

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, DECEMBER 10, 1991

SESSION OF 1991

175TH OF THE GENERAL ASSEMBLY

No. 86

HOUSE OF REPRESENTATIVES

The House convened at 4:50 p.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, we rejoice to see another Advent season. As we prepare for the coming of the Prince of Peace, we praise You for allowing us to be among the living to witness another holy season.

We acknowledge, O God our Saviour, that we are sorely aware of our many shortcomings. We are so undeserving of such a wonderful gift - Your Son and our Saviour.

As we reflect, may we recommit ourselves to the many tasks that lie before us. May we rededicate ourselves to seeking Your truth that transcends all political considerations.

Give us the strength and resolution, the will and faithfulness to strive with all of our might to make the right decisions in advancing our commonweal, that in some way we might deserve the coming of the Prince of Peace.

In Your dear name we pray. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Monday, December 9, 1991, will be postponed until printed. The Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2261 By Representatives NICKOL, STETLER, SAURMAN, HECKLER, GERLACH, M. N. WRIGHT, CLARK, J. TAYLOR, NYCE, E. Z. TAYLOR, BATTISTO, MELIO, VANCE, VROON, GEIST, VEON,

KASUNIC, JOHNSON, TOMLINSON, FAJT, DeLUCA, FARGO, ACOSTA, McHALE, KING, KENNEY, ARMSTRONG, LAWLESS, FARMER, ANGSTADT, BUNT, LAUGHLIN, TRELIO and BILLOW

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

Referred to Committee on TRANSPORTATION, December 10, 1991.

No. 2262 By Representatives NAHILL, RYAN, PITTS, HAYES, FLICK, SCHULER, ADOLPH, MICOZZIE, KENNEY, HECKLER, GLADECK, DEMPSEY, BUSH, FARMER, TELEK, LANGTRY, MARSICO, HESS, CORNELL, S. H. SMITH, SERAFINI, ARGALL, CARLSON, DAVIES, HASAY, GRUPPO, GERLACH, REBER, GODSHALL, LAWLESS, M. N. WRIGHT, NYCE, CLARK, CESSAR, TOMLINSON, ALLEN, BARLEY, MERRY, FARGO, PERZEL, BIRMELIN, J. TAYLOR, NAILOR, SEMMEL, DENT, HAGARTY, LEH, GALLEN, FREIND, RAYMOND, PHILLIPS, FAIRCHILD, McHUGH, CLYMER, SCHEETZ, VANCE, B. SMITH, HERMAN, NICKOL, NOYE, CIVERA, GANNON, BROWN, ULIANA, ANGSTADT, BLACK, KING, SAURMAN, JOHNSON, G. SNYDER, VROON, HARLEY, E. Z. TAYLOR, JADLOWIEC and D. W. SNYDER

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," further defining manufacturing and processing; repealing provisions imposing sales tax on various services; imposing taxes to support the Public Transportation Assistance Fund; further providing for exclusions from the sales and use tax; further providing for household income and dependent allowances for poverty tax provisions; providing for setoffs of State lottery prizes for taxes and other debts; further providing for certain surtaxes; and providing for a limited tax amnesty program.

Referred to Committee on FINANCE, December 10, 1991.

No. 2263 By Representatives PESCI, STURLA, McNALLY, KOSINSKI, MERRY, TRICH, CARLSON, MIHALICH, KRUSZEWSKI, BELARDI, BOWLEY, KAISER, SALOOM, LEVDANSKY, STABACK, FOX, TIGUE, PITTS, COY, DERMODY, BELFANTI, KASUNIC, STETLER, FREEMAN, ITKIN, BATTISTO, NICKOL, JAROLIN, HALUSKA, PETRARCA, E. Z. TAYLOR, KUKOVICH, BILLOW, DeLUCA, SURRA, McCALL, RICHARDSON and LAUGHLIN

An Act amending the act of June 2, 1915 (P. L. 736, No. 338), known as "The Pennsylvania Workmen's Compensation Act," providing for injury compensation for mutual aid assistance.

Referred to Committee on LABOR RELATIONS, December 10, 1991.

No. 2264 By Representatives PESCI, STURLA, McNALLY, FARGO, KOSINSKI, MELIO, J. TAYLOR, TRICH, CARLSON, MIHALICH, KRUSZEWSKI, HERMAN, BELARDI, FAJT, RUDY, BOWLEY, KENNEY, VAN HORNE, SALOOM, STABACK, FOX, O'BRIEN, TIGUE, COY, ARMSTRONG, DERMODY, STEIGHNER, STRITTMATTER, BELFANTI, ITKIN, PISTELLA, BILLOW, LAWLESS, NICKOL, HASAY, JAROLIN, PETRARCA, E. Z. TAYLOR, KUKOVICH, SURRA, KING, RICHARDSON, THOMAS and VEON

An Act amending the act of June 24, 1976 (P. L. 424, No. 101), referred to as the "Emergency and Law Enforcement Personnel Death Benefits Act," providing for benefit coverage during mutual aid assistance.

Referred to Committee on LOCAL GOVERNMENT, December 10, 1991.

No. 2265 By Representatives O'DONNELL, STEIGHNER, BELFANTI, CORRIGAN, McHALE, TIGUE, PESCI, HARPER, RICHARDSON, LAUGHLIN, STURLA, F. TAYLOR, KOSINSKI, SCRIMENTI, DALEY, BUSH, BLAUM, SAURMAN, HANNA, BILLOW, TRICH, FARGO, COY, KRUSZEWSKI, SALOOM, FAIRCHILD, CAPPABIANCA, MICOZZIE, MELIO, HAGARTY, ARNOLD, STEELMAN, E. Z. TAYLOR, SERAFINI, DeLUCA, THOMAS, CLARK, BATTISTO, GODSHALL and HALUSKA

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, relating to laws that require political subdivisions to spend funds or that limit the ability of political subdivisions to raise revenue.

Referred to Committee on STATE GOVERNMENT, December 10, 1991.

No. 2266 By Representatives O'DONNELL, ITKIN, BELARDI, PETRARCA, SALOOM, FAJT, CORRIGAN, MIHALICH, PISTELLA, GODSHALL, HALUSKA, BATTISTO, STURLA, SCRIMENTI, PESCI, KAISER, McHALE, STABACK, TIGUE, O'BRIEN, SCHEETZ, FREEMAN, BILLOW, KING, LAUGHLIN, FARGO, COY, KRUSZEWSKI, CAPPABIANCA, FARMER, MELIO, TOMLINSON, CIVERA and JAROLIN

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for agents issuing boat registration.

Referred to Committee on GAME AND FISHERIES, December 10, 1991.

No. 2267 By Representatives CALTAGIRONE, WOGAN, SAURMAN, KOSINSKI, MELIO, KRUSZEWSKI, KENNEY, CLARK, BUSH, DERMODY, HASAY and BILLOW

An Act amending the act of June 19, 1913 (P. L. 528, No. 338), entitled "An act fixing the penalty for murder of the first degree; regulating the procedure incident to the infliction thereof; prescribing and providing for a place and manner of inflicting said penalty on the grounds of the new Western Penitentiary of this Commonwealth, in Centre County; making an appropriation therefor; repealing inconsistent legislation; and providing that neither this act nor said repeal shall apply to any case in which it shall appear that said crime was committed prior to the date of the approval of this act," further providing for the procedure for the implementation of the death penalty.

Referred to Committee on JUDICIARY, December 10, 1991.

No. 2268 By Representatives PETRONE, PESCI, DALEY and CORRIGAN

An Act amending the act of August 21, 1953 (P. L. 1323, No. 373), known as "The Notary Public Law," further providing for rejection and removal; and making an editorial change.

Referred to Committee on PROFESSIONAL LICENSURE, December 10, 1991.

No. 2269 By Representatives PETRONE, CAPPABIANCA, PETRARCA, FARGO, STABACK, TIGUE, MIHALICH, KOSINSKI, PESCI, KRUSZEWSKI, RUDY, PERZEL, DALEY, BILLOW, KENNEY, J. TAYLOR, BELFANTI, CORRIGAN, HARLEY, FOX, STEELMAN, LAUGHLIN and DERMODY

An Act providing for hours of solicitation of contributions from senior citizens; providing for notification of Department of Aging and for rescission and return of certain contributions; and providing penalties.

Referred to Committee on AGING AND YOUTH, December 10, 1991.

No. 2270 By Representatives PETRONE, FAJT, FOX, ITKIN, MARKOSEK, PESCI, KOSINSKI, HERMAN, PISTELLA, KRUSZEWSKI, GIGLIOTTI, LAWLESS, DALEY, JOHNSON, BILLOW, KENNEY, J. TAYLOR, CARN, FREEMAN, CORRIGAN, CIVERA and LAUGHLIN

An Act providing for Commonwealth support for a Mental Health and Mental Retardation Staff Member Loan Forgiveness Program for Commonwealth residents who graduate from institutions of higher education and who apply their degrees to careers as mental health and mental retardation staff members in this Commonwealth.

Referred to Committee on EDUCATION, December 10, 1991.

No. 2271 By Representatives PETRARCA, CESSAR, PETRONE, FAIRCHILD, LEVDANSKY, STAIRS, MARKOSEK, CARLSON, MIHALICH, NAHILL, OLASZ, GEIST, McCALL, TELEK, LAUGHLIN, S. H. SMITH, VEON, FARMER, RUDY, FARGO, LaGROTTA, TRICH, KASUNIC, DALEY, MAYERNIK, COLE, ROBINSON, KAISER, COLAIZZO, STEELMAN, TANGRETTI, BATTISTO, GIGLIOTTI, KUKOVICH, COLAFELLA, FAJT, STETLER and GAMBLE

An Act providing for grants for the retrofitting of certain vehicles for alternative fuels; providing for additional duties of the Pennsylvania Energy Office; establishing the Alternative Fuels Incentive Grant Fund; and making an appropriation.

Referred to Committee on TRANSPORTATION, December 10, 1991.

No. 2272 By Representatives GEORGE, JAROLIN, SURRA, STISH, STEELMAN, LUCYK, FEE, SALOOM, WOZNIAC, BOWLEY, LaGROTTA, STEIGHNER and CAWLEY

An Act amending the act of July 28, 1988 (P. L. 556, No. 101), known as the "Municipal Waste Planning, Recycling and Waste Reduction Act," defining the term "wasteshed"; providing for a Statewide municipal waste management plan; and further providing for the powers and duties of the department and for the imposition of fees.

Referred to Committee on CONSERVATION, December 10, 1991.

No. 2273 By Representatives CARONE, BELARDI, BROUJOS, CAWLEY, DALEY, GEORGE, JOSEPHS, KOSINSKI, LaGROTTA, STABACK, STEIGHNER, TRELLO, VEON, CESSAR, FARGO, HARLEY, REINARD, STURLA, B. SMITH, LLOYD and RICHARDSON

An Act providing for the establishment of an Electromagnetic Field Exposure Avoidance Program; imposing duties on the Pennsylvania Public Utility Commission, the Department of Health and the Department of Environmental Resources; provid-

ing for the creation of a power line siting fee; further providing for statements of issues and agency reports; and creating an Electromagnetic Field Exposure Avoidance Fund.

Referred to Committee on CONSERVATION, December 10, 1991.

No. 2274 By Representatives WILLIAMS, THOMAS, KOSINSKI, J. TAYLOR, OLIVER, VEON, CARONE, KENNEY, SAURMAN, TIGUE, ULIANA, ITKIN, BELFANTI, BISHOP, LLOYD, PISTELLA, RITTER, SCHULER, CAWLEY, FOX, WOGAN, RICHARDSON, COWELL, LINTON, NYCE, CORRIGAN, O'BRIEN, KING and CIVERA

An Act amending the act of December 20, 1985 (P. L. 457, No. 112), known as the "Medical Practice Act of 1985," regulating the practice of respiratory care practitioners.

Referred to Committee on PROFESSIONAL LICENSURE, December 10, 1991.

No. 2275 By Representatives WILLIAMS, THOMAS, KOSINSKI, J. TAYLOR, OLIVER, VEON, CARONE, KENNEY, SAURMAN, TIGUE, ULIANA, ITKIN, BELFANTI, BISHOP, LLOYD, PISTELLA, RITTER, SCHULER, CAWLEY, FOX, WOGAN, RICHARDSON, COWELL, LINTON, NYCE, CORRIGAN, O'BRIEN, KING and CIVERA

An Act amending the act of October 5, 1978 (P. L. 1109, No. 261), known as the "Osteopathic Medical Practice Act," regulating the practice of respiratory care practitioners.

Referred to Committee on PROFESSIONAL LICENSURE, December 10, 1991.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 233 By Representatives CARONE, BELARDI, BROUJOS, HALUSKA, HARPER, JOSEPHS, KOSINSKI, MELIO, MUNDY, PISTELLA, RUDY, STEIGHNER, STURLA, WAMBACH, FARGO, HARLEY, KING, NAILOR, NICKOL, SERAFINI and B. SMITH

A Resolution providing for the appointment of a select committee to undertake a comprehensive investigation and analysis of scientific research on the biological effects of human exposure to the electric and magnetic fields associated with the transmission and distribution of electric power.

Referred to Committee on RULES, December 10, 1991.

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes Mr. Steighner.

Mr. STEIGHNER. Thank you, Mr. Speaker.
 Mr. Speaker, there are no Democratic leaves to report at this time.
 The SPEAKER. The Chair thanks the gentleman.
 The Chair recognizes Mr. Hayes.
 Mr. HAYES. I request a leave for the gentleman from Delaware County, Mr. Bob WRIGHT, for the day.
 The SPEAKER. Without objection, leave is granted.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—202

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

ADDITIONS—0
 NOT VOTING—0
 EXCUSED—1

Wright, R. C.

CALENDAR

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 1970, PN 2432; HB 1467, PN 2730; HB 1721, PN 2058; HB 1715, PN 2039; HB 1305, PN 1503; and HB 1307, PN 1505.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1667, PN 1964**, entitled:

An Act providing for liability of persons responding to oil spills.

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

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

The question is, shall the bill pass finally?

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

YEAS—201

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

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

NAYS—0

NOT VOTING—1

Gruitza

EXCUSED—1

Wright, R. C.

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 960, PN 1072**, entitled:

An Act exempting owners of dog training and special retriever training areas from any civil or criminal actions relating to noise pollution.

On the question,

Will the House agree to the bill on third consideration?

Mr. STABACK offered the following amendment No. A3280:

Amend Sec. 1, page 1, line 13, by inserting after "were" and remain

On the question,

Will the House agree to the amendment?

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

Mr. STABACK. Thank you, Mr. Speaker.

Amendment 3280 is technical in nature and simply clarifies that the clubs in question who were in compliance with ordinances at the time the activity was permitted by the Game Commission are still in compliance presently.

Both the amendment and the bill, Mr. Speaker, have the support of a whole host of beagle and retriever clubs, including the Game Commission, the Unified Sportsmen, the Federation of Sportsmen statewide.

I would ask for an affirmative vote on both the amendment and the bill.

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

The following roll call was recorded:

YEAS—201

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

NAYS—0

NOT VOTING—1

Raymond

EXCUSED—1

Wright, R. C.

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—199

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

NAYS—2

Josephs Lee

NOT VOTING—1

Pistella

EXCUSED—1

Wright, R. C.

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 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 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—199

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

NAYS—2

Cawley Tiguc

NOT VOTING—1

Mihalich

EXCUSED—1

Wright, R. C.

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 2185, PN 2685**, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), known as the "Pennsylvania Election Code," further providing for the apportionment of this Commonwealth into congressional districts.

On the question recurring,

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

The **SPEAKER**. The Chair is in possession of two motions for reconsideration of votes.

AMENDMENT A2950 RECONSIDERED

The **SPEAKER**. The House can now consider a motion to reconsider the vote by which amendment No. 2950 was passed to HB 2185 on the 19th day of November. The motion is to reconsider the vote.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—200

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

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

NAYS—0

NOT VOTING—2

Lucyk Noye

EXCUSED—1

Wright, R. C.

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

AMENDMENT A2855 RECONSIDERED

The **SPEAKER**. The Chair also is in possession of a motion to reconsider the vote by which amendment 2855 to HB 2185 was passed on the 19th day of November.

On the question,

Will the House agree to the motion?

Mr. HAYES. Mr. Speaker?

The **SPEAKER**. The Chair recognizes Mr. Hayes.

Mr. HAYES. Mr. Speaker, I know what we are doing here but I am not at all sure that the members realize that we are just going through a pro forma parliamentary exercise here. But I think it would be well if you did explain that, Mr. Speaker.

We are reconsidering two amendments, one the Freeman amendment, as I understand it, and then also the Daley amendment. It has to do with the rules of the House and the fact that these amendments have to be reconsidered in this way because of a 5-day rule. Would you explain all that so everybody is relaxed?

The **SPEAKER**. I think that explanation was complete, but—

Mr. HAYES. They are not yet relaxed though.

The **SPEAKER**. Under rule 26, when a bill is on the calendar and a motion to reconsider an action on the bill, such as an amendment, is filed, there are only 5 days within which that motion to reconsider can be considered by the House. So

this is the last day for that possible consideration, and the two amendments that were passed and are now before the House for reconsideration are the amendments offered by the gentleman, Mr. Freeman, and the gentleman, Mr. Daley.

It is the Chair's understanding that once those reconsideration motions are had, the bill will be postponed for further consideration.

ANNOUNCEMENT BY MINORITY LEADER

The SPEAKER. The Chair recognizes Mr. Ryan.

Mr. RYAN. Mr. Speaker, may I impose upon the House and ask for some order to make an announcement that is relatively important?

I have just been advised—this is principally for our caucus but it affects both caucuses—that the school strike legislation will not be voted upon today. However, the bill is coming out of committee with a new printer's number, or it has just come out, I am not sure which, with a new printer's number. So all of you who have amendments to that bill, call the Reference Bureau and have your amendments redrafted to the new printer's number, because the bill is scheduled to be run tomorrow according to the information I have received from the majority side. So it has got to be redrafted to the new printer's number, and I believe the new printer's number is 1814 on SB 727. But the Reference Bureau would have that in any event. Thank you, Mr. Speaker.

CONSIDERATION OF HB 2185 CONTINUED

The SPEAKER. The Chair returns to consideration of the motion by the gentleman, Mr. Corrigan, to reconsider the vote by which amendment 2855 was adopted on the 19th day of November.

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

The following roll call was recorded:

YEAS—200

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

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

NAYS—0

NOT VOTING—2

Cohen Heckler

EXCUSED—1

Wright, R. C.

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

BILL PASSED OVER

The SPEAKER. HB 2185 will be over for today.

PARLIAMENTARY INQUIRY

Mr. DALEY. Mr. Speaker?

The SPEAKER. For what purpose does the gentleman rise?

Mr. DALEY. Parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman is in order.

Mr. DALEY. For the information of the members, I know that many members are wondering what is going on on these reconsideration motions on the two amendments, the Freeman amendment and my amendment. If you could, I know it is ex post facto, but could you just briefly explain to some of the members that may have questions in their mind, as I had, what you have now done and what position these amendments are in in terms of voting this bill.

The SPEAKER. For the information of the members, the subject matter of HB 2185 is congressional reapportionment. There were two amendments adopted when we first considered the bill: one offered by Mr. Daley, one offered by Mr. Freeman. On the day the bill was passed over by the House, two reconsideration motions were filed, one for each of those amendments. Under the House rules, the House must consider those motions within 5 legislative days. The House moved on to consideration of other business. Now the Chair was in possession of those two motions and an obligation to

consider them because today is the fifth legislative day since they were filed. The Chair presented that to the House. The House adopted both motions. Therefore, the posture of the bill is as if it had not been amended. It retains its original printer's number. It is in position to be amended, and were the bill to be called up, today or at some subsequent time, the House would have immediately before it both the Daley and Freeman amendments.

* * *

The House proceeded to third consideration of **SB 1368, PN 1596**, entitled:

An Act amending the act of July 9, 1981 (P. L. 208, No. 66), entitled "Public Employee Retirement Study Commission Act," changing the name of the Public Employee Retirement Study Commission; further providing for time limits for actuarial notes; and extending the term of the commission.

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

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

The question is, shall the bill pass finally?

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

YEAS—201

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

Cowell	Johnson	Pistella	Williams
Coy	Josephs	Pitts	Wilson
DeLuca	Kaiser	Preston	Wogan
DeWeese	Kasunic	Raymond	Wozniak
Daley	Kenney	Reber	Wright, D. R.
Davies	King	Reinard	Wright, M. N.
Dempsey	Kosinski	Richardson	
Dent	Krebs	Rieger	O'Donnell,
Dermody	Kruszewski	Ritter	Speaker
Donatucci	Kukovich	Robinson	

NAYS—0

NOT VOTING—1

Noye

EXCUSED—1

Wright, R. C.

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same without amendment.

* * *

The House proceeded to third consideration of **SB 1369, PN 1597**, entitled:

An Act reestablishing the Municipal Pension Advisory Committee.

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

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

The question is, shall the bill pass finally?

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

YEAS—199

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

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

NAYS—1

Thomas

NOT VOTING—2

Durham Noye

EXCUSED—1

Wright, R. C.

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same without amendment.

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 344, PN 2796**, entitled:

An Act amending the act of June 29, 1953 (P. L. 304, No. 66), known as the "Vital Statistics Law of 1953," further providing for local registrars' compensation, for the medical certification for death certificates and for referrals to coroners.

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

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

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

The Chair recognizes Mr. Ryan.

Mr. RYAN. Mr. Speaker, we did not have an opportunity to caucus on this. Our staff has looked it over and we are recommending that we concur in it, but I would like someone from the majority side to explain what these changes are to the caucuses.

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

Mr. PISTELLA. Thank you, Mr. Speaker.

Mr. Speaker, I apologize to the membership for the difficulty that I have in speaking. I will try to explain this as best I can to you.

You will recall, Mr. Speaker, when this bill left the House, the purpose of which was to allow for the ability of a coroner to sign a death certificate, to eliminate the individual that was in fact related to the decedent as the coroner to sign the death certificate. Once again, let me repeat: the purpose of which was to provide that if a health care professional, a coroner, was in fact to sign a death certificate for the decedent, they would not be permitted to do that if they were related.

The House of Representatives did two things. Number one, it included an amendment from Representative Cowell that provided for the collection of fees on the part of the local registrars, in addition to allowing registered nurses to pronounce death. That provision was to be limited to those situations where they were either employed or volunteering in hospices or other health care facilities in order to facilitate the prompt transfer of the decedent from the facility to the undertaker.

When this bill went to the Senate, the Senate broadened that definition from a registered nurse to professional nurse to allow them to pronounce death in circumstances beyond what we had limited it to when it left the House.

For the benefit of the minority leader and the members of the party, that in fact is what had occurred when the bill went to the Senate, and I would encourage a concurrence vote on those amendments that were offered in the Senate. And again I apologize for the inability to make myself clear to the members. Thank you.

The SPEAKER. Those in favor of concurrence will vote "aye"; those opposed, "no."

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

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

YEAS—202

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

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

NAYS—0

NOT VOTING—0

EXCUSED—1

Wright, R. C.

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

Ordered, That the clerk inform the Senate accordingly.

RESOLUTIONS

Mr. CIVERA called up **HR 217, PN 2716**, entitled:

A Resolution observing December 15, 1991, as "Bill of Rights Day" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—201

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

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

NAYS—0

NOT VOTING—1

EXCUSED—1

Taylor, J.

Wright, R. C.

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

* * *

Mr. KRUSZEWSKI called up **HR 228, PN 2818**, entitled:

A Resolution honoring the Erie Food Bank for receiving the Annual Second Harvest Food Bank Award for Excellence.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—202

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

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

NAYS—0

NOT VOTING—0

EXCUSED—1

Wright, R. C.

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

CONCURRENT RESOLUTION

Mr. DeWEESE called up **SR 98, PN 1566**, entitled:

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

On the question,

Will the House concur in the resolution of the Senate?

The following roll call was recorded:

YEAS—202

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

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

NAYS—0

NOT VOTING—0

EXCUSED—1

Wright, R. C.

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

Ordered, That the clerk inform the Senate accordingly.

SUPPLEMENTAL CALENDAR A

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 384, PN 2856.

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 953, PN 1065**, entitled:

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.

On the question,

Will the House agree to the bill on third consideration?

Mr. D. R. WRIGHT offered the following amendments
No. A1265:

Amend Title, page 1, lines 1 through 5, by striking out all of said lines and inserting

Amending the act of October 18, 1988 (P.L.756, No.108), entitled "An act providing for the cleanup of hazardous waste sites; providing further powers and duties of the Department of Environmental Resources and the Environmental Quality Board; providing for response and investigations for liability and cost recovery; establishing the Hazardous Sites Cleanup Fund; providing for certain fees and for enforcement, remedies and penalties; and repealing certain provisions relating to the rate of the capital stock franchise tax," providing for waste minimization; and further providing for the Hazardous Waste Facility Siting Team.

Amend Bill, page 1, lines 8 through 17; pages 2 through 5, lines 1 through 30; page 6, lines 1 through 22, by striking out all of said lines on said pages and inserting

Section 1. Section 103 of the act of October 18, 1988 (P.L.756, No.108), known as the Hazardous Sites Cleanup Act, is amended by adding definitions to read:

Section 103. Definitions.

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

"Hazardous waste generator." A person or municipality that produces or creates hazardous waste, as defined under the act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste Management Act, and any regulations promulgated under that act.

"Hazardous waste minimization." The reduction of hazardous waste or residual waste generation using source reduction or recycling techniques.

"Source reduction." The reduction or elimination of waste generation at the source by methods, including, but not limited to, process modification, a change in raw materials or feedstocks used in a production process or operation, improved efficiency of machinery, recycling within a process or any action that reduces the amount of waste leaving a process. The term does not include any of the following:

(1) Actions taken after a hazardous waste is generated.

(2) Actions that merely concentrate the constituents of a hazardous waste to reduce its volume or that dilute the hazardous waste to reduce its hazardous characteristics.

(3) Actions that merely shift hazardous wastes from one environmental medium to another environmental medium.

(4) Treatment.

"Trade secret." Includes, but is not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production, data or compilation of information which:

(1) Is not patented.

(2) Is known only to certain individuals within a commercial concern who are using it to fabricate, produce or compound an article of trade or a service having commercial value.

(3) Gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.

"Waste exchange." A service that transfers information between waste generators and potential users.

Section 2. Section 309 of the act is amended by adding a subsection to read:

Section 309. Hazardous Waste Facility Siting Team.

(d.1) Approval by host county or host municipality.—If the application for a hazardous waste treatment or disposal facility is

administratively complete, the siting team shall send a copy of the permit application to the host county or municipality for approval or disapproval. A hearing shall be held by the host county commissioners or host municipality governing body within 90 days of receipt of the copy of the application. Notice of the public hearing shall be given by publication of a notice in a newspaper either published in or having a general circulation in the county or municipality where the proposed facility is to be located and shall state the time and place of hearing, the name of the applicant for a permit and the exact location of the proposed facility. The host county or host municipality shall approve or disapprove the permit application within 180 days of receipt of a copy of the completed permit application from the siting team and shall notify the department and the applicant of its action. The host county or host municipality shall approve or disapprove the permit application based upon a consideration of the following factors: the threat the facility poses to the safety of the public, taking into consideration the population areas neighboring the site, the population areas adjacent to the portion of the delivery roads within a 50-mile radius of the site, and the risk of accidents during the transportation of waste to or at the site; the financial ability of the applicant to operate the proposed facility; the applicant's reliability, expertise and competency to operate and manage the proposed facility; the conformance of the site to officially adopted land use plans, policies, regulations, ordinances and resolutions; and the conformance of the site to siting criteria established by the department. If the host county or host municipality disapproves the application, it shall specify its reasons for disapproval; and the department may not take further action on the application unless the disapproval is reversed by court order. Appeal of any decision of the host county or host municipality on the permit application shall be to the court of common pleas of the county in which the hazardous waste treatment or disposal facility is proposed to be located.

Section 3. The act is amended by adding a section to read: Section 1303.1. Waste minimization plan.

(a) General rule.—Each hazardous waste generator shall prepare and implement a waste minimization plan to demonstrate that a program is in place to reduce the volume and toxicity of hazardous waste generated to the degree that is determined by the department to be technologically and economically feasible. The waste minimization plan shall be prepared, submitted to the department and available for inspection within one year of the effective date of this section. Implementation shall commence within 18 months of the effective date of this section.

(b) Contents of plan.—Each waste minimization plan shall contain the following information:

(1) A description of each hazardous waste stream generated at the facility, the generation rate by weight or volume per unit of production and an evaluation of the nature and extent of any current or previous waste minimization programs or efforts at the facility.

(2) A plan for reducing the volume of hazardous waste generated by source reduction techniques to the greatest extent that is technologically and economically feasible. The plan shall describe the specific source reduction techniques that will be implemented, the extent to which the volume of waste will be reduced and the manner in which the reduction will be measured. The plan shall include a detailed evaluation of the potential for waste reduction by changing the nature or quantity of raw materials, changing production equipment or technology, improving production operations and procedures, improving quality control and employee education, redesigning or reformulating end products and other means. The plan shall fully document and explain the generator's rationale for rejecting any source reduction approach available to the generator.

(3) A detailed analysis of the potential for cost savings from source reduction, including savings in raw materials and energy, reduced disposal costs, reduced environmental liability, increased operational efficiency and other factors.

(4) An evaluation and, to the extent practicable, a quantification of the effects of the chosen source reduction method on emissions and discharges to air, water and land.

(5) For each hazardous waste stream that will not be eliminated by source reduction techniques, a plan for using or reclaiming the waste to the greatest extent that is technologically and economically feasible. For each waste, the plan shall include an evaluation of the likelihood that listing such waste with a waste exchange would result in the use or reclamation of such waste. For each waste, a detailed analysis of the potential for onsite use or reclamation shall be conducted, including an analysis of available technologies. A detailed analysis of the potential for offsite use or reclamation, including consideration of potential markets or reclamation facilities, shall be completed. An analysis of the potential for costs savings from recycling shall be prepared, including the criteria listed in paragraph (2).

(6) For each waste stream that will not be eliminated by source reduction, use or reclamation techniques, an analysis of the treatment and disposal alternatives available. The selected alternative must minimize the present and future threat to human health and the environment.

(7) A timetable for implementation of each element of the waste minimization plan.

(c) Certification.—At the time a waste minimization plan is submitted to the department, the generator shall certify that the generator has implemented, is implementing or will be implementing the source reduction measures identified in the waste minimization plan according to the implementation schedule contained in the plan. A generator may determine not to implement a measure contained in the plan only if the generator determines, upon conducting further analysis or due to unexpected circumstances, that the selected measure is not technically feasible or economically practicable and the department concurs in this determination or if attempts to implement that measure reveal that the measure would result in, or has resulted in, any of the following:

(1) An increase in the generation of hazardous waste.

(2) An increase in the release of hazardous chemicals to other environmental media.

(3) A significant increase in the risk of an adverse impact to human health or the environment.

(d) Annual report.—Each generator shall submit an annual waste minimization report. The report shall be on a form provided by the department and shall contain the following information:

(1) The name, identification number, mailing address and location of the generator.

(2) A list of each hazardous waste stream generated, the hazardous waste number, the generation rate by weight or volume per unit of production for the current or previous years and the percent increase or decrease in the generation rate.

(3) An assessment of the effect, during the current year and previous years, of each hazardous waste minimization measure implemented upon the generation of hazardous waste. The report shall consider, but not be limited to, measures which use all of the following approaches:

(i) Source reduction.

(ii) Recycling.

(iii) Treatment.

(4) A description of factors during the current reporting year or two previous years that have affected hazardous waste generation and onsite and offsite management, including, but not limited to, any of the following:

(i) Changes in business activity.

(ii) Changes in waste classification.

(iii) Natural phenomena.

(iv) Other factors that have affected either the quantity of hazardous waste generated or onsite and offsite hazardous waste management requirements.

(5) Other information as required by the department.

(e) Annual report to Governor and General Assembly.—Commencing July 1, 1993, the secretary shall prepare and submit to the Governor and to the General Assembly an annual report of the department's operations and activities in carrying out the provisions of this section. The report shall include, but not be limited to, all of the following information:

(1) An evaluation of the hazardous waste source reduction progress in this Commonwealth.

(2) Recommendations for legislation.

(3) Identification of any Federal, State or private economic and financial incentives that can best accelerate and maximize the research and development of source reduction and other hazardous waste minimization technologies and approaches.

(4) The status, funding and results of all research projects.

(f) Trade secrets.—The department shall adopt regulations to ensure that trade secrets designated by a hazardous waste generator in the waste minimization plan required by this section are utilized by the department only in connection with the responsibilities of the department under this section and that those trade secrets are not otherwise disseminated by the department or any authorized representative of the department without the consent of the generator. However, any information shall be made available to governmental agencies for use in making studies and for use in judicial review or enforcement proceedings involving the person furnishing the information. The regulations shall conform with the corresponding trade secret regulations adopted by the Environmental Protection Agency pursuant to the Resource Conservation and Recovery Act of 1976 (Public Law 94-580, 42 U.S.C. § 6901 et seq.), except that the regulations adopted by the department may be more stringent or more extensive than the Federal trade secret regulations.

(1) The department shall protect from disclosure any trade secret designated by the generator under this section.

(2) This section does not permit a generator to refuse to disclose the information required under this section to the department.

(3) Any officer or employee of the department who, because of employment or official position, has possession of or access to confidential information and who, knowing that disclosure of the information to the general public is prohibited by this section, knowingly and intentionally discloses the information to any person not entitled to receive it, commits a misdemeanor of the third degree and shall, upon conviction, be sentenced to pay a fine of not more than \$1,000.

Section 4. The addition of section 309(d.1) of the act shall apply to permit applications pending before the Department of Environmental Resources, the Environmental Hearing Board or a court of competent jurisdiction on the effective date of this act, as well as the permit applications submitted on or after the effective date of this act.

Section 5. This act shall take effect in 60 days.

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, the Chair recognizes Mr. Wright.

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

I rise today to offer a series of amendments in behalf of the health, safety, and environment of all Pennsylvanians, particularly those 3 million Pennsylvanians who are threatened on a daily basis by the erection and operation of hazardous waste facilities. Amendment A1265 strips the provisions of HB 953 and substitutes the following provisions, and those provisions would require a hazardous waste generator in the Commonwealth to prepare and implement a waste minimization plan using source reduction or recycling techniques.

The idea of this amendment is very simple. Occasionally those of us in the rural areas are asked, well, what do you want us to do with this hazardous waste material? Our answer is, we want you to reduce it; we want you to reuse it; we want you to recycle it; we want you to reclaim it; we want you to minimize it. This amendment simply says that you must have a plan if you are a generator of hazardous waste for the minimization of that waste.

This amendment does a second thing, and that is, it is an amendment that you will want, I think, to pay some close attention to, because it is different from any kind of amendment that you heard that deals with this particular subject area.

One of the concerns that we have in rural Pennsylvania is that corporations and persons with resources come into our area and they do not consult us about what they are going to do with our environment, with our schools, with our health, with our safety, with our environment. What this amendment simply says is that those persons who are targeted for a hazardous waste facility have an opportunity for their county or municipality to approve or disapprove of that facility, but it is not a veto power. We have considered that from time to time. Let me emphasize that this amendment does not provide a veto power. It does give approval and disapproval, but the person who wants that facility can go to court and have that disapproval overturned.

This amendment seems to me to be the most reasonable approach to give those persons in rural, isolated areas some opportunity to have some control, some say, over their destiny.

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

PARLIAMENTARY INQUIRY

REQUEST TO DIVIDE AMENDMENTS

The SPEAKER. The Chair recognizes Mr. Hayden.

Mr. HAYDEN. Thank you, Mr. Speaker.

Mr. Speaker, parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. HAYDEN. Mr. Speaker, I would like to make a motion to divide the amendment.

The SPEAKER. The gentleman will indicate where he seeks a division.

Mr. HAYDEN. Mr. Speaker, on page 2, beginning with reference to section 309, "Hazardous Waste Facility Siting

Team," to the top of page 3, right after the sentence which says "treatment or disposal facility is proposed to be located." The motion, Mr. Speaker, would be to have that amendment serve as a separate amendment and the rest of the amendment to be voted as one.

The SPEAKER. The amendment is not divisible in the manner suggested by the gentleman. Although the part that is sought to be taken out begins with a reference to section 309 of the act, it does not contain a reference to the page and line of the bill that the amendment is amending. Therefore, that section mentioned by the gentleman cannot stand alone. Because it cannot stand alone, the amendment is not divisible in that fashion.

Mr. HAYDEN. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Hayden.

Mr. HAYDEN. Thank you, Mr. Speaker.

In light of the ruling of the Chair, I would urge that the members reject this amendment for the following reasons.

In considering the series of amendments which are going to be offered today and the context of HB 953, members need to recall what we did in the context of the Hazardous Sites Cleanup Act. These amendments propose to amend the Hazardous Sites Cleanup Act, which we passed virtually unanimously in July of 1988. The Hazardous Sites Cleanup Act was our attempt to enact a State Superfund bill so that we can get about the business of cleaning up some 2,000 contaminated sites in the State of Pennsylvania.

At the time that that bill was being argued, at the time amendments were being offered, a number of businesses came forward and said to us, that is fine; we agree, we need to clean up contaminated sites throughout the State of Pennsylvania, but we have a problem, and the problem is that we were running out of disposal capacity in the State of Pennsylvania. In fact, when the bill passed in 1988, there were no commercial disposal facilities available for hazardous waste. That was some 3 1/2 years ago. The reality is, that same condition exists today. As of today, there are still no new permanent hazardous waste commercial facilities in the State of Pennsylvania.

One of the reasons why we put that in the Hazardous Sites Cleanup Act, to require a siting of a hazardous waste facility, is because the Federal Superfund law required that Pennsylvania needs to be able to provide for its hazardous waste disposal capacity for a 20-year plan. We filed a response to that, under the Federal Superfund bill, in which we identified the Hazardous Sites Cleanup Act as the basis to qualify for continued Federal Superfund money.

Keep in mind, Federal Superfund money is earmarked for the more seriously contaminated sites in the State of Pennsylvania. We have in excess of 100 sites which are awaiting Federal Superfund money to be cleaned up today. Under the Federal law, 90 percent of that cleanup money is to come from the Federal fund and 10 percent from a local match. If we enact this legislation, we jeopardize our ability to continue to draw down from that Federal Superfund money, and I will explain why.

Representative Wright has characterized this bill as one which does not grant a local veto over new siting for hazardous waste facilities. I would respectfully disagree. I would direct the members' attention to page 2 of the amendment in which the language halfway down the paragraph gives the host county and the host community the following authority: "The host county or host municipality shall approve or disapprove the permit application within 180 days of receipt of a copy of the completed permit application...." That effectively grants the host county and/or the host municipality veto power over a new site.

Your next question may be, well, what is so bad about that? What is bad about that is that what happens is, under the Federal Superfund law, under our hazardous waste capacity assurance plan in complying with the Federal law, we told the Federal Government— When they asked us, they said, what are you going to do for additional capacity? We said, well, we are going to site new sites in the State of Pennsylvania.

One of the questions they asked was as follows: Do local governments in your State have authority to approve RCRA (Resource Conservation and Recovery Act) permits? Those are permits for hazardous waste facilities. Our answer in our plan was no. Second question was, do local governments in your State have the power to prohibit facility siting by the use of zoning ordinance? The response was yes, because under Act 147, local planning and zoning activities could effectively preclude a new site.

The next question the Federal Government wanted to know was, does our State have the power to override local zoning authority and/or preempt local zoning powers? Our answer was yes, and what DER (Department of Environmental Resources) responded with was the bill that we passed, which was the Hazardous Sites Cleanup Act, because in the Hazardous Sites Cleanup Act, we gave the department a provision which was called a certificate of public necessity, which permitted DER to go into a local area if there was a local veto, if there was local restrictive zoning, to make the case that there was a need for new sites, beyond the objections that were raised by the local municipality and the local government.

Lest you think that the threat of withdrawal of Federal Superfund money is a hollow threat, I would direct your attention to a letter, a copy of which I have here, from the administrator of the EPA (Environmental Protection Agency) to Gov. James Martin of North Carolina in March of 1991. They wrestled with this issue down there, about the lack of capacity to deal with their own hazardous waste. In this letter, Administrator Reilly tells the Governor, "I have every intention of invoking the sanctions in response to CAP"—capacity assurance plan—"failures; in North Carolina's case, this could amount to withholding \$12 million for cleanup of two Superfund sites....," and then he mentions the two sites. In a followup news article, the person who was responsible for hazardous waste siting in the State of North Carolina said, we have tried everything, but we have been prevented from siting a new site in North Carolina because of local government restrictions and the legislature. So the reality is, North Car-

olina faces the very real prospect of losing Federal Superfund money.

The reality is, Mr. Speaker, if we enact a local veto, that puts us further and further along the line of not being able to comply with that Federal act.

There is even another reason why we ought to vote against this. The reality is, in our Hazardous Sites Cleanup Act, we said if we did not have a site permitted by July 1 of 1992, we would establish a siting commission. The siting commission would act as a superregulatory agency. If by July 1 of 1992 that group was up and running, then by January 1 of 1994, if we have no sites, we are going to permit the State Government, the State Government, to get into the business of hazardous waste disposal. For those fans of privatization in this chamber, I would ask if we really want to head down that line.

I think this amendment actually is bad public policy. I understand the problems in trying to cope with local issues. I in fact had a solid waste incinerator in my district. I understand the problems that locals encounter on these issues, but I think that for all the reasons that I mentioned, I would hope that the members would vote "no" on this amendment.

The SPEAKER. The Chair recognizes Mr. Reber.

Mr. REBER. Thank you, Mr. Speaker.

Mr. Speaker, I would like to say at the outset that I concur with all of the remarks of the previous speaker. I think he did an excellent job in surveying the lay of the land, if you will, and the necessity for the rejection of this onslaught of amendments that the gentleman, Mr. Wright, is proposing today.

Mr. Speaker, in my particular district we have a nuclear powerplant that is operating; we have a number of landfills; we have a number of closed Superfund sites in the immediately adjacent area. I appreciate the concern of the gentleman, but, Mr. Speaker, I think you only have to look at the first page of each of the amendments that have been circulated by the gentleman propounding the current amendment and you will see that all of this, all of this, is an amendatory process to the Hazardous Waste Sites Cleanup Act of 1988.

If I can just return you for a few seconds to those days of yesteryear, you may recall that we stood in the hall of this House and suggested and suggested that we were going to move forward in an aggressive fashion to clean up the environment, to clean up those various Superfund sites that exist in and about the Commonwealth. There are approximately 2,000 sites on the Governor's list in the Commonwealth of Pennsylvania. To date, we have only cleaned approximately 20 of those sites. I think, more importantly, we only have to reflect back as far as yesterday afternoon when this body, in my mind, took a few steps backwards in relationship to the moneys being allocated for a vigorous enforcement of the Hazardous Waste Sites Cleanup Act.

Mr. Speaker, if you take a look at the budgetary records, you will see that in excess of 70 percent of the moneys that have already been generated and earmarked for hazardous waste site cleanup in Pennsylvania have not been expended, have not been used to remediate those some 2,000-odd sites in the Commonwealth of Pennsylvania. More importantly, as

the prior speaker, the honorable gentleman from Philadelphia, Mr. Hayden, said, there is a tremendous amount of concerns with the various aspects that must be followed under the Federal regulations if we are to continue to qualify for draw-downs of those moneys.

More importantly, I think we are frustrating any legitimate endeavors that might move forward to clean up various hazardous waste Superfund sites that currently exist if we do not move forward with an aggressive siting of such here in the Commonwealth of Pennsylvania. You may very well remember the debate in 1988, when we all stood up and said that we were going to be trustees of the environment. We were going to move forward to establish a site, a site to which we could take the remediated waste from the various 2,000 existing sites in the Commonwealth of Pennsylvania. If we are to uphold that trusteeship, if we are to move forward with the fiduciary duty that we have all sworn to do and carry out in relationship to Article I, section 27, of the Pennsylvania Constitution relative to that stewardship for the environment and its protection, I think everything that is being offered in this bill is a frustration of that fiduciary duty; is nothing more than politically posturing because of something that you do not want necessarily in your backyard. I think those days are by us. I think the public recognizes that we must stand up and be counted and move forward.

I think this is a regressive form of regulation. I do not think it does anything, does not do anything, to move us forward in a vigorous enforcement of the environmental trust which we have placed upon us under the Constitution and by the electorate.

I would wholeheartedly ask for a rejection of the amendment currently before the House. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the amendment.

If you listened to the opponents of this amendment, you would think that this is a radical, NIMBY (not in my backyard), Neanderthal approach to dealing with hazardous waste, but if you take the time to read the amendment, you will find that that is not the case at all. There are clear standards which the counties are required to look at and on which they are required to base their opinions. Those standards then become available for appeals to the county court and ultimately into the State court system. Let us look at what those standards are.

We want to know what threat this hazardous waste site would have to the safety of the public and the number of people who live in the area. Now, it is easy for people who come from the heavily populated parts of this State to say, well, let us put it out where there is not anybody, but if it is fair to count how many people live in the suburbs and say that that disqualifies that area for a new hazardous waste site, then surely to goodness it ought to be fair to count in a particular rural area and determine whether there are too many people who live close to that proposed site and it should be moved someplace else.

We also want to look at whether there are adequate transportation facilities, and we all know about the accidents and the train derailments and the hazardous material spills, and the potential for that is there with a hazardous waste treatment facility, and to not look at that is irresponsible and a violation of our fiduciary obligation to protect the environment as well as to protect the public health and safety.

This amendment also asks that we look at such radical things as whether the applicant is reliable or has the expertise or competence and the honesty to run a hazardous waste treatment facility and disposal site. Now, surely there is no one in this chamber who would argue that that is not a relevant consideration. In fact, that legally is something the Department of Environmental Resources is required to consider. And we are also asking the counties to look to see whether there is compliance with land use planning, and this body has, on numerous occasions, dealt with that question and tried to say that there ought to be some ability of local people to control what goes on their land and what kind of development there is.

And lastly, we ask them to look to see whether the department's criteria are being complied with, and surely, surely, that is not too much to ask. All we are saying to the Department of Environmental Resources is, obey your own regulations.

Now, Mr. Speaker, it seems to me that the rural areas of this State in the last 10 years have become the dumping grounds for everything that people do not want. We have to take New Jersey garbage, and some of the same people who are up here tonight urging you to vote "no" on this amendment are the people who fought us 4 years ago when we tried to give the local governments the authority to fight New Jersey, and they stood here on the floor of the House and defeated us. We also are the ones who are going to be targeted for the nuclear waste disposal site, and we have already begun to read about that in the newsletters, and my goodness, we cannot put that close to a nuclear powerplant because there are too many people who live there. My constituents do not understand that, and I think the constituents of most other rural members of this legislature do not understand that.

When we have two landfills permitted in a county, a third one under application, and the primary mission of those landfills is to take care of somebody else's garbage, do not tell us that we are NIMBY and we are not doing our fair share. We are asking for a reasonable process. We are asking for an opportunity for our people to have their concerns heard.

Maybe if we had the factories that spewed forth this hazardous waste, maybe we could be a little more acceptable to some of the things that come with disposal, but we do not get those jobs. All we have are service jobs and minimum-wage jobs, and then you want to ship all the garbage and all the waste out into the rural parts of this State. What about the fiduciary obligation to preserve land, open land, open spaces, for the people of this State and the sportsmen of this State to enjoy?

Mr. Speaker, the gentleman's amendment is a reasonable approach to this issue, and we ought to support it.

The SPEAKER. The Chair recognizes Mr. Fairchild.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

In response to the gentleman from Philadelphia, I would like to set the record straight.

Mr. Karl Sheaffer is the siting team leader from the Department of Environmental Resources. He was appointed there by Secretary Davis. On August 6 he was asked at a public hearing, does the Department of Environmental Resources or does the State of Pennsylvania have in its possession any letter, any memo whatsoever, stating that Superfunds will be cut off to the Commonwealth of Pennsylvania? Mr. Sheaffer's answer was no; we are in compliance with Pennsylvania's capacity assurance plan. So let us put that rumor to rest that the hazardous waste industry is spreading around. If you do not believe me, check your mail today.

Secondly, this is one good amendment. Not only are we giving the option for people to make a decision to have an impact in their community under the guidelines established by Mr. Lloyd but we are also doing something about the program. The last part of the amendment has to do with source reduction.

I am just going to read to you a brief statement from Mr. Daniel Ryan, who was in Harrisburg about 2 or 3 weeks ago testifying before the Republican environmental task force, and this is what Mr. Ryan from the EPA said. He stated that pollution should be addressed in the following priority: (1) pollution should be prevented or reduced at the source whenever feasible; (2) where pollution cannot be prevented, it should be recycled in an environmentally safe manner; (3) in the absence of feasible prevention and recycling opportunities, pollution should be treated; and (4) waste disposal should only be used as a last resort.

It is time we make a decision in Pennsylvania whether we are going to stand up for the environment, whether we are going to start to get serious about waste reduction. There are some very good proposals in the House. I think we can do it; we must do it. If you look back, we are going to look at this and say, gee whiz, why did we not do it 20 years ago? It is time to start now. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Surra.

Mr. SURRA. Thank you, Mr. Speaker.

Mr. Speaker, I stand in support of the Wright amendment, and I concur wholeheartedly with the last two speakers.

What we are taking here is a bold new step. We can no longer continue to produce waste and try to control it. We can no longer continue to produce hazardous waste and try to contain it. We are taking a step, a serious step, to hazardous waste minimization. We are also giving rural counties, outer counties, the right to say no and the right to review a permit.

What Mr. Lloyd says is true. I live in Elk County, and it has 34,000 people, and we are being asked to accept and take care of the waste disposal needs for a multistate, indeed a multi-country area. We are taking waste from Canada, and we are told there is nothing we can do about it.

The people in Pennsylvania deserve to protect their environment. We can do this by taking a bold step and working towards hazardous waste reduction, minimization.

I encourage a "yes" vote on the amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Foster.

Mr. FOSTER. Mr. Speaker, will the gentleman, Mr. Wright, consent to interrogation?

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

Mr. FOSTER. Mr. Speaker, can you explain to me the difference between approval and disapproval and veto?

Mr. D. R. WRIGHT. If you have, Mr. Speaker, an absolute veto, then there is no recourse from that veto. What this amendment says is that a local municipality can make a decision about this based upon a whole set of very strict criteria that are established in this amendment. They can make a statement about whether they approve or disapprove. If they disapprove, then there is recourse for the person who wants to place that hazardous waste to go to court, and those criteria then become a basis upon which the generator can appeal to court for redress.

Mr. FOSTER. And, Mr. Speaker, if we use the term "veto," those persons would have precisely the same recourse of going into court, would they not?

Mr. D. R. WRIGHT. No, sir, they would not.

Mr. FOSTER. Do you think this is a distinction without a difference?

Mr. D. R. WRIGHT. It is a distinction with a magnificent difference.

Mr. FOSTER. Mr. Speaker, do you support the Federal space program?

Mr. D. R. WRIGHT. Do I support the Federal space program?

Mr. FOSTER. Yes.

Mr. D. R. WRIGHT. Mr. Speaker, I support space whether it is Federal or in your mind or wherever.

Mr. FOSTER. Mr. Speaker, I suggest you better support the space program, because if your amendment is successful, it will be the only place we will have to dispose of hazardous waste.

That concludes my interrogation. I would like to make one remark.

The SPEAKER. The gentleman is in order.

Mr. FOSTER. What I said is absolutely true, Mr. Speaker. If you are going to give this type of power to local bodies, none of whom are going to be able to withstand the public pressure within the limited confines of those boundaries, ask yourselves where we are indeed going to dispose of our hazardous waste, and I suggest what I said a moment ago is not too farfetched. If you adopt this amendment, you better be prepared to send it to outer space.

The SPEAKER. The Chair recognizes Mr. Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the Wright amendment.

The Wright amendment is a very reasonable approach to a very difficult problem. There is a bit of misconception on this floor that somehow this amendment is providing for a veto. Not at all. It provides for a method of review; it provides for a method of input by local communities.

Who among us could oppose the notion of allowing a host community to be able to review an application for a hazardous waste facility on the basis of whether it meets a standard of whether or not it poses a threat to public safety and health? That is all this amendment really does. It allows that host community to review that process and, if in fact that facility would pose a threat to public safety, to deny that approval. Despite that, it still provides for a mechanism whereby one could go to the courts to override that position if it was not based on a firm footing. To me, that seems reasonable.

I think too often here in Harrisburg we impose certain requirements on municipalities and do not permit for the proper public input in the decisions which will affect the quality of life in those municipalities. I think the Wright amendment makes a fair approach to a very difficult problem in that regard.

I would ask the members to look at the other half of this amendment, which is probably the most critical aspect of this amendment, and that is the effort under this amendment for waste minimization. If we are really going to tackle the problem of hazardous waste in this State and in this country, we have got to get the waste generators to minimize the amount of hazardous waste they produce, and the Wright amendment seeks to do that.

I would urge the membership to support this amendment. It is a sound environmental amendment, and in my mind, it is a very reasonable amendment. I would ask the membership to vote for the Wright amendment.

The SPEAKER. The Chair recognizes Mr. Gerlach.

Mr. GERLACH. Thank you, Mr. Speaker.

I am inquiring as to whether or not Mr. Wright will stand for a brief interrogation.

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

Mr. GERLACH. Thank you, Mr. Speaker.

It is my understanding, Mr. Speaker, that this is not technically a local veto bill because the determination may be made by the court as to whether or not the local municipality, host municipality, did or did not act appropriately in approving or disapproving a permit application. Is that correct?

Mr. D. R. WRIGHT. This amendment is not known as a veto amendment except by those who choose to characterize it as a veto amendment, particularly those who seem to be unable to distinguish between veto and participation. This amendment simply allows the local municipalities, the local folks, to have some participation in what happens to them and their environment. It is not a veto provision. I would hope that that distinction would be clear.

Mr. GERLACH. Mr. Speaker, I guess what I am getting at is, if some aggrieved party did not like the decision of a host municipality for the approval or disapproval of a permit

application, a petition could be then made to the local court of common pleas to overturn that decision, under this language. Is that correct?

Mr. D. R. WRIGHT. That is correct.

Mr. GERLACH. Down at the bottom of page 2 of the amendment, it provides specifically that "If the host county or host municipality disapproves the application, it shall specify its reasons for disapproval; and the department may not take further action on the application unless the disapproval is reversed by court order." Is that correct?

Mr. D. R. WRIGHT. That is correct.

Mr. GERLACH. What is the specific basis upon which a court will legally determine whether or not a reversal is justified or not?

Mr. D. R. WRIGHT. It shall be based upon whether or not the—I am sure if you read those criteria, you would conclude that a facility should not be in an area where those matters were at issue, and the court would make its decision based upon the criteria that is in section (d.1).

Mr. GERLACH. Where does it state that in the amendment, Mr. Speaker, that the court will use those factors as a basis for deciding whether or not to reverse the decision of the host municipality?

Mr. D. R. WRIGHT. It does not state that specifically, but there is a certain amount of common sense associated with law, and if you have a set of criteria, then it seems to me that that is the standard by which the approval or disapproval would be judged.

Mr. GERLACH. Are there any other grounds, do you believe, that a court may undertake to reverse a disapproval that are beyond the criteria set forth in subsection (d.1)?

Mr. D. R. WRIGHT. I would not attempt to anticipate what a court might do other than these criteria.

Mr. GERLACH. So that potentially a court might reverse on grounds other than the specific considerations that are included in this subsection, that being reliability, expertise, competence in handling and managing a facility, those kinds of criteria. A court may reverse on other reasons other than just those criteria?

Mr. D. R. WRIGHT. I would assume so, sir.

Mr. GERLACH. Is it your intent to limit a court's reversal to just the criteria under this subsection or not?

Mr. D. R. WRIGHT. It is not my intent to do that. It is my intent to establish a set of criteria which may be expanded. I am not sure what would occur in case law, but I believe that this is a fairly exhaustive list, but I would not preclude other people other than the courts from having additions to it.

Mr. GERLACH. Okay. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Mihalich.

Mr. MIHALICH. Mr. Speaker, I rise to support Mr. Wright's amendment for all of the reasons that were stated before, and I would like to cite a specific example—and I have done this before on this floor—a specific example of where DER habitually violates its own regulations in siting. DER cannot, is not, and has not performed its guardianship duties in watching over hazardous waste sites in Pennsylvania. We

need local citizen input to guarantee that the existing siting criteria are followed.

I have a site in my district that has been continually, without a break since 1975, continually violating the Clean Streams Law of Pennsylvania with DER approval. They sign a consent order every couple of years and never fulfill its promise. Since 1975 they have been in continual violation. This particular site, when it was sited, was allowed to go ahead by DER, although DER's own engineers said it was a bad site because it was located over top of some mine voids. It did not stop DER from issuing a license and further, after 1982, issuing a thing called an interim status license, which this legislature disapproved of then.

If DER cannot be allowed or cannot be counted upon to fulfill their function in siting, then local people must have not the veto power but at least the power to go to court and make DER follow our laws and our regulations. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. McNally.

Mr. McNALLY. Mr. Speaker, would the gentleman, Mr. Wright, yield to a brief interrogation?

Mr. D. R. WRIGHT. Reluctantly, yes.

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

Mr. McNALLY. Mr. Speaker, I am just curious. I have looked at the amendment, and I wonder what happens if a hazardous waste generator does not prepare and implement a waste minimization plan.

Mr. D. R. WRIGHT. It would not be permitted.

Mr. McNALLY. So that there is a direct consequence to the waste facility siting?

Mr. D. R. WRIGHT. Absolutely.

Mr. McNALLY. I guess I am a little confused. As I understand it, a hazardous waste generator might be a steel mill or another factory or a coal mine and a hazardous waste facility might be operated by an entirely different entity. Is that possible? Am I correct in that understanding?

Mr. D. R. WRIGHT. It is possible that a hazardous waste facility could be operated by a corporation other than a generator.

Mr. McNALLY. If I could follow up on that, I guess what I wonder is, what would preclude a hazardous waste generator that has not prepared the appropriate waste minimization plan from just sending his hazardous waste to a facility owned and operated by an entirely separate entity? And what other sanctions might there be for failing to prepare or implement this kind of a plan?

Mr. D. R. WRIGHT. I would simply direct you to the definitions that are in the act itself that I believe would be clarifying for your concerns.

Mr. McNALLY. I hope the gentleman understands I am not trying to be argumentative or— You know, these are just genuine questions which I did not know the answer to, and, I mean, I also wanted to know for my own information and for the information of the House. Supposing— It seems that there is a lot of leeway given to the hazardous waste generator

in terms of what they put into this plan, and I wonder why could not a hazardous waste generator simply state that they have a minimal amount of waste generation that they cannot minimize any further, that any other techniques are, in their opinion, technologically and economically unfeasible? Could they do that in effect? Is there—

Mr. D. R. WRIGHT. As a matter of fact, there are a number of provisions in this amendment that have to do with reduction. One of the things that we talk about in the amendment is that they reduce, they minimize, they recycle, they reuse to the extent that it is technologically and economically feasible, and so we are not placing upon these generators a burden that they cannot bear. But there are a number of provisions, Mr. Speaker, in the amendment which I think would be instructive if you looked at those in terms of your question.

Mr. McNALLY. Mr. Speaker, may I speak?

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

Mr. McNALLY. Mr. Speaker, I have made inquiries of the gentleman, the sponsor of the amendment, and I have to confess that in terms of the general concept and the theory that is behind his amendment, I am inclined to agree with it. I think that we ought to place some responsibility upon the hazardous waste generator to deliberate and to determine how they are going to minimize and reduce hazardous waste. That is the only environmentally and economically sound course of action for this State to follow. But when I read the amendment, I see that there are a number of requirements. The contents of the plan, the waste minimization plan, I think are very worthy. I think that obviously a great deal of thought and effort has gone into what the contents of such a plan ought to be, but in the end it seems there really are not any teeth in this plan.

I have listened to the gentleman, Mr. Lloyd, and to other gentlemen speakers earlier here on the floor, and I sympathize with the notion that in fact we need to have some kind of effort at waste minimization or waste reduction. I also am sympathetic to the idea that we do need to have an appropriate mechanism to allow host counties or host municipalities to exercise some veto or some kind of effort to protect themselves, but I really do not see it in this amendment.

I do not believe that the bill really would be right without this kind of an effort or this kind of plan. I really believe that it seems to me on its face that this issue would need more work, and so I would like to move to—

Well, I will withhold that, Mr. Speaker, and I would have to vote against the amendment and against the bill.

The SPEAKER. The Chair recognizes Mr. Smith.

Mr. S. H. SMITH. Thank you, Mr. Speaker.

I rise in support of the amendment, and I would state just briefly that in the course of this legislative body crafting Act 108 of 1988, there was a lot of debate and controversy and interest in how much power or how much control the local municipalities and the local individuals should have.

At this point in time I think that it is important and I think it is something that we probably underestimated at that time,

that the local people do need to have more say. Currently these types of facilities can be sited without any real consideration of that local opinion, and I think that it is important that we allow them some recourse and some method for at least being considered. We must consider their views. And I think just simply for that reason, that we allow people to have better control over their environment, not in an environmental sense but their environment in the sense that government is all about us, that we give those people this type of control as embodied in the gentleman's amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Michlovic.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, the proponents of this amendment are acting as though the host municipalities have no rights and authorities under current law.

I want to remind the members of the legislature what we did in 1988 in Act 108. Under section 304 of Act 108, we gave to the host municipalities these powers: access to certain types of information, copies of each department inspection report, prompt notification of all department enforcement or emergency actions for facilities, including, but not limited to, abatement orders, cessation orders, proposed and final civil penalty assessments. We gave them access to copies of all air and water quality monitoring data. Right now under current law they shall provide the host municipalities copies of all air and water quality monitoring data.

All of that information is to be provided under section 304 of Act 108 to all persons and shall be available for public review upon request. The facilities that are established, the department shall conduct and establish training programs for inspectors for those municipalities, and further we provide a provision for paying for those inspectors up to 50 percent of their salaries under that act.

On written request from persons owning property within 2,500 feet of a commercial hazardous waste storage, treatment, or disposal facility, the operator of the facility shall have a quarterly sampling and analysis done. Those are things in current law under the act that we passed in 1988.

And most importantly, most importantly, we provided financial assistance. We provided that the department shall reimburse host municipalities for the costs incurred by those host municipalities for professional technical review. The department can reimburse the county up to \$50,000 per county for various costs to those counties.

Finally, under section 1111 of Act 108, we provided for citizen suits; a citizen has the right to intervene in a violation without posting bond under that section of the law.

Mr. Speaker, this is not the first time we have dealt with this issue. We have stood on this floor and we have argued and we have debated and we have made decisions. Now it is time to support the decisions that we made just 3 and 4 years ago, and if we do not support those decisions, I conclude, as the gentleman, Mr. Hayden, did, that we are going to lose some Superfund money. Any of you who have those Superfund sites are subject to losing Federal money for those sites, 90 percent Federal money.

I think if you are thinking about the problems of trying to correct those sites, you had better start understanding that most of the money to clean up those sites has got to come from the Federal Government. If you keep backing off what we already put into law, I think you are jeopardizing, you are jeopardizing that Federal funding and you are going to place the State in chaos.

For that reason, Mr. Speaker, I oppose the Wright amendment. Thank you.

THE SPEAKER PRO TEMPORE (JEFFREY W. COY) PRESIDING

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentlelady, Representative McHale.

Mrs. McHALE. Mr. Speaker, I would like to briefly interrogate the maker of the amendment.

The SPEAKER pro tempore. The lady requests interrogation from the gentleman, Mr. Wright, on the amendment. The gentleman agrees to the interrogation. The lady may proceed.

Mrs. McHALE. Mr. Speaker, is it correct that this amendment deletes the household hazardous materials program that was a part of the original bill?

Mr. D. R. WRIGHT. That is true.

Mrs. McHALE. I would be interested to know the reasons that you think that we should delete that program from the bill.

Mr. D. R. WRIGHT. Because I was told by the Reference Bureau that we could not add these amendments and keep that content in the bill.

I very much believe in the original provisions of HB 953. I would hope that at some point we could enact that into law.

Mrs. McHALE. Thank you, Mr. Speaker.

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

Mr. CAWLEY. Thank you, Mr. Speaker.

Mr. Speaker, I would like to interrogate the maker of this—

The SPEAKER pro tempore. The gentleman, Mr. Wright, indicates he will stand for interrogation. The gentleman, Mr. Cawley, may proceed.

Mr. CAWLEY. Thank you.

Mr. Speaker, on page 2, section (d.1), about this far down.

Mr. D. R. WRIGHT. Page 2, section what?

Mr. CAWLEY. Section (d.1).

Mr. D. R. WRIGHT. All right.

Mr. CAWLEY. Okay. "Approval by host county or host municipality." If you could clarify this for me on the first, second, third, fourth, fifth line down, "A hearing shall be held by the host county commissioners or host municipality governing body...." All right? Why "or"? Why not "and/or"?

Mr. D. R. WRIGHT. Well, because there may be a need for an option. Either the county commissioners may choose to do this or, in the case of some counties where the township supervisors have become extremely interested in it, there is the

option for the county commissioners or for the other municipality governing body.

Mr. CAWLEY. I am for the amendment, Mr. Speaker, but I would just like clarification. It appears to me that this language, basically, the way it is written, what if the county commissioners choose not to hold a hearing and what if the host municipality chooses not to hold a hearing? Now it seems that the people who live in that particular municipality within that county sort of are out in the cold.

Mr. D. R. WRIGHT. You have brought up, Mr. Speaker, a very important point, and that is that this amendment does not require county commissioners or municipal governing bodies to have hearings or to make any approval or disapproval. What this amendment would do is give them the option to do that. They are not required by this amendment to do so.

Mr. CAWLEY. Thank you for that explanation.

Mr. D. R. WRIGHT. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and, on the question, recognizes the gentleman, Mr. Phillips.

Mr. PHILLIPS. Thank you, Mr. Speaker.

I rise to support this amendment. I do so for many of the reasons that have been given. I think the important part of this amendment or one of the important parts is the part which would require reducing hazardous waste material and taking every measure possible to do so. It is very important that we reduce this type of waste. That is an important aspect of this amendment.

Second, it is important that the host community has more input as to where a site would be located and has the disapproval power as described in this bill. And an illustration I would like to give is a site that is being proposed close to my district. It is being proposed within a half a mile of a water supply that supplies 33 communities downstream. It is being proposed to go into an agriculture area that has millions of dollars of vegetables which are produced for a local canning business. It is proposed within less than a half a mile of the largest Federal prison system in the United States, and yet neither one of these criteria would disapprove this site, and it would be certainly a catastrophe if an accident would happen in this particular area.

We in the rural areas and the host communities certainly must have more say whether a community has a site come into their area or not. Therefore, I would ask that you would support this amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes, for the second time on the question, the gentleman from Philadelphia, Mr. Hayden.

Mr. HAYDEN. Thank you, Mr. Speaker.

Two brief points by way of clarification. First, for those who say that this is a traditional method of review by filing an appeal to the local common pleas court, I would tell them that they are wrong. This turns the administrative law that we have now dealing with environmental issues on its head. What happens now is that if there is a permit application before the

department, the department makes a decision on the permit either yes or no. The aggrieved party, whoever that may be, then files an appeal from that denial or the granting of that permit to the Environmental Quality Board, a board which oversees a number of these issues. If there is still an aggrieved party after the Environmental Quality Board, the issue then goes to the Commonwealth Court. In fact, that is similar to the track that was followed with the Governor's executive order on the 70-30 split dealing with the out-of-State solid waste. So by returning this issue to the local common pleas court, you are doing something dramatically different than what is currently in administrative law.

The second point deals with the recycling, minimization, and source reduction issue. The reason I asked to divide this amendment was because I think those provisions deserve separate consideration, and in fact I note from our amendments Mr. Wright will offer amendment 1336 dealing with that same issue. For those of you who want to vote for this amendment strictly for that reason, I would encourage you to vote "no," because we are going to have an opportunity to consider the recycling, minimization, and source reduction issue. And if Mr. Wright does not offer that amendment, I will offer his amendment for him and urge this body to adopt that amendment.

For this amendment, for the reasons mentioned, I still suggest that we vote "no" on this amendment, Mr. Speaker. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question for the second time, the Chair recognizes the gentleman from Westmoreland, Mr. Mihalich.

Mr. MIHALICH. Thank you, Mr. Speaker.

For those who might be inclined to vote against this amendment because of the hollow and unsubstantiated threat of losing Superfund moneys, I would ask you to listen to one of the previous speakers or recall his remarks when representatives of the Federal Government, when asked if this were so, said it was not so. I do not believe that we would put ourselves in jeopardy. This is not a veto bill. This is a bill that admittedly creates more red tape to take and review DER's process in the local courts if necessary, and let me tell you why.

You might cry or some people might cry it is going to take another 6 months, a year, or 4 or 5 more months to go through this procedure. But let me tell you, I have a dump in my district and there are other dumps throughout this State that are going to be there not for a year or 2 or 100; they are going to be there for 500 years and maybe longer. In this dump in only one of the cells that I have in my district, in one of the cells in that dump, there are several hundred thousand gallons of hazardous material, which under the closure plan DER admits will continue to leach into the groundwaters of the Commonwealth, of the United States, for another—and this testimony was given under oath—for another 100 years. I think when you create monstrosities such as this, it deserves another look.

I think in 1988 we overlooked the possibility that the siting criteria would not be adequately enforced. I think that review, if called upon in the local courts, would be well worth its while, because that little extra review, the little extra protection that our citizens will get, not only in my district but throughout the Commonwealth of Pennsylvania, might prohibit a dump that would last for hundreds of years from being there when otherwise, under proper conditions, it would not be. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Luzerne County, Mr. Hasay.

Mr. HASAY. Thank you, Mr. Speaker.

Mr. Speaker, I join with Representative Hayden in opposing this amendment.

We have already written a siting criteria through Act 108 and have gone through it with a fine-tooth comb. If this amendment would be adopted, it would be extremely difficult to control the hazardous waste in this Commonwealth. You would have from our industries and our manufacturers hazardous waste that would have to be kept on site. This deters from the hazardous waste being properly taken care of.

So I therefore, Mr. Speaker, ask the members to join with Representative Hayden and ask for a "no" vote. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes, for the second time on the question, the gentleman, Mr. Fairchild.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

I would just like to say something about the previous speaker's remarks, and they were that we have fine-tuned this thing and gone through it. Let me tell you, we have not gone through it. Ask how many appeals right now are on file with the Environmental Quality Board. Ask the counties how much money they are spending of their taxpayers' moneys. How many hundreds of thousands of dollars are they spending? Ask the environmentalists what we are doing to reduce toxic waste in this Commonwealth. Ask yourself what you are doing. You will soon find out that this is not a fine-tuned system. This system is a sham.

Let us stand up and do the right thing and take that first step. This is a good amendment. Let us do it. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman from Clarion County, Mr. Wright.

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

I will attempt to be brief in summation. A number of people have spoken, and I have a high regard for many of those who have spoken in opposition to my amendment as well as those who have spoken for it.

One of the speakers said, let us return to the years of yesterday. I am perfectly happy to return to the year of 1988 when we passed Act 108. You may remember that when that bill left this House, it did not have anything in it about siting hazardous waste. But it went to the Senate, and when it came back, it had provisions for the siting of hazardous waste facilities.

And finally it went to conference and it came back to us, and we had an up-and-down vote on those provisions. But to listen to some of the folks in the hall of the House tonight, you would think that Act 108 of 1988 was received wisdom, that it was divine revelation, that it came down from Sinai and cannot be changed.

I submit to you, Mr. Speaker, that almost everybody likes this amendment except the waste generators and those who stand to make billions of dollars from coming to Clarion and Union Counties and Lancaster County and counties all across this Commonwealth to poison and pollute our area, to deprive us of the quality of life to which the Constitution of Pennsylvania entitles us.

There are those like Mr. McNally, who says, well, he likes this amendment; it just does not go far enough. There are others who, well, it goes too far. I want to submit to you that this is a reasonable amendment, the most reasonable amendment with regard to siting that you are likely to see.

I would ask, I would urge, I plead on behalf of the people who matter in this Commonwealth, people whom you and I represent, please vote "yes" for this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—82

Allen	Cole	King	Pistella
Angstadt	Coy	Kruszewski	Rudy
Argall	DeWeese	LaGrotta	Schuler
Arnold	Davies	Laughlin	Scrimenti
Belardi	Dempsey	Lescovitz	Serafini
Belfanti	Dermody	Lloyd	Smith, B.
Billow	Fairchild	Lucyk	Smith, S. H.
Birmelin	Fargo	McCall	Snyder, G.
Blaum	Fee	McHugh	Staback
Bowley	Fleagle	Markosek	Steelman
Bush	Freeman	Marsico	Steighner
Caltagirone	Geist	Mayernik	Surra
Cappabianca	George	Mihalich	Tangretti
Carlson	Haluska	Nailor	Telek
Carone	Hanna	Nickol	Tigue
Cawley	Hayes	Noye	Tomlinson
Chadwick	Heckler	Pesci	Vance
Clark	Herman	Petrarca	Veon
Cohen	Hess	Phillips	Wambach
Colafella	Jarolin	Piccola	Wright, D. R.
Colaizzo	Johnson		

NAYS—118

Acosta	Freind	Leh	Roebuck
Adolph	Gallen	Levdansky	Ryan
Anderson	Gamble	Linton	Saloom
Armstrong	Gannon	McGeehan	Saurman
Barley	Gerlach	McHale	Scheetz
Battisto	Gigliotti	McNally	Semmel
Bishop	Gladeck	Matale	Snyder, D. W.
Black	Godshall	Melio	Stairs
Boyes	Gruitza	Merry	Stetler
Broujos	Gruppo	Michlovic	Strittmatter
Brown	Hagarty	Micozzie	Stuban
Bunt	Harley	Mrkonic	Sturla
Butkovitz	Harper	Mundy	Taylor, E. Z.
Carn	Hasay	Murphy	Taylor, F.
Cessar	Hayden	Nahill	Taylor, J.

Civera	Hershey	Nyce	Thomas
Clymer	Hughes	O'Brien	Trello
Cornell	Itkin	Olasz	Trich
Corrigan	Jadlowiec	Oliver	Tulli
Cowell	James	Perzel	Uliana
DeLuca	Josephs	Petrone	Van Horne
Daley	Kaiser	Pitts	Vroon
Dent	Kasunic	Preston	Williams
Donatucci	Kenney	Raymond	Wilson
Durham	Kosinski	Reber	Wogan
Fajt	Krebs	Reinard	Wozniak
Farmer	Kukovich	Richardson	Wright, M. N.
Flick	Langtry	Rieger	
Foster	Lawless	Ritter	O'Donnell,
Fox	Lec	Robinson	Speaker

NOT VOTING—2

Evans Stish

EXCUSED—1

Wright, R. C.

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

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. D. R. WRIGHT offered the following amendments No. A1317:

Amend Title, page 1, lines 1 through 5, by striking out all of said lines and inserting

Amending the act of October 18, 1988 (P.L.756, No.108), entitled "An act providing for the cleanup of hazardous waste sites; providing further powers and duties of the Department of Environmental Resources and the Environmental Quality Board; providing for response and investigations for liability and cost recovery; establishing the Hazardous Sites Cleanup Fund; providing for certain fees and for enforcement, remedies and penalties; and repealing certain provisions relating to the rate of the capital stock franchise tax," further providing for the Hazardous Waste Facility Siting Team.

Amend Bill, page 1, lines 8 through 17; pages 2 through 5, lines 1 through 30; page 6, lines 1 through 22, by striking out all of said lines on said pages and inserting

Section 1. Section 309 of the act of October 18, 1988 (P.L.756, No.108), known as the Hazardous Sites Cleanup Act, is amended by adding a subsection to read:

Section 309. Hazardous Waste Facility Siting Team.

(d.1) Approval by host county or host municipality.—If the application for a hazardous waste treatment or disposal facility is administratively complete, the siting team shall send a copy of the permit application to the host county or municipality for approval or disapproval. A hearing shall be held by the host county commissioners or host municipality governing body within 90 days of receipt of the copy of the application. Notice of the public hearing shall be given by publication of a notice in a newspaper either published in or having a general circulation in the county or municipality where the proposed facility is to be located and shall state the time and place of hearing, the name of the applicant for a permit and the exact location of the proposed facility. The host county or host municipality shall approve or disapprove the permit application within 180 days of receipt of a copy of the completed permit application from the siting team and shall notify the department and the applicant of its action. The host county or host municipality shall approve or disapprove the permit application based upon a consideration of the following factors: the threat the facility poses to the safety of the public, taking into consideration the population areas neighboring the

site, the population areas adjacent to the portion of the delivery roads within a 50-mile radius of the site, and the risk of accidents during the transportation of waste to or at the site; the financial ability of the applicant to operate the proposed facility; the applicant's reliability, expertise and competency to operate and manage the proposed facility; the conformance of the site to officially adopted land use plans, policies, regulations, ordinances and resolutions; and the conformance of the site to siting criteria established by the department. If the host county or host municipality disapproves the application, it shall specify its reasons for disapproval; and the department may not take further action on the application unless the disapproval is reversed by court order. Appeal of any decision of the host county or host municipality on the permit application shall be to the court of common pleas of the county in which the hazardous waste treatment or disposal facility is proposed to be located.

Section 2. The addition of section 309(d.1) of the act shall apply to permit applications pending before the Department of Environmental Resources, the Environmental Hearing Board or a court of competent jurisdiction on the effective date of this act, as well as the permit applications submitted on or after the effective date of this act.

Section 3. This act shall take effect in 60 days.

On the question,

Will the House agree to the amendments?

AMENDMENTS WITHDRAWN

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

Mr. D. R. WRIGHT. Mr. Speaker, are you addressing amendment A1317?

The SPEAKER pro tempore. The amendment before the House is amendment A1317.

Mr. D. R. WRIGHT. Mr. Speaker, I withdraw that amendment based upon the previous vote, reluctantly, but I do withdraw it.

The SPEAKER pro tempore. The gentleman, Mr. Wright, withdraws amendment 1317.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. D. R. WRIGHT offered the following amendments No. A1336:

Amend Title, page 1, lines 1 through 5, by striking out all of said lines and inserting

Amending the act of October 18, 1988 (P.L.756, No.108), entitled "An act providing for the cleanup of hazardous waste sites; providing further powers and duties of the Department of Environmental Resources and the Environmental Quality Board; providing for response and investigations for liability and cost recovery; establishing the Hazardous Sites Cleanup Fund; providing for certain fees and for enforcement, remedies and penalties; and repealing certain provisions relating to the rate of the capital stock franchise tax," providing for waste minimization.

Amend Bill, page 1, lines 8 through 17; pages 2 through 5, lines 1 through 30; page 6, lines 1 through 22, by striking out all of said lines on said pages and inserting

Section 1. Section 103 of the act of October 18, 1988 (P.L.756, No.108), known as the Hazardous Sites Cleanup Act, is amended by adding definitions to read:

Section 103. Definitions.

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

"Hazardous waste generator." A person or municipality that produces or creates hazardous waste, as defined under the act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste Management Act, and any regulations promulgated under that act.

"Hazardous waste minimization." The reduction of hazardous waste or residual waste generation using source reduction or recycling techniques.

"Source reduction." The reduction or elimination of waste generation at the source by methods, including, but not limited to, process modification, a change in raw materials or feedstocks used in a production process or operation, improved efficiency of machinery, recycling within a process or any action that reduces the amount of waste leaving a process. The term does not include any of the following:

(1) Actions taken after a hazardous waste is generated.

(2) Actions that merely concentrate the constituents of a hazardous waste to reduce its volume or that dilute the hazardous waste to reduce its hazardous characteristics.

(3) Actions that merely shift hazardous wastes from one environmental medium to another environmental medium.

(4) Treatment.

"Trade secret." Includes, but is not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production, data or compilation of information which:

(1) Is not patented.

(2) Is known only to certain individuals within a commercial concern who are using it to fabricate, produce or compound an article of trade or a service having commercial value.

(3) Gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.

"Waste exchange." A service that transfers information between waste generators and potential users.

Section 2. The act is amended by adding a section to read:
Section 1303.1. Waste minimization plan.

(a) General rule.—Each hazardous waste generator shall prepare and implement a waste minimization plan to demonstrate that a program is in place to reduce the volume and toxicity of hazardous waste generated to the degree that is determined by the department to be technologically and economically feasible. The waste minimization plan shall be prepared, submitted to the department and available for inspection within one year of the effective date of this section. Implementation shall commence within 18 months of the effective date of this section.

(b) Contents of plan.—Each waste minimization plan shall contain the following information:

(1) A description of each hazardous waste stream generated at the facility, the generation rate by weight or volume per unit of production and an evaluation of the nature and extent of any current or previous waste minimization programs or efforts at the facility.

(2) A plan for reducing the volume of hazardous waste generated by source reduction techniques to the greatest extent that is technologically and economically feasible. The plan shall describe the specific source reduction techniques that will be implemented, the extent to which the volume of waste will be reduced and the manner in which the reduction will be measured. The plan shall include a detailed evaluation of the potential for waste reduction by changing the nature or

quantity of raw materials, changing production equipment or technology, improving production operations and procedures, improving quality control and employee education, redesigning or reformulating end products and other means. The plan shall fully document and explain the generator's rationale for rejecting any source reduction approach available to the generator.

(3) A detailed analysis of the potential for cost savings from source reduction, including savings in raw materials and energy, reduced disposal costs, reduced environmental liability, increased operational efficiency and other factors.

(4) An evaluation and, to the extent practicable, a quantification of the effects of the chosen source reduction method on emissions and discharges to air, water and land.

(5) For each hazardous waste stream that will not be eliminated by source reduction techniques, a plan for using or reclaiming the waste to the greatest extent that is technologically and economically feasible. For each waste, the plan shall include an evaluation of the likelihood that listing such waste with a waste exchange would result in the use or reclamation of such waste. For each waste, a detailed analysis of the potential for onsite use or reclamation shall be conducted, including an analysis of available technologies. A detailed analysis of the potential for offsite use or reclamation, including consideration of potential markets or reclamation facilities, shall be completed. An analysis of the potential for costs savings from recycling shall be prepared, including the criteria listed in paragraph (2).

(6) For each waste stream that will not be eliminated by source reduction, use or reclamation techniques, an analysis of the treatment and disposal alternatives available. The selected alternative must minimize the present and future threat to human health and the environment.

(7) A timetable for implementation of each element of the waste minimization plan.

(c) Certification.—At the time a waste minimization plan is submitted to the department, the generator shall certify that the generator has implemented, is implementing or will be implementing the source reduction measures identified in the waste minimization plan according to the implementation schedule contained in the plan. A generator may determine not to implement a measure contained in the plan only if the generator determines, upon conducting further analysis or due to unexpected circumstances, that the selected measure is not technically feasible or economically practicable and the department concurs in this determination or if attempts to implement that measure reveal that the measure would result in, or has resulted in, any of the following:

(1) An increase in the generation of hazardous waste.

(2) An increase in the release of hazardous chemicals to other environmental media.

(3) A significant increase in the risk of an adverse impact to human health or the environment.

(d) Annual report.—Each generator shall submit an annual waste minimization report. The report shall be on a form provided by the department and shall contain the following information:

(1) The name, identification number, mailing address and location of the generator.

(2) A list of each hazardous waste stream generated, the hazardous waste number, the generation rate by weight or volume per unit of production for the current or previous years and the percent increase or decrease in the generation rate.

(3) An assessment of the effect, during the current year and previous years, of each hazardous waste minimization measure implemented upon the generation of hazardous waste. The report shall consider, but not be limited to, measures which use all of the following approaches:

(i) Source reduction.
 (ii) Recycling.
 (iii) Treatment.
 (4) A description of factors during the current reporting year or two previous years that have affected hazardous waste generation and onsite and offsite management, including, but not limited to, any of the following:
 (i) Changes in business activity.
 (ii) Changes in waste classification.
 (iii) Natural phenomena.
 (iv) Other factors that have affected either the quantity of hazardous waste generated or onsite and offsite hazardous waste management requirements.
 (5) Other information as required by the department.
 (e) Annual report to Governor and General Assembly.—Commencing July 1, 1993, the secretary shall prepare and submit to the Governor and to the General Assembly an annual report of the department's operations and activities in carrying out the provisions of this section. The report shall include, but not be limited to, all of the following information:
 (1) An evaluation of the hazardous waste source reduction progress in this Commonwealth.
 (2) Recommendations for legislation.
 (3) Identification of any Federal, State or private economic and financial incentives that can best accelerate and maximize the research and development of source reduction and other hazardous waste minimization technologies and approaches.
 (4) The status, funding and results of all research projects.
 (f) Trade secrets.—The department shall adopt regulations to ensure that trade secrets designated by a hazardous waste generator in the waste minimization plan required by this section are utilized by the department only in connection with the responsibilities of the department under this section and that those trade secrets are not otherwise disseminated by the department or any authorized representative of the department without the consent of the generator. However, any information shall be made available to governmental agencies for use in making studies and for use in judicial review or enforcement proceedings involving the person furnishing the information. The regulations shall conform with the corresponding trade secret regulations adopted by the Environmental Protection Agency pursuant to the Resource Conservation and Recovery Act of 1976 (Public Law 94-580, 42 U.S.C. § 6901 et seq.), except that the regulations adopted by the department may be more stringent or more extensive than the Federal trade secret regulations.
 (1) The department shall protect from disclosure any trade secret designated by the generator under this section.
 (2) This section does not permit a generator to refuse to disclose the information required under this section to the department.
 (3) Any officer or employee of the department who, because of employment or official position, has possession of or access to confidential information and who, knowing that disclosure of the information to the general public is prohibited by this section, knowingly and intentionally discloses the information to any person not entitled to receive it, commits a misdemeanor of the third degree and shall, upon conviction, be sentenced to pay a fine of not more than \$1,000.
 Section 3. This act shall take effect in 60 days.

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

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

Mr. D. R. WRIGHT. This amendment appeared from the previous debate to be slightly more popular than the other one. I would simply ask for approval of this amendment, and if there are reasons to discuss it further, I would be glad to do so. But I would ask for an affirmative vote.

The SPEAKER pro tempore. For the purpose of further discussion, the Chair recognizes the gentleman from Philadelphia, Mr. Hayden.

Mr. HAYDEN. Thank you, Mr. Speaker.

Mr. Speaker, I agree with the author of the amendment, Mr. Wright. In fact, the reason why it is more palatable is because this language lifts almost entirely the language which is in proposed rulemaking by the department for hazardous waste minimization and source reduction. It is certainly a direction that other States have taken and certainly a direction we ought to head in.

In light of that, Mr. Speaker, I would urge members to vote "yes" on this amendment.

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

The following roll call was recorded:

YEAS—197

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

Davies	King	Reinard	Wright, D. R.
Dempsey	Kosinski	Richardson	
Dent	Krebs	Rieger	O'Donnell,
Dermody	Kruszewski	Ritter	Speaker
Donatucci	Kukovich	Robinson	

NAYS—4

Fox	Mihalich	Nahill	Wright, M. N.
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NOT VOTING—1

Bishop

EXCUSED—1

Wright, R. C.

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

On the question,

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

Mr. D. R. WRIGHT offered the following amendments No. A1292:

Amend Title, page 1, lines 1 through 5, by striking out all of said lines and inserting

Amending the act of October 18, 1988 (P.L.756, No.108), entitled "An act providing for the cleanup of hazardous waste sites; providing further powers and duties of the Department of Environmental Resources and the Environmental Quality Board; providing for response and investigations for liability and cost recovery; establishing the Hazardous Sites Cleanup Fund; providing for certain fees and for enforcement, remedies and penalties; and repealing certain provisions relating to the rate of the capital stock franchise tax," further providing for the Hazardous Waste Facility Siting Team.

Amend Bill, page 1, lines 8 through 17; pages 2 through 5, lines 1 through 30; page 6, lines 1 through 22, by striking out all of said lines on said pages and inserting

Section 1. Section 309(a) and (c) of the act of October 18, 1988 (P.L.756, No.108), known as the Hazardous Sites Cleanup Act, are amended and the section is amended by adding subsections to read:

Section 309. Hazardous Waste Facility Siting Team.

(a) Establishment.—Within 30 days after the effective date of this act, the secretary shall establish a Hazardous Waste Facility Siting Team consisting of department personnel with the particular expertise necessary for the complete review of permit applications for commercial hazardous waste treatment or disposal facilities. The secretary shall select siting team representatives from each section of review required to determine conformity of applications with [siting criteria contained in Phase I of 25 Pa. Code Ch. 75 Subch. F (relating to siting hazardous waste treatment and disposal facilities)] 25 Pa. Code § 269.21 et seq. (relating to Phase I exclusionary criteria) and other applicable law and regulations relating to the review and approval of permit applications. Members of the siting team shall include attorneys, engineers and such other administrative and program personnel considered essential by the secretary for expedited review of permit applications. The performance of the siting team's duties pursuant to this section shall be deemed a priority with regard to any other work assignments and responsibilities.

(c) Expedited site review.—Within five months of the receipt of an administratively complete siting module portion of a permit application for a commercial hazardous waste treatment or disposal facility, the siting team shall complete its review of the siting modules to determine the conformity of the proposed site to the siting criteria established pursuant to [Phase I of] 25 Pa.

Code [Ch. 75 Subch. F] § 269.21 et seq. Upon filing the siting modules with the siting team, an applicant shall provide written notification of such filing to the governing bodies of the proposed host county and host municipality. To facilitate review by the host county and host municipality, grants may be made available pursuant to section 304(d). In addition, members of the department's siting team shall be available to the applicant and the governing bodies of the proposed host county and host municipality for the purpose of discussing the siting modules and their conformity with the siting criteria. The siting team shall conduct one public hearing and at least one public information meeting on the application at locations near the proposed site during the five-month review period. The siting team shall notify the applicant, the host county and host municipality of its determination regarding the conformity of the siting modules with the siting criteria in writing.

(g) Site location criteria.—No hazardous waste treatment or disposal facility may be located within two air miles of a school, community park, hospital, church, retail center, nursing home or occupied dwelling. The distance from a facility to a feature or structure described in this section shall be measured from the perimeter of the facility site.

(h) Exclusionary siting criteria.—The provisions of 25 Pa. Code § 269.21 et seq. shall apply to the proposed facility site, which shall include the entire site, including all contiguous land owned or under the control of the proposed owner or operator of the hazardous waste facility and identified in a permit or permit application.

(i) Siting application criteria.—

(1) The siting team shall not accept any permit application or siting module for the siting, construction or operation of a hazardous waste treatment or disposal facility unless that permit application or siting module is accompanied by a completed engineering design of the proposed facility that is in conformance with performance standards established by the department. The department shall not review or consider a pending application for the construction or operation of a hazardous waste facility until the engineering design of the proposed facility is complete.

(2) Notwithstanding any other provision of law to the contrary, no permit for the construction or operation of a hazardous waste treatment or disposal facility that incinerates or trial burns hazardous waste shall be granted unless and until the applicant can demonstrate that the facility has been designed and will be operated in such manner to achieve a destruction and removal efficiency of 100% for each hazardous constituent, as defined at 40 CFR Pt. 261, App. VIII (July 1, 1989) (relating to hazardous constituents), established pursuant to the Resource Conservation and Recovery Act of 1976 (Public Law 94-580, 42 U.S.C. § 6901 et seq.), designated in its permit application and that the waste will pose no threat to human health or the environment when burned in the incinerator.

(3) Notwithstanding any other provision of law to the contrary, a permit for the construction or operation of a hazardous waste treatment or disposal facility that incinerates hazardous waste must, as a condition of the permit, require the installation of an air emission monitoring system capable of monitoring emissions of all contaminants, and which is approved by the department. The monitoring system must provide continuous measurements to ensure compliance with emission limits. The system must also be capable of providing a permanent record of monitored emissions that will be available upon request to the department and the general public. The department shall provide periodic inspection of the monitoring system to determine its continued accuracy.

Section 2. This act shall apply to permit applications pending before the Department of Environmental Resources, the Environmental Hearing Board or a court of competent jurisdiction on the effective date of this act as well as to permit applications submitted on or after the effective date of this act.

Section 3. This act shall take effect in 60 days.

On the question,

Will the House agree to the amendments?

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

Mr. D. R. WRIGHT. Mr. Speaker, I offer this amendment recognizing something of its controversial nature, but I do so because on the one hand, it is an amendment which seems to have had some support in the State Senate, and it also has some factors in it that I think are deserving of our consideration.

This amendment prohibits the siting of a hazardous waste treatment or disposal facility within 2 air miles of a school, community park, hospital, church, retail center, nursing home, or occupied dwelling. It requires that the exclusionary—

The SPEAKER pro tempore. Will the gentleman, Mr. Wright, suspend for a moment. Would the maker of the amendment come to the Chair.

The House will be at ease.

(Conference held at Speaker's podium.)

AMENDMENTS RULED OUT OF ORDER

The SPEAKER pro tempore. The Chair has determined that based on the passage of amendment 1336, that amendment 1292 is improperly drafted and therefore rules it out of order.

On the question recurring,

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

The SPEAKER pro tempore. The Chair recognizes the gentleman from Clarion County, Mr. Wright.

Mr. D. R. WRIGHT. Does the Chair's ruling also apply to amendment 3344?

The SPEAKER pro tempore. The Chair would likewise rule that the same conflict exists with amendment 3344, and that amendment would likewise be out of order.

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

The SPEAKER pro tempore. For what purpose does the gentleman, Mr. Lucyk, rise?

Mr. LUCYK. Mr. Speaker, I have amendments to this bill that have not reached the floor. I think they are very important in defining the substances named in this bill as hazardous waste and with various definitions placed by the Department of Environmental Resources.

I received the amendment from the Legislative Reference Bureau, if it would be in order for me to have it circulated and considered at this time. If not, I would ask that the bill be held over until tomorrow so that we can discuss the definitions of "hazardous waste" and "residual waste" with some of the members from our delegation.

The SPEAKER pro tempore. The Chair would ask the gentleman to bring the amendment to the Parliamentarian to see if it is in order. In the meantime, we do have other amendments which have been drafted which are in order.

On the question recurring,

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

Mr. REBER offered the following amendments No. A3578:

Amend Bill, page 6, by inserting between lines 16 and 17

Section 9. Emergency response plan.

Any manufacturer, company or person who either manages or generates hazardous waste shall prepare an emergency response plan to protect the public and the environment from the accidental release of hazardous waste or hazardous materials resulting from the transportation, handling, storage or treatment of hazardous waste. The planning area shall include the area within a five-mile radius of the site.

Section 10. Plan contents.

(a) Contents.—The plan shall contain an analysis of potential accidental release that could occur from the site or from hazardous waste or hazardous materials being transported to and from the site, specific measures and resources needed to respond to those potential releases and the specific steps the operator would take to protect the public and the environment from the release, including notification of State and local officials and the public.

(b) Evacuation.—The plan shall include provisions for both safely sheltering the public in-place and evacuating the public from an area within five miles of the site in cooperation with county and local emergency management authorities under the provisions of 35 Pa.C.S. (relating to health and safety).

Section 11. Public review.

(a) Public hearing.—The manufacturer, company or person shall develop the emergency plan in cooperation with county and local emergency response officials and shall hold at least two public hearings on the proposed plan. The manufacturer, company or person shall submit a transcript of the hearings and any additional comments it received and its response to the comments to the department for its review and approval, in consultation with the Pennsylvania Emergency Management Agency.

(b) Action by department.—Failure of county and local emergency response officials to participate in the development of the emergency plan shall not be grounds for the department to disapprove the plan.

Section 12. Updates.

The manufacturer, company or person shall at least annually update the emergency plan required by section 9 or whenever changes at the facility or in the community warrant an update. The department may also require the manufacturer, company or person to update the emergency plan at any time and suspend operations at the site until the update is completed.

Section 13. Response team.

Any manufacturer, company or person who either manages or generates hazardous waste shall maintain at its expense, directly or in cooperation with local emergency management officials, a hazardous materials response team certified under the provisions of the act of December 7, 1990 (P.L.639, No.165), known as the Hazardous Material Emergency Planning and Response Act, to be available to respond to accidental releases of hazardous wastes or hazardous materials at the facility and within five miles of the site.

Section 14. Team activation.

The department shall not allow any hazardous waste at the site until the hazardous materials response team required by section 13 is activated and fully functioning.

Amend Sec. 9, page 6, line 17, by striking out "9" and inserting

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Amend Sec. 10, page 6, line 21, by striking out "10" and inserting

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On the question,

Will the House agree to the amendments?

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

Mr. REBER. Thank you, Mr. Speaker.

Mr. Speaker, this particular amendment is something that in many instances is already taking place in the private sector, and that is, the various manufacturers or companies or people who are in the business of generating any kind of hazardous waste byproducts already have in place an emergency-preparedness-type-concept plan. All this does is suggest by law that that plan now must be made mandatory and be carried out.

I would ask for your consideration of this amendment.

The SPEAKER pro tempore. On the question, the gentleman from Philadelphia, Mr. Hayden, is recognized.

Mr. HAYDEN. Thank you, Mr. Speaker.

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

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

Mr. HAYDEN. Thank you, Mr. Speaker.

Mr. Speaker, I am curious as to the relationship of this amendment to the hazardous materials transport act, which I believe we passed last session. My question specifically is, is there already a requirement under that act or that bill to file a local emergency plan under that bill?

Mr. REBER. Mr. Speaker, if you are referring to— Let me ask you this: Are you referring to Act 165 of 1990?

Mr. HAYDEN. Yes.

Mr. REBER. It would seem to me that there may be some duplicity in regard to the requirements of that act as is contained in this particular amendment. But I do believe that this particular amendment will in essence not only be dealing with the transportation side of it as that does; this addresses the onsite management concerns from an inadvertent spill as well. So I think what this does is zero in on the establishment of an emergency response plan not only in the transportation aspect but the handling, storage, and/or onsite treatment of such within a 5-mile radius of the particular area. So I think there is a slight differentiation but certainly not a monumental change from where this body has already gone in the past and had been encompassed into law under Act 165 of 1990.

Mr. HAYDEN. One further question, Mr. Speaker.

I had been informed previously by the department that there are some 4,200 generators of hazardous waste in this Commonwealth. They range from the larger steel companies to the smaller paint shops and every business in between. My question is, would this requirement for a local emergency plan apply to every generator regardless of the amount of waste generated?

Mr. REBER. Yes, Mr. Speaker.

Mr. HAYDEN. I thank you, Mr. Speaker.

That ends my interrogation.

The SPEAKER pro tempore. Does the gentleman care to speak on the amendment?

Mr. HAYDEN. Yes, Mr. Speaker.

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

BILL PASSED OVER

Mr. D. R. WRIGHT. Mr. Speaker?

We have had a problem with the drafting, which Mr. Reber's amendment would further compound. I support his amendment, but I would prefer that we hold this bill over until tomorrow so that we can have the drafting errors corrected. So, if it is necessary, I would move that the bill be held over until tomorrow.

The SPEAKER pro tempore. Without objection, the bill will go over in order as amended for today's session.

The Chair would, however, remind the gentlemen, Mr. Schuler, Mr. Fairchild, Mr. Wright, Mr. Smith, and Mr. Lawless, who each had indicated amendments for this bill, that they will have to be redrafted to agree with amendment A1336, which has been adopted and is now part of the legislation.

RULES SUSPENDED

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

Mr. DeWEESE. Mr. Speaker, I move that rule 30 be suspended so that when HB 520, the extract from the Journal of the Senate, is read across the desk, it go immediately to the calendar rather than the Rules Committee.

On the question,

Will the House agree to the motion?

Motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned **HB 520, PN 2765**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Evans, for the purpose of making an announcement.

Mr. EVANS. Tomorrow morning, Mr. Speaker, at 9:45, there will be a House Appropriations Committee meeting in the majority caucus room; 9:45 tomorrow, Mr. Speaker.

The SPEAKER pro tempore. For the information of the members, the gentleman, Mr. Evans, has announced a meeting of the Committee on Appropriations at 9:45 tomorrow morning in the majority caucus room.

BILLS REREPORTED FROM COMMITTEE

HB 2140, PN 2853 By Rep. EVANS

An Act providing for charges and costs of medical treatment of injured workers and for certain review procedures relating thereto; providing for provisions and requirements relating to workplace health and safety; establishing the Safety and Health Council and providing for its powers and duties; providing for additional powers and duties of the Insurance Department and the Department of Labor and Industry; providing for self-insurance pooling; establishing the Self-Insurance Guaranty Fund; providing for premium rates and rate filings, for the administration of classifications, for experience ratings and for certain reports by insurers, for licensing and regulating advisory organizations and for compliance, compliance procedures and for penalties.

APPROPRIATIONS.

SB 1037, PN 1132 By Rep. EVANS

An Act amending the act of December 5, 1980 (P. L. 1107, No. 190), entitled "Philadelphia Municipal Court Fee Law," increasing the fee for initial service of process.

APPROPRIATIONS.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 894, PN 2880 (Amended)

By Rep. CALTAGIRONE

An Act requiring reporting of sexual offenses by practitioners of the healing arts and psychotherapists; providing for the automatic revocation or suspension of the license of a practitioner of the healing arts or psychotherapist who is convicted of a sexual offense; imposing a penalty; and making a repeal.

JUDICIARY.

HB 895, PN 2881 (Amended)

By Rep. CALTAGIRONE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for offenses relating to practitioners of the healing arts; and providing for restitution.

JUDICIARY.

HB 896, PN 2882 (Amended)

By Rep. CALTAGIRONE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, specifically providing for sexual offenses by psychotherapists; prohibiting a defense with respect to such offenses; and providing for restitution.

JUDICIARY.

HB 897, PN 2883 (Amended)

By Rep. CALTAGIRONE

An Act providing a civil cause of action for sexual exploitation by practitioners of the healing arts and psychotherapists; limiting the scope of discovery and admission of evidence; and providing a limitation period.

JUDICIARY.

HB 2018, PN 2519 By Rep. CALTAGIRONE

An Act amending the act of February 9, 1984 (P. L. 3, No. 2), known as the "Deputy Sheriffs' Education and Training Act," further providing for the Deputy Sheriffs' Education and Training Account.

JUDICIARY.

HB 2066, PN 2572 By Rep. CAPPABIANCA

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

FEDERAL-STATE RELATIONS.

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 2140, PN 2853.

DEMOCRATIC CAUCUS

The SPEAKER pro tempore. The Chair invites the attention of the members.

The gentleman from Philadelphia, Mr. Cohen, is recognized for the purpose of making an announcement.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I am announcing a meeting of the House Democratic Caucus at 10 a.m. There will be a meeting of the House Democratic Caucus 10 a.m. tomorrow morning.

The SPEAKER pro tempore. Does the minority leader have any announcements about caucus?

Mr. RYAN. Mr. Speaker, thank you for recognizing me.

I would be pleased to advise the members of our caucus that it is necessary to meet or not meet, depending on what tomorrow brings. If the majority leader is able to tell us a schedule, we maybe can do—

The SPEAKER pro tempore. The Chair sees the majority leader moving in that direction, and the House will be at ease.

SENATE MESSAGE

HOUSE BILL CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 107, PN 104**, with information that the Senate has passed the same without amendment.

BILLS SIGNED BY SPEAKER

The Chair gave notice that the Speaker had signed the following bills:

HB 107, PN 104

An Act providing for the observance of May 27 of each year as Rachel Carson Day.

HB 344, PN 2796

An Act amending the act of June 29, 1953 (P. L. 304, No. 66), known as the "Vital Statistics Law of 1953," further providing for local registrars' compensation, for the medical certification for death certificates and for referrals to coroners.

VOTE CORRECTIONS

The SPEAKER pro tempore. For what purpose does the gentleman, Mr. Billow, rise?

Mr. BILLOW. Mr. Speaker, I would like to put some votes in that I missed on November 26 - HR's 166, 221, and 229. I would like to have a vote in the affirmative.

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

Mr. BILLOW. Thank you.

REPUBLICAN CAUCUS

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

Mr. RYAN. Mr. Speaker, we will caucus tomorrow morning at 10:30. We believe there is only one bill at this time, judging from the four that were brought over and shown to me, that we have not caucused on. A half hour should be adequate for it. So our members will get together at 10:30 in the caucus room. I thank the Speaker.

The SPEAKER pro tempore. The Chair reminds the members of the Democratic Caucus of the caucus meeting tomorrow morning at 10 o'clock and the Republican members of the caucus meeting at 10:30.

Is there any further business to be brought before the House of Representatives on this day's session?

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lancaster County, Mr. Sturla.

Mr. STURLA. Mr. Speaker, I move that this House do now adjourn until Wednesday, December 11, 1991, at 11 a.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 6:58 p.m., e.s.t., the House adjourned.