

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

WEDNESDAY, NOVEMBER 20, 1991

SESSION OF 1991

175TH OF THE GENERAL ASSEMBLY

No. 82

### HOUSE OF REPRESENTATIVES

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

#### THE SPEAKER (ROBERT W. O'DONNELL) PRESIDING PRAYER

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

Let us pray:

Gracious God our Father, Your servant, Alfred, Lord Tennyson, said, "More things are wrought by prayer than this world dreams of, wherefor let thy voice rise like a fountain for me night and day." And Your servant, George Meredith, said, "Who rises from prayer a better man, his prayer is answered."

Lord, teach us how to pray, for we stand in need of prayer. Individually and corporately, we need prayer. Sometimes the problems and perplexities that our flesh is heir to overwhelm us and knock us to our knees.

In times like these, You are the only one to whom we can turn. Hear our prayers, turn our midnights into bright tomorrows, and let our prayers rise like a fountain unto You in all that we say and do.

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, November 19, 1991, will be postponed until printed. The Chair hears no objection.

#### HOUSE BILLS INTRODUCED AND REFERRED

**No. 2207** By Representatives BUTKOVITZ,  
McGEEHAN and FREEMAN

An Act amending the act of October 28, 1966 (1st Sp. Sess., P. L. 55, No. 7), known as the "Goods and Services Installment Sales Act," further providing for service charges on retail installment contracts and retail installment accounts.

Referred to Committee on BUSINESS AND COMMERCE, November 20, 1991.

**No. 2208** By Representatives McHALE, ULIANA, NAILOR, DALEY, O'BRIEN, HAGARTY, TRELLO, JAMES, TIGUE, HARLEY, CAPPABIANCA, TOMLINSON, KING, ADOLPH, KOSINSKI and DENT

An Act repealing section 302(c) of the act of December 14, 1988 (P. L. 1192, No. 147), known as the "Special Ad Hoc Municipal Police and Firefighter Postretirement Adjustment Act."

Referred to Committee on LOCAL GOVERNMENT, November 20, 1991.

**No. 2209** By Representatives McHALE, FREEMAN, DENT, D. W. SNYDER, SEMMEL, VEON, GLADECK, McNALLY, MUNDY, DALEY, WAMBACH, KREBS, JOSEPHS, HARLEY, ARGALL, JOHNSON, FOX, STURLA, TRELLO, CLARK, JAMES, NAHILL, RUDY, DeLUCA, TOMLINSON and KOSINSKI

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for electricity supplied to certain organizations.

Referred to Committee on CONSUMER AFFAIRS, November 20, 1991.

**No. 2210** By Representatives GODSHALL, DeWEESE, DEMPSEY, LEVDANSKY, ULIANA, ARMSTRONG, GEIST, HERMAN, PHILLIPS, JOHNSON, HALUSKA, GRUPPO, OLASZ, BILLOW, BELFANTI, HECKLER, TRELLO, GIGLIOTTI, KRUSZEWSKI, TULLI, CIVERA, BELARDI, KING and E. Z. TAYLOR

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, requiring the preparation and distribution of an educational booklet relating to turkey hunting.

Referred to Committee on GAME AND FISHERIES, November 20, 1991.

**No. 2211** By Representatives WOZNIAK, MARKOSEK, NYCE, VAN HORNE, SALOOM, BILLOW and TRELLO

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for off-highway motorcycles and trail bikes.

Referred to Committee on TRANSPORTATION, November 20, 1991.

**No. 2212** By Representatives PICCOLA, LEE, MAYERNIK, NICKOL, ARGALL, NAILOR, BARLEY, LANGTRY, DEMPSEY, FAIRCHILD, TULLI, JOHNSON, SCHEETZ, E. Z. TAYLOR, BIRMELIN, HALUSKA, FOX, VROON, GEIST, FARMER, O'BRIEN, PHILLIPS, HAGARTY, LEH, GLADECK, DENT, NYCE, BUNT, GERLACH, CLARK, D. W. SNYDER, MERRY, NAHILL, HECKLER, J. TAYLOR, HERMAN, SAURMAN, SERAFINI, DeLUCA, TOMLINSON, KING, BROWN, VANCE, CARONE, S. H. SMITH and ADOLPH

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," providing for the establishment, operation, administration and the powers and duties of the Independent Commonwealth Revenue Estimating Commission; further providing for the final revenue estimate and supplementary revenue estimates; and making a repeal.

Referred to Committee on APPROPRIATIONS, November 20, 1991.

**No. 2213** By Representatives GAMBLE, CESSAR, LEVDANSKY, ITKIN, FARMER, FAJT, TRELLO and DeLUCA

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, further providing for extensions and improvements to the Pennsylvania Turnpike.

Referred to Committee on TRANSPORTATION, November 20, 1991.

**No. 2214** By Representatives REINARD, BROUJOS, MELIO, NAHILL, McNALLY, GERLACH, CORRIGAN, BILLOW, DeLUCA, WILLIAMS, HARLEY, CIVERA, TOMLINSON, LAWLESS, COLAIZZO, TRELLO, E. Z. TAYLOR, WOGAN, TELEK, McHALE and BELARDI

An Act establishing standards regulating swimming pool, hot tub and spa design and construction; providing safety precautions and protection against potential immersion accidents for children; and imposing a penalty.

Referred to Committee on CONSUMER AFFAIRS, November 20, 1991.

**No. 2215** By Representatives FAIRCHILD, CESSAR and PETRARCA

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," further providing for machinery, equipment, lands and buildings relating to airports.

Referred to Committee on TRANSPORTATION, November 20, 1991.

**No. 2216** By Representatives COWELL, COLAFELLA, DAVIES, MUNDY, SCHULER, E. Z. TAYLOR, KOSINSKI, FOX, CALTAGIRONE, GIGLIOTTI, PESCI, PRESTON, VEON, COLAIZZO, MIHALICH and TRELLO

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

Referred to Committee on STATE GOVERNMENT, November 20, 1991.

**No. 2217** By Representatives MURPHY, KUKOVICH, PISTELLA, HARPER, DALEY, HAYDEN, JAMES, ITKIN, COWELL, HAGARTY, TRELLO, MELIO, GAMBLE, FAJT and KOSINSKI

An Act providing for the reimbursement of licensed social workers for services provided pursuant to health, sickness and accident insurance policies and benefit plans.

Referred to Committee on INSURANCE, November 20, 1991.

**No. 2218** By Representatives MICHLOVIC, TIGUE, DeWEESE, NAILOR, JOHNSON, BELFANTI, VROON, MIHALICH, STEIGHNER, GEIST, STABACK, VAN HORNE, MAYERNIK, SALOOM, LEH, STURLA, M. N. WRIGHT, STISH, MARKOSEK, KUKOVICH, COLAFELLA, GERLACH, SCRIMENTI, MERRY, KREBS, KRUSZEWSKI, BILLOW, SAURMAN, SCHEETZ, NAHILL, HECKLER, LEVDANSKY, OLASZ, ITKIN, DeLUCA and TOMLINSON

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," providing for protection of employment of school directors; and providing a penalty.

Referred to Committee on EDUCATION, November 20, 1991.

**No. 2219** By Representative PERZEL

An Act amending the act of June 25, 1919 (P. L. 581, No. 274), referred to as the "First Class City Government Law," authorizing the department of public safety to place speed bumps at hazardous intersections.

Referred to Committee on URBAN AFFAIRS, November 20, 1991.

### HOUSE RESOLUTIONS INTRODUCED AND REFERRED

**No. 224** By Representatives JOHNSON, HAYES, FARGO, CESSAR, NAILOR, WAMBACH,

BROWN, ARMSTRONG, PETRARCA, FAIRCHILD, ULIANA, CARLSON, STETLER, MAYERNIK, PHILLIPS, ARNOLD, KENNEY, HALUSKA, E. Z. TAYLOR, MARKOSEK, FARMER, COLAIZZO, MRKONIC, LESCOVITZ, HERMAN, PETRONE, TIGUE, DeLUCA, GEIST, OLASZ, RAYMOND and BISHOP

A Resolution memorializing the President, the Congress of the United States and the Department of Veterans Affairs to maintain the high priority of veterans' health and welfare, to rescind the proposal to eliminate surgical units at three Pennsylvania Veterans Administration Hospitals and to study the proposal to discontinue the surgical units in veterans' hospitals.

Referred to Committee on RULES, November 20, 1991.

**No. 225** By Representatives JAMES, FARGO, NAILOR, DeWEESE, CARN, ARMSTRONG, ANGSTADT, PETRARCA, OLASZ, TIGUE, CARLSON, STURLA, GERLACH, FAIRCHILD, STABACK, HUGHES, HARPER, LINTON, CLYMER, STRITTMATTER, VEON, LAUGHLIN, BILLOW, ITKIN, HARLEY, PESCI, VROON, BELARDI, TRELLO, JOSEPHS, MELIO, TRICH, THOMAS, J. TAYLOR, BISHOP, WILLIAMS, DeLUCA, KING, EVANS, KOSINSKI, RICHARDSON and PRESTON

A Resolution commending law enforcement officials, including the Sheriff's Department of Philadelphia, for the initiation of the Junior Posse Program to combat drug abuse.

Referred to Committee on RULES, November 20, 1991.

**No. 226** By Representatives STETLER, HARPER, WAMBACH, DENT, KREBS, CAPPABIANCA, STURLA, ARNOLD, MIHALICH, JAMES, FREEMAN, RITTER, McHALE and G. SNYDER

A Resolution directing the Subcommittee on Cities of the Third Class of the Urban Affairs Committee to investigate vacant and abandoned industrial and commercial buildings and sites in cities of the third class.

Referred to Committee on RULES, November 20, 1991.

### SENATE BILLS FOR CONCURRENCE

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

**SB 250, PN 259**

Referred to Committee on INSURANCE, November 20, 1991.

**SB 401, PN 426**

Referred to Committee on LOCAL GOVERNMENT, November 20, 1991.

**SB 790, PN 842**

Referred to Committee on FINANCE, November 20, 1991.

**SB 797, PN 849**

Referred to Committee on JUDICIARY, November 20, 1991.

**SB 1089, PN 1206**

Referred to Committee on RULES, November 20, 1991.

**SB 1324, PN 1631**

Referred to Committee on TRANSPORTATION, November 20, 1991.

### ADDITIONS AND DELETIONS OF SPONSORS

The SPEAKER. The Chair acknowledges receipt of additions and deletions of sponsorships, which will be submitted 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, there are no leaves to report from the Democratic side at this time.

The SPEAKER. The Chair thanks the gentleman.

### RESOLUTION REPORTED FROM COMMITTEE

**SR 98, PN 1566 (Concurrent)**

By Rep. CAPPABIANCA

A Concurrent Resolution memorializing Congress to reject a proposed rule which would prohibit states from using a pooling mechanism for Medicaid funding.

FEDERAL-STATE RELATIONS.

### BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

**HB 1409, PN 1648**

By Rep. CALTAGIRONE

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for Commonwealth portion of fines, etc.

JUDICIARY.

**SB 40, PN 1729 (Amended)**

By Rep. CALTAGIRONE

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, reenacting certain provisions relating to the Philadelphia Municipal Court; and further providing for limitations on compulsory arbitration.

JUDICIARY.

LEAVE OF ABSENCE

The SPEAKER. The Chair recognizes Mr. Hayes. Mr. HAYES. I request a leave for the gentleman from Lancaster County, Mr. ARMSTRONG, for the day. The SPEAKER. Without objection, the leave is granted.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—199

Table listing names of members present, organized in four columns: Acosta, Adolph, Allen, Angstadt, Argall, Arnold, Barley, Battisto, Belardi, Belfanti, Billow, Birmelin, Bishop, Black, Blaum, Bowley, Boyes, Broujos, Brown, Bunt, Bush, Butkovitz, Caltagirone, Cappabianca, 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, 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, Hughes, 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, Markosek, Marsico, Mayernik, Melio, Merry, Michlovic, Micozzie, Mihalich, Mrkonik, Mundy, Murphy, Nahill, Nailor, Nickol, Noye, Nyce, O'Brien, Olasz, Oliver, Perzel, Pesci, Petrarca, Petrone, Phillips, Piccola, Vroon, 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

ADDITIONS—0

NOT VOTING—1

Maiale

EXCUSED—3

Anderson Armstrong Durham

RULES SUSPENDED

The SPEAKER. The Chair recognizes the majority leader. Mr. DeWEESE. Mr. Speaker, I move that House rule 30 be suspended to permit HB 1107, PN 2767, to go immediately to the calendar without referral to Rules.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—187

Table listing names of members voting yeas, organized in four columns: Acosta, Adolph, Allen, Angstadt, Argall, Arnold, Barley, Battisto, Belardi, Belfanti, Billow, Birmelin, Black, Blaum, Bowley, Boyes, Broujos, Brown, Bunt, Bush, Butkovitz, Caltagirone, Cappabianca, 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, 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, Hayes, Heckler, Herman, Hershey, Hess, Hughes, Itkin, Jadlowiec, James, Jarolin, Johnson, Josephs, Kaiser, Kenney, King, Kosinski, Krebs, Kruszewski, Kukovich, LaGrotta, Langtry, Laughlin, Lawless, Lee, Leh, Lescovitz, Levdansky, Linton, Lloyd, Lucyk, McCall, McGeehan, McHale, McHugh, McNally, Markosek, Marsico, Mayernik, Melio, Merry, Michlovic, Micozzie, Mihalich, Mrkonik, Mundy, Murphy, Nahill, Nailor, Nickol, Nyce, O'Brien, Olasz, Perzel, Pesci, Petrarca, Petrone, Phillips, Piccola, Vroon, 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, Van Horne, Vance, Veon, Vroon, Wambach, Williams, Wilson, Wogan, Wozniak, Wright, D. R., Wright, M. N., Wright, R. C., O'Donnell, Speaker

## NAYS—1

Hayden

## NOT VOTING—12

Bishop	Hanna	Mrkonic	Taylor, F.
Carn	Kasunic	Noye	Uliana
DeLuca	Maiale	Oliver	Wright, R. C.

## EXCUSED—3

Anderson Armstrong Durham

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

## SENATE MESSAGE

AMENDED HOUSE BILL  
RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned **HB 1107, PN 2767**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

## FILMING PERMISSION

The SPEAKER. The Chair gives permission to Jeff Hildebrand of Fox 43 for 10 minutes of footage on the House floor.

## CALENDAR

## BILLS ON SECOND CONSIDERATION

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

**HB 2029, PN 2535.**

\* \* \*

The House proceeded to second consideration of **HB 1243, PN 1417**, entitled:

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

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

## BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader. Mr. DeWEESE. Mr. Speaker, I move that **HB 1243** be recommitted to the Appropriations Committee.

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

\* \* \*

The House proceeded to second consideration of **HB 1538, PN 1803**, entitled:

An Act providing for the licensing of athletic agents; providing for the powers and duties of the State Athletic Commission; and imposing a penalty.

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

## BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader. Mr. DeWEESE. Mr. Speaker, I move that **HB 1538** be recommitted to the Appropriations Committee.

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

## BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1241, PN 2678**, entitled:

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

On the question,  
Will the House agree to the bill on third consideration?  
Mr. LLOYD offered the following amendments No. A2986:

Amend Sec. 1 (Sec. 529), page 2, line 27, by striking out "GENERAL RULE" and inserting

Phase I compliance

Amend Sec. 1 (Sec. 529), page 2, line 28, by striking out "WHICH USES COAL TO GENERATE ELECTRICITY"

Amend Sec. 1 (Sec. 529), page 2, line 30, by striking out "SYSTEM INTO COMPLIANCE WITH" and inserting

generating units which use coal to generate electricity into compliance with the Phase I requirements of Title IV of

Amend Sec. 1 (Sec. 529), page 3, line 1, by striking out "7401" and inserting

7651

Amend Sec. 1 (Sec. 529), page 3, by inserting between lines 1 and 2

(b) Phase II compliance.—On or before January 1, 1996, each public utility shall submit to the commission and may request commission approval of a plan to bring its generating units which use coal to generate electricity into compliance with the Phase II requirements of Title IV of the Clean Air Act.

Amend Sec. 1 (Sec. 529), page 3, line 2, by striking out "(b)" and inserting

(c)

Amend Sec. 1 (Sec. 529), page 3, lines 27 through 30; page 4, lines 1 through 21, by striking out all of said lines on said pages and inserting

(d) Review by commission.—

(1) If the utility has requested commission approval of its plan, the commission shall review the proposed plan on an expedited basis to determine if the utility's proposed compliance plan submitted under this section is in the public interest.

(2) After notice and opportunity for a hearing, the commission shall approve or disapprove the compliance plan within nine months after the plan is filed, provided that approval may be in whole or in part and may be subject to such limitations and qualifications as may be deemed necessary and in the public interest. The commission's decision shall establish that the utility's costs of compliance are recoverable costs of service, provided the costs:

(i) are reasonable in amount and prudently incurred as determined in an appropriate rate or other proceeding; and

(ii) represent investment in flue gas desulfurization devices, clean coal technologies, or similar facilities designed to maintain or promote the use of coal, including facilities which intermittently or simultaneously burn natural gas with coal.

(3) Costs established as recoverable under paragraph (2) shall qualify as nonrevenue producing investment to improve environmental conditions under section 1315 (relating to limitation on consideration of certain costs for electric utilities), provided that any benefits to the utility generated by the sale of allowances under the Clean Air Act shall be flowed through to the utility's ratepayers.

(4) The utility shall not be required to refile its plan or to seek additional commission approvals concerning its plan unless the utility's plan is significantly amended or revised.

Amend Sec. 1 (Sec. 529), page 4, line 22, 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. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, this amendment would do the following things to the bill. The bill itself deals with the question of utility companies' compliance with the Clean Air Act.

This amendment would recognize the fact that there are two compliance deadlines rather than one as currently specified in the bill. Secondly, the language in this amendment would make clear that the bill is neutral with regard to any potential conversion of oil-fired powerplants to some other fuel. Third, the amendment would make clear that gas cofiring with coal is an acceptable alternative for compliance. And finally, the amendment makes a number of technical corrections.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader.

Mr. DeWEESE. Mr. Speaker, this amendment has been agreed to by both sides, and I would ask for an affirmative vote. Thank you.

The SPEAKER. The Chair recognizes Mr. Michlovic.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, for the members of the Consumer Affairs Committee, when this bill came, we were going to table the bill to address the problems. Representative Lloyd and I have worked with the various groups and have come up with this agreed-to amendment. It appears that all parties are satisfied with the provisions of the amendment, and I would urge passage of the amendment and then the bill. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Daley.

Mr. DALEY. Thank you, Mr. Speaker.

I would like to corroborate the comments of the majority leader and Representative Lloyd. Both sides have agreed to the language that Mr. Lloyd is putting before the floor for consideration, and the coal caucus also wholeheartedly concurs in the support of this amendment.

I ask for an affirmative vote.

The SPEAKER. The Chair recognizes Mr. Taylor.

Mr. F. TAYLOR. Thank you, Mr. Speaker.

I rise to support the Lloyd amendment. This amendment will go a long way in protecting and expanding the coal market in Pennsylvania. It will help the coal miners in my district and all those in southwestern Pennsylvania because this is a much-needed compromise that has been worked on for quite a few years.

I would ask for an affirmative vote on the Lloyd amendment.

The SPEAKER. The Chair recognizes Mr. Kasunic.

Mr. KASUNIC. Mr. Speaker, I rise in support of the Lloyd amendment. I would ask the members of the House to also support this amendment as it does two things: It protects the vital and important jobs in the coal industry. This amendment will also, in addition to protecting the coal industry and the many coal mining jobs throughout the State, it also serves the purpose of protecting our environment.

I would ask for support of this Lloyd amendment today on the floor of the House. Thank you very much.

The SPEAKER. The Chair recognizes Mr. Davies.

Mr. DAVIES. Mr. Speaker, would the maker stand for just one question?

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

Mr. DAVIES. Thank you, Mr. Speaker.

The language in there that makes reference to desulfurization and the flue gases and so forth and so on, those all are designated to meet the standards of the new Federal clean air standards. Is that correct, Mr. Speaker?

Mr. LLOYD. Those are all alternative ways of meeting the clean air standards. Whether any one particular alternative will work at a particular powerplant or for the total system is something that will be up to the Federal law. But those are all accepted and recognized alternatives.

Mr. DAVIES. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—198

Acosta	Fairchild	Langtry	Roebuck
Adolph	Fajt	Laughlin	Rudy
Allen	Fargo	Lawless	Ryan
Angstadt	Farmer	Lee	Saloom
Argall	Fee	Leh	Saurman
Arnold	Fleagle	Lescovitz	Scheetz
Barley	Flick	Levdanský	Schuler
Battisto	Foster	Linton	Scrimanti
Belardi	Fox	Lloyd	Semmel
Belfanti	Freeman	Lucyk	Serafini
Billow	Freind	McCall	Smith, B.

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

NAYS—0

NOT VOTING—2

Maiale Wright, R. C.

EXCUSED—3

Anderson Armstrong Durham

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

The Chair recognizes Mr. Saurman.

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, I have a dual concern with this bill. First of all, I am surprised that it is a Consumer Affairs bill rather than one that would have been looked at by the Conservation Committee. It deals certainly with the environment and the Clean Air Act, and I am surprised that it did not go to the Conservation Committee. I am even more surprised that the implementation is going to the Public Utility Commission.

Mr. Speaker, one of the problems that we have at the State Government level is the fact that so many things are defused. We have a Department of Environmental Resources. Although they get a copy of this plan, it now will be up to the Public Utility Commission to approve the plan, an area in which they have little or no expertise.

Mr. Speaker, I think that this is misdirected and would certainly not approve of this legislation and would hope that others would concur and it would be sent to a better qualified organization than the Public Utility Commission on an environmental issue which is so important to our people.

The SPEAKER. The Chair recognizes Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, the gentleman raises a valid concern, but it is a concern which has a good answer. The answer is that the compliance with the air quality standards will be determined by the Department of Environmental Resources. In fact, their clean air legislation will address all of those points.

The plan which is going to be reviewed or the purpose of the review by the Public Utility Commission is not to determine whether or not it meets clean air standards but to determine whether or not, from the purposes of utility ratepayers, it is a prudent plan as far as cost is concerned and whether those costs should or should not be recoverable through construction work in progress.

The Department of Environmental Resources has indicated that it supports this legislation and that it believes that there is no conflict.

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

Mr. SAURMAN. Yes, Mr. Speaker.

The SPEAKER. The gentleman is recognized.

Mr. SAURMAN. I thank the gentleman for that explanation and it does alleviate my concerns. It was a matter, though, that I did not see explained adequately. Thank you, sir.

The SPEAKER. The Chair recognizes the majority leader.

Mr. DeWEESE. Mr. Speaker, I would like to just make one brief comment on the proposal. The bill has been reviewed and found acceptable by not only the Public Utility Commission but by our electric utilities, by our Pennsylvania Coal Association, by the United Mine Workers of America, and thanks to Mr. Lloyd's intercessions, also the gas utilities have come on board.

I think the proposal is worthy of merit, and I would ask for an affirmative vote. Thank you.

On the question recurring,

Shall the bill pass finally?

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

YEAS—198

Acosta	Fairchild	Langtry	Roebuck
Adolph	Fajt	Laughlin	Rudy
Allen	Fargo	Lawless	Ryan
Angstadt	Farmer	Lee	Saloom
Argall	Fee	Leh	Saurman
Arnold	Fleagle	Lescovitz	Scheetz
Barley	Flick	Levdansky	Schuler

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

NAYS—0

NOT VOTING—2

Maiale Wright, R. C.

EXCUSED—3

Anderson Armstrong Durham

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

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

\* \* \*

The House proceeded to third consideration of **HB 2000, PN 2511**, entitled:

An Act reestablishing the Pennsylvania Public Utility Commission.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. FREEMAN offered the following amendments No. A2908, which had been read previously by the clerk:

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

Amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for the election of commission members.

Amend Bill, page 1, lines 4 through 14; page 2, lines 1 through 5, by striking out all of said lines on said pages and inserting

Section 1. Section 301 of Title 66 of the Pennsylvania Consolidated Statutes is amended to read:

§ 301. Establishment, members, qualifications and chairman.

(a) [Appointment] Election and terms of members.—The Pennsylvania Public Utility Commission, established by the act of March 31, 1937 (P.L.160, No.43), as an independent administrative commission, is hereby continued as such. [Prior to the third Tuesday in January of 1987, the commission shall consist of five members who shall be appointed by the Governor, by and with the advice and consent of two-thirds of all the members of the Senate, for a term of ten years, provided that the term of any member appointed to fill a vacancy existing on the effective date of this amendatory act and prior to the third Tuesday in January of 1987 shall expire on March 31, 1987. Vacancies on April 1, 1987, shall be filled as follows: One term shall be until April 1, 1990, and one term shall be until April 1, 1992. Confirmation of such gubernatorial appointees shall be by a majority of the members of the Senate. If other vacancies occur between the effective date of this amendatory act and April 1, 1987, the term shall be the balance of the term to which the predecessor had been appointed. Vacancies after April 1, 1987, shall be filled for the balance of the term to which a predecessor had been appointed. Thereafter, the commission shall consist of five members appointed by the Governor, by and with the advice and consent of a majority of the members of the Senate, for a term of five years. The Governor may submit the nomination to the Senate within 60 days prior to the expiration of the term or the effective date of the resignation of the member whom the nominee would replace and shall submit that nomination no later than 90 days after the expiration of the term or the effective date of the resignation. A commissioner may continue to hold office for a period not to exceed six months beyond the expiration of his term if his successor has not been duly appointed and qualified according to law.] The commission shall consist of five elected members.

(b) Qualifications and restrictions.—Each commissioner, at the time of his [appointment] election and qualification, shall be a resident of this Commonwealth and shall have been a qualified elector therein for a period of at least one year next preceding his [appointment] election, and shall also be not less than 25 years of age. No person shall be [appointed] elected a member of the commission or hold any place, position or office under it, who occupies any official relation to any public utility or who holds any other appointive or elected office of the Commonwealth or any political subdivision thereof. Commencing July 1, 1977, commissioners shall devote full time to their official duties. No commissioner shall hold any office or position, the duties of which are incompatible with the duties of his office as commissioner, or be engaged in any business, employment or vocation, for which he shall receive any remuneration, except as provided in this chapter. No employee, appointee or official engaged in the service of or in any manner connected with, the commission shall hold any office or position, or be engaged in any employment or vocation, the duties of which are incompatible with his employment in the service of or in connection with the work of the commission. No commissioner shall be paid or accept for any service connected with the office, any fee or emolument other than the salary and expenses provided by law. No commissioner shall participate in any hearing or proceeding in which he has any direct or indirect pecuniary interest. Within 90 days of confirmation, each commissioner shall disclose, at that time and thereafter annually, the existence of all security holdings in any public utility or its affiliates held by such commissioner, his or her spouse and any minor or unemancipated children and must either divest or place



in a blind trust such securities. As used in this part, blind trust means a trust over which neither the commissioners, their spouses, nor any minor or unemancipated children shall exercise any managerial control, and from which neither the commissioners, their spouses, nor any minor or unemancipated children shall receive any income from the trust during the commissioner's tenure of office. Such disclosure statement shall be filed with the secretary of the commission and shall be open to inspection by the public during the normal business hours of the commission during the tenure of the commissioner. Every commissioner, and every individual or official, employed or appointed to office under, in the service of, or in connection with, the work of the commission, is forbidden, directly or indirectly, to solicit or request from, or to suggest or recommend to any public utility, or to any officer, attorney, agent or employee thereof, the appointment of any individual to any office, place or position in, or the employment of any individual in any capacity by, such public utility. Every commissioner, every bureau or office director and every administrative law judge elected, employed or appointed to office under, in the service of or in connection with the work of the commission, is prohibited from accepting employment with any public utility subject to the rules and regulations of the commission for a period of one year, and every commissioner is prohibited from appearing before the commission on behalf of any public utility subject to the rules and regulations of the commission for a period of three years, after terminating employment or service with the commission. If any person elected, employed or appointed in the service of the commission violates any provision of this section, the commission shall forthwith remove him from the office or employment held by him.

(c) Chairman.—A member designated by the [Governor] commissioners shall be the chairman of the commission during such member's term of office[, except that within 120 days following the third Tuesday in January 1987, and, every four years thereafter, the Governor shall designate a chairman. The commissioners shall annually elect a member to serve as the vice chairman of the commission]. The chairman shall designate a member to serve as vice chairman of the commission at the pleasure of the chairman. When present, the chairman shall preside at all meetings, but in his absence the vice chairman or, in his absence, a member, designated by the chairman, shall preside and shall exercise, for the time being, all the powers of the chairman. The chairman shall have such powers and duties as authorized by the commission as provided in section 331(b) (relating to powers of commission and administrative law judges).

(d) Quorum.—A majority of the members of the commission serving in accordance with law shall constitute a quorum and such majority, acting unanimously, shall be required for any action, including the making of any order or the ratification of any act done or order made by one or more of the commissioners. No vacancy in the commission shall impair the right of a quorum of the commissioners to exercise all the rights and perform all the duties of the commission.

(e) Compensation.—Each of the commissioners shall receive an annual salary of \$55,000, except the chairman, who shall receive an annual salary of \$57,500.

(f) Open proceedings.—The proceedings of the commission shall be conducted in accordance with the provisions of the act of July 19, 1974 (P.L. 486, No. 175), referred to as the Public Agency Open Meeting Law.

(g) Monitoring cases.—Each commissioner shall be responsible for monitoring specified cases as shall be assigned to him in a manner determined by the commission. All proceedings properly before the commission shall be assigned immediately upon filing.

Section 2. Title 66 is amended by adding a section to read:  
§ 301.1. Districts and elections.

(a) Public Utility Commissioner Districts.—The Commonwealth shall be divided into five Public Utility Commissioner Districts, which shall be composed of compact and contiguous territory as nearly equal in population as practicable. Each district shall elect one commissioner. Unless absolutely necessary, no county, city, incorporated town, borough, township or ward shall be divided in forming a district. Apportionment shall be conducted by the Legislative Reapportionment Commission in the manner provided by law for the apportionment of legislative districts.

(b) Election.—Commissioners shall be elected in even-numbered years beginning in 1994. The term of office shall begin on the second Monday of the January following election and shall continue for four years. However, for the first election of public utility commissioners, commissioners from odd-numbered districts shall be elected to a term of four years and commissioners from even-numbered districts shall be elected to a term of two years. Thereafter, all terms shall be for four years.

(c) Vacancies.—In the event of a vacancy, the Governor shall appoint a person to serve for the remainder of the term in cases where less than two years of service remain in the term that became vacant. In cases where more than two years of service remain in a vacated term, the Governor shall appoint a person to fill the vacancy until the next general election to be held that is more than 90 days after the vacancy occurs, at which time a commissioner shall be elected to fill the vacancy for the remainder of the term. A commissioner so elected shall assume his office 30 days after being elected, at which time the term of service of the commissioner appointed by the Governor to fill the vacancy shall end.

(d) Initial districts.—Initial districts shall be established by the General Assembly following the criteria in section 301.1(a). Thereafter, the Legislative Reapportionment Commission shall apportion districts, as provided in section 301.1(a).

(e) Nominations.—Candidates for nomination to the office of commissioner shall present a nominating petition containing 2,000 signatures of registered and enrolled members of the appropriate party and district. The filing fee shall be \$100, payable as provided in section 913(b.1) of the act of June 3, 1937 (P.L. 1333, No. 320), known as the Pennsylvania Election Code.

Section 3. In the general election of the first even-numbered year following the effective date of this act, all five public commissioners will be elected.

Section 4. Terms of public utility commissioners appointed before the date when commissioners elected under this act assume office shall terminate at noon of the second Monday of January following the first general election in which commissioners are elected.

Section 5. This act, with respect to the Pennsylvania Public Utility Commission, constitutes the legislation required to reestablish that agency pursuant to the act of December 22, 1981 (P.L. 508, No. 142), known as the Sunset Act.

Section 6. The Pennsylvania Public Utility Commission shall continue, together with its statutory functions and duties, until December 31, 1997, when it shall terminate and go out of existence unless reestablished or continued by the General Assembly for an additional ten years. Evaluation and review, termination, reestablishment and continuation of the agency beyond December 31, 1997, and every tenth year thereafter, shall be conducted pursuant to the act of December 22, 1981 (P.L. 508, No. 142), known as the Sunset Act.

Section 7. If this act takes effect after December 31, 1991, it shall apply retroactively to December 31, 1991.

Section 8. This act shall take effect immediately.

On the question recurring,

Will the House agree to the amendments?

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

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, my amendment provides for the direct election of the Public Utility Commission by the voters of Pennsylvania.

Under my amendment, the five commissioners would be elected from five districts, one per district. The legislature, in a later piece of legislation, would be responsible for designing those districts, but only for the first time. After that, the districts would be designed by the Legislative Reapportionment Commission as is currently done for State House and State Senate districts.

The amendment calls for these districts to be composed of compact and contiguous territory as nearly equal in population as is practicable, and again, it would be one commissioner per district, five districts.

The amendment also calls for the commission to designate its own chairman. Under current law, the Governor designates the chairman. The amendment also provides that the chairman can then designate someone to serve in the capacity of vice chairman for the commission.

Mr. Speaker, the Public Utility Commission of Pennsylvania is the second most important policymaking body in this State, second only to our own General Assembly; second only to our own General Assembly in terms of the impact of its decisions on the lives of the everyday people of this State.

It is an irony, Mr. Speaker, that under our State form of government, we elect judges to the county courts, to the appellate courts, to the Supreme Court, but we do not elect public utility commissioners, individuals who have a tremendous impact on the daily lives of our people by their decisions regarding utility rates and the utility system in this State.

My amendment would insure the public's input into the utility ratemaking process, into those decisions, by enabling the people to choose PUC commissioners. My amendment would allow people to have input into the kind of energy policy and the kind of utility policy that they wish to see shaped in this Commonwealth of Pennsylvania.

I would urge the members of this House to support my efforts to allow the public to choose our public utility commissioners. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the amendment. We fought this fight 5 years ago when this General Assembly, with some pain, went through the sunset review of the Public Utility Commission, and at that time we attempted to make the Governor more accountable for appointments which he makes. We shortened the terms from 10 years to 5 years. We reduced the majority needed in the Senate for confirmation from two-thirds to a simple majority. We established a rotation system so that one appointment would come up every year. And we have in effect completely replaced everybody who was on the commission at that time.

This amendment, Mr. Speaker, would create a degree of unpredictability, and I know the argument is going to be made, well, you know, all the utility companies are against this; it must be a good idea. Well, anybody who has watched my votes on utility issues over the years knows which side of this camp I have been on, and that is the other side from the utility companies.

I am here to say that I think this is a bad amendment for the following reasons: Number one, it requires a degree of expertise and familiarity with utility regulating to do a good job as a PUC commissioner. It does not require somebody who is a political demagogue, who runs for office by saying, vote for me, I will cut your electric rates by 25 percent; vote for me, I will cut your gas rates by 50 percent. That is exactly what would happen.

If you look at the States which have elected PUC's, you see a number of problems which have arisen. In some States, because of the nature of the people elected and the kinds of campaigns they have run, the decisions effectively get made not by the Public Utility Commission but by the State's judiciary, because whether we like it or whether we do not, the Supreme Court of the United States has ruled long, long ago that a public utility is entitled to a reasonable opportunity to earn a fair return on its investment, and if the Public Utility Commission does not follow the ratemaking process in a way which looks at all of the objective factors and simply makes a political judgment, then you are going to have the courts on a constitutional basis setting the rates.

In addition, Mr. Speaker, in some States where they have this we find that certain business customers have been able, through the political process, to dominate who gets elected. And while the overall rates might look attractive, when you compare residential rates to business rates, you see that residential ratepayers are paying a bigger share of the burden than they are in our State, and I do not think that is the direction we want to go.

In addition, Mr. Speaker, we have in this legislation an open invitation to logrolling. This is district election. That means I can run in the area where there is something controversial and I can promise everybody in that area, I will vote against that, and I can go down to Harrisburg and I can keep my promise, and the other guy who comes from the other part of the State who made the same promise, I make the tough votes for him, he makes the tough votes for me. That is not going to make the system work any better. In fact, the potential is there to make the system work a lot worse.

Furthermore, Mr. Speaker, we spent most of yesterday and we will spend part of the next couple of weeks dealing with reapportionment. If I have heard anything over the last 2 months, it is all the complaints about the Legislative Reapportionment Commission, the whole reapportionment process, and I do not want this county cut and I do not want the valley cut, I do not want that cut. This is another reapportionment fight. We are going to tell the Legislative Reapportionment Commission that it is supposed to divide the State into five utility districts. Now, PP&L (Pennsylvania Power & Light),

we do not want this service territory cut; we want to be in this district; we want to be in that district. That, Mr. Speaker, is not the remedy; that is the problem.

Mr. Speaker, for all of those reasons I would strongly urge that we do what we did 5 years ago and we overwhelmingly reject this amendment.

The SPEAKER. The Chair recognizes Mr. DeLuca.

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, I think one of the reasons that the previous speaker made a very good point in selling this amendment is probably the fact that the rates are going to be cut, and I commend him on that. Vote for me and I will cut your rates. Well, as far as the qualifications of the members who will be running for the PUC, let me say this: We elect the President of the United States who runs this whole country, and I am certain we do not put any qualifications on the President of the United States. We leave that up to the voters to make that decision on whether he is qualified to run this country.

Secondly, Mr. Speaker, I can think of no other time that is right than today to elect the PUC commissioners. Yes, we did pass legislation 5 years ago to reform the PUC. Yes, we did make some changes, but it is still not working on behalf of the consumers out there. Our rates are still rising for the people. We are still getting very many complaints with the PUC. They are insensitive to the consumers' complaints, and they also are dictating one of the most important things: the rate process that affects each and every one of our constituents in our communities.

You know, when we talk about utilities, that is one of the most fixed things that we have to pay out of a fixed check or out of a fixed salary. And yes, let us not kid ourselves, it is a business, and I know of no other business in the Commonwealth who is guaranteed a fair rate of return, who can charge everything off to the ratepayers and nothing to the stockholders. Where are the stockholders' obligations in taking some of the losses that are for some of the bad investments that these companies go through?

Mr. Speaker, if we do anything for the consumers of the Commonwealth of Pennsylvania, I think this is the first step - electing a PUC that is responsible to the people out there whose lives are being affected in this Commonwealth. Thank you.

The SPEAKER. The Chair recognizes Mr. Trello.

Mr. TRELLO. Mr. Speaker, could I interrogate the prime sponsor of the amendment?

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

Mr. TRELLO. Mr. Speaker, in your amendment I notice that there is no method of funding the campaigns of these commissioners that are running. Would they be put in the same category as you and I having a fundraiser and having people contribute to their campaign?

Mr. FREEMAN. That is correct, Mr. Speaker. They would come under the same laws governing campaigns in the State of Pennsylvania.

Mr. TRELLO. Okay. Thank you.

May I make a statement, Mr. Speaker?

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

Mr. TRELLO. Mr. Speaker, for that reason I stand to oppose this amendment.

If a candidate for public utility commissioner is running for office, who would have the most to gain by contributing to their campaigns, and I would have to say the utility companies. I think they would own the candidate that is running with campaign contributions and not be obligated to the ratepayers of Pennsylvania but to the utility companies of Pennsylvania. For that reason I oppose the amendment and ask for a negative vote.

The SPEAKER. The Chair recognizes Mr. McNally.

Mr. McNALLY. Thank you, Mr. Speaker.

I rise in support of the Freeman amendment.

There was a great Democrat named Al Smith who said that the cure for democracy is more democracy, and I think that applies not only to the PUC, as this amendment calls for by Mr. Freeman, it applies to the wide array of government officials.

I think that this is a measure that is long overdue. I hope it is the forerunner of many like measures before this House, and I think that if we have the fortitude to entrust the future of this Commonwealth to the voters and if we expand their power and their rights and their influence in this process of governing this Commonwealth, I think that we can assure ourselves a much, much brighter future.

I urge support of the Freeman amendment. Thank you.

The SPEAKER. The Chair recognizes Mr. Preston.

Mr. PRESTON. Thank you, Mr. Speaker.

It is very interesting that I have heard the arguments from both sides. The gentleman, Mr. Lloyd, would state that politicians would go around and make all forms of promises about lowering your rates. Mr. Trello has made the statement that a business would so influence some of the candidates that they would go around in favor of business and hurt the little guy.

You know, the PUC was originally put together as a scapegoat for us in the legislature. That is what it really was so we did not have to bite the bullet to be really responsible and representative as far as the rate increases or decreases that utilities would have to require. The PUC was originally put together so that we would not have to be accountable and responsible to the people.

Now I listen to the gentleman, Mr. Lloyd, say that some people might not be qualified, but I have not heard him say that the current members of the PUC are qualified. I have not heard him state what their qualifications are, what their experiences are representing and understanding all of the regulatory rates between the water company, between the utilities, between the different trucking companies, between the taxicab companies and all those other things, and to the best of my knowledge, I do not know. All I know is that to be able to make someone really responsible is to be able to put them in front of some form of representation.

Also, let us look at who appoints the PUC currently. Currently it is appointed by the executive, the chief executive, the Governor. He appoints, depending on how objective he wants to be, whomever he wants to. It does not say that he has to be 25 years old, have a master's degree, an M.B.A. (master of business administration), or great experience - 10 years' experience; 5 years must be at a management level. Basically, he appoints whomever he wants, and he tries to get them through with Senate approval.

I think that it is time for the people to stand up. You know, when you have a district that is as diverse as many of ours - between Mr. Lloyd, between myself, and some of the other colleagues in different areas of the State - I think that people should be able to have a voice, and basically, that is what we are saying.

Now, if you do not want to be responsible, if you want to continuously pass the buck, then fine; then vote as Mr. Lloyd is trying to say. But let us give the people, let us give both sides - whether they are probusiness, whether they are proconsumer - let us give them the voice. Let us not continuously be the elitist body that we have continuously given an example of in the past.

Let us be responsible and give the people a choice, and let us support the Freeman amendment. Thank you.

The SPEAKER. The Chair recognizes Mr. Serafini.

Mr. SERAFINI. Mr. Speaker, I support the Freeman amendment.

What has happened in the northeast is that the people of my area have been plagued with 100-percent increases in rates for public utilities - those necessities of life that they cannot live without that are perpetrated on society by monopolies.

The commissioners are addressed. We complain, but they do not listen. They have no one to answer to but themselves. As a result, we are not heard.

I, in the past, have sponsored a bill that would limit their authority to a 20-percent rate increase. That was soundly defeated. At that time Mr. Lloyd stated that we would have to understand PUC law in order for us to vote on such dynamic rate increases.

Well, we understand the needs of the people in our district. We are elected officials, and we are capable of handling those tough decisions. We know that people cannot live with 100-percent rate increases in 1 year. It is time that we have someone over at the PUC who will listen, and that would be an elected official, just as we are elected.

I support the Freeman amendment and hope for passage. Thank you.

The SPEAKER. The Chair recognizes Mr. David Wright.

Mr. D. R. WRIGHT. Thank you, Mr. Speaker.

There is a sense in which this is a historic day. On November 20, 1985, Mr. Freeman submitted this same amendment, and in the wisdom of the House, they defeated this proposal by a vote of 22 to 175. That was a bad idea in 1985, November 20; it is a bad idea on November 20, 1991.

We are under the gun to pass this bill. We do not have to, but we can put the PUC out of commission, and then all of

the rate increases, including high-voltage-line issues, will go to the courts.

It is absolutely essential that we pass this legislation without amendment, and I would encourage you to vote "no" on the Freeman amendment.

We held hearings on HB 2000. We had a wide range of persons who brought testimony, and I am telling you today that not one person, not one person, had asked the committee to consider even an elected PUC. It is a bad idea.

I ask you to vote "no."

The SPEAKER. The Chair recognizes Ms. Steelman.

Ms. STEELMAN. I rise to oppose the Freeman amendment with some regret, but looking at the situation that has prevailed in other States - for example, in Texas, where the Commissioner of Agriculture is an elected position - and having seen what happened in that last race in which \$3 million was pumped into the campaign, I think that electing PUC commissioners is going to provide many opportunities for campaign consultants. It is going to provide a lot of income for radio and television and print media. I am not at all sure that it is going to give us a better Public Utility Commission.

I am not convinced by Representative Lloyd's argument that we must have people with specific qualifications on the commission, but I do think that we need to have people whose primary qualification is not their ability to raise very large sums of money.

With regard to the question of rate increases and their tolerability or intolerability, perhaps I should quote from a letter by a rather acerbic constituent of mine who remarked, if you feel so sorry for the people who are suffering utility rate increases, why do you not take some of the taxes off the utility companies.

The SPEAKER. The Chair recognizes Mr. Haluska.

Mr. HALUSKA. Mr. Speaker, I rise to oppose the Freeman amendment.

I have worked with the Public Utility Commission as well as with utilities over the last number of years regarding construction of power facilities, especially independent, private power facilities versus public facilities, and I have got a pretty good knowledge and education in what the requirements and the technical expertise are that are needed to make the decisions on these major issues, especially today when we have so many environmental problems, and they are going to have to weigh what is best for the utility community, which affects the people as a whole. But we should not politicize this particular entity of our government, a regulatory organization, because I think it would become very disastrous.

We have a good system in place. We have appointments by the Governor. They in turn are reviewed by the Senate. They have to be approved before they are accepted to be nominated to these positions, and I think it requires a very special technique and a very special knowledge of what is happening in order to become a public utility commissioner.

In our particular system, we can have a plumber become many things, but I am sure we would not want a plumber to be the head of the Department of Health. So I think we have

to be selective when we are selecting people to meet this very serious problem that is confronting our Nation as well as our State at this time.

I ask for a negative vote. Thank you.

The SPEAKER. The Chair recognizes Mr. Cawley.

Mr. CAWLEY. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the Freeman amendment.

As Representative Serafini mentioned earlier, up in the northeast, several years back, 750,000 people had to boil their water; 750,000 in Lackawanna and Luzerne Counties. The supply lines of the water company up in Lackawanna and Luzerne Counties are so bad that they are— Even with the drought situation we have here in Pennsylvania, that company loses over 50 percent of the water that they presently have that is supposed to be in their delivery system, that is lost. Their water has been loaded with chlorine, loaded with manganese, loaded with marine animals; filthy that you could not drink it; lines broken all over the place, lines that have already been documented by the people running the water companies, lines that are already older than the water companies say the lines will last; they have already surpassed that. Governor Casey comes in several years ago and tells the utility company that they will clean up their act and they will deliver what the public had been paying for for years and years and years and years; they will deliver clean, drinkable water. They go ahead and put a filter system in and say, if you are going to get clean water, you are going to pay for it, and they increase the rates 110 percent.

So the people in this hall right now who have trouble with your water, just remember one thing: Someday it is going to be cleaned up, and although you have already paid for clean water, you have paid for a product that was supposed to be delivered to you, as soon as they clean it up, you are going to be paying millions of dollars more. And I say that anyone who can pass out to utility companies hundreds of millions of dollars a year ought to be answerable to the public.

I support the Freeman amendment. Thank you.

The SPEAKER. The Chair recognizes Mr. Godshall.

Mr. GODSHALL. Thank you, Mr. Speaker.

I also rise to strongly oppose the Freeman amendment for the reasons espoused by Representative Lloyd, Representative Haluska, and Representative Wright. You know, it is just plain the wrong thing to do at the wrong time. If we are ever looking for opportunities to provide built-in brownouts in this State, this is the method that we should— The Freeman amendment would succeed in doing just that. It would succeed in making sure that for our future generations and in the next number of years, we are going to have those built-in brownouts, as we have experienced already down in south-eastern Pennsylvania over the last couple of years.

Thank you, and I ask you to vote “no” on this amendment.

The SPEAKER. The Chair recognizes Mr. Preston.

Mr. PRESTON. Mr. Speaker, you heard certain comments and people talk about when is the right time. I do not know about, coming from a standpoint of business, when is the right time, but we have a responsibility to the people today,

not next year, not next week, but today to be accountable and responsible.

This issue is *not going to go away*. I do not know how you are going to be able to go back to your districts and be able to explain to your people and to your constituents that you voted against giving them a chance to be able to have a representative Public Utility Commission. It is accountable and responsible in your wishes and your demands that you should give them that voice and not be the elitism and try to say that today is not the time. The rates that go up or go down should be responsible to someone who is elected by the people, who chose those people to represent them. Whether those people who are elected are going to be from a business background, a consumer background, or somewhere along the middle, we have that responsibility, not next week, not next year, but today, and I do not know if we could go back to continuously explain that.

This issue is not going to go away. I am going to do my best to make sure that it does not go away and it is done in a reasonable way. It is going to take 3 years before we even really do all of this.

So let us do it today so we can get started in making something that is responsive to the people. Let us vote “yes” on the Freeman amendment.

The SPEAKER. The Chair recognizes Mr. Coy.

Mr. COY. Thank you, Mr. Speaker.

Once in a while in the House of Representatives, you get a chance to reform the process or you get a chance at what you think is reformation of the process. Electing a PUC, electing members of the PUC, especially by a regional basis, I think, appeals to that reformation process. It appeals to us possibly as one of those sexy issues which jumps out and says, ah, here is a chance that we can really get at the utility companies; here is a chance that we can really get at the bad guys in the system.

One of the things, I think, that regional elections to the PUC would not do is provide for PUC commissioners who have some sort of statewide interest, some sort of interest at the big picture. Representative democracies have General Assemblies, Houses of Representatives, and Senates to appeal to those regional interests, but electing a PUC on a regional basis, I think, would serve not to better the process but, I think, really to bring even more regional issues to the surface and *not a statewide perspective*. While this may seem like true reformation, I do not believe it is.

This issue has been addressed by the legislature before and failed, and I submit to you that if we are really looking at a reformation of the process, what we have to look at is the process we have. We have to encourage Governors to appoint PUC commissioners who are truly responsive and truly reflective of the makeup of our society. We have to make sure that the body across the hall, the Senate, which is in charge of the confirmation procedure, does its part in the process also. But to tear the whole process down, submit it to election - submit it to the same problems of election that we go through, that the Senate goes through, that any elected office goes through - I do not think really provides for real reformation of the system.

I therefore plan to vote against the amendment and urge other members to do the same. Thank you.

The SPEAKER. The Chair recognizes Mr. Trello.

Mr. TRELLO. Mr. Speaker, the dialogue today is whether the people of this State are intelligent enough to elect a qualified public utility commissioner. Well, I think they are. As a matter of fact, I think the voters of my district are the most intelligent voters of all, because they have elected me, and I am sure that they will be qualified to elect a good public utility commissioner.

But until such time that we can get together on the funding, that the utility companies cannot own a candidate with their contributions, we find some method to finance their campaigns, I have to oppose this amendment, and I urge everybody else to vote "no." We do not want anybody to own somebody who is elected. Thank you.

The SPEAKER. The Chair recognizes Mr. Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, in the closing moments of this debate, I would like to address some of the red herrings that have been raised by the opponents of this important amendment.

The gentleman, Mr. Trello, raises the concern that somehow contributions to candidates for the PUC will make them bought by those interests. What then is the issue of the way in which we finance campaigns in this State for other elections? Why are we singling out the PUC in this regard?

The crux of the issue is that campaign contributions are a matter of public record. They are something the public can know about in the course of a campaign. They are something that candidates can raise as an issue.

If Mr. Trello's concern is that the utilities will attempt to buy an election, I can guarantee you that that will be the key issue in that race, that the opponent of that candidate who took public utility money will be attacked repeatedly for taking that money. The public is not stupid. I would like to think they are very bright; they elected us.

We have to put our faith in the electoral process. If Mr. Trello's concerns are in the way in which PUC campaigns are to be financed, there is ample opportunity to deal with that issue. The provisions of my amendment do not kick in until 1994. That will be the first election in which PUC members would be elected. That gives us over 2 years to try and formulate a process of public financing that would address his concerns, and I would be happy to join with Mr. Trello in addressing that issue. But to simply say that contributions will be made to candidates for public office and therefore influence them, I think, attacks the very process under which we are elected as well. Those contributions are a matter of public record, and they can be raised in the course of a campaign.

The gentleman, Mr. Godshall, raised the concern of brownouts; that if we elect PUC commissioners, we would never see rates dealt with in an appropriate fashion and brownouts would occur. Again, that issue is something that could be dealt with in a campaign. If you elect public utility commissioners who shirk their responsibility on a solid utility policy, the electorate will have the choice to determine whether to keep them or to turn them out in the next election.

The gentleman, Mr. Lloyd, whom I have a great degree of respect for, also raised some points that I think were not valid; that were, in reality, red herrings. He talks about how electing the PUC would create a degree of unpredictability. Democracy is always unpredictable. That is the essence of democracy, but it is something we cherish in this country because it puts that authority in the hands of the people.

Mr. Lloyd said that if we had direct election of the PUC, we would not be choosing people on the basis of their expertise. Can anyone, in all seriousness, say that the appointments that have been made to the PUC since its inception have always been made on the basis of expertise? There have been some individuals on that commission who had no understanding of public utility law, who had no understanding of public utility issues, but in the highly politicized way in which they are selected, by a Governor and approved by the State Senate, their appointments have oftentimes become a matter of political horse-trading. If anything, direct election would create a purer system. Sure, it will be political, as are all campaigns for public office, but it will not be behind closed doors. It will not be a matter of horse-trading.

The gentleman, Mr. Lloyd, raised a concern about district election of PUC commissioners, how that could create an atmosphere of logrolling. Well, the same thing could be said of this legislature, and I do not think any of us here would replace the system of district election that we have to choose the General Assembly, because it insures that regions of this State get a chance to have their issues aired in this Assembly, their issues addressed. So, too, would it be with district election of the PUC. Different regions of the State, as the gentleman, Mr. Cawley, brought out, have different concerns that are not being addressed by the PUC, that could be addressed through district election.

Finally, the gentleman, Mr. Lloyd, brought up the issue of reapportionment, that we have a messy process on our hands to begin with; why create that same scenario in 1993? Again, democracy is messy, but it is democracy, and I do not think any one of us here today is opposed to the concept of democracy.

It comes down to this: It comes down to a simple matter of faith. Do we have enough faith in the people who showed their wisdom in choosing us that we will give them the responsibility of choosing the PUC?

I do not pretend that direct election of the PUC is a panacea for all utility issues, but it is an opportunity. It is an opportunity to insure that the consumers' rights will be protected; that they will have access to utility policy, to utility ratemaking, and will have the input they deserve. It is also an opportunity to insure accountability to the people; that this second most important policymaking body, the Public Utility Commission, will be held directly accountable to the people of Pennsylvania for their decisions.

I urge the members of this House to embrace this amendment and to embrace the concept of democracy. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—46

Angstadt	Dermody	Kruszewski	Rudy
Belardi	Fajt	LaGrotta	Scrimenti
Belfanti	Freeman	Levdansky	Serafini
Blaum	Gamble	McGeehan	Smith, B.
Bunt	Gigliotti	McNally	Staback
Butkovitz	Hanna	Mrkonic	Stetler
Carone	Hasay	Mundy	Stish
Cawley	Heckler	Nickol	Stuban
Cohen	Jarolin	Petrone	Surra
Colaizzo	Kaiser	Preston	Tigue
DeLuca	Kosinski	Robinson	Trich
Daley	Krebs		

NAYS—152

Acosta	Farmer	Leh	Saloom
Adolph	Fee	Lescovitz	Saurman
Allen	Fleagle	Linton	Scheetz
Argall	Flick	Lloyd	Schuler
Arnold	Foster	Lucy	Semmel
Barley	Fox	McCall	Smith, S. H.
Battisto	Freind	McHale	Snyder, D. W.
Billow	Gallen	McHugh	Snyder, G.
Birmelin	Gannon	Markosek	Stairs
Bishop	Geist	Marsico	Steelman
Black	George	Mayernik	Steighner
Bowley	Gerlach	Melio	Strittmatter
Boyes	Gladeck	Merry	Sturla
Broujos	Godshall	Michlovic	Tangretti
Brown	Gruitza	Micozzie	Taylor, E. Z.
Bush	Gruppo	Mihalich	Taylor, F.
Caltagirone	Hagarty	Murphy	Taylor, J.
Cappabianca	Haluska	Nahill	Telek
Carlson	Harley	Nailor	Thomas
Carn	Harper	Noye	Tomlinson
Cessar	Hayden	Nyce	Trello
Chadwick	Hayes	O'Brien	Tulli
Civera	Herman	Olasz	Uliana
Clark	Hershey	Oliver	Van Horne
Clymer	Hess	Perzel	Vance
Colaiffella	Hughes	Pesci	Veon
Cole	Itkin	Petrarca	Vroon
Cornell	Jadlowiec	Phillips	Wambach
Corrigan	James	Piccola	Williams
Cowell	Johnson	Pitts	Wilson
Coy	Josephs	Raymond	Wogan
DeWeese	Kasunic	Reber	Wozniak
Davies	Kenney	Reinard	Wright, D. R.
Dempsey	King	Richardson	Wright, M. N.
Dent	Kukovich	Rieger	Wright, R. C.
Donatucci	Langtry	Ritter	
Evans	Laughlin	Roebuck	O'Donnell,
Fairchild	Lawless	Ryan	Speaker
Fargo	Lee		

NOT VOTING—2

Maiale	Pistella
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EXCUSED—3

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

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

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—194

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

NAYS—4

Cawley	Mrkonic	Scrimenti	Serafini
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NOT VOTING—2

Maiale	Petrarca
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EXCUSED—3

Anderson	Armstrong	Durham
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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 SPEAKER. The House is about to recess until this afternoon. An optimistic view would be that we would return at approximately 2 o'clock. We will recess till the call of the Chair.

### DEMOCRATIC CAUCUS

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

Mr. COHEN. Mr. Speaker, there will be a Democratic caucus at 1:15; 1:15, Democratic caucus. I urge all members to be present.

### REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes Mr. Ryan.

Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, I wonder if the Republicans would report to the caucus room for a short caucus now. Then they can run out and grab lunch and be back on the floor at 2.

The SPEAKER. Republican caucus immediately.

### APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Chair recognizes Mr. Evans.

Mr. EVANS. Thank you, Mr. Speaker.

Mr. Speaker, to the members of the House Appropriations Committee, we are now meeting in the majority caucus room, to all members. Thank you.

### STATE GOVERNMENT COMMITTEE MEETING

The SPEAKER. The Chair recognizes Mr. Oliver.

Mr. OLIVER. Mr. Speaker, there will be a meeting of the State Government Committee at the rear of the House at the call of the recess.

The SPEAKER. The Chair thanks the gentleman.

### ANNOUNCEMENT BY MR. LEE

The SPEAKER. The Chair recognizes Mr. Lee.

Mr. LEE. Thank you, Mr. Speaker.

I just want to make an announcement to all the members of the Republican task force for legislative reform. We had originally scheduled a press conference this afternoon. That press conference has been postponed. The next meeting of the task force will be on the Monday when we return from Thanksgiving recess, on December 9. Thank you very much.

### VOTE CORRECTIONS

The SPEAKER. The Chair recognizes Mr. Uliana.

Mr. ULIANA. Thank you, Mr. Speaker.

On the motion to suspend the rules, my switch malfunctioned. I was not recorded as voting. I would like to be recorded as voting in the favorable.

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

The Chair recognizes Mr. Pistella.

Mr. PISTELLA. Thank you, Mr. Speaker.

Mr. Speaker, on amendment A2908, I am recorded as not having voted. I wish to be recorded in the affirmative, please.

The SPEAKER. The Chair recognizes Mr. Evans.

Mr. EVANS. Mr. Speaker, I would like to make a correction.

The House Appropriations Committee meeting, to Democrats and Republicans, will be in the minority caucus room on the fourth floor. I would like to repeat that: Room 418, right now; the House Appropriations Committee will be in the minority caucus room, room 418.

The SPEAKER. Will the gentleman suspend.

The Republican caucus has been announced, which I assume would be in the minority caucus room immediately.

Mr. HAYES. The Republicans will meet in the minority caucus room now.

The SPEAKER. So perhaps the chairman would consider another room or the rear of the House.

Will the members of the Appropriations Committee please hold for an announcement.

The majority caucus room is available.

Mr. EVANS. Mr. Speaker, I again want to apologize to the members.

As a result of the House Republicans saying that they have a caucus in their particular room, I ask all the members of the House Appropriations Committee to meet in the majority caucus room downstairs immediately, and we will take care of business there. Thank you.

The SPEAKER. The Chair thanks the gentleman.

### VOTE CORRECTION

The SPEAKER. The Chair recognizes Mr. McNally.

Mr. McNALLY. Thank you, Mr. Speaker.

Yesterday, November 19, I wish to be recorded as having voted in the negative on the Gallen amendment A2974 to HB 2185.

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

### BILL REREPORTED FROM COMMITTEE

**HB 20, PN 2785 (Amended)**

By Rep. RICHARDSON

An Act providing a comprehensive plan for health care for the indigent; providing further duties of the Department of Health, the Department of Public Welfare and the Department of Revenue; providing for a hospital payment system and for certain responsibilities under the medical assistance program; providing primary health care programs for children and adults; establishing the Pennsylvania Health Care Fund; providing for certain tax credits; providing for enforcement and civil penalties; providing for certain health care studies; further providing for eligibility for medical assistance; and making repeals.



## HEALTH AND WELFARE.

**BILL ON SECOND CONSIDERATION**

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

**HB 20, PN 2785.**

**BILL RECOMMITTED**

The SPEAKER. The Chair recognizes the majority leader.

Mr. DeWEESE. Mr. Speaker, I move that HB 20 be recommitted to the Appropriations Committee.

On the question,

Will the House agree to the motion?

Motion was agreed to.

The SPEAKER. The Chair recognizes Mr. Freeman.

Mr. FREEMAN. Mr. Speaker, if you could clarify a point for me.

Did I understand that we are coming back into session at 2?

The SPEAKER. That is my estimate.

Mr. FREEMAN. We had originally scheduled a meeting of the House select committee on land use and growth management for 1:30. We are still trying to decide whether we can push that back or whether we should cancel. Could you give some guidance as to whether we should possibly reassign the time?

The SPEAKER. My estimate is that the length of the session this afternoon will depend on the outcome of the Democratic caucus, which is scheduled for 1:15. So depending on what decisions are made in that caucus, I would suspect we will either have a very long afternoon or a very short afternoon, and that caucus is scheduled for 1:15. I am afraid that is all the guidance we can give.

**COMMITTEE MEETING CANCELED**

Mr. FREEMAN. Mr. Speaker, in light of that, I would like to cancel today's meeting of the House select committee on land use and growth management. We will try and set up another meeting at a later date, and I appreciate the guidance of the Chair in this matter.

The SPEAKER. The Chair thanks the gentleman.

**RECESS**

The SPEAKER. This 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.

**ANNOUNCEMENT BY SPEAKER**

The SPEAKER. For the information of the members, the recess will be continued until the call of the Chair. There will be no votes cast today. The recess will end at 11 a.m. tomorrow morning. The Chair expects a Democratic caucus.

The Chair recognizes Mr. Ryan.

Mr. RYAN. Mr. Speaker, it is my understanding that the majority side is caucusing today. Unless Mr. Barbush or some representative of the majority gives us an idea of what we should be looking for, we find no reason to meet in caucus today.

Now, Mr. Barbush is approaching the bench, and we are waiting here breathlessly to see what he is going to show us. He informs us that he does not have a thing for us.

The SPEAKER. If the Republican Caucus is prepared on matters that refer to taxes and riverboat gambling, then they do not need to caucus today.

Mr. RYAN. We will caucus on that tomorrow if you guys get to it.

The SPEAKER. The Chair thanks the gentleman.

**TRANSPORTATION COMMITTEE MEETING**

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

Mr. PETRARCA. Mr. Speaker, at the call of recess, the Transportation Committee will meet in the rear of the House to consider two bills. I would like to ask all Transportation Committee members to report to that immediately. Thank you.

**DEMOCRATIC CAUCUS**

The SPEAKER. The Chair recognizes Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, before there are any votes today, we are going to have a caucus for the majority party. The caucus will be at 2 o'clock in the majority caucus room. It will be, as the Speaker indicated, on the subject of taxes and riverboat gambling. We urge the presence of all members.

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

**HB 2172, PN 2683**

By Rep. EVANS

An Act appropriating money from the Sunny Day Fund to the Department of Commerce for various projects throughout this Commonwealth for fiscal year 1991-1992.

**APPROPRIATIONS.**

**HB 2197, PN 2731**

By Rep. EVANS

A Supplement to the act of June 12, 1931 (P. L. 575, No. 200), entitled "An act providing for joint action by Pennsylvania and New Jersey in the development of the ports on the lower Delaware River, and the improvement of the facilities for transportation across the river; authorizing the Governor, for these purposes, to enter into an agreement with New Jersey; creating

The Delaware River Joint Commission and specifying the powers and duties thereof, including the power to finance projects by the issuance of revenue bonds; transferring to the new commission all the powers of the Delaware River Bridge Joint Commission; and making an appropriation," authorizing the acquisition or construction of a railroad or other facilities; expanding the Port District within Pennsylvania; and further providing for the appointment of commissioner and for the powers and duties of the commission.

APPROPRIATIONS.

**BILLS REREPORTED FROM COMMITTEE**

**HB 60, PN 49** By Rep. EVANS

An Act authorizing the Secretary of Transportation to negotiate an interstate compact with states adjoining this Commonwealth concerning maintenance and repair of public highways, transportation facilities and rights-of-way on or along state lines.

APPROPRIATIONS.

**HB 309, PN 2786** (Amended)

By Rep. EVANS

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for information on prospective child-care personnel.

APPROPRIATIONS.

**HB 871, PN 983** By Rep. EVANS

An Act amending Title 13 (Commercial Code) of the Pennsylvania Consolidated Statutes, conforming the text of the title to the current official text of the Uniform Commercial Code relating to leases, negotiable instruments, bank deposits and collections, funds transfers and uncertificated securities; repealing provisions relating to bulk transfers; and making editorial changes.

APPROPRIATIONS.

**HB 953, PN 1065** By Rep. EVANS

An Act providing for labeling of, and information about, household hazardous materials; conferring powers and duties upon the Department of Environmental Resources; establishing the Household Hazardous Materials Fund and providing for its administration; and imposing penalties.

APPROPRIATIONS.

**HB 1174, PN 2787** (Amended)

By Rep. EVANS

An Act amending Title 5 (Reserved) of the Pennsylvania Consolidated Statutes, changing the name of the title; adding provisions relating to boxing and wrestling; levying gross receipts taxes; and making repeals.

APPROPRIATIONS.

**HB 1220, PN 2788** (Amended)

By Rep. EVANS

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

APPROPRIATIONS.

**HB 1221, PN 2789** (Amended)

By Rep. EVANS

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

APPROPRIATIONS.

**HB 1224, PN 2790** (Amended)

By Rep. EVANS

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

APPROPRIATIONS.

**HB 1292, PN 2791** (Amended)

By Rep. EVANS

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, adding and revising provisions relating to condominiums; and making editorial changes.

APPROPRIATIONS.

**HB 1293, PN 2792** (Amended)

By Rep. EVANS

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, adding provisions relating to real estate cooperatives.

APPROPRIATIONS.

**HB 1367, PN 1592** By Rep. EVANS

An Act amending the act of July 8, 1986 (P. L. 437, No. 92), known as the "Pennsylvania Agricultural Fair Act," granting certain regulatory authority to the State Harness Racing Commission.

APPROPRIATIONS.

**HB 1736, PN 2162** By Rep. EVANS

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.

APPROPRIATIONS.

**HB 2002, PN 2493** By Rep. EVANS

An Act amending the act of December 1, 1965 (P. L. 988, No. 368), known as the "Weights and Measures Act of 1965," further providing for the types of weights and measures governed by the act; authorizing the regulation of persons engaged in selling, installing and repairing commercial weighing and measuring devices; and further providing for certain standards, testing and for the sale and packaging of certain commodities.

APPROPRIATIONS.

**HB 2176, PN 2793** (Amended)

By Rep. EVANS

An Act authorizing limited gambling on excursion boats; imposing a tax on adjusted gross receipts from such gambling; requiring licenses; imposing fees; providing penalties for violations; establishing a restricted receipt account in the Lottery Fund; and making an appropriation.

## 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 60, PN 49; HB 309, PN 2786; HB 871, PN 983; HB 953, PN 1065; HB 1174, PN 2787; HB 1220, PN 2788; HB 1221, PN 2789; HB 1224, PN 2790; HB 1292, PN 2791; HB 1293, PN 2792; HB 1367, PN 1592; HB 1736, PN 2162; HB 2002, PN 2493; and HB 2176, PN 2793.**

**BILLS REMOVED FROM TABLE**

The SPEAKER. The Chair recognizes the majority leader. Mr. DeWEESE. Mr. Speaker, I move that HB 2172 and HB 2197 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.

**RULES COMMITTEE MEETING**

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

**RESOLUTIONS REPORTED FROM COMMITTEE**

**HR 104, PN 1517** By Rep. DeWEESE

A Resolution urging the Governor to make appointments to State boards and commissions in such a manner that the cumulative number of members serving represent, to the extent possible, equal numbers of women and men by the year 1996, and urging the Pennsylvania Commission for Women to develop a Statewide roster of qualified women to maintain complete and accurate records of the composition of all boards and commissions and appointments thereto, and submit annual reports.

## RULES.

**HR 200, PN 2503** By Rep. DeWEESE

A Resolution memorializing the United States Congress to undertake a fullscale investigation into the events behind the Arrow Air crash at Gander, Newfoundland, on December 12, 1985.

## RULES.

**HR 215, PN 2671** By Rep. DeWEESE

A Resolution memorializing the Congress and the President of the United States to expeditiously enact H.R. 1300, the "Universal Health Care Act of 1991," which would establish a single payer health insurance program for all of the people of the United States.

## RULES.

**HR 226, PN 2794** By Rep. DeWEESE

A Resolution directing the Subcommittee on Cities of the Third Class of the Urban Affairs Committee to investigate vacant and abandoned industrial and commercial buildings and sites in cities of the third class.

## RULES.

**BILLS AND RESOLUTIONS PASSED OVER**

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

**RECESS**

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

**AFTER RECESS**

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

**ADJOURNMENT**

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

Mrs. McHUGH. Mr. Speaker, I move that this House do now adjourn until Monday, November 25, 1991, at 1 p.m., e.s.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 10:59 p.m., e.s.t., the House adjourned.