Acosta	Evans	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	Semmel
Barley	Foster	Linton	Serafini
Battisto	Fox	Lloyd	Smith, B.
Belardi	Freeman	Lucy	Smith, S. H.
Belfanti	Freind	McCall	Snyder, D. W.
Billow	Gallen	McGeehan	Snyder, G.
Birmelin	Gamble	McHale	Staback
Bishop	Gannon	McHugh	Stairs
Black	Geist	Maiale	Steelman
Bowley	Gerlach	Markosek	Steighner
Boyes	Gigliotti	Marsico	Stetler
Brown	Gladeck	Mayernik	Stish
Bunt	Godshall	Melio	Strittmatter
Bush	Gruitza	Merry	Stuban
Butkovitz	Gruppo	Micozzie	Sturla
Caltagirone	Hagarty	Mihalich	Surra
Carlson	Haluska	Mundy	Tangretti
Carn	Hanna	Murphy	Taylor, E. Z.
Carone	Harley	Nahill	Taylor, F.
Cawley	Harper	Nailor	Taylor, J.
Cessar	Hasay	Nickol	Telek
Chadwick	Hayden	Noye	Tomlinson
Civera	Hayes	Nyce	Trello
Clark	Heckler	O'Brien	Trich
Clymer	Herman	Oliver	Tulli
Cohen	Hershey	Perzel	Uliana
Colafella	Hess	Pesci	Vance
Cole	Hughes	Petrone	Veon
Cornell	Itkin	Phillips	Vroon
Corrigan	Jadlowiec	Piccola	Wambach
Cowell	James	Pistella	Williams
Coy	Jarolin	Pitts	Wilson
DeLuca	Johnson	Preston	Wogan
DeWeese	Josephs	Raymond	Wozniak
Daley	Kaiser	Reber	Wright, D. R.
Davies	Kasunic	Reinard	Wright, M. N.
Dempsey	Kenney	Richardson	Wright, R. C.

Dent	King	Rieger	
Donatucci	Kosinski	Ritter	O'Donnell,
Durham	Krebs	Robinson	Speaker

NAYS—14

Blaum	George	Michlovic	Scrimenti
Broujos	Kruszewski	Mrkonic	Tigue
Colaizzo	Levdansky	Olasz	Van Horne
Dermody	McNally		

NOT VOTING—1

Thomas

EXCUSED—2

Cappabianca Petrarca

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

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

* * *

REQUEST TO CALL UP HB 1685

The SPEAKER. The remaining bills and resolutions on the calendar, over for today.

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

Mr. GAMBLE. Mr. Speaker, I would like to call up HB 1685 for a vote today.

The SPEAKER. The gentleman is in order.

HB 1685 PASSED OVER

The SPEAKER. The Chair recognizes the majority leader.

Mr. DeWEESE. Mr. Speaker, I move that HB 1685 be over for today.

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

The SPEAKER. The Chair recognizes Mr. Ryan.

Mr. RYAN. Mr. Speaker, I oppose the motion. The gentleman, Mr. Gamble, at my request, withdrew amendments to an earlier bill with the understanding that I would support him in bringing this bill up for a vote. I did not realize that anyone was going to ask that it be passed over, but that possibility was raised, and under the circumstances, I would ask my caucus to oppose passing this bill over and voting— What would I need? I would need a “no” vote, I guess.

The SPEAKER. You would need a two-thirds majority “no” vote. No.

Mr. RYAN. Two-thirds?

The SPEAKER. The Chair erred. The gentleman needs a “no” vote.

The Chair recognizes the majority leader.

Mr. DeWEESE. Mr. Speaker, I would ask that the House pass over this measure for the day; for the day. The subject matter of the measure needs more attention. It is a potentially complicated, if not incendiary, subject matter—

POINT OF ORDER

Mr. GALLEN. Mr. Speaker, a point of order.

Mr. DeWEESE. —and I would ask that this bill—

The SPEAKER. Will the majority leader suspend?
The gentleman will state his point of order.

Mr. GALLEN. Mr. Gamble, it seems to me, was recognized and made a motion, and we are not talking about that motion.

The SPEAKER. The gentleman is in error. The posture of the House at this point is that a motion was made by the majority leader to pass over for today.

The Chair announced that the bills, including HB 1685, would be over for today. The gentleman, Mr. Gamble, rose to object to passing over for the day. He was in order and called up HB 1685. At that point the matter was then before the House. The Chair then recognized the majority leader, who moved that HB 1685 be over for today.

The matter therefore before the House is the gentleman, Mr. DeWeese's motion. The gentleman is in order and may proceed.

Mr. DeWEESE. Mr. Speaker, again, this is only a request to the membership of the chamber to pass over this measure for the day. I think that the subject matter, as I said, is quite sensitive and quite complicated, and there are many people in our caucus who would like to take a longer look at the subject matter.

So my request is to pass over this measure for the day, and I would ask the members on the Democratic side of the aisle to support that motion. Thank you very much, sir.

The SPEAKER. The Chair recognizes Mr. Gamble.

Mr. GAMBLE. Mr. Speaker, I had a commitment that this bill would run this week, and to wait one more day will perpetuate the unfair practice of discrimination against 88 percent of the people in this State.

I therefore ask that you vote against this motion to pass over, because a vote for the motion to pass over is a vote in favor of the unfair practice of race-norming.

The SPEAKER. The Chair recognizes Mr. Foster.

Mr. FOSTER. Thank you, Mr. Speaker.

I join my colleague, the gentleman, Mr. Gamble, in asking that you oppose the motion to pass over this bill. The subject is indeed one of importance, importance to everyone in this Commonwealth, and I would urge everyone on this side of the aisle to oppose the measure to pass over.

The SPEAKER. The Chair recognizes Mr. Belfanti.

—Mr. BELFANTI. Mr. Speaker, I must rise to take exception to the remarks by the gentleman, Mr. Gamble, that a vote to hold the bill over for a day is a vote for race-norming. I am not certain what my position will be on final passage, but this issue was raised very briefly yesterday, for a short period of time in caucus. It was unbeknownst to me what the issue was even about before that issue was discussed, and as the majority leader indicated, many members of our caucus would like some more information about it.

I am not in favor of race-norming. I may end up voting in the final analysis along with the gentleman, Mr. Gamble, but

no one should misconstrue the vote on this procedure to hold the bill for a day or until next week as a vote contrary to the content of the bill. Thank you.

The SPEAKER. The Chair recognizes Mr. Stuban.

Mr. STUBAN. Thank you, Mr. Speaker.

Mr. Speaker, I rise to pass over this bill. You know, I do not know what deals were made and I do not care what deals were made; that less bothers me. If we are making deals around here for things like this that possibly none of us realize what effect this will have— I mean, the bill addresses the Pennsylvania Human Relations Act. The bill went over to the Local Government Committee. I have been involved with local governments. None of my local governments have called me and talked to me about race-norming or testing problems or any problems like that.

Mr. GAMBLE. Point of order.

Mr. STUBAN. I believe that these issues are something that should be studied. I believe that it is something that should be addressed by somebody more than just the Local Government Committee.

The SPEAKER. Will the gentleman suspend?

POINT OF ORDER

The SPEAKER. The Chair heard the term "point of order" but I cannot identify—

Mr. GAMBLE. That was here.

The SPEAKER. Will the gentleman state his point.

Mr. GAMBLE. I think the issue is not what the gentleman is speaking to.

The SPEAKER. The gentleman, Mr. Stuban, is urged to confine his remarks to the reasons for or against passing over the bill today.

Mr. STUBAN. Well, I believe that this is a complex piece of legislation that, personally, the first that I have run into it was a little discussion in caucus yesterday. I have not had any input from anybody about it or concerns over it at this point.

I believe that it ought to be passed over. There ought to be more study and more understanding, and I would like to be a little more informed as to what effects this will have and how it will take place. So I ask you to support the motion.

The SPEAKER. The lady, Mrs. Harper, is recognized.

Mrs. HARPER. Thank you, Mr. Speaker.

I arrived at caucus late yesterday and I did not have an opportunity to look at this bill, and I certainly would like to ask the members to pass over this bill today so that we all will have the opportunity to look at it. I am not a racist and I hate to say that.

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

The following roll call was recorded:

YEAS—99

Acosta	Evans	Lloyd	Saloom
Arnold	Fajt	Lucyk	Scrimenti
Battisto	Fee	McCall	Staback
Belardi	Freeman	McGeehan	Steelman
Belfanti	George	McHale	Steighner

Billow	Gruitza	McNally	Stetler
Bishop	Haluska	Maiale	Stish
Blaum	Hanna	Markosek	Stuban
Bowley	Harper	Mayernik	Sturla
Broujos	Hayden	Melio	Surra
Butkovitz	Hughes	Michlovic	Tangretti
Caltagirone	Itkin	Mihalich	Taylor, F.
Carn	James	Mrkonic	Thomas
Carone	Jarolin	Mundy	Tigue
Cawley	Josephs	Oliver	Trich
Cohen	Kasunic	Pesci	Van Horne
Colaella	Kosinski	Petrone	Veon
Colaizzo	Krebs	Pistella	Wambach
Cole	Kruszewski	Preston	Williams
Corrigan	Kukovich	Richardson	Wozniak
Cowell	LaGrotta	Rieger	Wright, D. R.
Coy	Laughlin	Ritter	Wright, R. C.
DeWeese	Lescovitz	Robinson	
Daley	Levdansky	Roebuck	O'Donnell,
Dermody	Linton	Rudy	Speaker
Donatucci			

NAYS—98

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

NOT VOTING—4

DeLuca	Gigliotti	Olasz	Trello
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EXCUSED—2

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

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER. Without objection, the remainder of the bills and resolutions on the calendar will be over for today.

For the information of the members, there will be no more votes cast today.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND RECOMMITTED TO COMMITTEE ON RULES

HB 1732, PN 2163 (Amended)

By Rep. LESCOVITZ

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing additional grounds for refusing registration in certain cases.

TRANSPORTATION.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The members are please asked to not leave pending an announcement.

The recess motion will almost certainly be at the call of the Chair. It is the Chair's understanding that we are returning to session at 2 o'clock on Friday. The Chair asks the majority leader to confirm that.

Mr. DeWEESE. The schedule for the House this week will be that we will reconvene here in the chamber at 2 p.m. on Friday, the 28th, and we are also scheduled to be here on Saturday at 11 a.m. The Sunday schedule has not been developed, and we will continue to meet with the minority in council as we try to advance our budget negotiations.

But the plenary session of our chamber will meet on Friday at 2 p.m. here in the chamber. Thank you, Mr. Speaker.

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes Mr. Ryan.

Mr. RYAN. Mr. Speaker, just to remind our members, we wanted to have a quick caucus on the adjournment motion.

The SPEAKER. Republican caucus immediately upon the recess.

VOTE CORRECTION

The SPEAKER. The Chair recognizes Mr. Thomas.

Mr. THOMAS. Mr. Speaker, on SB 820 I would like to be recorded in the affirmative. There is no record at this time.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Chair recognizes Mr. Evans.

Mr. EVANS. Mr. Speaker, a reminder that the Appropriations Committee will meet in the majority caucus room, please. Thank you.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes Mr. Davies.

Mr. DAVIES. Mr. Speaker, I guess in the form of a parliamentary inquiry.

The SPEAKER. The gentleman will state his inquiry.

Mr. DAVIES. Is there a token tomorrow?

The reason I ask, Mr. Speaker, is several budgets ago I remember we had a token, and certain things were read and I guess really went through, and I am not too sure how many members were actually here to vote on those items as they were run.

The SPEAKER. To answer the gentleman's inquiry directly, no decision has been made on that. But to address the gentleman's more fundamental concern, the Chair will stay in touch with the minority leader's office on any procedural activities or movement of bills, et cetera.

Mr. DAVIES. Thank you.

RECESS

The SPEAKER. The House will now be in recess until the call of the Chair.

AFTER RECESS

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

THE SPEAKER PRO TEMPORE (IVAN ITKIN) PRESIDING SENATE MESSAGE

HOUSE BILL CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 23, PN 165**, with information that the Senate has passed the same without amendment.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 14, PN 1466**; and **HB 89, PN 2019**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

BILLS REREPORTED FROM COMMITTEE

HB 30, PN 2165 (Amended)

By Rep. EVANS

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

APPROPRIATIONS.

HB 872, PN 1626

By Rep. EVANS

An Act amending the act of April 28, 1937 (P. L. 417, No. 105), known as the "Milk Marketing Law," further providing for expenses of the Milk Marketing Board; and further providing for certain payments.

APPROPRIATIONS.

BILLS ON SECOND CONSIDERATION

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

HB 30, PN 2165; and **HB 872, PN 1626**.

RECESS

The SPEAKER pro tempore. Without objection, the House will recess until the call of the Chair.

AFTER RECESS

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

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

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

Mr. KRUSZEWSKI. Mr. Speaker, I move that this House do now adjourn until Friday, June 28, 1991, at 2 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 10:59 p.m., e.d.t., the House adjourned.