

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, MARCH 24, 1992

SESSION OF 1992

176TH OF THE GENERAL ASSEMBLY

No. 20

HOUSE OF REPRESENTATIVES

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

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

PRAYER

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

Let us pray:

Gracious God our Father, as we come before Your throne of grace this morning, we would not weary You with constant begging. We do not mean to pester You like children wanting special gifts and toys.

We come thanking You for permitting us to withstand the pressures surrounding us. We ask for *strength to continue our labors* for the enrichment of this Commonwealth. We are grateful for the work that we do and the lessons that we learn.

We realize that criticism and censure will come. We recognize that no matter what we do, we will have many detractors. As Your servants, cause us to ever seek the truth and do it no matter what the consequences. When we are criticized, let us take what is helpful and forgive that which is unkind.

Remain with us now and in the days to come.

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, March 23, 1992, will be postponed until printed. The Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2535 By Representatives ARGALL, ALLEN, CARONE, HECKLER, FARGO, D. W. SNYDER, M. N. WRIGHT, PITTS, BUNT, SAURMAN, TIGUE, CAWLEY, FAIRCHILD, STEELMAN, LANGTRY,

LEVDANSKY, LEH, FREEMAN, CLARK, HERSHEY, McHALE, GERLACH, JOHNSON, ULIANA, KING, HANNA, HARLEY, SERAFINI, ARMSTRONG, KENNEY, BROWN, LEE, ANGSTADT, NICKOL, TOMLINSON and ANDERSON

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), known as the "Pennsylvania Election Code," authorizing county boards of elections to place nonbinding referendum on ballots.

Referred to Committee on STATE GOVERNMENT, March 24, 1992.

No. 2536 By Representatives HERMAN, TRELLO, NAHILL, KENNEY, STEELMAN, RAYMOND, GANNON, McHALE, ARMSTRONG, FLICK, HESS, FAIRCHILD, DEMPSEY, GODSHALL, BIRMELIN, BROWN, CARLSON, HARPER, VANCE, HAGARTY, GERLACH, MERRY, HECKLER, BARLEY, JOHNSON, RUDY, ULIANA, DURHAM, BELFANTI, CIVERA, CLARK, ADOLPH, FAJT, HARLEY, McCALL, M. N. WRIGHT, TELEK, NOYE, E. Z. TAYLOR, OLASZ, KING, TOMLINSON and RITTER

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," providing for a child care tax credit.

Referred to Committee on FINANCE, March 24, 1992.

No. 2537 By Representatives HERMAN, VEON, CESSAR, NAHILL, TRELLO, FAIRCHILD, FAJT, MELIO, FARGO, DEMPSEY, NOYE, PITTS, CLYMER, PERZEL, M. N. WRIGHT, GERLACH, JOHNSON, HAGARTY, CLARK, MICOZZIE, SAURMAN, BILLOW, ITKIN, MERRY and CIVERA

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for proof of financial responsibility at accident scene and notification to the Department of Transportation.

Referred to Committee on TRANSPORTATION, March 24, 1992.

No. 2538 By Representatives GLADECK, FARGO, JADLOWIEC, NAHILL, DeLUCA, O'BRIEN, KASUNIC, CLARK, ADOLPH, VEON, SAURMAN, TIGUE, GANNON, ARGALL, J. TAYLOR, HAGARTY, CIVERA, RICHARDSON and BILLOW

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for revocation or suspension of operating privileges.

Referred to Committee on TRANSPORTATION, March 24, 1992.

No. 2539 By Representatives GLADECK, FARGO, JADLOWIEC, NAHILL, DeLUCA, O'BRIEN, KASUNIC, CLARK, ADOLPH, VEON, SAURMAN, TIGUE, GANNON, ARGALL, J. TAYLOR, HAGARTY, CIVERA, RICHARDSON and BILLOW

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for restriction of operating privileges for liquor offenses.

Referred to Committee on LIQUOR CONTROL, March 24, 1992.

No. 2540 By Representatives CALTAGIRONE, GAMBLE, KOSINSKI, KREBS, LEH, COLAIZZO, FEE, PRESTON, BILLOW, STABACK, CORRIGAN, FAJT, MARKOSEK, SAURMAN, ARMSTRONG, MELIO and J. TAYLOR

An Act declaring buildings used for high risk sexual conduct to be nuisances; establishing a method of procedure against those who use the buildings for those purposes; and providing for penalties.

Referred to Committee on JUDICIARY, March 24, 1992.

No. 2542 By Representatives McCALL, ARGALL and LUCYK

An Act authorizing the conveyance of Coaldale State General Hospital to the Carbon Schuylkill Community Hospital, Incorporated, for the purpose of operating a hospital or other health care facility on the site.

Referred to Committee on STATE GOVERNMENT, March 24, 1992.

No. 2543 By Representatives E. Z. TAYLOR, SAURMAN, ULIANA, LAWLESS, STEELMAN, VROON, DEMPSEY, NOYE, NAILOR, TELEK, JOHNSON, TRELLO, FAJT, RAYMOND, GERLACH, NAHILL, CIVERA, KING, RICHARDSON, OLASZ and TOMLINSON

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for selling or furnishing liquor or malt or brewed beverages to minors and for the definitions of "liquor" and "malt or brewed beverages."

Referred to Committee on LIQUOR CONTROL, March 24, 1992.

No. 2544 By Representatives LAWLESS, HALUSKA, GERLACH, SEMMEL, FARGO, ARMSTRONG, TIGUE, FLICK, BILLOW, WOGAN, TRELLO, STISH, SAURMAN, NAHILL, DENT, HARLEY, KING, E. Z. TAYLOR, SERAFINI and ADOLPH

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," further providing for the filing of inheritance tax returns and for the time for payment of inheritance and estate taxes.

Referred to Committee on FINANCE, March 24, 1992.

No. 2548 By Representative EVANS

An Act providing for the transfer of funds from the Nursing Home Loan Development Fund to the Nursing Home Loan Sinking Fund.

Referred to Committee on APPROPRIATIONS, March 24, 1992.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 285 By Representatives ITKIN, ARGALL, KUKOVICH, BELARDI, HARPER, CAPPABIANCA, CALTAGIRONE, GEIST, WOZNIAK, STABACK, TOMLINSON, MUNDY, KRUSZEWSKI, GRUPPO, GIGLIOTTI, BATTISTO, WILLIAMS, HARLEY, PESCI, ROBINSON, HANNA, HESS, MELIO, RUDY, OLASZ, LAUGHLIN, BROUJOS, SURRA, BISHOP, BILLOW, BLAUM, JOSEPHS, FAJT, CARLSON, SALOOM, BELFANTI and STURLA

A Resolution endorsing the goals of the Earth Summit and calling upon the President of the United States to instruct United States negotiators to work with other national delegations in crafting an international protocol to reduce emissions of CO₂ by 20% by the year 2000.

Referred to Committee on RULES, March 24, 1992.

SENATE BILL FOR CONCURRENCE

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

SB 1063, PN 2010

Referred to Committee on CONSERVATION, March 24, 1992.

SENATE MESSAGE

ADJOURNMENT RESOLUTION
FOR CONCURRENCE

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

In the Senate
March 23, 1992

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, March 30, 1992, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Monday, March 30, 1992, unless sooner recalled by the Speaker of the House of Representatives.

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

On the question,

Will the House concur in the resolution of the Senate?

Resolution was concurred in.

Ordered, That the clerk inform the Senate accordingly.

SENATE MESSAGE

RESOLUTION RECALLING HB 41

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

In the Senate
March 23, 1992

RESOLVED, (the House of Representatives concurring), That House Bill 41, Printer's Number 3189, entitled, "An Act amending the act of May 22, 1933 (P. L. 853, No. 155), known as the General County Assessment Law," be recalled from the House of Representatives for the purpose of further consideration by the Senate.

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

On the question,

Will the House concur in the resolution of the Senate?

Resolution was concurred in.

Ordered, That the clerk inform the Senate accordingly.

VOTE CORRECTIONS

The SPEAKER. The Chair recognizes Mr. Kosinski.
Mr. KOSINSKI. Thank you, Mr. Speaker.

This is to correct the record. On amendment 667 to HB 266—and that vote was taken on March 17—I was not recorded. I wish to be recorded in the affirmative. Yesterday, on March 23, HB 993, I was not recorded. I wish to be recorded in the affirmative. Thank you.

LEAVES OF ABSENCE

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

Mr. Speaker, I would like to ask for leave for today only for the gentleman from Allegheny, Mr. PISTELLA; the gentleman from Philadelphia, Mr. THOMAS; the gentleman from Philadelphia, Mr. OLIVER; the gentleman from Allegheny, Mr. OLASZ; and the gentleman from Lebanon, Mr. KREBS.

The SPEAKER. Without objection, leaves are granted.

The Chair recognizes Mr. Hayes.

Mr. HAYES. Mr. Speaker, I request a leave for the gentleman from Delaware County, Mr. FREIND, for the remainder of the week, and the gentleman from Perry County, Mr. NOYE, for the remainder of the week.

The SPEAKER. Without objection, leaves are 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—193

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

DeWeese	Kasunic	Reinard	Wright, M. N.
Daley	Kenney	Richardson	
Davies	King	Rieger	O'Donnell,
Dempsey	Kosinski	Ritter	Speaker
Dent	Kruszewski	Robinson	

ADDITIONS—1

Veon

NOT VOTING—0

EXCUSED—7

Freind	Noye	Oliver	Thomas
Krebs	Olasz	Pistella	

LEAVES CANCELED—1

Freind

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that HB 479 and HB 1828 be removed from the table and placed on the active calendar.

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

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that SB 1115 be taken from the table.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that SB 1115 be placed upon the table.

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

CALENDAR**BILLS ON SECOND CONSIDERATION**

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

HB 2529, PN 3289.

* * *

The House proceeded to second consideration of **HB 1959, PN 3288**, entitled:

A Supplement to the act of December 8, 1982 (P. L. 848, No. 235), known as the "Highway-Railroad and Highway Bridge Capital Budget Act for 1982-1983," itemizing bridge projects.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that HB 1959 be recommitted to the Appropriations Committee.

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

* * *

The House proceeded to second consideration of **HB 2178, PN 2733**, entitled:

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, further providing for the public transportation assistance fund.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that HB 2178 be recommitted to the Appropriations Committee.

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

* * *

The House proceeded to second consideration of **HB 2521, PN 3279**, entitled:

An Act providing for the transfer of funds within the Capital Facilities Fund designated for State Highway and Bridge Authority projects and Advanced Construction Interstate projects to highway projects of the Department of Transportation.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that HB 2521 be recommitted to the Appropriations Committee.

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

* * *

The House proceeded to second consideration of **HB 2025, PN 2526**, entitled:

An Act establishing an urban leadership training program; providing for rules and regulations; imposing duties on the Department of Community Affairs and the Department of Education; and making an appropriation.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that HB 2025 be recommitted to the Appropriations Committee.

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

* * *

The House proceeded to second consideration of **HB 2409, PN 3096**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," providing for the allocation of a certain portion of the Low-Income Home Energy Assistance Block Grant to weatherization.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that HB 2409 be recommitted to the Appropriations Committee.

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

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2467, PN 3183**, entitled:

An Act making appropriations from a restricted revenue account within the General Fund and from Federal augmentation funds to the Pennsylvania Public Utility Commission, the Office of Consumer Advocate in the Office of the Attorney General and the Office of Small Business Advocate in the Department of Commerce.

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—188

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

NAYS—2

Farmer

Langtry

NOT VOTING—4

Bishop

Gallen

Harper

Veon

EXCUSED—7

Freind
Krebs

Noye
Olasz

Oliver
Pistella

Thomas

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 2502, PN 3244**, entitled:

An Act making appropriations to the Treasury Department out of various funds for payment of general obligation debt service.

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—191

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

NAYS—0

NOT VOTING—3

Bishop	Petrarca	Veon	
		EXCUSED—7	
Freind	Noye	Oliver	Thomas
Krebs	Olasz	Pistella	

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

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

* * *

The House proceeded to third consideration of SB 1331, PN 2009, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for the commission to order the acquisition of small water and sewer utilities; providing for approval of utility Clean Air Act implementation plans; and further providing for gas pipeline safety violations.

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—191

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

Davies	King	Richardson	
Dempsey	Kosinski	Rieger	O'Donnell,
Dent	Kruszewski	Ritter	Speaker
Dermody			

NAYS—1

Scrimenti

NOT VOTING—2

Bishop	Veon
--------	------

EXCUSED—7

Freind	Noye	Oliver	Thomas
Krebs	Olasz	Pistella	

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

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

* * *

The House proceeded to third consideration of **HB 1516, PN 2923**, entitled:

An Act amending the act of December 29, 1972 (P. L. 1701, No. 364), known as the "Health Maintenance Organization Act," establishing minimum requirements to be satisfied by health maintenance organizations in providing certain drug and alcohol services.

On the question,

Will the House agree to the bill on third consideration?

Mr. WAMBACH offered the following amendments No. A1018:

Amend Sec. 1 (Sec. 4.1), page 2, line 11, by striking out "to every member of that organization"

Amend Sec. 1 (Sec. 4.1), page 2, lines 17 and 18, by striking out "and with members of the health maintenance organization"

Amend Sec. 1 (Sec. 4.1), page 2, line 22, by striking out "and members"

Amend Sec. 1 (Sec. 4.1), page 2, lines 26 through 30; page 3, lines 1 through 13, by striking out all of said lines on said pages and inserting

The existence and name of such criteria shall be disclosed to members in each health maintenance organization's member contract, and the criteria shall be provided to the member by the health maintenance organization at no cost immediately upon request.

(2) Health maintenance organizations, their subcontractors or personnel involved in patient interviewing or assessment and utilization and review shall utilize criteria established by the American Society of Addictions Medicine, (A.S.A.M.) or criteria established by the Cleveland Clinic (Cleveland Criteria). In addition, with the approval of the Office of Drug and Alcohol Programs of the Department of Health, nationally recognized criteria, criteria established by the Physicians Advisory Task Force or alternative criteria may be utilized. Health maintenance organizations may utilize such criteria beginning sixty days after submission, pending approval or disapproval by the Office of Drug and Alcohol Programs. Disapproval shall be provided in writing by the Office of Drug and Alcohol Programs based on the adequacy of the criteria to protect the health of subscribers of the health maintenance organization.

(3) Any changes to A.S.A.M. or Cleveland Criteria, by their respective organizations, will not require review by the Office of Drug and Alcohol Programs. Any changes to all other criteria shall be submitted to the Office of Drug and Alcohol Programs, for approval or disapproval.

Amend Sec. 1 (Sec. 4.1), page 3, line 15, by striking out "effecting" and inserting affecting

Amend Sec. 1 (Sec. 4.1), page 3, line 17, by striking out "addressed" and inserting considered and addressed within the limitations of the health maintenance organization in developing alternative criteria

Amend Sec. 1 (Sec. 4.1), page 4, lines 12 through 19, by striking out all of said lines and inserting

(c) (1) All decisions and assessments using the approved criteria for drug and alcohol treatment and reviews of individuals, including counseling and intervention provided to families with alcohol and drug problems shall be completed in accordance with sections 601-A through 606-A of "The Insurance Company Law of 1921," by trained personnel with acknowledged certification in the area of drug and alcohol abuse or chemical dependency. In no case shall coverage be less than the mandated minimums specified under "The Insurance Company Law of 1921."

Amend Sec. 1 (Sec. 4.1), page 4, line 30, by inserting after "organization"

or employe assistance program or treatment provider

Amend Sec. 1 (Sec. 4.1), page 5, line 3, by inserting after "where"

direct

Amend Sec. 1 (Sec. 4.1), page 5, line 3, by inserting after "any" where it appears the second time

specific

Amend Sec. 1 (Sec. 4.1), page 5, line 4, by inserting after "compensation"

to individual or clinical decision makers or managed care firms

Amend Sec. 1 (Sec. 4.1), page 5, line 5, by inserting after "care"

for an individual patient or groups of patients, whether the individual is an individual subscriber or a subscriber in a group plan

Amend Sec. 1 (Sec. 4.1), page 5, lines 6 through 18, by striking out all of said lines and inserting

(e) No health maintenance organization or managed-care subcontractor may establish drug and alcohol treatment services to avoid provision of treatment services required under Article VI-A of "The Insurance Company Law of 1921." Nothing in this section shall prohibit health maintenance organizations or managed-care subcontractors from subcontracting with drug and alcohol treatment programs licensed by the Office of Drug and Alcohol Programs.

Amend Sec. 1 (Sec. 4.1), page 5, line 19, by striking out "(h)" and inserting

(f) (1)

Amend Sec. 1 (Sec. 4.1), page 5, lines 23 and 24, by striking out "the act of May 17, 1921 (P.L.682, No.284), known as" and inserting

Article VI-A of

Amend Sec. 1 (Sec. 4.1), page 5, line 25, by striking out all of said line and inserting have been satisfied unless otherwise indicated based on the criteria approved under clauses (1) through (4) of subsection (b) of this section.

(2) Nothing in this section interferes with the

Amend Sec. 1 (Sec. 4.1), page 5, line 26, by inserting after "to"

concurrent and/or

Amend Sec. 1 (Sec. 4.1), page 5, lines 29 and 30; page 6, lines 1 and 2, by striking out "Alcohol" in line 29, all of line 30, page 5; all of lines 1 and 2, page 6 and inserting Concurrent and retrospective review of care shall be based on the approved criteria for such care and shall be subject to the applicable grievance procedure.

(3) Using criteria established by the health maintenance organization in subsections (a) and (b) of this section, if the patient meets the standards calling for detoxification, then the case shall be handled as emergency care. However, all such decisions are subject to retrospective and concurrent review and the grievance procedure.

(4) All nonemergency assessments for care must be completed within forty-eight hours or the patient shall be permitted to access service for such care, pending such assessment and subject to retrospective or concurrent review and grievance procedures.

Amend Sec. 1 (Sec. 4.1), page 6, line 3, by striking out "(I)" and inserting

(g)

Amend Sec. 1 (Sec. 4.1), page 6, line 4, by striking out "a specific" and inserting

access for a specific covered

Amend Sec. 1 (Sec. 4.1), page 6, lines 6 and 7, by striking out ", THE REFERRAL SOURCE AND THE TREATMENT PROGRAM"

Amend Sec. 1 (Sec. 4.1), page 6, lines 10 through 30; page 7, lines 1 through 13, by striking out all of said lines on said pages and inserting

(h) (1) The grievance procedures of the Health Financing Bureau shall be in force with the exception that there shall be a specific grievance process for drug and alcohol treatment complaints and grievances in regard to Article VI-A of "The Insurance Company Law of 1921," and that procedure shall be one level, shall resolve complaints within thirty days of submission, shall have a grievance committee composed of: one physician member of the American Society of Addiction Medicine, appointed by the Pennsylvania Association of Health Maintenance Organizations, one treatment provider from a facility licensed by the Office of Drug and Alcohol Programs, appointed by the Drug and Alcohol Service Providers Organization, one past consumer of addiction treatment services, appointed by the Office of Drug and Alcohol Programs.

(2) The subscriber shall have the right to attend the procedure or to designate others to represent him or her in the proceedings. Grievances may be brought by the patient, family, referral source, health maintenance organization, managed-care subcontractor or treatment provider.

(i) (1) As part of their annual reporting requirements to the Department of Health, each health maintenance organization shall include, for itself and its subcontractors, the following information:

Amend Sec. 1 (Sec. 4.1), page 7, lines 21 through 26, by striking out all of said lines and inserting

(2) The Department of Health shall submit these reports with a summary to the General Assembly at the end of two years on the extent to which health maintenance organizations are providing treatment for alcohol and drug abuse to its members as required under Article VI-A of "The Insurance Company Law of 1921."

Amend Sec. 1 (Sec. 4.1), page 7, line 27, by striking out "(L)" and inserting

(j)

Amend Sec. 1 (Sec. 4.1), page 8, line 2, by striking out "(M)" and inserting

(k)

On the question,

Will the House agree to the amendments?

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

Mr. WAMBACH. Thank you, Mr. Speaker.

Mr. Speaker, I would like to have the attention of the House to explain the amendment, amendment A1018. Thank you very much.

This bill addresses the problem of health maintenance organizations and managed care firms that have found ways to bypass or circumvent requirements for provision of addiction treatment. Since the introduction of this bill, Mr. Speaker, there have been public hearings and a great deal of negotiations with the participation of the Health and Welfare Committee and myself and representatives of the HMO's and representatives of drug and alcohol treatment and representatives of the recovering community as well. The amendment before you is the product of these negotiations.

This amendment attempts to address all concerns raised by the HMO's and Blue Shield. Although it does not use language or methods that they may choose, it does address those concerns raised as practically as possible without permitting the continuation of the existing flawed practices of the firms.

The amendment does the following: First, in the area of disclosure and development of criteria, the HMO's raised numerous concerns. This omnibus amendment fully addresses these concerns, and the language is agreed to, Mr. Speaker.

Second, in the area of the requirement of use of qualified personnel, HMO's raised numerous concerns. These concerns are addressed in this amendment, and in this area it is also agreed to with the language.

In the third area that bars the use of compensation schemes that may interfere with and influence treatment decisions, HMO's raised numerous concerns. These concerns have been addressed, and the language is also agreed to, Mr. Speaker.

Fourth, in the area of the bill barring HMO's from owning drug and alcohol treatment facilities, this was a major point, Mr. Speaker. The HMO's raised vehement objections. The language has been changed to permit ownership.

Fifth, in the area of the bill permitting employee assistance programs and student assistance programs to override the decisions for care and treatment and requiring those in need of detoxification to be treated as emergency conditions, the HMO's also raised numerous concerns. These sections have been modified to restrict emergency detoxification admissions to only those patients meeting the HMO's own selected criteria for such admission and requiring HMO's to review and make decisions using their criteria within 48 hours on non-emergency admissions for drug and alcohol treatment. Once a patient has been admitted to treatment, such treatment may not be interrupted until it is completed or until the minimums established in Act 64 of 1986 and Act 106 of 1989 have been met. The HMO's are not satisfied with this solution, but anything less leaves the patient, the family, and public safety in jeopardy.

Sixth, in the area of requiring HMO's to pay for care pending resolution of disputes over treatment, the HMO's

objected strongly to this section. In response, Mr. Speaker, this section has been removed.

In the area of requiring HMO's to put reasons for denial of treatment in writing, the HMO's raised concerns as well. These concerns have been addressed by the amendment, and the language is agreed to, Mr. Speaker.

Eighth, the current language in HB 1516 establishes an appeals board to hear disputes arising from HMO's and drug and alcohol care. The HMO's had vehemently objected to this section of the bill. They would rather stay with the existing procedure outlined by the Department of Health. This procedure establishes that the first-level grievance committee be composed of the HMO doctor or HMO staff members. The second-level grievance committee's only requirement is that it be comprised of a third of the HMO board members.

In this amendment we are striking the appeals board as they want it in HB 1516 and replacing it with a grievance procedure made up of a third HMO representation, a third treatment representation, and a third past consumer of drug and alcohol treatment service, and the disputes are going to be resolved within 30 days, Mr. Speaker.

The HMO's continue to resist changes from the existing grievance procedure in this area and prefer the current one-sided, out-of-balance system, and I understand their reluctance. However, the amendment proposes a very modest middle ground. Remember, as previously noted, we removed the section requiring HMO's to pay for treatment pending resolution of grievance.

The ninth area, these amendments are to various areas of the bill dealing with HMO's reporting to Health. The HMO's raised again numerous concerns, and the amendment addresses these concerns, and the language is agreed to.

I also want to bring up, Mr. Speaker, last week a letter was raised by Blue Shield and also was sent out again today. I want to address those questions, and if I can, Mr. Speaker, I will do so as soon as I find their letter. The letter is from Blue Shield and they raised questions regarding four points - one which talks about exempting decisions of substance abuse treatment providers from the normal HMO review and approval process. This eliminates the HMO's ability to manage their members' care.

What we brought up here and to replace the appeals board, as I just explained, Mr. Speaker, is a grievance procedure, but it also does not eliminate the HMO review and any circumstance or concurrent or retrospective review as well.

Also, Mr. Speaker, the drug detoxification they talked about as always being an emergency condition, this is not the case in the amendment. By agreeing to the ASAM (American Society of Addiction Medicine) or Cleveland Clinic criteria or any other criteria that they may develop approved by ODAP (Office of Drug and Alcohol Programs), there is a procedure set out in guidelines in the ASAM and Cleveland Clinic specifically, which are national criteria, Mr. Speaker, that talks about the level of care if it goes over a certain point value. So there is a two-tiered system, if you will, on emergency detox, which was raised, to have emergency and nonemergency detox.

The appeals board was already discussed, and also they talked about establishing their own treatment facility in concern No. 4. That concern has been eliminated and now the HMO's will in fact be able to have a facility and have ownership in a facility. So I think that takes care of the objections that Blue Shield has in it.

I am sure there may be some finite considerations that must be considered, but I want to say this much, Mr. Speaker: On behalf of all the negotiators on this amendment, I want to commend, Mr. Speaker, LeRoy Kline with the Health Maintenance Organizations, also Deb Beck with DASPOP (Drug and Alcohol Service Providers Organization of Pennsylvania), the treatment provider organization, in working to try to work out this procedure. I also want to commend Blue Shield through Ron Lench and Bruce Hironimus in trying to work on these amendments and work them out.

Mr. Speaker, we satisfied 9 of 11 concerns, and the other two concerns that we raised in regards to the detoxification emergency and the grievance have been brought towards what we offered on the second round of agreement, and I feel that we have not turned our back.

There is a former Speaker of this House, Mr. Speaker, Jim Manderino, who said the muster of the man can be easily felt when in fact that person who has the votes to pass the original bill sits down and compromises anyhow. I think to that end we have come up with a stronger bill and we have come up and met the concerns that were raised by the other organizations.

I thank also the chief cosponsor of the bill, Dave Heckler, in working very closely with us regarding the concerns and explaining to the Republican Caucus his concerns. Thank you, Mr. Speaker, and I ask that the members of this House support the omnibus amendment A1018 to HB 1516.

The SPEAKER. The Chair recognizes Mr. Heckler.

Mr. HECKLER. Thank you, Mr. Speaker.

I would simply join in urging the members to support this amendment. It addresses a great many of the problems which have been raised concerning the bill and deserves support. Thank you.

The SPEAKER. The Chair recognizes Mr. Kaiser.

Mr. KAISER. Mr. Speaker, I would like to interrogate the prime sponsor of this bill.

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

Mr. KAISER. Is this bill a mandate for the HMO's for a certain amount of treatment?

Mr. WAMBACH. This bill is not a mandate, Mr. Speaker. This bill basically brings into compliance the HMO's that have not been following the mandates that were established in 1986 and 1989 through Acts 64 and 106 respectively. This is not a mandate. As a matter of fact, there is a clarifier, if you will, in the bill that separates the treatment from the coverage as well. So the misnomer has been that this bill is an additional mandate.

Mr. Speaker, if in fact the HMO's were complying with Acts 106 and 64 respectively, the need for HB 1516 would

have never been there to introduce to begin with. So basically, I can emphatically answer to you that this does not create an additional mandate; it only basically had the HMO's comply with existing law.

Mr. KAISER. On page 2, section (c), the last line, "In no case shall coverage be less than the mandated minimums specified under 'The Insurance Company Law of 1921.'" I had trouble understanding that. Could you please explain that to me?

Mr. WAMBACH. Are you reading from the amendment now, Mr. Speaker?

Mr. KAISER. Yes, sir. The amendment, page 2, section (c), last sentence.

Mr. WAMBACH. "In no case shall coverage be less than the mandated minimums...?"

Mr. KAISER. "...specified under 'The Insurance Company Law of 1921.'" That is correct.

Mr. WAMBACH. What that does, sir, is refer back to the sections of the act that were passed previously in 1986 and 1989 and specifically talks about sections 601-A through 606-A of the Insurance Company Law. And we are talking about coverage here, and let me explain the difference between coverage and treatment.

When in fact you have possibly— Let us use a different situation. Well, let us use the situation of drug and alcohol. When in fact you go into a treatment for inpatient stay for a coverage period of 30 days, we are talking about the licensed clinician's opportunity to say at the end of 22, 23, 26 days, if in fact the treatment provided is sufficient for that coverage, then in fact he would release you early from the treatment that has been provided to you even though the coverage period is 30 days.

If I can explain it a little more specifically. If you have a heart problem and you have coverage within your insurance policy, your health insurance policy, say, of 120 days or 365 days for that and if in fact you are in the hospital and you are out under the care of the doctor and he finally releases you after 42 days, we do not look for the additional coverage period to be covered, because the modality provided would be for the coverage of increased days, but the actual treatment provided would be less than that if in fact the physician thought that it would only be required for 42 days for your heart problem. So that really tracks, if you will— The coverage period, under the Insurance Law of 1921, refers specifically back to the law of 1989 and 1986.

Mr. KAISER. Another question, Mr. Speaker: On the bill, page 3, lines 19 and 20, "Job safety and job security" and "Public safety." Could you explain that, please, to me?

Mr. WAMBACH. These are criteria that are set down in assessing the need for the client, Mr. Speaker, and the language that was adopted in the amendment or will be adopted in the amendment virtually takes the ASAM criteria, the Cleveland Clinic criteria, and any other criteria which the HMO's want to develop with the approval of the Office of Drug and Alcohol Programs in the Department of Health, and will in fact cover these specific areas. So these have

already been accepted in a conversation I had with the HMO's on Friday.

Mr. KAISER. That is the end of my interrogation, Mr. Speaker.

I would like to comment on the bill.

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

Mr. KAISER. Mr. Speaker, I rise to vote against this bill. I think it is unnecessary. The chamber of commerce, the National Federation of Independent Business, the—

Mrs. TAYLOR. Mr. Speaker?

Mr. KAISER. Excuse me.

PARLIAMENTARY INQUIRY

Mrs. TAYLOR. Point of parliamentary inquiry.

The SPEAKER. For what purpose does the lady rise?

Mrs. TAYLOR. Is the gentleman speaking on final passage of the bill or on the amendment?

Mr. KAISER. I should say on the amendment.

Mrs. TAYLOR. I think he was speaking on the bill.

The SPEAKER. Well—

Mr. KAISER. I withdraw. Thank you.

The SPEAKER. The lady appreciates the caution.

Is the gentleman, Mr. Kaiser, seeking recognition on the amendment?

Mr. KAISER. Oh, yes, yes; on the amendment. Right. I thought it was on the bill.

The SPEAKER. The gentleman is in order.

Mr. KAISER. Mr. Speaker, I rise against this amendment. I think it is unnecessary. I think it harms the operating efficiency of HMO's.

I was an HMO member for 10 years. They provided very good health care to myself, my wife, my son and daughter. When I lost my job back in the early eighties with United States Steel, I was laid off for 72 weeks. They provided good health care to my family even though I had no job, no benefits, because I was a member. It made no difference to them whether the premium was paid or not. They considered my accepting an HMO as my health provider as very important to them, and they continued to provide the coverage to me even though I could not afford it.

This amendment is opposed by the National Federation of Business, the chamber of commerce. I think in the nineties we have to deal with the high cost of medical treatment. This bill will do nothing except increase the cost of medical treatments, and I ask for a "no" vote. Thank you.

The SPEAKER. The Chair recognizes Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Would the maker of the amendment stand for a brief interrogation?

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

Mr. CLYMER. For clarification, are you saying that in negotiations that you had with the Pennsylvania Association of Health Maintenance Organizations, that they are accepting

the amendment and by accepting this amendment they are accepting HB 1516? Am I reading too much into that? I need to have a clarification.

Mr. WAMBACH. You are reading slightly too much into it. The HMO organization of Pennsylvania has agreed to 9 of the 11 points in the amendment, Mr. Speaker. And what we provided in the last two, Mr. Speaker, is in fact the compromise language that we offered, and we came very close in working this out, but we did not go back to square one on it. We offered the compromise language in those two areas and even further refined them on precertification in regards to emergency detox, and we created, if you will, an emergency detox scheme as well as a nonemergency detox scheme in regards to setting up, if you will, criteria that is established in nationally recognized criteria that has been agreed to by the HMO's.

Mr. CLYMER. Okay. Thank you, Mr. Speaker.

I will have remarks on final passage.

The SPEAKER. The Chair recognizes Mr. Van Horne.

Mr. VAN HORNE. Thank you, Mr. Speaker.

I would like to interrogate the maker of the amendment, please.

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

Mr. VAN HORNE. I think just to clarify further what the previous speaker said. When you talked previously in your remarks, you talked about the agreed-to language. Would you just clarify that one more time, and then I have one more question on a portion of the amendment.

Mr. WAMBACH. Well, the agreed-to language is what I said originally in my opening remarks regarding the whole approach. Like I said, there were 9 of the 11 points that were agreed to, including large points such as HMO's having ownership of facilities. That has all been agreed to.

The only two areas that have not been agreed to, as per direct conversation with LeRoy Kline, had been both the areas of emergency detox, which, again, we offered the compromise language in the amendment, as well as the appeals board, which we had eliminated and we do eliminate under this procedure, but we do replace it in fact with the grievance procedure that was expressed in compromise language to the HMO's.

Mr. VAN HORNE. Okay. One question: If you look at page 3 of the amendment at the bottom, subsection (4)—and we have talked about language and meeting and working these things out—I think, from what I have seen through the committee process and now, this seems to be completely new language here, this subsection (4), beginning “All nonemergency assessments...” and continuing through there. Would you please explain that—

Mr. WAMBACH. I am pleased that you raised that area up, because I want to clarify for the record that what we are talking about here is emergency and nonemergency detox, and we do not intend and it is not the intent at all to spread the application of all nonemergency assessments across the board but refine them only to the drug and alcohol approach as expressed many times throughout the bill.

But I thank you for that clarification, and I am delighted to express that on the record.

Mr. VAN HORNE. Okay. Mr. Speaker, one further statement.

Even though the previous speaker clarified it, I think we have seen this happen all too often in this House that some indistinct language that has not been clarified gets enacted into law. And when we look at this and we see “all nonemergency assessments,” it is pretty clear what the word “all” means. It goes far beyond drug and alcohol. And because of the insertion of this language and some other things, I would urge defeat of the amendment. Thank you.

The SPEAKER. The Chair recognizes Mrs. Taylor.

Mrs. TAYLOR. Mr. Speaker, I just want to again make it clear to the members that what we are addressing at the present time is the amendment, and the amendment does in effect address several of the problems that we have had during this long period of debate. It does not resolve all of the problems that this bill may be facing. However, I would support and I concur with the fact that the amendment will address several of the very difficult portions of this bill, but we are voting only, Mr. Speaker, on the amendment.

The SPEAKER. The Chair recognizes Mr. Heckler.

Mr. HECKLER. Thank you, Mr. Speaker.

I would ask if the previous speaker, Mr. Kaiser, would stand for a brief interrogation.

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

Mr. HECKLER. Thank you, Mr. Speaker.

Again, as Representative Taylor just noted, there is the danger of confusing discussion of the amendment with discussion of the bill, and I just have one question with regard to your prior remarks. Has either NFIB or, for that matter, any of the other business organizations taken a position of which you are aware with regard to this amendment which is presently before the House?

Mr. KAISER. No. The amendment was just, from my understanding, was just prepared yesterday and put on the floor today.

Mr. HECKLER. Fine. Thank you.

So that you know of no business opposition to this amendment.

Mr. KAISER. Right now I did not have an opportunity to talk to them. I talked to several people from the HMO in the back of the House and they said they did not like the amendment, but as far as the business community, I cannot comment on it.

Mr. HECKLER. Thank you.

Just if I might make a brief additional remark.

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

Mr. HECKLER. Thank you.

I think we do need to be clear about this distinction. Plainly, this amendment addresses many of the concerns of the HMO's themselves, of other folks who would be concerned about ultimate cost issues with regard to the legisla-

tion. So I am sure we will get into a discussion of the merits and demerits of the bill as amended, but we clearly should pass this amendment. Thank you.

The SPEAKER. The Chair recognizes Mr. Richardson.

Mr. RICHARDSON. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the amendment, and I do so because I think that there is not a lot of clarity in terms of what has taken place. As the chairperson of the House Health and Welfare Committee, I would like to point out that several hours of work have gone into working specifically on this amendment and the bill.

I support the amendment because there have been too many misconceptions about what has taken place. When the House Health and Welfare Committee first met on this issue, both sides of the aisle, members of the committee and its staff did work extensively to establish ongoing-type settings to discuss this issue in its entirety. Evidently, members are being driven by what other groups are saying to them and not have a full understanding of the fact that there is a strong need for this amendment and this legislation. Therefore, while we may not have worked out all the compromises, we are closer than we have ever been.

I would hope that the members would see this as a particular opportunity to be able to utilize their wisdom and knowledge and understanding of the fact that we have a number of people out there, particularly in these HMO's, who need to give assistance to those individual persons out there who really need assistance and health care, and I would hope that you would not lose that as a point to be driven by someone who may have a particular sentence problem or a particular philosophical problem only in the one section or one area as opposed to the whole concept of what HB 1516 brings.

I think that the members of the House Health and Welfare Committee who orchestrated the move to sit down all sides at the table to begin the dialogue on this issue on behalf of Representative Wambach and those others need to be commended, and I think that it would be unfair to say that this was not a bipartisan issue and not a bipartisan effort in terms of making it come about.

Therefore, Mr. Speaker, I think that it would be best for the members to vote in favor of this amendment, and then I would like to speak on final passage.

The SPEAKER. The Chair recognizes Mr. Wambach.

Mr. WAMBACH. Thank you, Mr. Speaker.

Mr. Speaker, as a followup to the comments of the chairman and the minority chairman of the Health and Welfare Committee, I want to add my appreciation to both the minority and majority chairmen as well as their staffs in starting that initial dialogue with all the parties concerned. That initial dialogue had taken place over two or three meetings, but also, Mr. Speaker, we had met after that with probably 20 to 22 hours of one-on-one discussions with the two parties concerned regarding this and attempting to work that out.

We have given up plenty in this process, Mr. Speaker, in coming to, if you will, the agreement that we have in this compromise. You know, we changed the criteria section at least

three times to meet the needs of the HMO's. We changed the staff qualification section at least three times. We gave up the appeals board. We gave up the appeals board approval of alternative criteria. We gave up the appeals board handling of complaints. We created a new grievance section two times to replace the appeals board. We created new emergency detoxification sections to replace the old. We gave up the ban on HMO's owning drug and alcohol treatment facilities. We eliminated the EAP and SAP ability to place patients in dispute with managed care. We removed sections requiring the HMO's to pay for care while disputes are under way, and we changed the incentive section several times and gave them—

The SPEAKER. Will the gentleman suspend.

PARLIAMENTARY INQUIRY

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

Mr. MERRY. Point of parliamentary inquiry.

Is this not the third time the gentleman has spoken?

The SPEAKER. No. It is the second time. The gentleman has responded on interrogation but has spoken twice.

Mr. MERRY. Thank you very much.

Mr. WAMBACH. I am almost through, Mr. Speaker, but there are three other things that we have done here.

We changed the incentive section several times. We gave concurrent review of patient cases, and we changed the reporting requirements twice to accommodate the HMO's.

So with that in mind, Mr. Speaker, I encourage, because of the approach on this and the openness of the discussions and the real hard concern regarding resolving this matter in the best approach possible in this 90-percent compromise—and I say that with 9 out of the 11 points and then the other 2 points driven towards the compromise offer in that position—I encourage all of my colleagues to an affirmative vote on amendment A1018. Thank you, Mr. Speaker.

MEMBER'S PRESENCE RECORDED

The SPEAKER. Mr. Veon's name will be added to the master roll. The Chair notes his presence in the hall of the House.

CONSIDERATION OF HB 1516 CONTINUED

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

The following roll call was recorded:

YEAS—180

Acosta	Dent	King	Richardson
Adolph	Dermody	Kosinski	Rieger
Allen	Donatucci	Kruszewski	Ritter
Anderson	Durham	Kukovich	Robinson
Angstadt	Evans	LaGrotta	Roebuck
Argall	Fairchild	Langtry	Rudy
Armstrong	Fajt	Laughlin	Ryan
Arnold	Fargo	Lawless	Saloom

Barley	Farmer	Lee	Saurman
Battisto	Fee	Leh	Scheetz
Belardi	Fleagle	Linton	Schuler
Billow	Flick	Lloyd	Scrimenti
Birmelin	Foster	Lucyk	Semmel
Bishop	Freeman	McCall	Serafini
Black	Gallen	McGeehan	Smith, B.
Blaum	Gamble	McHale	Smith, S. H.
Bowley	Gannon	McHugh	Snyder, D. W.
Boyes	Geist	McNally	Snyder, G.
Broujos	George	Maiale	Staback
Brown	Gerlach	Markosek	Stairs
Bunt	Gladeck	Marsico	Steelman
Bush	Godshall	Mayernik	Stetler
Butkovitz	Gruitza	Melio	Stish
Caltagirone	Gruppo	Merry	Strittmatter
Cappabianca	Hagarty	Michlovic	Stuban
Carlson	Haluska	Micozzie	Sturla
Carn	Hanna	Mihalich	Surra
Carone	Harley	Mrkonic	Tangretti
Cawley	Harper	Mundy	Taylor, E. Z.
Cessar	Hasay	Murphy	Taylor, F.
Chadwick	Hayden	Nahill	Taylor, J.
Civera	Hayes	Nailor	Telek
Clark	Heckler	Nickol	Tigue
Clymer	Herman	Nyce	Tomlinson
Cohen	Hershey	O'Brien	Tulli
Colaizzo	Hess	Perzel	Uliana
Cole	Hughes	Pesci	Vance
Cornell	Itkin	Petrarca	Veon
Corrigan	Jadlowiec	Petrone	Vroon
Cowell	James	Phillips	Wambach
Coy	Jarolin	Piccola	Williams
DeLuca	Johnson	Pitts	Wilson
Daley	Josephs	Raymond	Wogan
Davies	Kasunic	Reber	Wright, D. R.
Dempsey	Kenney	Reinard	Wright, M. N.

NAYS—14

Belfanti	Kaiser	Steighner	Wozniak
Colafella	Lescovitz	Trello	
DeWeese	Levdansky	Trich	O'Donnell,
Gigliotti	Preston	Van Horne	Speaker

NOT VOTING—0

EXCUSED—7

Freind	Noye	Oliver	Thomas
Krebs	Olasz	Pistella	

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

The Chair recognizes Mr. Wambach.

Mr. WAMBACH. Thank you, Mr. Speaker.

Mr. Speaker, I am proud to stand here today and tell you that we in Pennsylvania, we are leaders in the Nation in the 1990's war on alcohol and other drugs. We are leaders nationally, Mr. Speaker. Much remains to do, but we should have a moment of pride - pride in the passage of the mandated alcohol insurance bill of 1986; pride in its reauthorization and the addition of drugs in 1989. We should take pride in our

mandated K through 12th grade prevention education bill that Stan Jarolin and Allen Kukovich worked so hard for, and we should take pride in the student assistance program we put in the schools.

Every day student assistance professionals spot, refer, and support kids with drug and alcohol problems, and every day HMO's keep them out of care that their plans have already paid for. This bill goes a long way in bringing that into line, Mr. Speaker.

Also in 1988 we passed a first-in-the-Nation law calling for treatment of welfare recipients so they can get on with their lives and off the public dole. We are national leaders because we have been unafraid to address this problem head on. We are leaders in this great Nation because our effort has been bipartisan. Mr. Speaker, we have worked and worked hard together in this effort.

It is in this spirit that I am here today to draw your attention to another facet on the war on alcohol and other drugs. This is the problem we are having with the health maintenance organizations and the managed-care firms. Through misunderstanding, confusion, and sometimes outright circumvention of the law, they have failed to provide proper treatment for this disease under current statute. This bill requires HMO's and managed-care firms to give the consumer what he or she already paid for, and that is what is mandated by law.

Mr. Speaker, while this issue goes unresolved, there have been jobs lost here in the State; there have been lives disrupted and families thrown into despair; and finally, Mr. Speaker, while delays go on, there have been reports of multiple deaths.

This bill goes a long way, a long way towards insuring HMO-covered patients the same care provided by traditional insurers, and I move for an affirmative vote on HB 1516. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Saurman.

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, HB 1516, when it was considered in the Health and Welfare Committee, did in fact receive a great deal of debate. There was a lot of testimony. There were several things that were apparent. First of all, there were indeed some horror stories that existed. These, however, could have been avoided and should have been avoided by active enforcement by the Health Department, because they were considered and covered under Act 64 and Act 106, which mandated treatment by the HMO's. It was apparent that both the Insurance Department and the Health Department, at that time at least, considered HB 1516 unnecessary because it was duplicative of what already exists. It was also indicated and shown that there had been considerable progress made in the problems that previously existed and that the difficulties were in fact being ironed out.

The bill passed from Health and Welfare and went again to the Appropriations Committee, where it was to be considered further, where there were to be deliberations. Those deliberations did indeed take place, but, Mr. Speaker, from what I hear, they were one on one, that the amendment that we have before us is the result of some people talking to some people,

certainly not the Health and Welfare Committee having an opportunity to consider this amendment, which actually was not in print until yesterday at the earliest, and none of us had seen it until it was distributed, and there was not one on my desk. I had to get one from another desk.

Mr. Speaker, in view of all these things, in view of the comment that the prime sponsor made that the real task of HB 1516 is to make the provisions of Act 64 be adhered to, Mr. Speaker, I do not know why we have to pass a second bill to make sure that a bill we passed before is in fact being complied with. That is the responsibility of the Health Department in its compliance and in its enforcement provisions.

MOTION TO RECOMMIT

Mr. SAURMAN. Mr. Speaker, I think that this amendment—and I did not oppose it because it does address some of the problems—and I think that this bill, as again the prime sponsor said, if you have the votes, it is nice to let someone else have an opportunity to participate, but, Mr. Speaker, without this amendment, the bill would have been horrible. I am not sure where it stands at this moment, and therefore, I move that we recommit this bill to the Health and Welfare Committee as amended so that indeed we can look at the provisions and see if there is not something else that needs to be done.

I would ask for an affirmative vote on that motion.

The SPEAKER. The gentleman is in order. The matter before the House is a motion to recommit the bill.

On the question,

Will the House agree to the motion?

The SPEAKER. On the motion, the Chair recognizes Mr. Richardson.

Mr. RICHARDSON. Mr. Speaker, I would oppose the motion to recommit to the House Health and Welfare Committee. I just tried to explain just prior to the vote on the amendment that not only were extensive hours spent in terms of bringing everyone to the table but it was our initiation, that at a meeting down in room 39E of the East Wing we asked all of those proponents, all of those persons who were involved, to come to the table, to sit down and discuss this bill so we could work out some solutions.

It is now my understanding that there are some persons in the HMO community who do not agree with all of the present proposals that have been laid on the table and therefore are suggesting that we kill the entire bill. I am not in favor of that and therefore would oppose the motion to recommit and ask the members to let us fight this issue out once and for all, right here on the floor, and let us move forward with an issue that affects many people within this Commonwealth of Pennsylvania, particularly those who have health concerns and health problems.

The SPEAKER. The Chair recognizes Mrs. Taylor.

Mrs. TAYLOR. Mr. Speaker, as you know, I did support the amendment. The amendment did not go far enough. It did make the bill more palatable, but I have to tell the member-

ship that there are and I am sure Representative Wambach and others recognize that there are some parts of this legislation that need to be addressed, and the committee needs an opportunity for some input. There are many unanswered questions that need to be debated again.

I can tell the members of this Assembly that we have come a long way. We came almost to the point where we did not even have to have legislation, and that really is what it is all about. Unfortunately, the job is only about halfway finished.

We have an opportunity to serve our constituency by again addressing a problem that is very important not only to providers, not only to those who make a living in this area, but also to our constituents. A former speaker spoke about—I believe it was Representative Kaiser who spoke about what HMO's did for his family. Do not tie the hands of the HMO's.

There are specific questions. For example, does the amendment allow for an HMO to own a drug and alcohol facility? And most important, Mr. Speaker, is, what effect will this bill have on health care costs and health care cost containment?

Let me tell you, you are going to go on the political trail and you are all going to say that you are all for containing health care costs, and I am going to say to you, you might have to answer. How can you be for health care costs when you voted that there will be an increase in order to—

The SPEAKER. Will the lady suspend.

The Chair cautions the lady to confine her remarks to the reasons to recommit rather than the merits of the bill.

Mrs. TAYLOR. Thank you.

My salient point, Mr. Speaker, is that to recommit this bill will give us an opportunity to finish a job that has been a bipartisan effort, that has been and would be good for our constituents, and we need that opportunity to finish a job that has been done. So I strongly urge the members to recommit this bill for that discussion.

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

Mr. HECKLER. Yes.

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

Mr. HECKLER. Thank you, Mr. Speaker.

This bill in its original unamended form was reported out of the Health and Welfare Committee some time ago now by an almost unanimous vote. I believe that there were two members who dissented. We have now amended it to address what I believe everyone agrees to be at least the majority of the concerns expressed to date by the HMO's. We know that this is a House bill. It has yet to traverse the Senate should we see fit to pass it today.

Let me read to you from a publication on the letterhead of the Pennsylvania Association of Health Maintenance Organizations contained in a report about the fact that HB 1516 was reported out of the Health and Welfare Committee: "Our strategy is to continue to use the legislative processes available to us to (a) impede passage of the bill by the House, (b) modify the bill...to reduce its impact should it pass, and (c) continue our efforts on the Senate side."

I would suggest that the attempts to recommit the bill at this time will simply cause a delay in a year in which there will not be all that many more legislative session days, with an objective to kill this bill. We have come a long ways. If there is more to be done, let the Senate do it. Let us vote on this bill today.

The SPEAKER. The Chair recognizes Mr. Saurman.

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, the chairman of the Health and Welfare Committee said that we are trying to kill the bill. If we recommit to the Health and Welfare Committee, there is no doubt in my mind but that that bill will come out, because every other bill comes out that is desired.

This bill came out of the Health and Welfare Committee before it was completed. The object was that there was going to be additional work. Now Representative Heckler is inferring that we ought not do our job and we ought not finish it; let us move it along in the process, and let somebody else do it. How many times have we done this?

Also, Representative Heckler in his interrogation asked whether or not the chamber of commerce was in favor of this amendment, and they had not seen the amendment nor had anyone else. How do they feel about it right now? We do not know. We do not know how anyone feels about it, Mr. Speaker, because it has not been available.

Therefore, what we are asking for is the opportunity to do our job, to go back to the table and let the people who have something to say, say it so that we can make any adjustments that may be necessary, so that we can do our job as we are supposed to do it, not shove it on, not let someone else down the road take care of it. Let us do our job as we ought to, and I think we need to recommit this bill. Thank you.

The SPEAKER. The members have a right to the floor, and anyone who has not spoken twice can do so. The Chair tries to arrange the debate so that the proponent of a motion is the last person to speak on the issue, and the Chair generally extends that courtesy, as it has to Mr. Wambach, but it is a matter of right for the members to address the issue at any time they want.

Is the lady, Mrs. Taylor, seeking recognition?

Mrs. TAYLOR. Yes, Mr. Speaker.

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

Mrs. TAYLOR. Mr. Speaker, in all respect to Representative Heckler, I must point out to the general body that Mr. Heckler is not a member of the Health and Welfare Committee, and I would like to also emphasize that there is no one who worked any harder for this particular legislation than the chairman of the Health and Welfare Committee. He not only held special meetings but he did assure the members that we would be able to continue our discussion until we had an opportunity to present to the members of this Assembly a very, very good piece of legislation. We have not finished our job in the Health and Welfare Committee. We have not done that. For unknown reasons, known only to those of political maneuvering, was that bill taken away from the Health and Welfare Committee to be voted on this morning, and I suggest

that you return it to that committee so that we can continue to do our job.

I urge a recommitment of this legislation. Thank you very much.

The SPEAKER. The Chair recognizes Mr. Wambach.

Mr. WAMBACH. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to recommit HB 1516. It is an attempt to kill the bill. There is no doubt about it.

The only thing we seek in HB 1516, Mr. Speaker, is to allow drug and alcohol services to be done properly in the State of Pennsylvania under the law, under the law that has been circumvented for the last 6 years by Act 64 of 1986 and the last 3 years by Act 106 of 1989. What this has done— And I refute those people who say that this is not a good amended piece of legislation. This is an excellent piece of legislation, with work by the Health and Welfare Committee; work by the study group of the Health and Welfare Committee; work directly by myself, for over 20 hours of personal time involved in trying to work out the agreements on these amendments.

We have ownership in this bill, and I do not want to let the membership think there is not. We gave up ownership for the sixth time. I want to tell you that. Ownership, it can be had by the HMO's.

I just want to say that obviously this does give the Health Department new tools to do the job, because it establishes standards and requirements, such as managed-care firms will file with the department—

The SPEAKER. Will the gentleman suspend.

The gentleman is urged to confine his remarks to the motion for recommittal.

Mr. WAMBACH. I will sum up, Mr. Speaker, and I appreciate the stopping of getting into the final passage of the bill again, but I would just like to say that this is a good bill. This is an excellent approach to try to bring in for the final time HMO's that have been circumventing this law and the laws that we put as a General Assembly on the books.

I think the services that are defined in the bill will be such that follow the criteria, and I urge all of my colleagues to defeat the recommittal motion. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, let me just reiterate what has been said. This is not an attempt to kill HB 1516. I serve on the Health and Welfare Committee, and as has been mentioned, if the chairman wants to bring the bill out if it is recommitted, the bill will be brought out. But we have some work that has to be done, and I ask the members to support the motion to recommit the bill back to the committee. Thank you.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—93

Adolph	Farmer	Lee	Semmel
Allen	Fleagle	Leh	Smith, B.
Anderson	Flick	Lescovitz	Smith, S. H.
Argall	Foster	Levdansky	Snyder, G.
Armstrong	Gannon	Lucyk	Stairs

Barley	Geist	Marsico	Strittmatter
Battisto	Gerlach	Mayernik	Tangretti
Birmelin	Gigliotti	Merry	Taylor, E. Z.
Brown	Gladeck	Micozzie	Taylor, J.
Bunt	Godshall	Nahill	Tomlinson
Bush	Gruppo	Nickol	Trello
Cessar	Hagarty	Nyce	Trich
Chadwick	Hanna	O'Brien	Tulli
Civera	Harley	Perzel	Uliana
Clark	Hasay	Petrone	Van Horne
Clymer	Herman	Piccola	Vroon
Colafella	Hershey	Pitts	Wilson
Cornell	Hess	Raymond	Wogan
DeLuca	Jadlowiec	Reber	Wright, D. R.
Davies	Kaiser	Reinard	Wright, M. N.
Dempsey	Kenney	Ryan	
Dermody	King	Saurman	O'Donnell,
Durham	Langtry	Scheetz	Speaker
Fargo	Lawless	Scrimenti	

NAYS—100

Acosta	DeWeese	Kruszewski	Rieger
Angstadt	Daley	Kukovich	Ritter
Arnold	Dent	LaGrotta	Robinson
Belardi	Donatucci	Laughlin	Roebuck
Belfanti	Evans	Linton	Rudy
Billow	Fairchild	Lloyd	Saloom
Bishop	Fajt	McCall	Schuler
Black	Fee	McGeehan	Serafini
Blaum	Freeman	McHale	Snyder, D. W.
Bowley	Gallen	McHugh	Staback
Boyes	Gamble	McNally	Steelman
Broujos	George	Maiale	Steighner
Butkovitz	Haluska	Markosek	Stetler
Caltagirone	Harper	Melio	Stish
Cappabianca	Hayden	Michlovic	Stuban
Carlson	Hayes	Mihalich	Sturla
Carn	Heckler	Mrkonic	Surra
Carone	Hughes	Mundy	Taylor, F.
Cawley	Itkin	Murphy	Telek
Cohen	James	Nailor	Tigue
Colaizzo	Jarolin	Pesci	Vance
Cole	Johnson	Petrarca	Veon
Corrigan	Josephs	Phillips	Wambach
Cowell	Kasunic	Preston	Williams
Coy	Kosinski	Richardson	Wozniak

NOT VOTING—1

Gruitza

EXCUSED—7

Freind	Noye	Oliver	Thomas
Krebs	Olasz	Pistella	

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

On the question recurring,
Shall the bill pass finally?

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

YEAS—146

Acosta	Dent	LaGrotta	Richardson
Adolph	Dermody	Laughlin	Rieger
Allen	Donatucci	Lawless	Ritter
Angstadt	Durham	Levdansky	Robinson
Argall	Evans	Linton	Roebuck
Arnold	Fairchild	Lloyd	Rudy
Barley	Fajt	Lucyk	Ryan
Battisto	Fee	McCall	Saloom
Belardi	Fleagle	McGeehan	Schuler
Belfanti	Freeman	McHale	Semmel
Billow	Gallen	McHugh	Serafini

Bishop	Gamble	McNally	Smith, S. H.
Black	Gannon	Maiale	Snyder, D. W.
Blaum	George	Markosek	Staback
Bowley	Gigliotti	Marsico	Stairs
Boyes	Gruppo	Mayermik	Steelman
Broujos	Hagarty	Melio	Steighner
Bunt	Haluska	Michlovic	Stetler
Bush	Harley	Micozzie	Stish
Butkovitz	Harper	Mihalich	Stuban
Caltagirone	Hayden	Mrkonic	Sturla
Cappabianca	Hayes	Mundy	Surra
Carlson	Heckler	Murphy	Tangretti
Carn	Herman	Nahill	Taylor, F.
Carone	Hess	Nailor	Taylor, J.
Cawley	Hughes	Nyce	Telek
Cessar	Itkin	O'Brien	Tigue
Civera	Jadlowiec	Pesci	Tomlinson
Cohen	James	Petrarca	Uliana
Colaizzo	Jarolin	Petrone	Vance
Cole	Johnson	Phillips	Wambach
Cornell	Josephs	Piccola	Williams
Corrigan	Kasunic	Pitts	Wogan
Cowell	Kenney	Preston	Wozniak
DeLuca	Kosinski	Raymond	
Davies	Kruszewski	Reber	O'Donnell,
Dempsey	Kukovich	Reinard	Speaker

NAYS—47

Anderson	Farmer	Langtry	Strittmatter
Armstrong	Flick	Lee	Taylor, E. Z.
Birmelin	Foster	Leh	Trello
Brown	Geist	Lescovitz	Trich
Chadwick	Gerlach	Merry	Tulli
Clark	Gladeck	Nickol	Van Horne
Clymer	Godshall	Perzel	Veon
Colafella	Hanna	Saurman	Vroon
Coy	Hasay	Scheetz	Wilson
DeWeese	Hershey	Scrimenti	Wright, D. R.
Daley	Kaiser	Smith, B.	Wright, M. N.
Fargo	King	Snyder, G.	

NOT VOTING—1

Gruitza

EXCUSED—7

Freind	Noye	Oliver	Thomas
Krebs	Olasz	Pistella	

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 2216, PN 2778**, entitled:

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

On the question,
Will the House agree to the bill on third consideration?
Mr. LEE offered the following amendment No. A0990:

Amend Sec. 1 (Sec. 2409-A), page 3, line 16, by inserting after "project" where it appears the second time
adjusted to its present value

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

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

Mr. LEE. Thank you, Mr. Speaker.

As the members know, this bill would allow various State-aided institutions to buy back from the State buildings that were originally built by the General State Authority through the General Services administration. Under the bill, one of the provisions regarding how much money they will have to pay to buy back these buildings says they can pay the cost, and we just wanted to clarify that to say that it would be the present value cost of these buildings.

I believe this is an agreed-to amendment. The administration has no problem with it, and I urge the members to support it. Thank you very much.

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

The following roll call was recorded:

YEAS—192

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

Dempsey
Dent

Kruszewski
Kukovich

Roebuck

Speaker

NAYS—0

NOT VOTING—2

Harper

Micozzie

EXCUSED—7

Freind
Krebs

Noye
Olasz

Oliver
Pistella

Thomas

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—194

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

Dempsey Kosinski Ritter O'Donnell,
Dent Kruszewski Robinson Speaker

NAYS—0

NOT VOTING—0

EXCUSED—7

Freind Noye Oliver Thomas
Krebs Olasz Pistella

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

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

* * *

The House proceeded to third consideration of **SB 752, PN 1354**, entitled:

An Act amending the act of February 1, 1974 (P. L. 34, No. 15), entitled "Pennsylvania Municipal Retirement Law," further providing for administrative expenses.

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—193

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

Colafella	Hughes	Petrarca	Veon
Colaizzo	Itkin	Petrone	Vroon
Cole	Jadlowiec	Phillips	Wambach
Cornell	James	Piccola	Williams
Corrigan	Jarolin	Pitts	Wilson
Cowell	Johnson	Preston	Wogan
Coy	Josephs	Reber	Wozniak
DeLuca	Kaiser	Reinard	Wright, D. R.
DeWeese	Kasunic	Richardson	Wright, M. N.
Daley	Kenney	Rieger	
Davies	King	Ritter	O'Donnell, Speaker
Dempsey	Kosinski	Robinson	
Dent	Kruszewski	Roebuck	

NAYS—0

NOT VOTING—1

Raymond

EXCUSED—7

Freind	Noye	Oliver	Thomas
Krebs	Olasz	Pistella	

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 FINAL PASSAGE POSTPONED

The House proceeded to consideration on final passage postponed of **HB 1103, PN 1630**, entitled:

An Act establishing the Pennsylvania Heritage Affairs Commission and prescribing its powers and duties; and providing for a director of State folklife programs and the Folklife Advisory Council.

On the question recurring,
Shall the bill pass finally?

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that HB 1103 be placed upon the table.

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

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that HB 1103 be taken from the table.

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

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

Mr. MERRY. Point of personal privilege.

The SPEAKER. Will the gentleman explain his point.

Mr. MERRY. I would like to remark on one of the House rules.

The SPEAKER. The gentleman would like to make a remark on the House rules?

Mr. MERRY. Yes.

The SPEAKER. The gentleman will be recognized under unanimous consent when we reach that point on the calendar.

Mr. MERRY. Thank you, sir.

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 42, PN 3272**, entitled:

An Act amending the act of May 21, 1943 (P. L. 571, No. 254), known as "The Fourth to Eighth Class County Assessment Law," providing for refunds.

On the question,

Will the House concur in Senate amendments?

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

On that question, the Chair recognizes Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, the Senate removed an amendment which had been placed in the bill in the House committee having to do with the cap on the predetermined assessment ratio in fourth-through eighth-class counties. Under current law, that cap is 75 percent. The committee had amended the bill to make it 100 percent. The Senate had objected to that change and had stripped the amendment and gone back to current law.

Mr. Speaker, that was not the basic purpose of the bill in the first place. The basic provisions dealing with catastrophic loss and the adjustment of assessments remain intact. So, Mr. Speaker, I urge that we concur and we vote "yes" on the bill as it returned from the Senate.

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—194

Acosta	Dermody	Kukovich	Roebuck
Adolph	Donatucci	LaGrotta	Rudy
Allen	Durham	Langtry	Ryan
Anderson	Evans	Laughlin	Saloom
Angstadt	Fairchild	Lawless	Saurman
Argall	Fajt	Lee	Scheetz
Armstrong	Fargo	Leh	Schuler
Arnold	Farmer	Lescovitz	Scrimenti
Barley	Fee	Levdansky	Semmel
Battisto	Fleagle	Linton	Serafini
Belardi	Flick	Lloyd	Smith, B.
Belfanti	Foster	Lucyk	Smith, S. H.
Billow	Freeman	McCall	Snyder, D. W.
Birmelin	Gallen	McGeehan	Snyder, G.

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

NAYS—0

NOT VOTING—0

EXCUSED—7

Freind	Noye	Oliver	Thomas
Krebs	Olasz	Pistella	

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.

SENATE MESSAGE

**SENATE ADOPTS REPORT OF
COMMITTEE OF CONFERENCE**

The clerk of the Senate, being introduced, informed that the Senate has adopted the Report of the Committee of Conference on the subject of the differences existing between the two Houses on **SB 2, PN 2001**.

**REPORT OF COMMITTEE
OF CONFERENCE CONSIDERED**

Mr. DeWEESE called up for consideration the following Report of the Committee of Conference on **SB 2, PN 2001**, entitled:

An Act providing for the advance purchase of tuition at certain institutions of higher education; establishing the Tuition Account Program Bureau within the Treasury Department and providing duties for the Treasury Department; establishing the Tuition

Payment Fund; providing for tuition account payment contracts; providing for the issuance and sale of certain bonds; and further providing for duties of the Pennsylvania Higher Education Assistance Agency.

On the question,

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

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

Mr. SCRIMENTI. Thank you, Mr. Speaker.

I wish to speak in support of the Conference Committee Report on SB 2.

You may recall that last year I introduced similar legislation in the form of HB 368, the Pennsylvania Higher Education Savings Assistance Program Trust Act. With the cost of a college education steadily increasing, it is becoming more and more difficult for parents to provide for their children's education. As members of the General Assembly, we have a duty to these parents and to their children as well to provide some kind of mechanism that makes it less difficult for these parents to make that financial commitment.

I believe that this conference committee report does just that. In fact, it goes the extra mile by offering not one but two options to individuals who want to invest in our children's future. It includes part of the original SB 2 which establishes a tuition payment fund, allowing persons to purchase tuition account payment contracts which will earn interest. It also incorporates the heart of HB 2, of which I am the number-two sponsor, providing an investment mechanism in the form of zero coupon bonds for long-term, secure investment.

We know that Pennsylvania's future depends on its citizens having the opportunity to enhance their skills and to expand their educational horizons. We also know that to do so costs a great deal of money. As the elected officials of Pennsylvania, we must fulfill our obligation to our citizens by providing those opportunities. One way to do this is to vote "yes" on this conference committee report.

I urge your support for this important legislation. Please join me in voting "yes." Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Fajt.

Mr. FAJT. Mr. Speaker, I would also like to rise in support of this conference committee report. I think especially today, when we are looking at potential cutbacks in funding of our State-related and State-owned institutions, legislation like this is of vital importance.

For the information of the members, right now a Pennsylvania resident attending a university in Pennsylvania, the annual cost to send one child, which includes room and board and tuition, is \$16,840 per year, per student.

I rise in support again of this legislation. I would like to ask all of the other members to put in a "yes" vote for it. Thank you, Mr. Speaker.

On the question recurring,

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

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

YEAS—194

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

NAYS—0

NOT VOTING—0

EXCUSED—7

Freind	Noye	Oliver	Thomas
Krebs	Olasz	Pistella	

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

Ordered, That the clerk inform the Senate accordingly.

ANNOUNCEMENT BY MR. GAMBLE

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

Mr. GAMBLE. Mr. Speaker, I will be introducing a House resolution tomorrow calling upon the Casey administration to delay the proposed amendments to the education regulations until they can be studied by a special House committee. We have received information that these amendments will be catastrophic as far as expenses to our school districts and taxpayers, while educational achievement is likely to go down as well as it is likely to go up because this is untested.

This resolution is available up front at the bill clerk's desk, and we are asking for cosponsors, as we will be introducing the resolution tomorrow. Thank you.

ANNOUNCEMENT BY MR. COWELL

The SPEAKER. The Chair recognizes the gentleman, Mr. Cowell, for an announcement.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, on the subject of chapters 3, 5, and 6, State Board of Education regulations, those members who may be interested in learning what is actually in chapters 3, 5, and 6 might want to attend a meeting that is being hosted by the House Education Committee tomorrow morning at 9:30 in room 08E-B; that is 08 over in the East Wing. At that time Mr. Bob Feir, who is the executive director of the State Board of Education, will be present to explain to members of the Education Committee and any other interested parties what the State Board has most recently done with respect to chapters 3, 5, and 6 and, very importantly, what the State Board is proposing with respect to the outcome expectation statements, which are just now at the beginning of the regulatory review process. That is 9:30 tomorrow morning, 08 East Wing.

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes Mr. Ryan.

Mr. RYAN. Mr. Speaker, the Republicans will caucus at 1:30.

The SPEAKER. The Chair thanks the gentleman.

**FEDERAL-STATE RELATIONS
COMMITTEE MEETING**

The SPEAKER. The Chair recognizes Mr. Cappabianca.

Mr. CAPPABIANCA. Thank you, Mr. Speaker.

In order to comply with the sunshine provision, I want to remind the Federal-State Committee that there will be a committee meeting tomorrow at 9:30 a.m. in room E-40.

VOTE CORRECTION

The SPEAKER. The Chair recognizes Mr. Scrimenti.

Mr. SCRIMENTI. Thank you, Mr. Speaker.

I am just rising to correct the record on SB 1331. I was incorrectly recorded in the negative. I would like to be recorded in the positive. Thank you.

The SPEAKER. The Chair understands that the Republican caucus is estimated at a half an hour?

Mr. RYAN. Mr. Speaker, it is our hope that we can do it in a half an hour. We have talked to the majority leader's staff people, and we indicated to them, should we be delayed, it may be we will have to ask for some additional time.

The SPEAKER. The Chair would urge a prompt 2:15 rather than a delayed 2 o'clock.

Mr. RYAN. All right.

The SPEAKER. When the House recesses, it will be until 2:15.

There will be no more votes taken before the lunch break.

STATEMENT BY MR. MERRY

The SPEAKER. The Chair recognizes Mr. Merry.

Mr. MERRY. Mr. Speaker, I would like to draw your attention to our rule on fiscal notes.

What seemed obvious to me was that, well, today I got one here that says that no fiscal note is required, and yet it goes on to say that a copy of this fiscal note should be provided. Last week we had a number of bills, that I would estimate we had over 2,000 extra sheets of paper that were distributed to the members, and most of them ended up in the wastepaper basket with very little information transcribed.

Would it not be better, Mr. Speaker, to look to the future whereby if we require a fiscal note, as our House rule 19(a) does, that it not be necessary to supply it to each and every individual member. Perhaps the fiscal note should be done as the rule requires but be just available at the desk so that if a member wanted to pursue the information in that note, all he would do is ask the Chair to have the fiscal note read. I believe there is a place for economies in our system here, and I just hate to see this paper chase go to no particular avail. If there would be a procedure that you would recommend to me to propose more formally how this rule could be changed or amended, please do instruct me.

The SPEAKER. At first glance, it would appear that the distribution on the desk of the fiscal note is not required by the rules, but we will check into that. The Chair will defer to the wishes of the House at some point, if the issue arises, but frankly, the inclination is to actually put the fiscal cost physically in front of every single member rather than imposing upon the members the obligation to do further investigation.

Mr. MERRY. Well, I understand the purpose there, and I know there is some risk by doing it in an otherwise manner, but if you could be discussing it with your Rules Committee or your leadership committee to find out if there is not some other way we could just economize on what appears to me to be a wasteful procedure. Thank you, sir.

The SPEAKER. The Chair thanks the gentleman.

VOTE CORRECTIONS

The SPEAKER. The Chair recognizes Mr. Michlovic.
Mr. MICHLOVIC. Thank you, Mr. Speaker.

Yesterday I was recorded as not voting on HB 993. I would like to be recorded in the affirmative. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Cessar.
Mr. CESSAR. Thank you, Mr. Speaker.

This morning I was recorded on HB 1516, PN 2923, as in the affirmative. I would like the record to show that I wanted to vote in the negative. Thank you.

The SPEAKER. The Chair recognizes Mr. Arnold.
Mr. ARNOLD. Thank you, Mr. Speaker.

Yesterday on final passage of HB 993, I was not recorded. I wish to be recorded in the affirmative. Thank you.

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

RECESS

The SPEAKER. This House will now be in recess until 2:15.

AFTER RECESS

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

BILLS SIGNED BY SPEAKER

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

HB 42, PN 3272

An Act amending the act of May 21, 1943 (P. L. 571, No. 254), known as "The Fourth to Eighth Class County Assessment Law," providing for refunds.

SB 1051, PN 1162

An Act amending the act of February 2, 1966 (1965 P. L. 1860, No. 586), entitled "An act encouraging landowners to make land and water areas available to the public for recreational purposes by limiting liability in connection therewith, and repealing certain acts," further defining "recreational purpose" to include cave exploration.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 444, PN 3322 (Amended)

By Rep. CALTAGIRONE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting certain classes of persons from possessing a firearm, rifle or shotgun; further providing for sale of firearms; and providing for relief from disability.

JUDICIARY.

HB 1102, PN 1252

By Rep. CALTAGIRONE

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for persons qualified to solemnize marriages.

JUDICIARY.

HB 2455, PN 3193

By Rep. GEORGE

An Act amending the act of July 13, 1988 (P. L. 530, No. 94), known as the "Environmental Hearing Board Act," granting jurisdiction to the Commonwealth Court.

CONSERVATION.

HB 2456, PN 3194

By Rep. GEORGE

An Act amending the act of July 6, 1989 (P. L. 169, No. 32), known as the "Storage Tank and Spill Prevention Act," further providing for the Storage Tank Loan Fund.

CONSERVATION.

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 40, PN 1729**, entitled:

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

On the question,

Will the House agree to the bill on third consideration?

Mr. RYAN offered the following amendments No. A0551:

Amend Sec. 2 (Sec. 7361), page 3, line 15, by striking out "\$40,000" and inserting
\$50,000

Amend Sec. 2 (Sec. 7361), page 3, line 20, by striking out "\$20,000" and inserting
\$25,000

On the question,

Will the House agree to the amendments?

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

Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, the amendment I am offering is an increase in the compulsory arbitration limits that presently exist.

Now, going back several months ago we passed a bill with these very amounts in it. What I am proposing is the bill be changed from a top limit of \$40,000 to \$50,000 in counties of the first, second, 2-A and third-class counties and that it go from \$20,000 to \$25,000 in mandatory compulsory arbitration in counties beyond the third-class county.

As I say, this did pass once before. I am cosponsoring this amendment with Mr. Battisto, who, coincidentally, had the exact same amendment offered and circulated, and we got together, flipped a coin, and the older person had to go second in sponsorship and that is why I was first. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Battisto.

Mr. BATTISTO. Thank you, Mr. Speaker.

Mr. Speaker, Representative Ryan is absolutely right. My bill, HB 2353, passed the House about a week ago or some time ago with the same figures in it, and I concur.

And I do not agree with the one point about the fact that the older person went second. I do not quite agree with that except that we are both sponsoring this amendment. Thank you very much.

I urge agreement from the House.

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

The following roll call was recorded:

YEAS—191

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

NAYS—0

NOT VOTING—3

Durham	Gerlach	Mrkonic
--------	---------	---------

EXCUSED—7

Freind	Noye	Oliver	Thomas
Krebs	Olasz	Pistella	

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. MAYERNIK offered the following amendments No. A0799:

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

Titles

Amend Title, page 1, line 1, by inserting after "Procedure)" and 75 (Vehicles)

Amend Title, page 1, line 3, by inserting after "COURT;" imposing and providing for the distribution of an additional fine for conviction of driving under the influence of alcohol or controlled substance;

Amend Sec. 1, page 2, lines 18 and 19, by striking out "AMENDED NOVEMBER 29, 1990 (P.L.574, No.147),"

Amend Sec. 2, page 3, line 7, by striking out all of said line and inserting

Section 2. Sections 3571(b), 3573(b) and 7361(b) of Title 42 are amended to read:

§ 3571. Commonwealth portion of fines, etc.

(b) Vehicle offenses.—

(1) All fines forfeited, recognizances and other forfeitures imposed, lost or forfeited in connection with matters arising under Chapter 77 of Title 75 (relating to snowmobiles) shall be payable to the Commonwealth.

(2) Except as provided in paragraph (4), when prosecution under any other provision of Title 75 (relating to vehicles) is the result of State Police action, all fines forfeited, recognizances and other forfeitures imposed, lost or forfeited shall be payable to the Commonwealth, for credit to the Motor License Fund. One-half of the revenue shall be paid to municipalities in the same ratio provided in section 4 of the act of June 1, 1956 (P.L.1944, No.655), relating to partial allocation of liquid fuels and fuel use tax proceeds.

(3) Except as provided in section 3573 (relating to municipal corporation portion of fines, etc.), when prosecution under any other provision of Title 75 is the result of local police action, one-half of all fines forfeited, recognizances and other forfeitures imposed, lost or forfeited shall be payable to the Commonwealth, for credit to the Motor License Fund.

(4) (i) When prosecution under 75 Pa.C.S. § 3731 (relating to driving under influence of alcohol or controlled substance) is the result of State Police action, 50% of all fines forfeited, recognizances and other forfeitures imposed, lost or forfeited, but not including additional fines imposed, shall be payable to the Commonwealth, for credit to the Motor License Fund, and 50% shall be payable to the county which shall be further divided as follows:

(i) (A) Fifty percent of the moneys received shall be allocated to the appropriate county authority which implements the county drug and alcohol program to be used solely for the purposes of aiding programs promoting alcoholism prevention, education, treatment and research.

[(ii)] (B) Fifty percent of the moneys received shall be used for expenditures incurred for county jails, prisons, workhouses and detention centers.

(ii) When prosecution under 75 Pa.C.S. § 3731 is the result of State Police action, all additional fines imposed shall be distributed as follows:

(A) Where the prosecution is conducted in a county of the first class or a county of the second class and the county of the first class or county of the second class operates a county laboratory that provides assistance in criminal prosecutions, all additional fines imposed shall be paid to the county and shall be used solely for operation and maintenance of the county laboratory. If a county of the first class or a county of the second class does not operate a county laboratory that provides assistance in criminal prosecutions, all additional fines imposed shall be paid to the State Police and shall be used to operate and maintain laboratories that provide assistance in criminal investigations.

(B) Where the prosecution is conducted in a county other than a county of the first class or a county of the second class, all additional fines imposed shall be paid to the State Police and shall be used to operate and maintain laboratories that provide assistance in criminal investigations.

§ 3573. Municipal corporation portion of fines, etc.

(b) Vehicle offenses.—

(1) When prosecution under the provisions of Title 75 (relating to vehicles) for parking is the result of local police action, all fines forfeited, recognizances and other forfeitures imposed, lost or forfeited shall be payable to the municipal corporation under which the local police are organized.

(2) Except as provided in paragraph (3), when prosecution under any other provision of Title 75 (except Chapter 77 (relating to snowmobiles)) is the result of local police action, one-half of all fines forfeited, recognizances and other forfeitures imposed, lost or forfeited shall be payable to the municipal corporation under which the local police are organized.

(3) (i) When prosecution under 75 Pa.C.S. § 3731 (relating to driving under influence of alcohol or controlled substance) is the result of local police action, 50% of all fines forfeited, recognizances and other forfeitures imposed, lost or forfeited, but not including additional fines imposed, shall be payable to the municipal corporation under which the local police are organized and 50% shall be payable to the county which shall be further divided as follows:

[(i)] (A) Fifty percent of the moneys received shall be allocated to the appropriate county authority which implements the county drug and alcohol program to be used solely for the purposes of aiding programs promoting alcoholism prevention, education, treatment and research.

[(ii)] (B) Fifty percent of the moneys received shall be used for expenditures incurred for county jails, prisons, workhouses and detention centers.

(ii) When prosecution under 75 Pa.C.S. § 3731 is the result of local police action, all additional fines imposed shall be distributed as follows:

(A) Where the prosecution is conducted in a county of the first class or a county of the second class and the county of the first class or county of the second class operates a county laboratory that provides assistance in criminal prosecutions, all

additional fines imposed shall be paid to the county and shall be used solely for operation and maintenance of the county laboratory. If a county of the first class or a county of the second class does not operate a county laboratory that provides assistance in criminal prosecutions, all additional fines imposed shall be paid to the State Police and shall be used to operate and maintain laboratories that provide assistance in criminal investigations.

(B) Where the prosecution is conducted in a county other than a county of the first class or a county of the second class, all additional fines imposed shall be paid to the State Police and shall be used to operate and maintain laboratories that provide assistance in criminal investigations.

Amend Bill, page 4, by inserting between lines 5 and 6

Section 3. Section 3731(e) of Title 75 is amended to read:

§ 3731. Driving under influence of alcohol or controlled substance.

(e) Penalty.—

(1) Any person violating any of the provisions of this section is guilty of a misdemeanor of the second degree and the sentencing court shall order the person to pay a fine of not less than \$300 and an additional fine of not less than \$150 and serve a minimum term of imprisonment of:

(i) Not less than 48 consecutive hours.

(ii) Not less than 30 days if the person has previously accepted Accelerated Rehabilitative Disposition or any other form of preliminary disposition, been convicted of, adjudicated delinquent or granted a consent decree under the Juvenile Act (42 Pa.C.S. § 6301 et seq.) based on an offense under this section or of an equivalent offense in this or other jurisdictions within the previous seven years.

(iii) Not less than 90 days if the person has twice previously been convicted of, adjudicated delinquent or granted a consent decree under the Juvenile Act based on an offense under this section or of an equivalent offense in this or other jurisdictions within the previous seven years.

(iv) Not less than one year if the person has three times previously been convicted of, adjudicated delinquent or granted a consent decree under the Juvenile Act based on an offense under this section or of an equivalent offense in this or other jurisdictions within the previous seven years.

(2) Acceptance of Accelerated Rehabilitative Disposition, an adjudication of delinquency or a consent decree under the Juvenile Act or any other form of preliminary disposition of any charge brought under this section shall be considered a first conviction for the purpose of computing whether a subsequent conviction of a violation of this section shall be considered a second, third, fourth or subsequent conviction.

(3) The sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing shall not supersede the mandatory penalties of this section.

(4) The Commonwealth has the right to appeal directly to the Superior Court any order of court which imposes a sentence for violation of this section which does not meet the requirements of this section. The Superior Court shall remand the case to the sentencing court for imposition of a sentence in accordance with the provisions of this section.

(5) Notwithstanding the provision for direct appeal to the Superior Court, if, in a city of the first class, a person appeals from a judgment of sentence under this section from

the municipal court to the common pleas court for a trial de novo, the Commonwealth shall have the right to appeal directly to the Superior Court from the order of the common pleas court if the sentence imposed is in violation of this section. If, in a city of the first class, a person appeals to the court of common pleas after conviction of a violation of this section in the municipal court and thereafter withdraws his appeal to the common pleas court, thereby reinstating the judgment of sentence of the municipal court, the Commonwealth shall have 30 days from the date of the withdrawal to appeal to the Superior Court if the sentence is in violation of this section.

(6) Any person who accepts Accelerated Rehabilitative Disposition of any charge brought under this section shall accept as conditions the imposition of and the judge shall impose in addition to any other conditions all of the following:

(i) A fee to cover the costs referred to in section 1548(e) (relating to costs).

(ii) A mandatory suspension of operating privilege for a period of not less than one month but not more than 12 months.

(iii) A condition that the defendant, as a condition to entering the program, make restitution to any person who incurred determinable financial loss as a result of the defendant's actions which resulted in a charge of violating this section.

(iv) Court supervision for any defendant required to make restitution or submit to counseling or treatment.

(v) Court supervision for a period of not less than six months when the Court Reporting Network indicates that counseling or treatment is not necessary and not less than 12 months when the Court Reporting Network indicates that counseling or treatment is in order.

(vi) A fee to cover the reasonable costs, if any, of a municipal corporation in connection with a charge brought under this section which results in Accelerated Rehabilitative Disposition.

(7) Accelerated Rehabilitative Disposition or other preliminary disposition of any charge of violating this section may be revoked and the court shall direct the attorney for the Commonwealth to proceed on the charges as prescribed in general rules if the defendant:

(i) is charged with or commits any crime enumerated in Title 18 (relating to crimes and offenses) or in section 1542 within the probationary period;

(ii) fails to make restitution as provided for in this section;

(iii) fails to successfully complete the alcohol highway safety school required by section 1548(b);

(iv) fails to successfully complete any program of counseling or treatment, or both, required as a condition of Accelerated Rehabilitative Disposition; or

(v) violates the terms and conditions of Accelerated Rehabilitative Disposition in any other way.

(7.1) In addition to the conditions set forth in paragraph (7) for Accelerated Rehabilitative Disposition of any charge brought under this section, the judge may impose, and the person shall accept, the condition that the person engage in a program of collecting litter from public and private property, especially property which is littered with alcoholic beverage containers. The duration of the person's participation in a litter collection program shall not exceed the duration of the probationary period imposed on the person under Accelerated Rehabilitative Disposition.

(8) With the exception of program costs referred to in section 1548(e) or any restitution referred to in this section, and with the exception of any fees imposed pursuant to para-

graph (6)(vi) which shall be distributed to the affected municipal corporation, any fee or financial condition imposed by a judge as a condition of Accelerated Rehabilitative Disposition or any other preliminary disposition of any charge under this section shall be distributed as provided for in 42 Pa.C.S. §§ 3571 (relating to Commonwealth portion of fines, etc.) and 3573 (relating to municipal corporation portion of fines, etc.).

Section 4. The amendment of 42 Pa.C.S. §§ 3571(b) and 3573(b) and 75 Pa.C.S. § 3731(e) shall apply to offenses committed on or after the effective date of this act.

Amend Sec. 3, page 4, line 6, by striking out "3" and inserting

5

Amend Sec. 3, page 4, line 7, by striking out "§ 7361(B)" and inserting

§§ 3571(b), 3573(b) and 7361(b) and 75 Pa.C.S. § 3731(e)

On the question,

Will the House agree to the amendments?

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

Mr. MAYERNIK. Thank you, Mr. Speaker.

Amendment 0799 would address a completely different part of this code. Presently we are facing a dilemma in Allegheny County, Philadelphia County, and around the State for our crime labs. The amendment that Representative Pistella and I propose today would increase the fine on drunk drivers by \$150 that would be designated and earmarked for crime labs in Pennsylvania.

Presently Allegheny County and Philadelphia County are the only two host counties in the State that have and pay for their own crime laboratories. As of March 1 of 1992, the Allegheny County commissioners have closed the Allegheny County crime laboratory for accepting contraband and for testing. The taxpayers of Allegheny County are paying \$1.5 million presently for this facility. The seven other crime labs in Pennsylvania are paid for by taxpayers' dollars and out of our General Fund.

This bill would designate that we would have a crime lab fee paid for from drunk driving. This would finally take the burden off the taxpayers and place it on the drunk drivers and criminals in this State.

The fiscal note, even though we see that we do not need one, is a positive fiscal note. There is a positive fiscal impact to this legislation. In Allegheny County alone we have approximately 6,000 drunk drivers per year who are convicted. We find that 60 percent of these drunk drivers pay their fines, and using that number would mean that we have 3,600 individuals paying their fines times a \$150 additional fee would bring us to \$540,000 in Allegheny County alone that would be designated to the Allegheny County crime lab. This money would also be designated in the respective counties around the Commonwealth to the State Police for the seven other crime labs, and to the Philadelphia area, Philadelphia County, to be used for their crime lab. Again, this is a way of relieving the burden from the taxpayer, placing it on the drunk drivers and criminals, and keeping our crime labs moving in the Commonwealth of Pennsylvania.

In Allegheny County we have an excellent crime lab that does a fantastic job. We want to make sure that it stays open. June 30 is the last day that it can stay open unless we get this legislation and another piece of legislation I am introducing that I hope to amend into a Title 18 bill that would designate a crime lab user's fee.

There is also another facet to the argument that I would like to bring forward, and that is, in Allegheny County our police have to travel from my area to Greensburg where the State crime laboratory is, and that takes approximately 3 hours round trip, including time for putting in the evidence. The police belong on the road protecting and serving the constituency and not traveling back and forth on the road to Mr. Van Horne's area up in Greensburg and that area to visit them just to drop off contraband.

So I would ask again that we put the burden on the drunk drivers and on the criminals and not on the taxpayers. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Ryan.

Mr. RYAN. Thank you.

Mr. Speaker, would the gentleman consent to a brief period of interrogation?

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

Mr. RYAN. I am just trying to understand the amendments. Is it my understanding that your amendment would impose this fine only on DUI (driving under the influence), only on persons convicted of DUI in Pennsylvania, regardless of what county it is in?

Mr. MAYERNIK. Amendment 0799, that is correct. Subsequent amendments—

Mr. RYAN. That is the amendment we are doing. Right?

Mr. MAYERNIK. That is correct.

Mr. RYAN. Okay. Now, what happens if someone is picked up for DUI and because it is their first offense they are given ARD (accelerated rehabilitative disposition)? Do they pay that \$150 because they, too, had to have their breath or their blood or whatever sent to a chemical lab of some sort?

Mr. MAYERNIK. If adjudicated guilty, it is my understanding, yes.

Mr. RYAN. Would you show me where that is, because as I read your amendment, I believe it refers only to convictions as opposed to ARD.

Mr. MAYERNIK. The fiscal note that we received—if the gentleman would like to add that to a subsequent bill or amendment, I would be happy to support it—but the fiscal note, as we looked at it in Allegheny County, took into consideration not the ARD but the convictions, it is my understanding.

Mr. RYAN. Okay. So anyone who is picked up for driving under the influence and it is a first offense would not have to pay this if they were placed on ARD.

Mr. MAYERNIK. That is your interpretation of it, not mine, but if I missed that, I would hope that you would help me draft an amendment to address that. I would be willing to support that, and we could put that in a subsequent bill or amendment to another bill.

Mr. RYAN. How about a person who is convicted or picked up and charged with some other crime where the costs of prosecution are placed upon the defendant. Do they have to pay \$150? I am thinking really of all the excitement we had recently in the newspapers on a rape case where the importance of the chemical analysis was brought home time and time again and it was really a battle of chemists. Would the defendant in that case have to pay \$150?

The SPEAKER. Would the gentleman suspend. Would the gentleman come to the desk.

(Conference held at Speaker's podium.)

The SPEAKER. The gentleman, Mr. Ryan, has concluded his interrogation.

AMENDMENTS WITHDRAWN

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

Mr. MAYERNIK. Thank you, Mr. Speaker.

After conferring with yourself and Mr. Ryan, I have recognized that there is a technical drafting problem, and we do not want to make bad law in this Commonwealth or do anything that is unconstitutional, so I am withdrawing this amendment waiting for another Title 42.

The comments of the minority leader and the Speaker are well taken, and I thank you for your input.

The SPEAKER. Does the gentleman have a further amendment?

Mr. MAYERNIK. I would like to withdraw all subsequent amendments regarding this issue or any amendments that I have to this bill, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—190

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

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

NAYS—0

NOT VOTING—4

Adolph	Butkovitz	Carn	Ritter
--------	-----------	------	--------

EXCUSED—7

Freind	Noye	Oliver	Thomas
Krebs	Olasz	Pistella	

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

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

* * *

The House proceeded to third consideration of **HB 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 recurring,

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

(Amendment A3578, offered by Mr. Reber on December 10, 1991, was withdrawn.)

Mr. D. R. WRIGHT offered the following amendments No. A0970:

Amend Title, page 1, line 12 (A1336), by removing the period after "minimization" and inserting
; and further providing for a hazardous waste facility siting team.

Amend Bill, page 2, by inserting between lines 20 and 21 (A1336)

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

Section 309. Hazardous Waste Facility Siting Team.

* * *

(d.1) Copies of application.—If the department accepts the permit application for a hazardous waste treatment or disposal facility as administratively complete, the department shall send a copy of the permit application to the host county and host municipality for approval or disapproval.

(d.2) Procedure.—Within 60 days of the determination by the department that a permit application is administratively complete, the siting team shall hold a prehearing conference with the applicant and with the host county commissioners to determine if additional information is needed to complete a technical review of the application. The applicant shall submit final corrections and any additional information required by the department not later than 90 days after the department determines that the permit application is administratively complete. The final corrections and additional information shall be submitted to the department and the host county by the applicant. Any further need for information after 90 days shall result in rejection of the application by the department.

(d.3) Host county.—The host county shall have ten days after the final corrections required by the department are submitted by the applicant to make a determination as to whether the host county commissioners will hold a hearing to approve or disapprove the permit application. If the host county makes a determination that it will hold a public hearing, the host county must hold the public hearing within 30 days after the information referred to in subsection (d.2) is submitted by the applicant. The host county must follow the hearing procedures set forth in subsection (d.5).

(d.4) Host municipality.—If the host county determines within ten days that it will not hold a hearing and will not act to approve or disapprove a permit application, the host county shall notify in writing the governing body of the host municipality and the applicant of its determination. The host county shall also send any and all supporting data pertaining to the permit application received from the applicant or the department to the host municipality to expedite its review of the permit application. The host municipality's governing body shall hold a public hearing and approve or disapprove the permit application within 20 days after notification by the host county in accordance with the procedures set forth in section (d.5).

(d.5) Hearing; notice.—A hearing shall be held by either the host county commissioners or the governing body of the host municipality within 120 days of receipt of the copy of the permit application which is administratively complete. 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. The notice 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 public comment period shall extend 15 days after the hearing.

(d.6) Siting team.—The Hazardous Waste Siting Team shall be represented at the public hearings held by either the host county or municipality. The siting team shall respond to written questions from the county or the municipality within 15 days after the close of the public comment period.

(d.7) Approval factors.—The host county or host municipality, if the host county declines to do so, shall approve or disapprove the permit application based upon a consideration of the following factors: the effect of the facility on the safety of the public, taking into consideration the populated area neighboring the site; the impact that the proposed site may have on food or

agricultural products meant for human or animal consumption which are grown or processed within a five-mile radius of the proposed site; the populated 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.

(d.8) Time limit.—The host county or host municipality shall approve or disapprove the permit application within 180 days of receipt from the department of a copy of the permit application which is administratively complete, and shall notify the department and the applicant in writing of its action.

(d.9) Reasons for disapproval.—If the host county or host municipality disapproves the permit application, it shall specify in writing its reasons for disapproval to the department and the applicant.

(d.10) Appeal.—Appeal of any decision of the host county or host municipality on the permit application shall be to the appellate jurisdiction, under 42 Pa.C.S. § 933(a)(3) (relating to appeals from government agencies), of the court of common pleas of the county in which the hazardous waste treatment or disposal facility is proposed to be located. The court of common pleas shall limit its review of the host county or host municipality's disapproval of the permit application to the following criteria:

(1) whether the host county or host municipality violated any provision of this act;

(2) whether there was a violation of constitutional rights in the decision of the host county or host municipality to disapprove the permit application; or

(3) whether the host county or host municipality made a finding of fact in accordance with this act which was not based upon substantial evidence.

(d.11) Action during and after review process.—During the review process by the host county or municipality, the department shall continue its technical review of the permit application. If the host county or municipality disapproves the permit application, the department shall not take further action on the application unless the disapproval is reversed by court order.

Amend Sec. 2, page 2, line 21 (A1336), by striking out "2" and inserting

3

Amend Bill, page 5, line 2 (A1336), by striking out all of said line and inserting

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 that question, the Chair recognizes Mr. Wright.

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

Many of you have waited for this giant moment in which we consider amendments to HB 953, and it looks as if you are going to have a good long while to do that.

I am offering amendment 0970 because this amendment gives an opportunity to our citizens for some meaningful participation in the hazardous waste siting decisions.

Mr. Speaker, it seems to me that we are going to provide opportunities for meaningful participation by our citizens or our citizens will provide these opportunities for themselves. We can use this deliberative body to do something that is substantial, to provide an orderly process, or we can allow anarchy to prevail. Mr. Speaker, I would suggest that this is not an idle warning.

The daily newspaper that—

Mr. GIGLIOTTI. Mr. Speaker?

Mr. D. R. WRIGHT. Mr. Speaker, it will not be my intention to speak at length on—

The SPEAKER. Will the gentleman suspend?

Mr. D. R. WRIGHT. Yes.

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

Mr. GIGLIOTTI. Mr. Speaker, am I in order to make a motion to recommit this bill?

The SPEAKER. Not at this time. The gentleman, Mr. Wright, has the floor for purposes of an amendment. At the conclusion of Mr. Wright's remarks, the gentleman would be in order.

The Chair would be very interested in hearing those remarks and urges the House to pay attention to this debate.

The gentleman is in order and may proceed.

Mr. D. R. WRIGHT. Mr. Speaker, I was indicating that it will not be my intention to speak at length on the various amendments that I will be offering. But in this initial amendment, it seems to me important to take just a minute for those of you who may be interested in an issue.

I sometimes tell the people in my district that the seat that I occupy does not belong to me; it belongs to the people of the 63d Legislative District, and there was somebody occupying that before I got here and there will be somebody occupying that seat after I leave. But my responsibility at this moment is to represent the people whom I serve in the 63d Legislative District and those people throughout Pennsylvania, and I was saying that we can use this opportunity as Representatives, we can use this deliberative body to provide an orderly process, or we can allow anarchy to prevail. And I was just about to show you the headline in this morning's Oil City Derrick, which serves Clarion County.

Could I have your attention just for a minute? Are you listening? Are you sure you are listening?

This is a headline in the Oil City Derrick this morning reporting an incident which took place in my legislative district yesterday, and the headline reads "Board Flees Clarion Hearing" and the subhead is "Concord Protesters Mob State Environmental Panel." The implication of that, Mr. Speaker, is that those people are protesting so much so that two State officials and a stenographer had to be escorted by a State Police officer because they feel that as citizens they have no meaningful participation in this process.

We have already missed opportunities to provide our citizens with meaningful process. When we went through the process of passing HB 1840, the precursor of Act 108, Representative George offered an amendment that would provide veto power to the county commissioners. We voted in the House for that amendment. It went to the Senate and the Senate rejected that amendment, and they put in its place an amendment that gave DER (Department of Environmental Resources) total, complete, and absolute power to determine where a hazardous waste facility would be located. But clearly the sense of this House has been that there ought to be some meaningful participation in this process.

My amendment strikes a balance. It is a middle ground between an absolute veto and the absolute tyranny of the permanent bureaucracy.

For that reason, Mr. Speaker, I urge the adoption of this amendment.

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

MOTION TO RECOMMIT

The SPEAKER. The Chair recognizes Mr. Gigliotti.

Mr. GIGLIOTTI. Thank you, Mr. Speaker.

How many amendments to this bill? Can anybody tell me? About 60, I understand, 66, 67?

I make a motion to recommit this bill, Mr. Speaker.

The SPEAKER. The Chair understands the bill to have come from the Conservation Committee; therefore, the recommittal motion would be to the Conservation Committee.

The gentleman is in order.

On the question,

Will the House agree to the motion?

The SPEAKER. On the subject of recommittal, the Chair recognizes Mr. Wright.

Mr. D. R. WRIGHT. Mr. Speaker, I rise to oppose the motion to recommit.

I would refresh the memory of members of this House that on at least two different occasions, I have acquiesced to the pleasure of the House to postpone the consideration of these amendments. You will recall that we went late into the hour and I would not and did not impose upon you, and I think it is improper, certainly inappropriate, for Mr. Gigliotti to offer this motion at this time.

I hold in my hand HR 258, and this resolution calls upon the Department of Environmental Resources to do a study of the waste facility in East Liverpool, Ohio, that is approximately 25 miles from the city of Pittsburgh, and goes on to decry the devastation that that facility will wreck on the city of Pittsburgh, and my friend, Mr. Gigliotti, has the audacity to stand before this House and prevent us from recommending changes— Well, we all love Mr. Gigliotti, but it does not mean that he is always right.

I would urge that we defeat his motion.

The SPEAKER. The Chair recognizes Mr. George.

Mr. GEORGE. Mr. Speaker, if I can just have your patience for just a minute or so. This matter that we debate today is a growing concern, one that an administration will not want to involve, one that DER does not want to accept, but one that we as individuals and as common-bond members of this legislature will have to deal with.

Regardless of what your personal opinion is, the matter worsens daily. There are those of you who come and represent areas that might not have a concern today, but you could have a genuine concern tomorrow and you would wish at that time that you would have at least tried to deal with this situation at this moment. Regardless of what you will do at the end of the debate on these amendments, it is important that we not kick it under the rug or send it back to the committee. It is important that we deal responsibly with this measure.

I urge the defeat of the motion to recommit.

The SPEAKER. On the motion, the Chair recognizes Mr. Hayden.

Mr. HAYDEN. Thank you, Mr. Speaker.

Mr. Speaker, I concur in the remarks of Representative Wright. A considerable amount of time and effort has been spent to bring these issues to the floor. Members, I think, have received information from a number of different sources. In light of the effort put into this bill at this stage, I would recommend a "no" vote on the motion to recommit.

The SPEAKER. The Chair recognizes Mr. Mihalich.

Mr. MIHALICH. Mr. Speaker, I oppose the motion to recommit for the very reason that there are so many amendments being offered. That surely demonstrates the wide variety of interests in this bill.

It is going to be a long and tedious afternoon. It is one that means a lot to a lot of people. I do not think sending it back to the committee will resolve the issues that are going to be presented this afternoon. Some of the issues are very emotional; some of them very serious. They are all very valid, and they require the input of this entire body. I wish we would undertake to handle this bill this afternoon.

I would like a "no" vote on recommittal.

MOTION WITHDRAWN

The SPEAKER. The Chair recognizes Mr. Gigliotti.

Mr. GIGLIOTTI. Mr. Speaker, let me rescind my—

The SPEAKER. Consider it rescinded.

Mr. GIGLIOTTI. Wait a minute. I got something to say.

I just want the record to be clear that Mr. Wright made some remarks about me in Pittsburgh, and you are right; he is not a friend of mine. But I want to give him the opportunity to defend his bill and let this bill go down in defeat. So let us hear the debate and we will vote against it at the time it comes.

On the question recurring,

Will the House agree to the amendments?

The SPEAKER. The Chair returns to the discussion of the amendment.

Is there anyone else seeking recognition? Does anyone else want to play in this league?

The Chair recognizes Mr. Hayden.

Mr. HAYDEN. Thank you, Mr. Speaker.

On the amendment, this is a slightly redrafted variation of an amendment which we defeated back in December. It is an amendment which would give effectively a veto to a local municipality over the siting of a new hazardous waste facility.

I would direct the members' attention to the fiscal note, which is attached to the rear of the amendment, regarding the potential fiscal implications if this amendment were adopted. I think the Appropriations Committee is accurate in pointing out that if this amendment is adopted, it jeopardizes continuing funding for remediation of Pennsylvania Superfund sites. In the third paragraph of the fiscal note, there is a reference to a potential loss of \$14.3 million in Federal Superfund money, perhaps, if this amendment were adopted.

I think that it is obvious what the implications of this amendment would be, which would be to make sure that Pennsylvania continues to have no commercial hazardous waste facilities within the State. It runs counter to Act 108 of 1988, which was our Hazardous Sites Cleanup Act plan, which provided and required, frankly, that somewhere over the course of the next 5 years in the State of Pennsylvania we meet the demand for hazardous waste disposal within the State of Pennsylvania.

For those reasons and the reasons stated back in December, I would urge the members to vote against this amendment.

The SPEAKER. The Chair recognizes Mr. Fairchild.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

Would the last speaker stand for interrogation, please?

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

LEAVE OF ABSENCE CANCELED

The SPEAKER. Meanwhile, the Chair adds the name of Representative Freind to the master roll.

The record will reflect a limited measure of enthusiasm for the gentleman's return, but enthusiasm nonetheless.

CONSIDERATION OF HB 953 CONTINUED

The SPEAKER. The gentleman, Mr. Fairchild, is in order.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

Mr. Speaker, you alluded to the Pennsylvania hazardous waste facilities plan and the EPA (Environmental Protection Agency) capacity assurance plan. Pertaining to the studies that are at hand here, we have received documents—and I say "we," Union County and about 165 people who testified there—have received a written statement from the siting team leader saying that the Superfund moneys will not be affected either way, whether this site is approved or disapproved. Also, EPA has written a letter through Senator Specter's office stating that Pennsylvania is in compliance with the EPA CAP plan.

I would like to know how you can continue to make a statement that Pennsylvania will lose Superfund dollars.

Mr. HAYDEN. Mr. Speaker, that is a fair question.

I think the gentleman is referring to our hazardous waste capacity assurance plan, which was filed in October of 1989 with the EPA. The gentleman is correct in noting that the EPA approved our capacity assurance plan in October of 1989. However, I would direct the gentleman's attention to page 80 of that plan in which there was a question under the section dealing with capacity development plans. The question was—and this is a question which is in a standardized form from the EPA—which states, "How does your state intend to develop new in-state capacity to address these shortfalls?" and it refers to the fact that there are shortfalls in Pennsylvania capacity for Pennsylvania-generated hazardous waste. On page 80 you will note that the first line says, "By siting new facilities." Our Department of Environmental Resources filled in the answer "YES," that that is indeed how we intend to develop new instate capacity to address shortfalls.

I would remind the gentleman that the capacity assurance plan under the Federal Superfund act is an ongoing review. In fact, we had a discussion back in December about the potential problems in the State of North Carolina that recently tried to ban by legislation additional hazardous waste capacity disposal sites in their State. They were directly threatened by the administrator, Administrator Reilly, over a loss of funds.

So the reality is that, yes, our current capacity assurance plan, which is on file with EPA, has been accepted by EPA. However, in light of the fact that we have identified developing new sites as a way we are going to meet that plan and in light of the fact that it is an ongoing evaluation, I think there is a potential that we may at some point perhaps jeopardize Superfund money.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

On page 80, Form II, it also says that "Chapter II discusses how Pennsylvania intends to assure capacity through participation in the Northeast States Regional Agreement. The only new capacity included for development in the Commonwealth as part of capacity assurance planning is a landfill of approximately 68,000 tons per year." Is that correct?

Mr. HAYDEN. That is what this plan says; yes.

Mr. FAIRCHILD. So I assume that what the plan is saying is that Pennsylvania needs a new capacity of 68,000 tons per year. Is that correct?

Mr. HAYDEN. That is not my understanding of what this entire document says.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

Also, that same page, question 3, the question says, "If you intend to meet new capacity needs by increasing waste exports beyond the 1987 levels, please explain why." Could you read the comment following that question?

Mr. HAYDEN. I am sorry. Could you refer to that section again, Mr. Speaker?

Mr. FAIRCHILD. Page 80, Form II, question 3.

Mr. HAYDEN. Yes. The response in 1989 was, "Pennsylvania does not intend to increase imports beyond the 1987 level."

Mr. FAIRCHILD. Thank you, Mr. Speaker. Now, what was the date of this report?

Mr. HAYDEN. This was October of 1989.

Mr. FAIRCHILD. October 1989.

Mr. Speaker, are you aware that the States in the northeast region meet quarterly for meetings and basically discuss the plan and discuss the needs for incineration, landfills, et cetera?

Mr. HAYDEN. Yes, I am.

Mr. FAIRCHILD. Are you aware that on April 30, 1991, Mr. James Snyder, director of Bureau of Waste Management, wrote a letter to Mr. Robert Allen, chief of RCRA (Resource Conservation and Recovery Act), and in that letter included the minutes of the northeast States capacity assurance projects. I might add to the members that this group included the 12 States and the District of Columbia.

Now, my question is, in that— And notice the date of 1991. This statement is in there concerning a hazardous waste incinerator. The statement says, "Even though this proposal has been withdrawn,"—and they are talking about another hazardous waste incinerator—"the Northeast States do not appear to have an incineration shortfall in the mid- or long term." Could you explain that statement, please?

Mr. HAYDEN. I am not aware of the document you are reading from. I did not receive the copies of those minutes or aware of the submission by the department. But what I would do is direct the gentleman's attention—I understand the gentleman's point, which is to try to make the point that there is not any need for additional disposal capacity in the State of Pennsylvania—I would direct the gentleman's attention to page 75 of the capacity assurance plan, which states as follows: "As noted earlier, the Commonwealth believes that this submission meets the intent of CERCLA..."—which is the Federal Superfund law—"...by the participation shown in the Northeast States Regional approach"—which is the approach the gentleman refers to—"and"—and I emphasize "and"—"by having in place, via the requirements of Act 108, a series of provisions relating to the siting of future capacity, expedited permit review, formation of a siting team and possible formation of a Siting Commission." So even despite the fact that our department identified in 1987 that they did not see the potential for additional imports, there was a recognition of the fact that, yes, we will participate in this northeast regional compact, but we also have a need to site additional facilities in the State of Pennsylvania.

It is further proof of our need for additional sites, and I would direct the gentleman's attention to the Pennsylvania hazardous waste facilities plan, which at the point of November 1991 was a draft. I am sure the gentleman has a copy of that. That identifies the need for an additional close to 100,000 tons per year for incinerator capacity and a need for additional landfill capacity.

No matter what we do, Mr. Speaker, we cannot overcome the fact that we do not currently have an operating commercial hazardous waste disposal facility in the Commonwealth of Pennsylvania yet we continue to generate hazardous waste and will do so in through the rest of this decade.

Mr. FAIRCHILD. Mr. Speaker, I think you have to correct yourself. You just said we do not have a commercial hazardous waste facility in Pennsylvania. I direct your attention to the plan at hand, and I think you will find there are four commercial hazardous waste facilities in Pennsylvania; however, there are no commercial hazardous waste disposal facilities.

Mr. HAYDEN. Yes. If you look on page (ii) of the Pennsylvania hazardous waste facilities plan, it says—I will read verbatim—"There are no commercial incineration or landfill facilities in Pennsylvania," period.

Mr. FAIRCHILD. That is correct, Mr. Speaker, but in that plan there are four facilities. They are listed. They handle commercial hazardous waste. There are no commercial hazardous waste disposal facilities in Pennsylvania.

Mr. HAYDEN. That is correct.

Mr. FAIRCHILD. Now, Mr. Speaker, we have an EPA plan. The Federal Government is saying, Pennsylvania, you have got to do this, so we do that. That plan says 68,000 tons of additional landfill capacity. Now, all of a sudden we have a plan that EPA does not have before it as an official plan and this plan says 110,000 whatever. My question is, whom do we believe here? EPA or DER?

Mr. HAYDEN. I do not think it is a mutually exclusive response. I do not see DER doing anything beyond, frankly, what was required under the CERCLA statute, which is to do an inventory of the source of hazardous waste generators in the Commonwealth of Pennsylvania and supply a list of where those wastes end up, whether it is in— And frankly, in Pennsylvania we go as far south as Alabama and as far west as Utah. I think the department has done a good job in providing an inventory as to where the final disposal sites for our wastes are.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

Let us, for the sake of argument, believe the Federal people who say that there is no additional need in the midterm or long term for incineration and we need 68,000 tons. How many tons—and this is important, Mr. Speaker, 68,000 tons—how many tons are before DER at this point? And I will not even talk about incineration at this point. I am talking about landfill capacity per year.

Mr. HAYDEN. If the gentleman knows the answer, then we can save everybody some time and point it out, if it is in the facilities plan. I am sure it is in here.

But while the gentleman is looking for that, the reference to no need or no necessity for incineration I think is inaccurate. I have not ever seen a document which says that the State of Pennsylvania does not need to provide incinerator capacity in the State of Pennsylvania. In fact, there is an issue, which I am sure we will debate later, which we will refer to Federal regulations which apply a land ban for certain hazardous wastes which require incineration as the method of disposal. So to make the point that EPA says we do not need to incinerate, yet I will have a whole stack of regulations I can show you which shows the lists of wastes which must be incinerated, I think it is difficult to square those two points.

Mr. FAIRCHILD. Mr. Speaker, what was the purpose of the capacity assurance plan? I do not think people understand that that was the whole intent, to take 12 or 13 States—I think the original intent was 14; New York pulled out—but to take those States to assure that disposal and treatment capacity was available. Are you saying we are going to throw away that EPA document, that EPA capacity assurance plan?

Mr. HAYDEN. No, that is not the point and that certainly is not what I said. The purpose of the capacity assurance plan, if you go back to the legislative history on the SARA (Superfund Amendments and Reauthorization Act) amendments of 1986, you will find an amendment by Senator Chafee from Rhode Island, and that amendment expressed a concern that there would be States, such as what we are trying to do here, which would limit disposal of hazardous waste within their own boundaries. This was at the same time when the Congress was talking about substantial funding to reauthorize the Superfund program. They found, the Congress found, that the reason why we had a number of Superfund sites was because there were not available commercial sites within individual States. So the hammer in this case was the withholding of Federal Superfund money if individual States did not take individual responsibility for their own waste. That was the reason for the capacity assurance plan, which is to make States eligible or a continuing review of State's eligibility for Federal money. That was the reason for the capacity assurance plan, and I find it ironic, not ironic, but certainly Senator Chafee was correct in 1986 when he looked down the road and figured that there would be some States which would not be able to resist political pressure and would fail to site hazardous waste facility disposal sites.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

I will comment later on the amendment.

THE SPEAKER PRO TEMPORE (JEFFREY W. COY) PRESIDING

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

Mr. MIHALICH. Thank you, Mr. Speaker.

This subject appears to be a very complicated subject. You just got finished listening to the attorneys talking. It is not complicated. It is, however, a matter of opinion, and we would ask that everybody here listen to this debate and listen to the kernel of truth, the two kernels of truth in here, and then make up your mind.

You have heard the threatening tactics here, and that is, if you pass this kind of legislation, we lose Federal funds. That is absolutely false. It is a scare tactic. It is the kind of tactic that has been laid on us for many, many years in saying, hey, if you do not listen to DER, we are going to lose Federal funds. This is not true. If you look at the simple language in the fiscal note, it says, "There could be a fiscal impact."

The other kernel of truth or untruth that is being perpetrated here is that this amendment would give veto power to local communities. That is not true, and those who through

fancy oratory lead you to believe that are not being candid with you.

This would not give veto power to local communities, and this would not cause us to lose Federal funds. So let us put the argument on that plane. Once we accept those two facts, then the argument is reduced to this: In our opinion, in our collective opinion, does DER do a good job as the regulator, as the prosecutor, as the judge, as the jury, of its regulated industries in Pennsylvania? Now, if you think they are doing a good job at it and you buy the innuendos in their speeches, then you should vote against this amendment. But if you question their track record, if you question their ability to sanely and with common sense regulate industry in Pennsylvania, if you question that, then you will vote for this amendment.

This amendment addresses the issue that DER has not done their job, and in my opinion, the kind of job they are doing aggravates, exacerbates the NIMBY (not in my backyard) feelings in Pennsylvania and elsewhere. People are afraid and rightly so, based upon the track record of the regulatory agencies in Pennsylvania, and this is meant to correct it.

I urge you to vote for Mr. Wright's amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Montgomery County, Mr. Reber.

Mr. REBER. Thank you, Mr. Speaker.

Mr. Speaker, very briefly, I would like to rise in support of the position advanced by Representative Hayden in opposition to the amendment.

I think the easiest way to explain the situation is cut through all the verbiage and get right to the jugular issue, and that is the fact that the fiscal note to the amendment does very simply say, "The U.S. Environmental Protection Agency could see this as an unauthorized delegation of the permit review process now delegated to DER...." The fact that it is now delegated to DER is uncontroversial. There is no doubt about it; it is in fact delegated. DER is required under the agreement with EPA to file mandated compliance reports.

Take a look at the amendment before us, at the bottom of page 2, in section (d.10), detailing over into page 3. It is very specific that there is local veto involved. It is very specific that the powers under this particular amendment would take that away from the statutorily mandated compliance report, agreement, contract, however you want to characterize it, with EPA and place it solely with the local areas and then ultimately into the court of common pleas.

This in effect if adopted, certainly not now as we now know it because it is not law, but if adopted, in my opinion, certainly will jeopardize the Environmental Protection Agency's agreement with the Commonwealth as is now constituted and in fact will jeopardize not only remediation now but into the future and certainly jeopardize the potential for the Federal funding that is emanating from the Federal Superfund program.

With all due respect, I think Representative Gigliotti had the right idea. Maybe we should have listened to him. This is

in fact a complicated subject, as the prior speaker said, and it is not the kind of subject that I feel this body can tamper with on an amendment-by-amendment process here on the floor. So if we are going to do it in a deliberative fashion and take the time, when reason speaks, we should listen.

Defeat this particular amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Lackawanna County, Representative Serafini.

Mr. SERAFINI. Mr. Speaker, would the maker of the amendment answer two questions which I do not know the answer to, please?

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

Mr. SERAFINI. Mr. Speaker, would this amendment be retroactive and apply to any previous approvals for permits that have been made by DER?

Mr. D. R. WRIGHT. It would apply to all pending permits before DER, pending and future.

Mr. SERAFINI. But if DER has already approved a particular phase of approval in the permitting process, would this amendment be retroactive in the sense that that approval could be reviewed by the host municipality and the county commissioners?

Mr. D. R. WRIGHT. The amendment, Mr. Speaker, applies to the application after the phase I permit and prior to the phase II permit. So after the phase I permit, it would apply.

Mr. SERAFINI. I understand that. I appreciate that answer.

The other area of concern for me would be, the area of review seems to be restricted relative to the common pleas court appeal. Would you have the right with this legislation to restrict that area of review by a common pleas court?

Mr. D. R. WRIGHT. We have restricted the areas of review to the standard criteria for review of agencies by various courts. So this is not an unusual procedure. This is the normal standard of review.

Mr. SERAFINI. So this is done in other legislation and it is typical of that which has been done in past pieces of legislation relative to permitting.

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

Mr. SERAFINI. Thank you very much, Mr. Speaker. I appreciate the answers to those questions.

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

Mr. HASAY. Thank you, Mr. Speaker.

Very briefly, as a member who worked with this body on Act 108, I do not believe, Mr. Speaker, we need to saddle the courts with any more of this decisionmaking or responsibility, and I ask for a "no" vote. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The gentleman, Mr. Smith.

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

I suppose the first few minutes of this debate will kind of set the tone for the entire series of amendments that are coming, and I think a lot of it that we are dealing with is a little bit of emotion, those of us who have problems in our areas with these types of facilities, and I can feel and, you know, I think I have some personal experience. Some of the members here maybe are sitting back thinking at this point in time, well, I really do not have a problem; I really do not need to worry about this too much, and I just kind of would like to alert the membership that these things do come around.

In all phases of our local government operations, we do things to try to allow the local government to control undesirable facilities or occurrences, whatever the case may be. We have municipal planning and zoning and things of that nature, and we allow some power at the local level. I think that although the U.S. courts have basically viewed against the local veto powers, I think that it is important that we try to provide some degree of control at the municipal and county level in order to control that quality of life that exists there.

Certainly, those of us in the most rural areas view it as a matter of just taking it away from the populated areas and moving waste out into the most rural areas. Ultimately, we must make those people responsible for waste where it is generated, I believe, and we need to allow some degree of control at the municipal and county level, and I believe this amendment attempts to do that.

I would urge the members to vote in the affirmative. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The gentleman from York County, Mr. Foster.

Mr. FOSTER. Thank you, Mr. Speaker.

I would like each of you to consider the logic of the matter of this amendment. Let us say that there was a hazardous waste site to be placed in our legislative district and DER then comes to us and says, fine, that Representative X will make the decision on approval or disapproval. Would you want this burden to be thrust on your shoulder, even within the greater confines of a legislative district? Now, can you imagine the pressure that you place on three township supervisors when you ask them to make a rational and objective decision on a matter so close to them, their relatives, their families, and the voters in their district.

I ask you to reject the concept of the local veto. I ask you to vote against this amendment, because there has to be someone who can make the decision and I say it would be asking an awful lot to ask the local officials of any municipality to make a truly objective decision on this matter. I ask you then to join me in voting against the Wright amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Elk County, Mr. Surra.

Mr. SURRA. Thank you, Mr. Speaker.

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

The incinerators situation in Pennsylvania can be argued from both sides, and it is a very serious argument, and that is taking place right now.

I think Mr. Mihalich said it right. If you think DER is doing the right thing and doing a good job, then let us keep going the way we are going.

I recall a few short years ago an upper level person from the department was quoted widely across the country in stating that we in Pennsylvania want to tell the world that we are interested in siting commercial hazardous waste facilities in Pennsylvania. And that is happening.

You can read EPA facts that state that we are the third largest exporter of hazardous waste. There are also EPA facts that state that we are the largest importer of hazardous waste. Let me repeat that: We are the largest importer of hazardous waste, and that waste is coming into Pennsylvania today and it is being treated and being landfilled as residual waste or it is being burnt in incinerator kilns. That is now recycling, but it is still incineration nonetheless.

We do not need these facilities. What Mr. Wright's amendment does is it goes a long way in putting some local say, some local control, into a very difficult situation.

I urge an affirmative vote. Thank you, Mr. Speaker.

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

Mr. FAIRCHILD. Thank you, Mr. Speaker.

First I would like to respond to the question of whether our host municipalities or host counties would want this responsibility, have the ability to handle the responsibility. Let us get serious. Let us get serious. The bureaucrats, the politicians, sitting here, let us let the people who live, work, and raise families in our districts have a say in government. We have cut them out of the process, and whether you know it or not, they are not too happy with politicians these days. Why? Because they feel frustrated; they feel they have no input.

This amendment is different than the one that we voted on, I believe it was December 10. This is a lot different. We took the amendment; we said, what is wrong with it? We did not quite have enough for passage. We redrafted it, and we now have DER back into the process. This process allows DER, all the work that they have done on a permit, to submit— In fact, it requires them to submit that data and information to the county.

I can tell you, my county has spent over \$300,000 so far on consultants. Now, let me ask each and every one of you, which one would you trust? Would you trust DER, who, to my knowledge, has not hired a consultant other than a facilitator at \$74 an hour the other night to facilitate a meeting because they did not have the guts to run the meeting?

When are we going to stop and let government decide? These people have a say; sure, they have a say. If they are all wet, as the gentleman suggests, the court can throw it out. There are specific items in here that that municipality or county would have to adhere to.

Second of all, I am awful tired of the Superfund site. I found the quote, and I do not think you are going to get much more recent for this, and I am going to read it in the record. It was March 12. DER response. I am going to start with the question, or the comment: "Pennsylvania is under over-

whelming pressure to site hazardous waste incinerators because of EPA threats to withhold federal Superfund monies if they do not site these facilities." Here is what the siting team response is, quote: "Pennsylvania has not been threatened by EPA with loss of Superfund monies for failure to site a hazardous waste incinerator. We are, however, through federal law (CERCLA) required to demonstrate that there are approved hazardous waste facilities capable of accepting our wastes. Pennsylvania has met this federal requirement through its approved Capacity Assurance Plan (CAP). Pennsylvania, in cooperation with northeastern states, has made such a demonstration to EPA's satisfaction."

Now, the capacity assurance plan - 68,000 tons. Listen up, Pennsylvanians. Guess how much capacity is before DER at this point right now. How about 573,000 tons per year; 573,000 tons per year is before DER right now in only landfill capacity. Let us wake up; listen to these people, listen to these experts, listen to these consultants who are telling you the truth. Pennsylvania is becoming the dumping ground of the Northeast. Thank you very much, Mr. Speaker.

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

Mr. D. R. WRIGHT. Mr. Speaker, I do not have a failure to understand; I do understand why there are many people who have spoken today who believe that somehow or other, if this amendment passes, we are going to lose Federal funds. I do not have any trouble understanding that because I sat on the floor of this House in 1988 when the Honorable Mr. Bittle would say over and over again, we need to vote for this because we are going to lose Superfund money, and pressed time and time again, there could be no evidence given that that in fact was the case.

Now, you may want to vote against this amendment for a variety of reasons, but I hope you will not vote against it because you believe that somehow or other we are going to lose Superfund money.

Ted Erickson, a regional administrator with the Federal EPA, said in Clarion County a month ago, "Pennsylvania would not be in danger of losing its federal hazardous site cleanup money should it fail to site a disposal facility." He made that statement in a public forum.

Jeffrey Alper, chief of the integrated waste management section, Environmental Protection Agency, felt that there would be no negative impact on Federal funds under either of the proposals which we are offering today. I believe, Mr. Speaker, that that argument ought to be put to rest.

Mr. Reber reads the fiscal note and reads where the grant could be at risk; it could be at risk. Well, a lot of things could be, but I have demonstrated to you that it will not be at risk.

Mr. Speaker, what is the issue here? The EPA is a smoke-screen. The issue is this: Do we want the people in our area to have an opportunity for meaningful participation? Not veto; they do not have a veto power under this amendment. Do we want them to have meaningful participation? Do you want to go back to your district and explain to your folks that you voted against a proposition that would enable them to have

some meaningful participation, or would you rather have the headline in the Oil City Derrick which I showed you just a few minutes ago?

Mr. Speaker, I believe this is the most important amendment that we will consider today. I urge its adoption.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Clearfield, Mr. George.

Mr. GEORGE. Mr. Speaker, I do not intend to belabor this. I believe that most already have made up their mind. I also believe that it is not a matter of philosophy but rather, Mr. Speaker, a matter of geography.

If you live in an area where you do not have one of these monstrosities and you are dumping it up onto a rural area, that is what you want to continue to happen. If you live in an area and you are not inundated with this problem, you want to keep it that way, and we cannot blame you.

Prior to 1980, when Act 97 was passed, there was local veto. My colleague from York should be aware of that, but also, my colleague from York who just made such a dynamic approach to why we should not pass this amendment was one of those similar to us who had a problem where DER would not do anything about it and had asked my committee to look into the matter. I do not blame him or any other individual for wanting to protect their area.

But we as a body, even though we do not allow the complete choice to those areas that are going to be inundated with this dumping, at least we owe them a right to be able to take this before a court of law, where a decision is made contrary to what is made at this time by the environmental board that takes years and thousands and thousands of dollars. Those who make the \$400 or \$500 million can afford this kind of legal representation.

But I remind you who represent a rural area—and that is seven-eighths of our land mass—we also represent more than three-quarters of the population. We have an obligation to those who cannot protect themselves; we have an obligation to protect them. This amendment does nothing more than that, and we should adopt it.

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—106

Allen	Davies	King	Richardson
Angstadt	Dempsey	Kruszewski	Ritter
Argall	Evans	LaGrotta	Robinson
Armstrong	Fairchild	Langtry	Rudy
Arnold	Fee	Laughlin	Saloom
Barley	Fleagle	Lawless	Schuler
Battisto	Freeman	Leh	Scrimenti
Belardi	Freind	Lescovitz	Serafini
Belfanti	Gallen	Lloyd	Smith, B.
Billow	Gamble	Lucyk	Smith, S. H.
Black	Gannon	McCall	Snyder, G.
Blaum	Geist	McHugh	Staback
Bowley	George	McNally	Steighner
Bush	Gerlach	Markosek	Stish
Caltagirone	Gruitza	Mayernik	Strittmatter

Carlson	Gruppo	Melio	Stuban
Carone	Haluska	Mihalich	Surra
Cawley	Hanna	Mundy	Taylor, F.
Cessar	Harper	Nyce	Taylor, J.
Chadwick	Hayes	Perzel	Telek
Clark	Heckler	Pesci	Tigue
Cohen	Herman	Petrarca	Trello
Colafiglia	Hershey	Petrone	Van Horne
Cole	Hess	Phillips	Veon
DeLuca	Jarolin	Pitts	Wogan
DeWeese	Johnson	Preston	Wright, D. R.
Daley	Kasunic		

NAYS—89

Acosta	Fajt	Linton	Semmel
Adolph	Fargo	McGeehan	Snyder, D. W.
Anderson	Farmer	McHale	Stairs
Birmelin	Flick	Maiale	Steelman
Bishop	Foster	Marsico	Stetler
Boyes	Gigliotti	Merry	Sturla
Broujos	Gladeck	Michlovic	Tangretti
Brown	Godshall	Micozzie	Taylor, E. Z.
Bunt	Hagarty	Mrkonic	Tomlinson
Butkovitz	Harley	Murphy	Trich
Cappabianca	Hasay	Nahill	Tulli
Carn	Hayden	Nailor	Uliana
Civera	Hughes	Nickol	Vance
Clymer	Itkin	O'Brien	Vroon
Colaizzo	Jadlowiec	Piccola	Wambach
Cornell	James	Raymond	Williams
Corrigan	Josephs	Reber	Wilson
Cowell	Kaiser	Reinard	Wozniak
Coy	Kenney	Rieger	Wright, M. N.
Dent	Kosinski	Roebuck	
Dermody	Kukovich	Ryan	O'Donnell,
Donatucci	Lee	Saurman	Speaker
Durham	Levdansky	Scheetz	

NOT VOTING—0

EXCUSED—6

Krebs	Olasz	Pistella	Thomas
Noye	Oliver		

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

On the question recurring,

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

Mr. D. R. WRIGHT offered the following amendments No. A3730:

Amend Title, page 1, line 12 (A1336), by removing the period after "minimization" and inserting
; and further providing for the Hazardous Waste Facility Siting Team.

Amend Bill, page 2, by inserting between lines 20 and 21 (A1336)

Section 2. Section 309(a) and (c) of the 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.

Amend Sec. 2, page 2, line 21 (A1336), by striking out "2" and inserting

3

Amend Bill, page 5, line 2 (A1336), by striking out all of said line and inserting

Section 4. The amendment of section 309 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 to 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 pro tempore. On the amendment, the gentleman from Clarion, Mr. Wright.

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

This is an amendment that has a number of provisions. It would prohibit the siting of a hazardous waste treatment or disposal facility within 2 air miles of a school, and it lists a number of other things, such as community park and hospital and church. It would require that the exclusionary criteria contained in DER regulations be applied to the entire waste site. It would call for a completed engineering design with the application, and it would prohibit DER from granting a permit for the construction or operation of a hazardous waste treatment or disposal facility that incinerates or trial burns hazardous waste unless and until the applicant can demonstrate that the facility will achieve a destruction and removal efficiency of 100 percent for each hazardous constituent.

I would ask, Mr. Speaker, the adoption of this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question, the gentleman from Allegheny, Mr. Michlovic.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, in the current law now, there are already exclusionary criteria. Facilities may not be within a half a mile of community drinking water supplies. They may not be in a 100-year floodplain, in wetlands and certain carbonate areas, over active or inactive oil or gas wells or storage areas. They may not be in class I agricultural lands or in exceptional value watersheds.

We already have a 1-mile exclusion from community facilities such as schools and hospitals, nursing homes, community parks, airports, retail centers, and the facilities must be located so that there are less than four intersections per mile

between the facility entrance and an interstate or limited-access highway, and the limited-access highway should be within 5 miles.

Mr. Speaker, I think we already have sufficient protections in the law for the siting criteria of these kinds of facilities. I am concerned that if you continue to broaden and expand the range of these exclusionary criteria, there will be so few places left in the Commonwealth that we simply will not have sites, and we will not be in compliance with Federal law, and we will lose Federal Superfund funding.

For all of those reasons, Mr. Speaker, I urge that we oppose the Wright amendment, and I urge the members of the House to join me in that opposition.

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

Mr. HAYDEN. Thank you, Mr. Speaker.

There is an additional reason why we ought to vote against this amendment. Whereas the first amendment dealt with process issues regarding permits, I think that this amendment clearly goes beyond that. This amendment would make it physically impossible to site a new incinerator in the State of Pennsylvania.

I will read for you from an EPA "Permitting Hazardous Waste Incinerators" document, which says, "No incinerator can burn 100 percent of the waste fed to it," and then it says, "However, the EPA performance standards require an incinerator to destroy or remove 99.99 percent of the organic hazardous constituents."

So what this means is, obviously if this amendment is adopted, whatever permits are now before DER for incinerators would have to be rejected. Keep in mind what I mentioned earlier. The Federal statutes require certain waste be incinerated as the method of treatment or the method of disposal. We would be in violation of the RCRA act regarding the requirement for incineration for certain waste, including PCB (polychlorinated biphenyl) contaminated soils, some of which in fact have been pulled out of the ground here in Pennsylvania. So this may appear on its face to try to impose reasonable restrictions over and above what we have already adopted by regulation, but the reality is, this would create an outright ban on new incinerators and new sites in the State of Pennsylvania.

For those reasons I would request that the members vote "no" on this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Clearfield, Mr. George.

Mr. GEORGE. Mr. Speaker, the intent of this amendment has no ulterior motive, only to spell out what many of you have insisted on, that these facilities be a particular distance away from some of the places of public interest, such as schools and churches, et cetera, and I cannot see how anyone would take question with that.

Just the other day, when we were talking and reading about the intended facility that will be placed in Liverpool, Ohio,

they bragged very heavily on the fact that there will only be 2 pounds of material that will be left over after incineration. This amendment just merely says, with all your money, you should even worry about those 2 pounds. Let us get rid of it all. After all, there are people who are going to be poisoned.

I think we ought to accept this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Berks County, Mr. Davies.

Mr. DAVIES. Mr. Speaker, would the gentleman stand for just one or two questions on the amendment?

The SPEAKER pro tempore. The gentleman, Mr. Wright?

Mr. DAVIES. Yes.

The SPEAKER pro tempore. The gentleman, Mr. Wright, indicates that he will stand. The gentleman, Mr. Davies, is in order and may proceed.

Mr. DAVIES. Mr. Speaker, why is it always cast in the concern of the siting committee? Why is there not any restriction on the building of the facilities within the existing sites where hazardous waste is now located? Why is that not addressed?

Mr. D. R. WRIGHT. If I understood the gentleman's question, and perhaps I did not, is your question why we are asking for the exclusionary criteria to apply to the entire facility?

Mr. DAVIES. Yes. Why is not the opposite true? Why is there not a restraint against the building of facilities within a certain distance of existing hazardous waste sites as well? In other words, why is there not a restriction in it saying that you cannot build a school within 1 mile, let us say—I do not know whether you have 1 mile or 2 miles—of an existing site where there is hazardous waste now?

Mr. D. R. WRIGHT. I understand the gentleman's question now, I believe, and I believe that there will be an amendment offered from the gentleman from Lancaster a bit later that would meet the issue that you raise.

Mr. DAVIES. Thank you.

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

Mr. TRICH. Mr. Speaker, I would like to ask for an interrogation of the speaker.

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

Mr. TRICH. Mr. Speaker, in my home district there is a company that presently does do some in-house treatment of some hazardous waste materials, and they are trying to do that to be a responsible company in dealing with a problem that they know that they themselves are creating. Under this plan, if this amendment should pass, would it now mean that they would be also considered as part of this bill, that they are a treatment facility and therefore would not be eligible to continue doing that because of their proximity to other facilities that are sited in the amendment?

Mr. D. R. WRIGHT. No. They are an existing facility and would not come under the provisions of this amendment.

Mr. TRICH. So they will in fact be grandfathered in?

Mr. D. R. WRIGHT. Yes. They do not meet the requirements of this amendment. "Grandfathered in" is as good a word as any, yes.

Mr. TRICH. Thank you.

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

Mr. FAIRCHILD. Mr. Speaker, would the gentleman acquiesce to a short interrogation?

The SPEAKER pro tempore. The gentleman, Mr. Wright, indicates that he will stand. The gentleman, Mr. Fairchild, is in order and may proceed.

Mr. FAIRCHILD. Mr. Speaker, the term, the ending in the sentence, "...community park, hospital, church, retail center, nursing home or occupied dwelling" - would prisons be included as an "occupied dwelling"?

Mr. D. R. WRIGHT. I believe they would, Mr. Speaker, but I also understand you have an amendment, and that would certainly make it clear.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

Mr. D. R. WRIGHT. Yes.

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—102

Allen	Daley	King	Schuler
Angstadt	Davies	Kruszewski	Scrimenti
Argall	Dempsey	LaGrotta	Semmel
Armstrong	Donatucci	Langtry	Serafini
Barley	Fairchild	Laughlin	Smith, B.
Battisto	Fee	Lawless	Smith, S. H.
Belardi	Fleagle	Lescovitz	Snyder, D. W.
Belfanti	Freeman	Lloyd	Snyder, G.
Billow	Freind	Lucyk	Staback
Black	Gallen	McCall	Stairs
Blaum	Gamble	McHugh	Steighner
Bowley	Gannon	Mihalich	Stish
Bunt	Geist	Mundy	Strittmatter
Bush	George	Nyce	Stuban
Carlson	Gerlach	Pesci	Surra
Carone	Gruitza	Petrarca	Taylor, F.
Cawley	Gruppo	Petrone	Telek
Cessar	Hanna	Phillips	Tigue
Chadwick	Harley	Pitts	Tomlinson
Civera	Hasay	Raymond	Trello
Clark	Hayes	Reinard	Uliana
Cohen	Herman	Ritter	Vance
Colafiglia	Hess	Robinson	Veon
Cole	Jarolin	Rudy	Wogan
Cornell	Johnson	Saloom	Wright, D. R.
DeLuca	Kasunic		

NAYS—91

Acosta	Flick	Linton	Rieger
Adolph	Foster	McGeehan	Roebuck
Anderson	Gigliotti	McHale	Ryan
Arnold	Gladeck	McNally	Saurman
Birmelin	Godshall	Maiiale	Scheetz
Bishop	Hagarty	Markosek	Steelman
Boyes	Haluska	Marsico	Stetler
Broujos	Harper	Mayernik	Sturla
Brown	Hayden	Melio	Tangretti
Butkovitz	Heckler	Merry	Taylor, E. Z.

Cappabianca	Hershey	Michlovic	Taylor, J.
Carn	Hughes	Micozzie	Trich
Clymer	Itkin	Mrkoncic	Tulli
Colaizzo	Jadlowiec	Murphy	Van Horne
Corrigan	James	Nahill	Vroon
Cowell	Josephs	Nailor	Wambach
Coy	Kaiser	Nickol	Williams
DeWeese	Kenney	O'Brien	Wilson
Dent	Kosinski	Perzel	Wozniak
Dermodoy	Kukovich	Piccola	Wright, M. N.
Evans	Lee	Preston	
Fajt	Leh	Reber	O'Donnell,
Fargo	Levdansky	Richardson	Speaker
Farmer			

NOT VOTING—2

Caltagirone	Durham
-------------	--------

EXCUSED—6

Krebs	Olasz	Pistella	Thomas
Noye	Oliver		

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

On the question recurring,

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

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

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

Mr. D. R. WRIGHT. I would move to amendment A0856, and I would withdraw the intervening amendments.

AMENDMENT A0970 RECONSIDERED

The SPEAKER pro tempore. The Chair respects your decision, but we have to inform the House that we have before it a reconsideration motion filed by the gentleman, Mr. Hayden, and the gentleman, Mr. Kukovich, who move that the vote by which amendment 0970 to HB 953, PN 1065, was passed on the 24th day of March be reconsidered.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—191

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

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

NAYS—0

NOT VOTING—4

EXCUSED—6

Acosta	Freind	James	Mrkonic
Krebs	Olasz	Pistella	Thomas
Noye	Oliver		

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

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

The clerk read the following amendments No. A0970:

Amend Title, page 1, line 12 (A1336), by removing the period after "minimization" and inserting
; and further providing for a hazardous waste facility siting team.

Amend Bill, page 2, by inserting between lines 20 and 21 (A1336)

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

Section 309. Hazardous Waste Facility Siting Team.

(d.1) Copies of application.—If the department accepts the permit application for a hazardous waste treatment or disposal facility as administratively complete, the department shall send a copy of the permit application to the host county and host municipality for approval or disapproval.

(d.2) Procedure.—Within 60 days of the determination by the department that a permit application is administratively complete, the siting team shall hold a prehearing conference with the applicant and with the host county commissioners to determine if additional information is needed to complete a technical review of the application. The applicant shall submit final corrections and any additional information required by the department not later than 90 days after the department determines that the permit application is administratively complete. The final corrections and additional information shall be submitted to the department and the host county by the applicant. Any further need for information after 90 days shall result in rejection of the application by the department.

(d.3) Host county.—The host county shall have ten days after the final corrections required by the department are submitted by the applicant to make a determination as to whether the host county commissioners will hold a hearing to approve or disapprove the permit application. If the host county makes a determination that it will hold a public hearing, the host county must hold the public hearing within 30 days after the information referred to in subsection (d.2) is submitted by the applicant. The host county must follow the hearing procedures set forth in subsection (d.5).

(d.4) Host municipality.—If the host county determines within ten days that it will not hold a hearing and will not act to approve or disapprove a permit application, the host county shall notify in writing the governing body of the host municipality and the applicant of its determination. The host county shall also send any and all supporting data pertaining to the permit application received from the applicant or the department to the host municipality to expedite its review of the permit application. The host municipality's governing body shall hold a public hearing and approve or disapprove the permit application within 20 days after notification by the host county in accordance with the procedures set forth in section (d.5).

(d.5) Hearing; notice.—A hearing shall be held by either the host county commissioners or the governing body of the host municipality within 120 days of receipt of the copy of the permit application which is administratively complete. 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. The notice 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 public comment period shall extend 15 days after the hearing.

(d.6) Siting team.—The Hazardous Waste Siting Team shall be represented at the public hearings held by either the host county or municipality. The siting team shall respond to written questions from the county or the municipality within 15 days after the close of the public comment period.

(d.7) Approval factors.—The host county or host municipality, if the host county declines to do so, shall approve or disapprove the permit application based upon a consideration of the following factors: the effect of the facility on the safety of the public, taking into consideration the populated area neighboring the site; the impact that the proposed site may have on food or agricultural products meant for human or animal consumption which are grown or processed within a five-mile radius of the proposed site; the populated 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.

(d.8) Time limit.—The host county or host municipality shall approve or disapprove the permit application within 180 days of receipt from the department of a copy of the permit application which is administratively complete, and shall notify the department and the applicant in writing of its action.

(d.9) Reasons for disapproval.—If the host county or host municipality disapproves the permit application, it shall specify in writing its reasons for disapproval to the department and the applicant.

(d.10) Appeal.—Appeal of any decision of the host county or host municipality on the permit application shall be to the appellate jurisdiction, under 42 Pa.C.S. § 933(a)(3) (relating to appeals from government agencies), of the court of common

pleas of the county in which the hazardous waste treatment or disposal facility is proposed to be located. The court of common pleas shall limit its review of the host county or host municipality's disapproval of the permit application to the following criteria:

(1) whether the host county or host municipality violated any provision of this act;

(2) whether there was a violation of constitutional rights in the decision of the host county or host municipality to disapprove the permit application; or

(3) whether the host county or host municipality made a finding of fact in accordance with this act which was not based upon substantial evidence.

(d.11) Action during and after review process.—During the review process by the host county or municipality, the department shall continue its technical review of the permit application. If the host county or municipality disapproves the permit application, the department shall not take further action on the application unless the disapproval is reversed by court order.

Amend Sec. 2, page 2, line 21 (A1336), by striking out "2" and inserting

3

Amend Bill, page 5, line 2 (A1336), by striking out all of said line and inserting

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 recurring,

Will the House agree to the amendments?

The SPEAKER pro tempore. The House has immediately before it amendment 970 to HB 953, PN 1065, which was previously adopted by the House, and, on the question, recognizes the gentleman from Philadelphia, Mr. Hayden.

Mr. HAYDEN. Thank you, Mr. Speaker.

Very briefly, a number of members informed me that they were incorrectly voted during the roll call on the first amendment. This was the amendment which granted local municipalities effectively the opportunity to veto permit applications, and once again I would recommend a "no" vote on this amendment.

The SPEAKER pro tempore. On the question, the gentleman, Mr. Mihalich.

Mr. MIHALICH. Mr. Speaker, again I want to point out the unfortunate choice of language used by the opponents of this amendment. The word "veto" is incorrect. It is wrong. It is even wrong when used with a modifier, substantially. It is not correct. It is not veto power. It is due process, and it is giving our local communities the right to have input into the siting of these facilities.

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—92

Table listing names of members who voted 'YEAS' (92 total). Includes names like Allen, DeLuca, Hess, Pitts, etc.

NAYS—103

Table listing names of members who voted 'NAYS' (103 total). Includes names like Acosta, Farmer, McHale, Saurman, etc.

NOT VOTING—0

EXCUSED—6

Table listing names of members who were 'EXCUSED' (6 total). Includes names like Krebs, Olasz, Pistella, Thomas, etc.

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 as amended?

AMENDMENT A0970 RECONSIDERED

The SPEAKER pro tempore. The Chair has before it a reconsideration motion filed by the gentlemen, Mr. Wright

and Mr. Mihalich, who move that the vote by which amendment 970 to HB 953, PN 1065, was defeated on the 24th day of March be now reconsidered.

On the question,
Will the House agree to the motion?
The following roll call was recorded:

YEAS—191

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

NAYS—0

NOT VOTING—4

Cappabianca	McHale	Stairs	Tangretti
-------------	--------	--------	-----------

EXCUSED—6

Krebs	Olasz	Pistella	Thomas
Noye	Oliver		

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

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

The clerk read the following amendments No. A0970:

Amend Title, page 1, line 12 (A1336), by removing the period after "minimization" and inserting
; and further providing for a hazardous waste facility siting team.

Amend Bill, page 2, by inserting between lines 20 and 21 (A1336)

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

Section 309. Hazardous Waste Facility Siting Team.

(d.1) Copies of application.—If the department accepts the permit application for a hazardous waste treatment or disposal facility as administratively complete, the department shall send a copy of the permit application to the host county and host municipality for approval or disapproval.

(d.2) Procedure.—Within 60 days of the determination by the department that a permit application is administratively complete, the siting team shall hold a prehearing conference with the applicant and with the host county commissioners to determine if additional information is needed to complete a technical review of the application. The applicant shall submit final corrections and any additional information required by the department not later than 90 days after the department determines that the permit application is administratively complete. The final corrections and additional information shall be submitted to the department and the host county by the applicant. Any further need for information after 90 days shall result in rejection of the application by the department.

(d.3) Host county.—The host county shall have ten days after the final corrections required by the department are submitted by the applicant to make a determination as to whether the host county commissioners will hold a hearing to approve or disapprove the permit application. If the host county makes a determination that it will hold a public hearing, the host county must hold the public hearing within 30 days after the information referred to in subsection (d.2) is submitted by the applicant. The host county must follow the hearing procedures set forth in subsection (d.5).

(d.4) Host municipality.—If the host county determines within ten days that it will not hold a hearing and will not act to approve or disapprove a permit application, the host county shall notify in writing the governing body of the host municipality and the applicant of its determination. The host county shall also send any and all supporting data pertaining to the permit application received from the applicant or the department to the host municipality to expedite its review of the permit application. The host municipality's governing body shall hold a public hearing and approve or disapprove the permit application within 20 days after notification by the host county in accordance with the procedures set forth in section (d.5).

(d.5) Hearing; notice.—A hearing shall be held by either the host county commissioners or the governing body of the host municipality within 120 days of receipt of the copy of the permit application which is administratively complete. 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. The notice 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 public comment period shall extend 15 days after the hearing.

(d.6) Siting team.—The Hazardous Waste Siting Team shall be represented at the public hearings held by either the host county or municipality. The siting team shall respond to written

questions from the county or the municipality within 15 days after the close of the public comment period.

(d.7) Approval factors.—The host county or host municipality, if the host county declines to do so, shall approve or disapprove the permit application based upon a consideration of the following factors: the effect of the facility on the safety of the public, taking into consideration the populated area neighboring the site; the impact that the proposed site may have on food or agricultural products meant for human or animal consumption which are grown or processed within a five-mile radius of the proposed site; the populated 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.

(d.8) Time limit.—The host county or host municipality shall approve or disapprove the permit application within 180 days of receipt from the department of a copy of the permit application which is administratively complete, and shall notify the department and the applicant in writing of its action.

(d.9) Reasons for disapproval.—If the host county or host municipality disapproves the permit application, it shall specify in writing its reasons for disapproval to the department and the applicant.

(d.10) Appeal.—Appeal of any decision of the host county or host municipality on the permit application shall be to the appellate jurisdiction, under 42 Pa.C.S. § 933(a)(3) (relating to appeals from government agencies), of the court of common pleas of the county in which the hazardous waste treatment or disposal facility is proposed to be located. The court of common pleas shall limit its review of the host county or host municipality's disapproval of the permit application to the following criteria:

- (1) whether the host county or host municipality violated any provision of this act;
- (2) whether there was a violation of constitutional rights in the decision of the host county or host municipality to disapprove the permit application; or
- (3) whether the host county or host municipality made a finding of fact in accordance with this act which was not based upon substantial evidence.

(d.11) Action during and after review process.—During the review process by the host county or municipality, the department shall continue its technical review of the permit application. If the host county or municipality disapproves the permit application, the department shall not take further action on the application unless the disapproval is reversed by court order.

Amend Sec. 2, page 2, line 21 (A1336), by striking out "2" and inserting

3

Amend Bill, page 5, line 2 (A1336), by striking out all of said line and inserting

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 recurring,

Will the House agree to the amendments?

The SPEAKER pro tempore. The House has immediately before it amendment 970 to HB 953, PN 1065.

On the question, the gentleman from Clarion, Mr. Wright.

Mr. D. R. WRIGHT. Mr. Speaker, as I indicated earlier, amendment 970, in my judgment, is the most critical amendment that you will be faced with today. There have been allegations that if you vote for this, we will lose EPA money. Representative Fairchild and I have demonstrated as incontrovertibly as geometry that that is not an issue with this amendment. There are those who make other kinds of extraneous arguments, and the reality is that what this amendment is about is whether or not we are going to give the people whom we represent meaningful participation.

You have heard arguments today that this is a veto. Representative Fairchild and I have worked hard with a number of people to make certain that this is not a veto, and calling it a veto does not make it a veto. It simply provides for meaningful participation in the siting process.

It says to counties and municipalities, there is a way for you to weigh the evidence, not capriciously, not arbitrarily, but through a standard of judgment, and having made that judgment, you then can make a determination about whether you want that or not, and then other people can appeal. It is not, it is not a veto.

I am going to assert to you that if we do not provide in this Commonwealth some way for citizens to have a say, they are going to say it in ways that we are not going to like. I urge you to give the people of this Commonwealth a say.

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

Mr. MIHALICH. Thank you, Mr. Speaker.

Mr. Speaker, perhaps I want to direct my remarks to our members who come from the larger metropolitan areas. Perhaps they are unaware of the problems that the rural and semirural areas have with the siting criteria of these kinds of facilities. I am sure they do not understand and I think that they should, because the arguments that were put up here today about, you know, the threats of losing money were demonstrated to be false; the other threats that if you do not do this, we are going to lose money and several other innuendos that were offered, they were all proved to be false, and they should have and I plead with you to have the understanding to help those of us in the rural and semirural areas.

We are not asking for money. We are not asking, for instance, if I might use an analogy, for hundreds of millions of dollars, for instance, in mass transit, which goes to the metropolitan areas and we get nothing in return, virtually nothing in return. We are not asking for that kind of money or understanding. We are not asking for those increased court costs in some of the larger counties in Pennsylvania. We are not asking for any of those big things. We are asking that our local communities be allowed to participate, not with a veto power. We are asking that our local communities be allowed to have serious input into the siting. We ask for that understanding.

It is a serious matter. It is a matter, if bad decisions are made, that we and other people in some areas in this Commonwealth have to live with for hundreds of years. It is not like, well, okay, we did a bad thing today; we are going to correct it next year. We create situations that do not go away. We have them scattered throughout Pennsylvania right now.

I ask you very seriously to give your utmost attention to this matter. I ask for an affirmative vote on the Wright amendment. Thank you.

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

Mr. HAYDEN. Thank you, Mr. Speaker.

Mr. Speaker, I would like to dispel at this point the notion that somehow this vote is strictly a matter of geography. That is inaccurate.

If you look at the hazardous waste facilities plan, you will note that hazardous waste is generated in counties throughout the Commonwealth. There are over 4,200 generators of hazardous waste in this Commonwealth, and frankly, the overwhelming majority of hazardous waste is treated on-site. Those sites are in the city of Philadelphia. Those sites are in Allegheny County. Those sites are in the Mon Valley. There is hazardous waste which is being treated on-site, which is being stored on-site, which is being transported throughout every county in this Commonwealth. The total volume which will be disposed of by commercial facilities pales in comparison to what is happening at individual sites.

Once again, I would urge the members to vote "no" and direct your attention simply to the first sentence of subsection (d.1), which says, "...the department shall send a copy of the permit application to the host county and host municipality for approval or disapproval." You can read that any which way you want to, but I certainly think that that obviously rescinds the section of Act 108 dealing with the certificate of public necessity. It changes what we did in July of 1988, and I think it sets us off in a wrong course.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Elk County, Mr. Surra.

Mr. SURRA. Thank you, Mr. Speaker.

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

There has been a lot of talk about capacity assurance plans. The fact is that we have to have disposal capacity for 68,000 tons. The department is considering disposal capacity for 500,000 tons, and right now the people of Pennsylvania have no say, no say. They come into a rural area and they ram it down your throat and you had better like it. You do not have due process, and I would request the help of some of the metropolitan legislators.

If you vote "no" on this amendment, you are voting to let DER be right and say that we want to tell the world that we want to site facilities of Pennsylvania, and you are voting that you want Pennsylvania to become the pay toilet of the eastern seaboard. All we are doing is giving the local people their due process and the right to send it to court.

I encourage an affirmative vote. Thank you.

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

Mr. JAROLIN. Thank you, Mr. Speaker.

You know, constantly in this House of Representatives we have hearings throughout the whole State, and the purpose of that particular hearing is to find out what the people's thoughts are out there on a particular piece of legislation or no matter what we are doing here in the State.

I personally believe that the Wright amendment is a good piece that is going to represent the constituents. Numerous, numerous occasions you cannot find out from DER what problems arise in a certain area, but by God, the people in that local area where the siting is to take place know what the problems are, and possibly there may not be any problems, but they do deserve the right to have a hearing in their particular area so that they can look at the problems with this and they can look at the benefits of this.

I urge all us lawmakers to vote affirmative on this amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Crawford County, Mr. Merry.

Mr. MERRY. Mr. Speaker, I feel that we are getting dual information here. On one hand I hear that if this amendment passes, we may very well be losing a certain amount of Federal funding as it applies to Superfunds. I also hear that we are trying to give the individual an opportunity to be heard locally. At the same time I hear that this amendment does not contain any veto provisions, and yet I read it myself and do not see that.

Starting at the bottom of the first page of amendment A970, it very clearly indicates that the host community has a decision to approve or disapprove, and particularly in the ninth line on page 2, while the lines are not numbered, I counted down to where it says, "...shall hold a public hearing and approve or disapprove the permit application...."

Now, in plain English, it says that this bill does have veto power in it, and for those reasons, since it could have an effect on Federal funding, I urge the defeat of the Wright amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Clearfield County, Mr. George.

Mr. GEORGE. Mr. Speaker, we are quite positive in our action in dealing with this matter. After all, it is a decision of those of us who make up and constitute this body.

But again—and we will not be either redundant or we will not belabor the matter—again, it now begins to be a matter of the city versus the rural area and vice versa. Those of us who are legislators who live and hopefully responsibly represent the rural area are forced many times to do things for those cities and their people and their legislators. We are not asking that anyone place a vote for an amendment that would hurt their area, but in reality in the long run, give the people an

opportunity to make some choices. That is why we passed Act 101. That is why we tried to, in our own manner, handle and recycle waste and things of this nature.

Let me remind you that all we are really doing is sending a message to a department and saying, hey, if you cannot protect those of our constituents as the Constitution insists, then we are going to pass amendments and legislation to bring you to mind that you and your obligation is to protect the people and the environment. That is all we are doing. And to simply negate that by being geographic, then what I am saying to you is, you are being divided by an industry that has had their way and will continue to have their say.

I would urge that we support and vote "yes" on this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Schuylkill County, Representative Lucyk.

Mr. LUCYK. Thank you, Mr. Speaker.

I stand here to urge the passage of this amendment.

The comments I am hearing on this floor of people voting against the amendment are, you know, this does not bother me; my area is not affected by it.

I have gone to countless public meetings in my district fighting different projects, and people say to me, you know, what can we do; we are powerless; we are powerless against the forces of the Department of Environmental Resources and big money; we have the right to be heard and we have the right to do something to prevent our environment from being spoiled. And many, many of the projects that we are looking at are coming in from out of State. They are not dealing with hazardous waste generated in Pennsylvania. They are dealing with hazardous waste and residual waste that is generated in New York and New Jersey and other States.

Believe me, you might think you do not have a problem today and you can turn your back on this amendment right now, but in the future this might not happen. We people in the rural areas of Pennsylvania are starting to smarten up. For years we have been the dumping grounds for different areas from out of State and instate, but we are learning. We are learning about zoning and different ways we can prevent these projects from coming into our areas, so do not turn your back.

The amendments you see, 56 amendments or whatever, show the seriousness of this problem throughout this Commonwealth. Do not think you are immune. Please, help us. Give us a "yes" vote on this amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Allegheny County, Mr. Michlovic.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, I agree with my colleague, Mr. Lucyk, in part, and that part is that everybody is affected. Everybody is affected. If you think that your area is not affected by this amendment, you are wrong. If you have an industry in your district that is under some sort of compliance to remove hazardous waste from the water, remove a waste from the air,

that industry has got to do something with that residual waste, and we prescribe what they have to do with that residual and hazardous waste. We prescribe that they have got to put it in a double-lined landfill; we prescribe that they may incinerate it under circumstances, but we do not give them much options. And if this kind of an amendment goes through and we allow every local group, basically, to veto a site, our industries are going to be slowing down awfully quick. And that is the problem; we are all affected.

I have heard members on this floor say we need to give people due process. We need to give people the right to have a say on this. They do have a right to a say on this.

I remind the members of this House that we live and we work in a representative government here, and that is what this whole debate is about. We represent 58,000 people, we listen to the arguments on this floor, and we are here to make a decision. If we shift every major decision back to the people and they challenge it to the courts and we let them make it, we might as well not be here. We have got to make a decision, because I think all of you understand that if every community has a right to veto these kinds of facilities, we will not have these kinds of facilities, and then you have to deal with that reality - where are they going to put the hazardous waste that is generated in this Commonwealth?

For all those reasons, Mr. Speaker, I urge the defeat of the Wright amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from York County, Mr. Foster.

Mr. FOSTER. Thank you, Mr. Speaker.

I would like to just ask the members this question: If you do pass this amendment, just where do you think the facilities will be to dispose of hazardous waste products? The simple answer, there will not be any, if you are going to allow local veto.

Now, I have heard several speakers talk about due process. What kind of due process would it be in a court of law if someone was charged with murder and then the members of the jury consisted of the families and friends of the accused? That is about the kind of due process you are going to get out of this.

Let me tell you that there is no one, no local officials who are going to be able to stand up under the pressure that this type of amendment would produce. You are asking them to bear a greater burden than you would be willing to shoulder yourselves. I do not think any one of us would want to be the one to make the decision to approve or disapprove. And look at the criteria cited. There is not one of those criteria that you could not rationalize into a negative vote and disapprove any proposal.

Now, if you seriously want to be a part of the solution and not part of the problem, then you must vote against the Wright amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Mercer County, Mr. King.

Mr. KING. Thank you, Mr. Speaker.

I rise in support of the Wright amendment. As a representative of northwestern Pennsylvania, which certainly shares those rural characteristics so eloquently spoken to in this body today, and most importantly, also sharing that great river of concrete which goes north and south and east and west called Interstates 80 and 79, which intersect right in my area, and being in an area where there are a great many open spaces which have been coveted by the waste siting industry, I speak in support of the 58,000 constituents who share my concerns about their nonvoice in this process.

But most of all I would like to speak to members on my own side of the House, which between vote No. 1 and vote No. 3, those five members, who know who they are, who voted and changed their votes to cast against this amendment, I ask you for your specific change and look at the problems that we have up in our rural areas and ask for your reconsideration. And once we get those five votes on this side of the aisle, I would like to go across the aisle to my other Democratic Representatives, those of you who changed your vote, and ask for just a few of you to reconsider again your previous vote, and I ask for your support of the Wright amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Union County, Mr. Fairchild.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

Discussions on the floor, there are a couple of maybe misconceptions that are going around. This amendment only applies to commercial hazardous waste facilities. It does not apply to your "mom and pop." There was a misconception here—I say "mom and pop"—it does not apply to your company in your district that may or may not be processing waste. This is only commercial hazardous waste facilities. For example, there are four permitted facilities in Pennsylvania now.

Again, 573,000 tons are presently before DER. We do not have a mechanism in place to permit out-of-State waste. It is that simple. Do not let people say, well, we have the CPN (certificate of public necessity) process. What a wonderful process. What that says is, if you have zoning in your district, that the State can override the zoning. Is that not a law body in itself? That is exactly what David Wright is trying to do. It sets up another safeguard of the process.

This is a very good amendment, and I would be willing to bet that what we end up doing here is going to affect each and every one of us big time down the road. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Somerset County, Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, running through this debate every time we have it is a thread that irritates me and I think a lot of other Representatives from the rural part of the State. I heard it again here today. The assumption is that those people who oppose the amendment are being environmentally responsible

and that those people who are against giving the DER the right to come in and make the decisions unilaterally, who want some kind of local control and local input, are not-in-my-backyard-syndrome people; and somehow when the roll is called up yonder, those people who voted for the Wright amendment are going to be on the outs and those people who vote with Mr. Hayden and Mr. Michlovic and some of the other spokesmen for the opponents of this measure are going to be on the in.

Well, Mr. Speaker, I think that reflects a policy judgment which was made in this State in 1980 which is not at all inevitable. It makes the judgment that hazardous waste disposal sites ought to be in isolated rural areas, and in fact, there was an amendment and we voted and I voted for it here today, and all other things being equal, I think that is a reasonable thing to try to do.

But I would just like to share with you an experience that I had 11 years ago when a local developer decided that it would be a great idea to have a hazardous waste disposal site in my county. At that time we had a number of meetings with the Department of Environmental Resources, and the Secretary, Cliff Jones, said, look, before you guys get locked in granite on this, will you not at least go to look at a state-of-the-art hazardous waste disposal site, and we agreed to do that. And we went to Niagara Falls, New York, to see the Cecos Hazardous Waste Site, state of the art, according to the Secretary of Environmental Resources. Where was it? Was it out in the hinterland, out by Rich Stadium someplace, or was it out in the farmland? No. You drive down an industrial street of Niagara Falls, New York, and you see a powerplant and you see a factory and you see a scrapyard and you see a hazardous waste landfill and you see another factory right mixed in where all the factories generating the waste are located. Now, that is obviously a different public policy decision than we made in this State in 1980. That is making the judgment that the disposal site should be close to where the factories are, because one of the major potential problems is with transportation, and that is minimizing that problem.

And it bothers me when my brethren from the more heavily populated areas of this State suggest that somehow those of us who believe that that policy decision should be reexamined are sinful or are erroneous and are trying to shut down the State of Pennsylvania. What we are attempting to do with amendments such as this one is to force a reevaluation of the decisionmaking process about where those sites should be located. This is the best weapon available to us, and I hope that some of the people who changed their votes will come back with us and we can move on with a "yes" vote on the Wright amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Allegheny County, Mr. Preston.

Mr. PRESTON. Thank you, Mr. Speaker.

Until about an hour ago I was going to vote for the Wright amendment. Then I started hearing the remarks of the separatism between the urban and the rural.

I will say to the gentleman, Mr. Wright, and also to Mr. Fairchild, when you had problems with your cows, I was one of the first people to raise my hand to give you money for it. When you had problems with your chickens, I was one of the first; if you had a problem, I voted for it. When you wanted to start off with the different problems as far as eliminating the giardiasis situation, I raised my hand and voted for the money. People in other rural areas had problems with the blackfly, I raised my hand. You got the problem; we do not have that problem. You had problems with your milk and everything like that, you admitted problems about that, I raised my hand and voted for the money. Now, all of a sudden I start hearing people talk about transportation systems, and I have noticed how the rural areas are asking for transportation systems.

You have continuously tried to divide this caucus, and it is inappropriate, because we in the urban areas have continuously always supported you when you had those different types of problems. Now all of a sudden you are trying to say, well, here you go again. Well, Mr. Speaker, here I go again. I am going to vote against this amendment.

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

Mr. FAIRCHILD. Thank you, Mr. Speaker.

I would just like to correct the record. I have never in any of my comments today said anything on rural versus urban, and I just want to correct the record. Thank you.

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

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

I will be brief.

I would join Representative Fairchild in saying that today I have not attempted to pit one area of the State against the other.

I recognize, from a story in the Pittsburgh Press of 1/12/92, that the city of Pittsburgh itself is concerned about incinerators, toxic incinerators close to their area, and I would applaud them in their efforts to do something about that just as we are trying to do something about it.

I would say to those of you who have great faith in the permanent bureaucracy to look after the interest, you ought to vote against this amendment. Those of you who are espousing low esteem for the people in your area to make judgments about what should be, you ought to vote against this amendment. But if you have an interest in people having an opportunity for participation in some of the most important decisions facing their lives, I would ask that you 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—112

Allen	DeLuca	Hughes	Pitts
Anderson	DeWeese	Jarolin	Richardson
Angstadt	Daley	Johnson	Ritter
Argall	Davies	Kasunic	Robinson
Armstrong	Dempsey	King	Rudy
Arnold	Fairchild	Kosinski	Saloom
Barley	Fargo	Kruszewski	Schuler
Battisto	Farmer	Kukovich	Scrimenti
Belardi	Fee	LaGrotta	Serafini
Belfanti	Fleagle	Langtry	Smith, B.
Billow	Freeman	Laughlin	Smith, S. H.
Bishop	Freind	Lawless	Snyder, G.
Black	Gallen	Lescovitz	Staback
Blaum	Gamble	Lloyd	Stairs
Bowley	Geist	Lucyk	Steelman
Broujos	George	McCall	Stish
Bush	Gerlach	McHugh	Strittmatter
Caltagirone	Gruitza	Mayernik	Stuban
Carlson	Gruppo	Melio	Surra
Carn	Haluska	Mihalich	Taylor, F.
Carone	Hanna	Mundy	Telek
Cawley	Harley	Nailor	Tigue
Cessar	Harper	Nickol	Trello
Chadwick	Hayes	Nyce	Van Horne
Clark	Heckler	Pesci	Vance
Cohen	Herman	Petrarca	Veon
Colafella	Hershey	Petrone	Wogan
Cole	Hess	Phillips	Wright, D. R.

NAYS—81

Acosta	Flick	Maiale	Semmel
Adolph	Foster	Markosek	Snyder, D. W.
Birmelin	Gannon	Marsico	Stetler
Boyes	Gigliotti	Merry	Sturla
Brown	Gladeck	Michlovic	Tangretti
Bunt	Godshall	Micozzie	Taylor, E. Z.
Butkovitz	Hagarty	Mrkonic	Taylor, J.
Cappabianca	Hasay	Murphy	Tomlinson
Civera	Hayden	Nahill	Trich
Clymer	Itkin	O'Brien	Tulli
Colaizzo	Jadlowiec	Perzel	Uliana
Cornell	Josephs	Piccola	Vroon
Corrigan	Kaiser	Preston	Wambach
Cowell	Kenney	Raymond	Williams
Coy	Lee	Reber	Wilson
Dent	Leh	Reinard	Wozniak
Dermody	Levdansky	Rieger	Wright, M. N.
Donatucci	Linton	Roebuck	
Durham	McGeehan	Ryan	O'Donnell, Speaker
Evans	McHale	Saurman	
Fajt	McNally	Scheetz	

NOT VOTING—2

James	Steighner
-------	-----------

EXCUSED—6

Krebs	Olasz	Pistella	Thomas
Noye	Oliver		

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

On the question recurring,

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

Mr. D. R. WRIGHT offered the following amendments No. A0856:

Amend Title, page 1, line 12 (A1336), by removing the period after "minimization" and inserting

and for hazardous and residual waste management.

Amend Bill, page 2, by inserting between lines 20 and 21 (A1336)

“Wasteshed.” A hazardous or residual waste management service territory that is a regional area composed of contiguous counties of this Commonwealth as designated and established herein or as designated in the rules and regulations of the Department of Environmental Resources.

Section 2. The act is amended by adding a chapter to read:
CHAPTER 10

HAZARDOUS WASTE MANAGEMENT

Section 1001. Establishment of hazardous and residual waste management wastesheds.

(a) Establishment.—In order to facilitate comprehensive hazardous and residual waste management, protect and conserve the natural resources of this Commonwealth, and assure adequate long-term hazardous and residual waste disposal capacity, wastesheds for the management of hazardous and residual waste treatment and disposal capacity, wastesheds for the management of hazardous and residual waste within this Commonwealth shall be established. The following hazardous and residual waste management wastesheds are hereby established as the initial wastesheds within this Commonwealth:

(1) Eastern wasteshed.—Berks, Bucks, Carbon, Chester, Delaware, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Monroe, Montgomery, Northampton, Philadelphia, Pike, Schuylkill, Susquehanna, Wayne and Wyoming counties.

(2) Southcentral wasteshed.—Adams, Bedford, Blair, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Mifflin, Perry and York counties.

(3) Northern wasteshed.—Bradford, Cameron, Centre, Clarion, Clearfield, Clinton, Columbia, Crawford, Elk, Erie, Forest, Jefferson, Lycoming, McKean, Montour, Northumberland, Potter, Snyder, Sullivan, Tioga, Union, Venango and Warren counties.

(4) Southwestern wasteshed.—Allegheny, Armstrong, Beaver, Butler, Cambria, Fayette, Greene, Indiana, Lawrence, Mercer, Somerset, Washington and Westmoreland counties.

(b) Revision.—The delineation of the hazardous or residual waste management wastesheds within this Commonwealth may be revised by the department by regulation. The department shall not propose a revision to the delineation set forth in subsection (a) earlier than one year after the effective date of this act.

(c) Delineation factors.—Hazardous or residual waste management wastesheds shall be delineated pursuant to subsection (b) to associate contiguous counties within a single wasteshed, taking into consideration such factors as county hazardous and residual waste management plans, geography, topography, demographics and transportation routes.

Section 1002. Treatment or disposal of hazardous or residual waste.

(a) General rule.—Except as otherwise provided in this section, no hazardous or residual waste may be transported into or out of a wasteshed for treatment or disposal.

(b) New hazardous or residual waste sites.—No permit granted by the department for a new hazardous or residual waste facility within any wasteshed shall be valid or enforceable by any person to the extent that it conflicts with subsection (a) or any other provision of this act.

(c) Exception.—This section shall not apply to any of the following:

(1) An existing contractual arrangement during the current term of the contract.

(2) Hazardous or residual waste generated outside of a wasteshed that is being transported through the wasteshed in accordance with the laws of this Commonwealth if the trans-

portation is consistent with applicable hazardous or residual waste management plans.

(3) Hazardous or residual waste subject to an order of the department that allows or requires transportation, processing or disposal of the waste outside the wasteshed when the department finds, in writing, that the order is necessary to prevent a public health hazard or an environmental emergency and publishes public notice of the finding.

(4) Hazardous or residual waste subject to a binding obligation of a written contract for the processing or disposal of the waste if the contract was entered into for a fixed term prior to the effective date of this chapter and is consistent with the terms and conditions of the facility's hazardous or residual waste processing or disposal permit.

(5) Interstate transportation of hazardous or residual waste.

Section 1003. Permit review.

(a) Volume of waste.—An application for a permit for a hazardous or residual waste site or for a permit modification for an expansion of capacity for a hazardous or residual waste site shall be sized and designed only for the amount of hazardous or residual waste capacity received from within the boundaries of the wasteshed.

(b) Other criteria.—When reviewing an application for a permit for a hazardous or residual waste site or for a permit modification for an expansion of capacity for a hazardous or residual waste site to determine size and design, the department must consider all criteria in this act and its regulations, as well as whether hazardous and residual waste generators within the watershed are engaging in waste minimization plans.

Section 1004. Transportation impact analysis.

An operator of a hazardous or residual waste site permitted to receive hazardous or residual waste from within a designated wasteshed shall submit a transportation impact analysis to the department every two years on a schedule established by the department for each facility. The transportation impact analysis shall assess the impact of the operation of the facility on traffic and road safety in a relevant area around the facility as determined by the department. The transportation impact analysis shall meet the geographical and technical specifications required by the department for the facility after consultation with the Department of Transportation.

Section 1005. Quarterly reports.

On and after January 1, 1993, each hazardous or residual waste site permitted by the department to receive hazardous or residual waste from within a designated wasteshed shall compile and retain quarterly reports that state the total weight or volume of hazardous and residual waste received from each county within the wasteshed. The quarterly reports shall aggregate the daily waste weight or volume records of the facility by calendar month, type of waste and place of origin. Each quarterly report shall be prepared by the operator on or before the 20th day of April, July, October and January for the preceding three months ending on the last days of March, June, September and December. These records shall be compiled by the operator on a form provided by the department and shall be retained at the facility for at least five years. The operator shall provide a copy of the report to the department and to the government of a county listed in the report upon request.

Amend Sec. 2, page 2, line 21 (A1336), by striking out “2” and inserting

3

Amend Bill, page 5, by inserting between lines 1 and 2 (A1336)

Section 4. The provisions of this act are severable. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application.

Amend Sec. 3, page 5, line 2 (A1336), by striking out "3" and inserting

5

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

The SPEAKER pro tempore. On the amendment, the gentleman from Clarion, Mr. Wright.

Mr. D. R. WRIGHT. Mr. Speaker, the amendment that we have before us, amendment 856, relates to a proposal which the Governor has made developing wastesheds for municipal waste, and that idea sounds like a good one to me. Each of the four regions in the State should be responsible for managing its own waste. That is a sound idea, and it should apply equally to hazardous and residual waste, and therefore, I offer this amendment and ask for its adoption.

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

Mr. HAYDEN. Thank you, Mr. Speaker.

This is an interesting debate. We just went from saying that we do not need any new facilities in the State of Pennsylvania to saying that we ought to have eight new facilities in the State of Pennsylvania, because there are four wastesheds identified. You should know that under the way hazardous waste is disposed of, some is disposed of in landfills and some is through incinerators. So we have gone from saying that we really do not need any new capacity in Pennsylvania to saying that each one of these regions ought to have a new hazardous waste landfill as well as a new incinerator.

I guess at some point people can square that logic, but for those who cannot, I think we ought to vote "no" on this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Montgomery County, Mr. Saurman.

Mr. SAURMAN. Thank you, Mr. Speaker.

I do not know when we started regulating all these kinds of businesses. This is not a utility; this is private enterprise. But when you start dividing up the State and saying what can come in and what can come out and where you are going to put this and where you are going to put that, you are getting pretty much into the business of private enterprise, and I think we ought to stay out of there and let the businesses decide how they are going to operate.

I would vote this amendment down.

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

The following roll call was recorded:

YEAS—59

Table listing names of members who voted 'YEAS' in two columns: Belardi, Belfanti, Black, Bowley, Bush, Carlson, Carn, Cawley, Cessar, Dempsey, Fairchild, Fleagle, Freind, Geist, Gerlach, Gruitza, Gruppo, Haluska, Johnson, LaGrotta, Laughlin, Lawless, Lescovitz, Lloyd, Lucyk, McHugh, Melio, Serafini, Smith, B., Smith, S. H., Snyder, G., Staback, Steighner, Stish, Stuban, Surra.

Table listing names of members who voted 'NAYS' in two columns: Chadwick, Cohen, Colafella, DeLuca, DeWeese, Daley, Hanna, Hayes, Herman, Hershey, Hess, Jarolin, Petrarca, Phillips, Pitts, Robinson, Schuler, Scrimenti, Telek, Tigue, Veon, Williams, Wright, D. R.

NAYS—135

Table listing names of members who voted 'NAYS' in two columns: Acosta, Adolph, Allen, Anderson, Angstadt, Argall, Armstrong, Arnold, Barley, Battisto, Billow, Birmelin, Bishop, Blaum, Boyes, Broujos, Brown, Bunt, Butkovitz, Caltagirone, Cappabianca, Carone, Civera, Clark, Clymer, Colaizzo, Cole, Cornell, Corrigan, Cowell, Coy, Davies, Dent, Dermody, Donatucci, Durham, Evans, Fajt, Fargo, Farmer, Fee, Flick, Foster, Freeman, Gallen, Gamble, Gannon, George, Gigliotti, Gladeck, Godshall, Hagarty, Harley, Harper, Hasay, Hayden, Heckler, Hughes, Itkin, Jadlowiec, Josephs, Kaiser, Kasunic, Kenney, King, Kosinski, Kruszewski, Kukovich, Langtry, Lee, Leh, Levdansky, Linton, McCall, McGeehan, McHale, McNally, Maiale, Markosek, Marsico, Mayernik, Merry, Michlovic, Micozzie, Mihalich, Mrkonic, Mundy, Murphy, Nahill, Nailor, Nickol, Nyce, O'Brien, Perzel, Pesci, Petrone, Piccola, Preston, Raymond, Reber, Reinard, Richardson, Rieger, Ritter, Roebuck, Rudy, Ryan, Saurman, Scheetz, Semmel, Snyder, D. W., Stairs, Steelman, Stetler, Strittmatter, Sturla, Tangretti, Taylor, E. Z., Taylor, F., Taylor, J., Tomlinson, Trello, Trich, Tulli, Uliana, Van Horne, Vance, Vroon, Wambach, Wilson, Wogan, Wozniak, Wright, M. N., O'Donnell, Speaker.

NOT VOTING—1

James

EXCUSED—6

Table listing names of members who were 'EXCUSED' in two columns: Krebs, Noye, Olasz, Oliver, Pistella, Thomas.

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 as amended?

Mr. D. R. WRIGHT offered the following amendments No. A0862:

Amend Title, page 1, line 12 (A1336), by removing the period after "minimization" and inserting and for residual waste management.

Amend Bill, page 2, by inserting between lines 20 and 21 (A1336)

"Wasteshed." A residual waste management service territory that is a regional area composed of contiguous counties of this Commonwealth as designated and established herein or as designated in the rules and regulations of the Department of Environmental Resources.

Section 2. The act is amended by adding a chapter to read:

CHAPTER 10

RESIDUAL WASTE MANAGEMENT

Section 1001. Establishment of residual waste management wastesheds.

(a) Establishment.—In order to facilitate comprehensive residual waste management, protect and conserve the natural resources of this Commonwealth, and assure adequate long-term residual waste disposal capacity, wastesheds for the management of residual waste treatment and disposal capacity, wastesheds for the management of residual waste within this Commonwealth shall be established. The following residual waste management wastesheds are hereby established as the initial wastesheds within this Commonwealth:

(1) Eastern wasteshed.—Berks, Bucks, Carbon, Chester, Delaware, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Monroe, Montgomery, Northampton, Philadelphia, Pike, Schuylkill, Susquehanna, Wayne and Wyoming counties.

(2) Southcentral wasteshed.—Adams, Bedford, Blair, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Mifflin, Perry and York counties.

(3) Northern wasteshed.—Bradford, Cameron, Centre, Clarion, Clearfield, Clinton, Columbia, Crawford, Elk, Erie, Forest, Jefferson, Lycoming, McKean, Montour, Northumberland, Potter, Snyder, Sullivan, Tioga, Union, Venango and Warren counties.

(4) Southwestern wasteshed.—Allegheny, Armstrong, Beaver, Butler, Cambria, Fayette, Greene, Indiana, Lawrence, Mercer, Somerset, Washington and Westmoreland counties.

(b) Revision.—The delineation of the residual waste management wastesheds within this Commonwealth may be revised by the department by regulation. The department shall not propose a revision to the delineation set forth in subsection (a) earlier than one year after the effective date of this act.

(c) Delineation factors.—Residual waste management wastesheds shall be delineated pursuant to subsection (b) to associate contiguous counties within a single wasteshed, taking into consideration such factors as county residual waste management plans, geography, topography, demographics and transportation routes.

Section 1002. Treatment or disposal of residual waste.

(a) General rule.—Except as otherwise provided in this section, no residual waste may be transported into or out of a wasteshed for treatment or disposal.

(b) New residual waste sites.—No permit granted by the department for a new residual waste facility within any wasteshed shall be valid or enforceable by any person to the extent that it conflicts with subsection (a) or any other provision of this act.

(c) Exception.—This section shall not apply to any of the following:

(1) An existing contractual arrangement during the current term of the contract.

(2) Residual waste generated outside of a wasteshed that is being transported through the wasteshed in accordance with the laws of this Commonwealth if the transportation is consistent with applicable residual waste management plans.

(3) Residual waste subject to an order of the department that allows or requires transportation, processing or disposal of the waste outside the wasteshed when the department finds in writing that the order is necessary to prevent a public health hazard or an environmental emergency and publishes public notice of the finding.

(4) Residual waste subject to a binding obligation of a written contract for the processing or disposal of the waste if the contract was entered into for a fixed term prior to the effective date of this chapter and is consistent with the terms and conditions of the facility's residual waste processing or disposal permit.

(5) Interstate transportation of residual waste.

Section 1003. Permit review.

(a) Volume of waste.—An application for a permit for a residual waste site or for a permit modification for an expansion of capacity for a residual waste site shall be sized and designed only for the amount of residual waste capacity received from within the boundaries of the wasteshed.

(b) Other criteria.—When reviewing an application for a permit for a residual waste site or for a permit modification for an expansion of capacity for a residual waste site to determine size and design, the department must consider all criteria in this act and its regulations, as well as whether residual waste generators within the watershed are engaging in waste minimization plans.

Section 1004. Transportation impact analysis.

An operator of a residual waste site permitted to receive residual waste from within a designated wasteshed shall submit a transportation impact analysis to the department every two years on a schedule established by the department for each facility. The transportation impact analysis shall assess the impact of the operation of the facility on traffic and road safety in a relevant area around the facility as determined by the department. The transportation impact analysis shall meet the geographical and technical specifications required by the department for the facility after consultation with the Department of Transportation.

Section 1005. Quarterly reports.

On and after January 1, 1993, each residual waste site permitted by the department to receive residual waste from within a designated wasteshed shall compile and retain quarterly reports that state the total weight or volume of residual waste received from each county within the wasteshed. The quarterly reports shall aggregate the daily waste weight or volume records of the facility by calendar month, type of waste and place of origin. Each quarterly report shall be prepared by the operator on or before the 20th day of April, July, October and January for the preceding three months ending on the last days of March, June, September and December. These records shall be compiled by the operator on a form provided by the department and shall be retained at the facility for at least five years. The operator shall provide a copy of the report to the department and to the government of a county listed in the report upon request.

Amend Sec. 2, page 2, line 21 (A1336), by striking out "2" and inserting

3

Amend Bill, page 5, by inserting between lines 1 and 2 (A1336)

Section 4. The provisions of this act are severable. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application.

Amend Sec. 3, page 5, line 2 (A1336), by striking out "3" and inserting

5

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On the amendment, the gentleman from Clarion, Mr. Wright.

Mr. D. R. WRIGHT. Mr. Speaker, I understand the concern that the members had with the previous amendment, and I appreciate the point of view expressed.

This amendment eliminates the hazardous waste from the wasteshed provision, but it does include residual waste, and that is more appropriate perhaps than the other. There is a need for us to take care of the residual waste within our own

areas - the eastern, south-central, northern, southwestern parts of the State - and I believe that this is a reasonable amendment.

And while I understand your opposition to the other one, I believe this is an amendment that we can all support, so I urge the adoption of amendment 862.

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

Mr. HAYDEN. Thank you, Mr. Speaker.

I would imagine that there are residual waste disposal facilities in virtually each one of these wastesheds at this point. However, this is part of the problem with a number of these amendments. What has happened is a number of people have freestanding bills which have been introduced, which have not been the subject of in some cases public hearing or public comment, and they are offering them here as amendments to a bill that, frankly, deals with hazardous waste. I see here we are already leaving the hazardous waste field and venturing into the residual waste field.

I am not certain that certainly this is an improvement regarding the cost of disposal of residual waste or an improvement in the disposal capacity for residual waste. For those reasons and for the others mentioned on the prior amendment, I would recommend we vote "no" on this amendment also.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Schuylkill County, Mr. Lucyk.

Mr. LUCYK. Mr. Speaker, I rise to support this amendment.

The particular problem we are having with our regulations concerning residual waste is that the State of New Jersey classifies substances, particularly soil contaminated with petroleum products, as hazardous waste, whereas in Pennsylvania we classify it as residual waste. So it is therefore easier for companies to transport that waste - petroleum-contaminated soil - into Pennsylvania where it is treated as residual waste as opposed to the hazardous waste in New Jersey. So I think this amendment is rather important for the people involved with the soil-contaminated waste burners.

I would ask for approval of this amendment.

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

Mr. GEORGE. Mr. Speaker, I would hope those of you who hear my voice would realize that there is not one of you who will not face what I am going to talk about right now.

In Pennsylvania under the guidelines, under the rules, if a house burns down or a house falls down or anything around that home needs to be cared for, it is placed in the category of residual waste. No longer does the department want the fire companies to burn it down to remove those blights. No longer do they want you to be able to cut up the wood and burn it in your own fireplaces, but they consider it to be residual. So today to buy a piece of property with a condemned structure would cost you 20 times more than buying a property that does not have a structure on it because of the residual mate-

rial. We need this amendment so we can handle residual material.

We should vote "yes."

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

Mr. CAWLEY. Thank you, Mr. Speaker.

I would like to interrogate the maker of the amendment.

The SPEAKER pro tempore. The gentleman, Mr. Wright, will stand for interrogation. The gentleman, Mr. Cawley, is in order and may proceed.

Mr. CAWLEY. Thank you, Mr. Speaker.

Mr. Speaker, could you tell me how you came up with this formula with the four areas?

Mr. D. R. WRIGHT. This is patterned after the Governor's proposal with solid waste.

Mr. CAWLEY. Do you have any idea what— Let us take each wasteshed area. The eastern region. Do you know what the population is for the eastern region?

Mr. D. R. WRIGHT. I do not, but they are about equal. The Governor provided you a map with those areas when he made this proposal. I do not happen to have the map with me and I do not happen to have the population figures, but they are about equal.

Mr. CAWLEY. Well, they may be the same as what the Governor proposed, but they are not anywhere near equal.

Mr. D. R. WRIGHT. Well—

Mr. CAWLEY. The eastern watershed area, I believe, constitutes almost 40 to 50 percent of the entire population in the State.

Mr. D. R. WRIGHT. You mean wasteshed?

Mr. CAWLEY. Wasteshed; yes. And so they are not— It may be what the Governor proposed, but the populations are not equal. There is a big diversity in the populations.

Mr. D. R. WRIGHT. I would accept the gentleman's judgment about that. I do not have the population figures.

Mr. CAWLEY. Okay.

That is all. Thank you, Mr. Speaker.

Mr. D. R. WRIGHT. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Montgomery County, Mr. Saurman.

Mr. SAURMAN. Thank you, Mr. Speaker.

I think the question that was just asked a moment ago indicates the problem that we have here trying to resolve a situation with somebody drawing quadrants and saying that this is how we are going to control residual or hazardous, whichever it is. That is what business is all about. That is what we are supposed to be allowing and having private enterprise take care of.

We get involved in these things, particularly without hearings, without looking at it. This is really dangerous, and we had better be careful what we are doing here, and I would ask again that we defeat this amendment. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—67

Allen	Cole	Hess	Schuler
Argall	DeWeese	Johnson	Scrimenti
Arnold	Dempsey	Kosinski	Smith, B.
Belardi	Dermody	LaGrotta	Smith, S. H.
Belfanti	Fairchild	Laughlin	Snyder, G.
Billow	Fajt	Lescovitz	Staback
Black	Fee	Lloyd	Steighner
Bowley	Feagle	Lucyk	Stish
Broujos	Freind	McCall	Surra
Bush	Gallen	McHugh	Telek
Caltagirone	Gamble	Melio	Tigue
Carlson	Gannon	Mihalich	Trello
Carn	George	Pesci	Trich
Cawley	Gruitza	Petrarca	Veon
Chadwick	Hanna	Phillips	Williams
Cohen	Hayes	Robinson	Wright, D. R.
Colafella	Herman	Saloom	

NAYS—128

Acosta	Farmer	Leh	Roebuck
Adolph	Flick	Levdansky	Rudy
Anderson	Foster	Linton	Ryan
Angstadt	Freeman	McGeehan	Saurman
Armstrong	Geist	McHale	Scheetz
Barley	Gerlach	McNally	Semmel
Battisto	Gigliotti	Maiale	Serafini
Birmelin	Gladeck	Markosek	Snyder, D. W.
Bishop	Godshall	Marsico	Stairs
Blaum	Gruppo	Mayernik	Steelman
Boyes	Hagarty	Merry	Stetler
Brown	Haluska	Michlovic	Strittmatter
Bunt	Harley	Micozzie	Stuban
Butkovitz	Harper	Mrkonic	Sturla
Cappabianca	Hasay	Mundy	Tangretti
Carone	Hayden	Murphy	Taylor, E. Z.
Cessar	Heckler	Nahill	Taylor, F.
Civera	Hershey	Nailor	Taylor, J.
Clark	Hughes	Nickol	Tomlinson
Clymer	Itkin	Nyce	Tulli
Colaizzo	Jadlowiec	O'Brien	Uliana
Cornell	James	Perzel	Van Horne
Corrigan	Jarolin	Petrone	Vance
Cowell	Josephs	Piccola	Vroon
Coy	Kaiser	Pitts	Wambach
DeLuca	Kasunic	Preston	Wilson
Daley	Kenney	Raymond	Wogan
Davies	King	Reber	Wozniak
Dent	Kruszewski	Reinard	Wright, M. N.
Donatucci	Kukovich	Richardson	
Durham	Langtry	Rieger	O'Donnell,
Evans	Lawless	Ritter	Speaker
Fargo	Lee		

NOT VOTING—0

EXCUSED—6

Krebs	Olasz	Pistella	Thomas
Noye	Oliver		

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 as amended?

The SPEAKER pro tempore. The Chair recognizes Mr. Wright.

Mr. D. R. WRIGHT. Mr. Speaker, I very much appreciate the attention and the cooperation of the House today on a matter that is of great interest to me.

We started with HB 953, which Representative George was gracious enough to help us get out of the Conservation Committee to provide a vehicle for these amendments. We now have in HB 953 minimization, we have some opportunity for local participation, and we have some adjustments made in siting criteria.

I will not belabor the House further with any of my amendments and simply thank the House for their cooperation in an endeavor that is very important to me.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

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

Mr. FAIRCHILD offered the following amendments No. A1022:

Amend Sec. 2, page 2, line 21 (A1336), by striking out "a section" and inserting sections

Amend Sec. 2, page 2, by inserting between lines 21 and 22 (A1336)

Section 314. Certain sites prohibited.

(a) General rule.—No permit shall be issued for the construction or operation of any commercial hazardous waste treatment, transfer, processing, storage or disposal facility within a two-mile radius of any Federal, State or county prison incarcerating convicts.

(b) Retroactivity.—This section shall be retroactive to January 1, 1991, but shall not apply to those existing facilities which have all permits required to operate a commercial hazardous waste facility.

On the question,

Will the House agree to the amendments?

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

Mr. FAIRCHILD. Thank you, Mr. Speaker.

I will be brief.

Let me give you a little history. I originally put this in as a bill and the isolation distance from prisons was 5 miles. The bill went to the Conservation Committee. Mr. George amended it into another bill and made it 2 miles. We discussed it, and the amendment that you have before you simply represents a 2-mile radius from any Federal, State, or county prison incarcerating convicts.

Why, do you say. Why should we put this into statutory language? In Union County the U.S. Federal prison is constructing a 3,000-bed prison. Approximately 650 staff will be there, and to make a long story short, the U.S. Department of Justice has come out against a hazardous waste incinerator being located next to this facility. Their basic problem is there is no effective way in the world to evacuate 3,000 prisoners from a facility that is located within a quarter of a mile of a hazardous waste facility.

I will not belabor the point. I know we are going to go late today. I have withdrawn four other amendments, so I ask for your support of this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman and turns to the gentleman from Philadelphia, Mr. Hayden.

Mr. HAYDEN. Thank you, Mr. Speaker.

Once again, this amendment is designed specifically to address, I am certain, an application which is now before the department. This is the problem when we digress from setting public policy through statute and regulation.

Now what we are doing, obviously, is trying to address individual projects. If we keep doing this—and apparently some people want to keep doing this—we are eventually going to activate the Hazardous Waste Facility Siting Commission, which will be required to act on its own to site new facilities in the State of Pennsylvania if we do not have new ones permitted by the end of 1992. That sets in stage a process by which if a privately owned and operated contractor cannot be found to run new facilities, then the State will get involved in the operation and siting of a new facility.

For that reason and for reasons such as those that went into the 10-year process which formed our hazardous waste facility regulations, I would recommend the members vote “no” on this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Northumberland, Mr. Phillips.

Mr. PHILLIPS. Thank you, Mr. Speaker.

I rise to support the Fairchild amendment.

It just makes common sense that if a facility like this is within this distance, that this should be considered. I think it is the intent, when we have many other facilities which are included in the siting criteria, that this also should be included. I had the opportunity to meet with a committee and the warden from Allenwood Federal Prison, and during that meeting it was stated really that if an accident would happen at a facility such as this, that there certainly would be no way to take care of the prisoners and remove them in an orderly manner, and I know that when they testified at the hearings, they also mentioned this from the U.S. prison system.

So I think that this is a good amendment and should be taken into consideration, and I would ask for your support. Thank you.

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

Mr. MIHALICH. May I interrogate the maker of the amendment, please?

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

Mr. MIHALICH. Just a little clarification, Mr. Speaker. The last two lines say, “Retroactivity...shall not apply to those existing facilities which have all permits required to operate a commercial hazardous waste facility.” The term “which have all permits,” would that be including interim

status permits, temporary permits, or those permits which DER uses now to allow people to be in business temporarily for whatever reason?

Mr. FAIRCHILD. Mr. Speaker, for legislative intent, the language that is here would apply to commercial hazardous waste facilities as defined under Act 108 and for those that would not have an operating permit.

Mr. MIHALICH. Thank you, sir. You have answered my question. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Allegheny County, Mr. Levdansky.

Mr. LEVDANSKY. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose this amendment. I do so because I just want to point out to the members that in Act 108, presently we have a siting criteria of 1 mile. We prohibit the siting of a hazardous waste facility within 1 mile from community facilities such as schools, hospitals, nursing homes, parks, airports, and retail centers. We also prohibit the siting of a facility within a half mile of a community water supply. While under the existing law we give these protections for a half mile from water supplies and 1 mile from community facilities, Mr. Fairchild proposes to give people in prisons, criminals, more protection than what we presently afford people in our communities.

I think that is preposterous, I think it is outrageous, and I think we ought to vote against this amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Montgomery County, Mr. Reber.

Mr. REBER. Thank you, Mr. Speaker.

Mr. Speaker, on the tails of those very astute comments of the prior speaker, I have long been, long been a supporter of work release programs, both at the county and State level, and I think we should not deter from the opportunity for such programs even at hazardous waste facilities. Therefore, I think there is justification for the defeat of the Fairchild amendment. Thank you.

The SPEAKER pro tempore. On the amendment, for the second time, the gentleman, Mr. Fairchild.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

Number one, the law does not prohibit the siting of these facilities. The law merely says that in phase II this could be a mitigatable circumstance.

Now that it is brought up—and I was not going to get into this—but I think you should know the difference between what a prison is and what a school is. I do not know whether any of you have been in prison—visiting, of course, but certainly under lock and key—and if you have talked to any correctional personnel who administer prisons, you will soon realize that it is a heck of a lot of difference between taking somebody out of school than it is to go in, try to lock down 3,000 prisoners, put them in shackle, get them on buses, evacuate them off the site.

Now, with that in mind, let us talk a little bit about a catastrophic accident and how some people would evacuate these

people. This is a U.S. Department of Transportation Emergency Response book. I think you all should have got a copy. If not, your emergency response directors will have them. Let us take a look at what happens in the evacuation time given the standards. Three thousand feet - let us just use that. That is about what it is to the far side of the incinerator. You have got 4 minutes, Mr. Speaker, 4 minutes to evacuate. You do it with 3,000 prisoners; you do it with 800 staff people. You do it and take care of the other people who live around this facility. Let us get real in this House of Representatives.

Now, since we are on the subject, do accidents happen? How about El Dorado, Arkansas: Six cases of rare sinus cancer have been treated by local doctors; fires in 1981 and 1983; catastrophic spill of PCB's in 1983.

Waterbury, Connecticut: Fire at plant in 1983 sparked formation of local community group.

Chicago, Illinois: PCB's were detected 1 1/2 miles downwind in soil at elementary school; levels were 16 times higher than schools 2 miles upwind.

Coffeyville, Kansas: In June 1988, failure of safety system in storage bins caused explosion, blowing hole in roof and spraying oil over workers, causing one to be taken to a hospital.

Clay, Kentucky: Explosion and fire in 1982 injured one worker and caused company to close.

Flint, Michigan: Runoff from site onto neighbor's land killed most trees and vegetation; 53 families were evacuated when sodium cyanide was found on-site because of the possible release of a deadly hydrogen cyanide gas.

Grand Island, Nebraska: Explosion in mobile incinerator critically injured two workers in October.

Logan Township, New Jersey: In 1977, 45,000 gallons of PCB's in three tanks exploded, killing six workers and seriously injuring several others.

I could go on and I could go on. You say accidents do not happen. They sure as heck do, Mr. Speaker, and I will tell you what: If you are going to vote on anything today, let something happen at a prison, let those people be trapped in there, and someday somebody is going to come back and look at your vote.

This is a solid amendment. It had 71 cosponsors. Many of you have contacted me subsequent to that or after that, and I think it stands on its own merit. It makes common sense. Thank you.

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—83

Adolph	Evans	King	Richardson
Allen	Fairchild	Kosinski	Ryan
Argall	Fee	LaGrotta	Saloom
Armstrong	Fleagle	Laughlin	Scheetz
Arnold	Freeman	Lescovitz	Schuler
Battisto	Freind	Lloyd	Scrimenti
Belfanti	Gallen	Lucyk	Semmel
Billow	Gannon	McCall	Serafini

Birmelin	Geist	Mayernik	Smith, B.
Broujos	George	Melio	Smith, S. H.
Bush	Gruitza	Micozzie	Snyder, G.
Carlson	Gruppo	Mihalich	Steighner
Cessar	Haluska	Mundy	Strittmatter
Chadwick	Hanna	Nickol	Stuban
Civera	Hayes	Perzel	Surra
Clark	Heckler	Petrarca	Telek
Clymer	Herman	Petrone	Veon
Colafella	Hess	Phillips	Williams
Davies	Hughes	Pitts	Wilson
Dempsey	Jadlowiec	Raymond	Wright, D. R.
Durham	Johnson	Reinard	

NAYS—112

Acosta	Dermody	Lee	Saurman
Anderson	Donatucci	Leh	Snyder, D. W.
Angstadt	Fajt	Levdansky	Staback
Barley	Fargo	Linton	Stairs
Belardi	Farmer	McGeehan	Steelman
Bishop	Flick	McHale	Stetler
Black	Foster	McHugh	Stish
Blaum	Gamble	McNally	Sturla
Bowley	Gerlach	Maiale	Tangretti
Boyes	Gigliotti	Markosek	Taylor, E. Z.
Brown	Gladeck	Marsico	Taylor, F.
Bunt	Godshall	Merry	Taylor, J.
Butkovitz	Hagarty	Michlovic	Tigue
Caltagirone	Harley	Mrkonic	Tomlinson
Cappabianca	Harper	Murphy	Trello
Carn	Hasay	Nahill	Trich
Carone	Hayden	Nailor	Tulli
Cawley	Hershey	Nyce	Uliana
Cohen	Itkin	O'Brien	Van Horne
Colaizzo	James	Pesci	Vance
Cole	Jarolin	Piccola	Vroon
Cornell	Josephs	Preston	Wambach
Corrigan	Kaiser	Reber	Wogan
Cowell	Kasunic	Rieger	Wozniak
Coy	Kenney	Ritter	Wright, M. N.
DeLuca	Kruszewski	Robinson	
DeWeese	Kukovich	Roebuck	O'Donnell,
Daley	Langtry	Rudy	Speaker
Dent	Lawless		

NOT VOTING—0

EXCUSED—6

Krebs	Olasz	Pistella	Thomas
Noye	Oliver		

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 as amended?

Mr. MIHALICH offered the following amendments No. A0780:

Amend Title, page 1, line 11 (A1336), by inserting after "tax,"

further providing for the host municipality benefit fee; and

Amend Bill, page 2, by inserting between lines 20 and 21 (A1336)

Section 2. Section 306(b) of the act is amended to read: Section 306. Host municipality benefit fee.

(b) Amount.—[The fee shall be \$1 per ton of weighed hazardous waste or \$1 per three cubic yards of volume-measured hazardous waste for all hazardous waste received at a facility.] Fees shall be calculated based on tonnage. The fee shall be \$1 per

ton of weighed hazardous waste received at a facility. For purposes of this section, one ton shall equal 2,000 pounds. Wastes measured in gallons shall be converted to tons using a factor of eight pounds per gallon, or part thereof. Wastes measured in cubic yards shall be converted to tons using a factor of one ton per cubic yard, or part thereof. Metric measurements shall be converted to tons using standard metric conversion factors. Any amounts paid by an operator to a host municipality pursuant to a preexisting agreement shall serve as a credit against the fee amount imposed by this section.

Amend Sec. 2, page 2, line 21 (A1336), by striking out "2" and inserting

3

Amend Sec. 3, page 5, line 2 (A1336), by striking out "3" and inserting

4

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On the amendment, the gentleman, Mr. Mihalich.

Mr. MIHALICH. Mr. Speaker, when the act was first passed, there was a difference made in calculating host municipality fees. The formula was different than that used to calculate fees paid to the State. The result of that is that a company may—and I say this is "may"—a company may choose the cheap way out. As a result of this, they may calculate the hazardous waste they take in to treat or dispose of and pay \$1 a ton or \$1 for 3 cubic yards.

Most of the hazardous waste in Pennsylvania comes in the form of a slurry or liquid, and they go to the trouble to calculate 3 cubic yards of that, which in actuality comes out to a little bit better than 3 tons. So in the \$1 they pay the State, they pay the local community 33 cents or thereabouts, because they use the conversion factor that was put in in the beginning for the convenience of some companies who did not have scales or for some other reasons, as I remember the debate at that time.

A recent New York Wall Street Journal article described how some hazardous waste treatment companies treat the communities that they live in. The majority of them are good corporate citizens. They take care of any damage that they make on the roads; they participate in community efforts; they are interested in the welfare of the community, and this is quite the contrary of the largest handler of hazardous waste in Pennsylvania, which is located in my district.

To give you just a brief thumbnail sketch of chicken—I do not know if I can use the word I would like to use on this word—chicken droppings. How do you translate that, Mr. Speaker? To give you an idea of what they are like, it is a multimillion-dollar operation which, up until just several years ago, paid South Huntingdon Township. Their total contribution to South Huntingdon Township was a whole \$197 in yearly property tax. That is one indication of what they felt about the community.

Another one is, one of the dozens of consent decrees that they signed with DER, DER made them spend \$200,000 on replacing some water supply in the terms of a fine. They did

not call it a fine, but I guess you can call it a fine. I do not know of a better word for it. So under the terms of this order by the Commonwealth Court, they went out and contracted to put in some water for \$200,000. The bill came in about \$30,000 short of that. With the cooperation of DER, this company went out and pocketed the \$30,000 that they should have spent on water there. Before they got into that project, they were approached by me, representing Jim Manderino, and the local community, and we asked them, we said, look, fellows, you are going to spend \$200,000; why not, instead of spending it directly with the contractors, make that contribution through the local community and use that money for local matching funds, and we can wind up with a project about \$400,000 or \$600,000. They never answered the mail, never even considered it seriously - a further demonstration of what kind of people they are.

Under the Solid Waste Act, they have the opportunity of calculating how much they should be paying in fees to the community, host municipality fees, and here again, not surprisingly, they took the cheapest way out.

You know, we talk about the NIMBY effect, people who get up in arms about how these companies come in and destroy a community, and there are good companies and there are bad companies. I do not know of any good ones in Pennsylvania. I know the one in my district has created more cause, a foundation, for the NIMBY effect throughout this Commonwealth than any other company I know, and they are doing this, they are aided and abetted by DER. They are not good corporate citizens, and I do not know why this Commonwealth is helping these people stay in business—and I will say it—illegally.

Mr. Speaker, I ask for an affirmative vote on this amendment. 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 rise in support of this amendment, the Mihalich amendment. We use the same concept with our municipal waste landfills as well, and it serves well with the host municipalities.

So I ask for a "yes" vote on the amendment. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—188

Acosta	Donatucci	Kukovich	Rudy
Adolph	Durham	LaGrotta	Ryan
Allen	Evans	Langtry	Saloom
Anderson	Fairchild	Laughlin	Saurman
Angstadt	Fajt	Lawless	Scheetz
Argall	Fargo	Lee	Schuler
Armstrong	Farmer	Leh	Scrimenti
Arnold	Fee	Lescovitz	Semmel
Barley	Fleagle	Levdansky	Serafini
Battisto	Flick	Linton	Smith, B.
Belardi	Foster	Lloyd	Smith, S. H.
Belfanti	Freeman	Lucyk	Snyder, D. W.

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

NAYS—6

Bunt	Hagarty	Nahill	Stairs
Cornell	McNally		

NOT VOTING—1

Reber

EXCUSED—6

Krebs	Olasz	Pistella	Thomas
Noye	Oliver		

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

On the question recurring,

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

Mr. MAYERNIK offered the following amendments No. A3737:

Amend Sec. 2, page 2, line 21 (A1336), by striking out "a section" and inserting sections

Amend Sec. 2, page 2 (A1336), by inserting between lines 21 and 22

Section 314. Monitoring of burning.

(a) Emission monitor.—The department shall not issue a permit for the burning of hazardous waste unless the operator of the waste burning site has in place and in operation a carbon monoxide continuous emission monitor and an instrument for the continuous monitoring of opacity, as approved by the department.

(b) Application of section.—

(1) This section shall not apply to waste sites operating under permits issued prior to the effective date of this section.

(2) This section shall not apply to small businesses which burn small amounts of hazardous waste, as defined by regulation of the department.

(c) Definition.—As used in this section, the term "permit" includes a permit issued under this act, the act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste Management Act, and any other applicable statute.

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On the question, the gentleman, Mr. Mayernik.

Mr. MAYERNIK. I would like to yield at this time to the gentleman, Mr. Freeman.

The SPEAKER pro tempore. I think he is yielding back to you, Mr. Mayernik.

Mr. MAYERNIK. We are ready to go, Mr. Speaker. Thank you. There was some confusion in the drafting of our next amendment. I know that people find it confusing to find Freeman and me on the same amendment, but we are going to try to proceed anyway.

The SPEAKER pro tempore. The Chair recognizes the gentleman.

Mr. MAYERNIK. Amendment 3737 deals with the monitoring of burning for emissions monitoring and requires an opacity monitor on the incineration devices, the continuing monitoring of opacity, which will be approved by DER.

The SPEAKER pro tempore. The gentleman from Philadelphia, Mr. Hayden.

Mr. HAYDEN. Thank you, Mr. Speaker.

With this amendment we have actually returned to setting statewide policy. The application of continuous emission monitors and opacity meters are integral to permitting public participation in the operation of individual hazardous waste burners within communities.

I think this is an amendment which would add and actually help for additional public confidence in the operation of facilities and as such deserves our consideration and our support.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—188

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

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

NAYS—5

Bunt	Hagarty	Merry	Stairs
Cornell			

NOT VOTING—2

James	Mrkonjac
-------	----------

EXCUSED—6

Krebs	Olasz	Pistella	Thomas
Noye	Oliver		

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

On the question recurring,

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

The SPEAKER pro tempore. Does the gentleman, Mr. Mayernik, have another amendment?

Mr. MAYERNIK. Mr. Speaker, Mr. Freeman and I have another amendment that is in the process of being redrafted because of technical error. All other amendments that I have sponsored have been withdrawn.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

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

Mr. LUCYK offered the following amendments No. A3746:

Amend Title, page 1, line 12 (A1336), by removing the period after "minimization" and inserting
and for incineration moratorium.

Amend Bill, page 3, by inserting between lines 1 and 2 (A1336)

Section 3. (a) Incineration of hazardous material listed in this act, soil or other substances contaminated by petroleum or petroleum products, including crude oil or any fraction thereof shall be prohibited for a period of 18 months.

(b) The department is directed to immediately cease reviewing applications and cease issuing new permits for incineration of products prohibited under subsection (a) for a period of 18 months.

(c) The department shall:

(1) Study and evaluate methods of incineration of contaminated and hazardous materials, soil and substances.

(2) Evaluate the effects that incineration of contaminated and hazardous materials, soils and other substances has on the public health, the environment and the economy.

(3) Evaluate current safety standards and propose any additional standards necessary to insure that the public health is not adversely affected by contaminated materials and substances incineration; and

(4) Report its findings and recommendations to the Governor, the General Assembly and the Department of Environmental Resources as soon as possible and to make a final report on its findings and recommendations within 18 months.

Amend Sec. 3, page 5, line 2 (A1336), by striking out "3" and inserting

4

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The gentleman, Mr. Lucyk.

Mr. LUCYK. Thank you, Mr. Speaker.

It has been a long afternoon, and I will not belabor the point, but many of the arguments I used on previous amendments come to bear on my amendment.

There is a particular problem with waste being generated outside of the State and being brought into Pennsylvania for disposal or the planned disposal, and in particular, petroleum-contaminated soil. Schuylkill County has a particular problem where we have been targeted by many companies to come in and establish giant processing plants which we feel would endanger the environment. One of the main problems is in the classification, as I stated previously, where this type of waste is designated residual waste in Pennsylvania and hazardous waste in New Jersey. This is our problem. I am asking for an 18-month moratorium on the incineration of this type of waste and hazardous waste until the department can look at it, make a decision, and see whether or not in fact the state-of-the-art engineering equipment is available to handle this problem.

As I said, it is an 18-month moratorium. I would really ask for your support on this amendment. Thank you very much.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Schuylkill, Mr. Allen.

Mr. ALLEN. Mr. Speaker, thank you.

I would like all the members of this side of the aisle to support this amendment. I would like to remind everyone that it is only an 18-month moratorium so a study can be completed to find out if contaminated soil is either a residual or a hazardous waste.

I thank you for your support.

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

Mr. HAYDEN. Thank you, Mr. Speaker.

I would imagine that one of the reasons why there is more demand now for this type of disposal is because the Federal Government passed the underground storage tank law, a law which we also passed here in the State of Pennsylvania. For those of you who have been complaining about the inability of your small gas station operators to comply with the underground storage tank regulations, one of the reasons is because of the costs of disposal of contaminated soil, when the old tanks are taken out of the ground and the new tanks are put back. I would imagine that is one of the reasons why there is an increase in demand for this type of disposal capacity.

Secondly, last week our Environmental Quality Board approved a massive document of hazardous waste regulations after a long process of public comment and public participation. Those regulations will wind their way through our regulatory process, through the IRRC (Independent Regulatory Review Commission) process, and through the standing committees. I am not certain at this point whether those regulations address the issues that are raised in this amendment, but I think that a moratorium at this point I do not think necessarily solves anybody's problem, particularly since in many cases what we are doing is solving a greater environmental problem by requiring proper disposal elsewhere.

For those reasons I recommend that we vote "no" on this amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—122

Adolph	Durham	LaGrotta	Schuler
Allen	Evans	Laughlin	Semmel
Angstadt	Fairchild	Lawless	Serafini
Argall	Fee	Lescovitz	Smith, B.
Armstrong	Fleagle	Lucyk	Smith, S. H.
Barley	Flick	McCall	Snyder, D. W.
Battisto	Foster	McHugh	Snyder, G.
Belardi	Freeman	Maiale	Staback
Belfanti	Freind	Marsico	Steelman
Bishop	Gallen	Melio	Steighner
Blaum	Gamble	Micozzie	Stish
Boyes	Gannon	Mihalich	Strittmatter
Broujos	Geist	Mundy	Stuban
Bush	George	Nahill	Sturla
Caltagirone	Gerlach	Nailor	Surra
Cappabianca	Gruppo	Nyce	Tangretti
Carlson	Haluska	Petzel	Taylor, E. Z.
Carone	Hanna	Petrarca	Taylor, F.
Cawley	Harley	Phillips	Taylor, J.
Cessar	Hasay	Piccola	Tigue
Chadwick	Hayes	Pitts	Tomlinson
Civera	Heckler	Raymond	Trich
Clark	Herman	Reber	Uliana
Clymer	Hershey	Reinard	Van Horne
Cohen	Hess	Rieger	Vance
Colafrella	Jarolin	Ritter	Veon
Cole	Johnson	Robinson	Williams
DeWeese	Kasunic	Roebuck	Wilson
Davies	Kenney	Ryan	Wogan
Dempsey	Kosinski	Saloom	Wright, D. R.
Donatucci	Kruszewski		

NAYS—71

Acosta	Fajt	Langtry	Preston
Anderson	Fargo	Lee	Richardson
Arnold	Farmer	Leh	Rudy
Billow	Gigliotti	Levdansky	Saurman
Birmelin	Gladeck	Linton	Scheetz
Black	Godshall	Lloyd	Scrimenti
Bowley	Gruitza	McGeehan	Stairs
Brown	Hagarty	McHale	Stetler
Bunt	Harper	McNally	Telek
Butkovitz	Hayden	Markosek	Trello
Colaizzo	Hughes	Mayernik	Tulli
Cornell	Itkin	Merry	Vroon
Corrigan	Jadlowiec	Michlovic	Wambach
Cowell	James	Murphy	Wozniak
Coy	Josephs	Nickol	Wright, M. N.
DeLuca	Kaiser	O'Brien	
Daley	King	Pesci	O'Donnell, Speaker
Dent	Kukovich	Petrone	
Dermody			

NOT VOTING—2

Carn	Mrkonic
------	---------

EXCUSED—6

Krebs	Olasz	Pistella	Thomas
Noye	Oliver		

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

On the question recurring,

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

Mrs. McHUGH offered the following amendments No. A0010:

Amend Title, page 1, line 17 (A1336), by removing the period after "minimization" and inserting

; and limiting the issuance of certain permits.

Amend Sec. 2, page 2, line 21 (A1336), by striking out "a section" and inserting sections

Amend Sec. 2, page 2, by inserting between lines 21 and 22 (A1336)

Section 314. Limit on certain permits.

The department shall not consider any application for a permit and shall not issue any permit for, or otherwise authorize or allow, the construction or expansion of any hazardous waste treatment, disposal, transfer or processing facility, within any city or county of the first class, on any land in, or within 2,500 feet of the perimeter of an area within which is located a site that has been placed on either the final or proposed National Priority List established pursuant to the Superfund Amendments and Reauthorization Act of 1986 (Public Law 99-499, 100 Stat. 1613), or any similar list established by the Commonwealth under this act, until after the site is ordered delisted by the appropriate Federal or State agency as a result of the cleanup of the site having been completed. Nothing in this section shall prohibit the issuance of any permit, authorization or allowance that is necessary solely for the taking of any remedial cleanup action. This section shall apply to any permit application or other such request for construction or expansion which is pending before the department or which is on appeal before the board or the court on the effective date of this section.

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On the question, the gentlelady, Mrs. McHugh.

Mrs. McHUGH. Mr. Speaker, this amendment only limits certain permits - those permits that would allow the expansion or the construction in the future of any processing plant for hazardous waste or treatment or transfer station within 2,500 feet of an existing Superfund site.

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

Mr. HAYDEN. Thank you, Mr. Speaker.

While on first blush this amendment appears to provide additional protection to those who seem to be already impacted by a Federal NPL (national priorities list) site, that is not necessarily the case. The legislature should know that one of the first sites which was delisted in the State of Pennsylvania was actually the Butler Mine Tunnel. What happened was millions of dollars were spent on remediation and a few years later the same problems resurfaced. That site is now back on the national priorities list of sites.

The problem with setting these kinds of site restrictions is that the problems generated by an individual NPL site vary. In some cases, the waste itself is contained. The medium for dispersal is not the same as, perhaps, a groundwater supply or even to surrounding homes or residential areas. In many cases, what this would require to do would be to create new sites rather than to continue to permit existing sites while part of past environmental problems are corrected or remediated.

For those reasons I recommend we vote "no" on this amendment.

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

Mr. D. R. WRIGHT. Mr. Speaker, I am pleased to join with Representative Hayden in opposition to this amendment for all the reasons that he stated.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes, on the amendment, the gentlelady, Mrs. McHugh.

Mrs. McHUGH. I appreciate the comments that have been made, and I ask everyone for an affirmative vote on this amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the lady.

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

The following roll call was recorded:

YEAS—42

Allen	Foster	Kenney	Raymond
Argall	Freind	Kosinski	Ryan
Boyes	Gallen	Lawless	Saurman
Brown	Gigliotti	Levdansky	Serafini
Bush	Gladeck	Lucyk	Smith, B.
Carlson	Godshall	McHugh	Snyder, G.
Cessar	Hasay	Maiale	Steelman
Civera	Hayes	O'Brien	Taylor, J.
Dempsey	Hess	Perzel	Vance
Donatucci	Jadlowiec	Pitts	Wogan
Fargo	Johnson		

NAYS—148

Acosta	Dermody	Lee	Scheetz
Adolph	Evans	Leh	Schuler
Anderson	Fairchild	Lescovitz	Scrimenti
Angstadt	Fajt	Linton	Semmel
Armstrong	Farmer	Lloyd	Smith, S. H.
Arnold	Fee	McCall	Snyder, D. W.
Barley	Fleagle	McGeehan	Staback
Battisto	Flick	McHale	Stairs
Belardi	Freeman	McNally	Steighner
Belfanti	Gamble	Markosek	Stetler
Billow	Gannon	Marsico	Stish
Birmelin	Geist	Mayernik	Strittmatter
Bishop	George	Melio	Stuban
Black	Gerlach	Michlovic	Sturla
Blaum	Gruitza	Mihalich	Surra
Bowley	Gruppo	Mrkonic	Tangretti
Bunt	Hagarty	Mundy	Taylor, E. Z.
Butkovitz	Haluska	Murphy	Taylor, F.
Caltagirone	Hanna	Nahill	Telek
Cappabianca	Harley	Nailor	Tigue
Carone	Harper	Nickol	Tomlinson
Cawley	Hayden	Nyce	Trello
Chadwick	Heckler	Pesci	Trich
Clark	Herman	Petrarca	Tulli
Clymer	Hershey	Petrone	Uliana
Cohen	Hughes	Phillips	Van Horne
Colafrilla	Itkin	Piccola	Veon
Colaizzo	James	Preston	Vroon
Cole	Jarolin	Reber	Wambach
Cornell	Josephs	Reinard	Williams
Corrigan	Kaiser	Richardson	Wilson
Cowell	Kasunic	Rieger	Wozniak
Coy	King	Ritter	Wright, D. R.
DeLuca	Kruszewski	Robinson	Wright, M. N.
DeWeese	Kukovich	Roebuck	
Daley	LaGrotta	Rudy	O'Donnell,
Davies	Langtry	Saloom	Speaker
Dent	Laughlin		

NOT VOTING—5

Broujos	Durham	Merry	Micozzie
Carn			

EXCUSED—6

Krebs	Olasz	Pistella	Thomas
Noye	Oliver		

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 as amended?

Mr. NYCE offered the following amendments No. A0981:

Amend Title, page 1, line 12 (A1336), by removing the period after "minimization" and inserting
; and further providing for host municipality benefit fees.

Amend Bill, page 2, by inserting between lines 20 and 21 (A1336)

Section 2. Section 306 of the act is amended to read:
Section 306. Host municipality benefit [fee] fees.

(a) Imposition.—

(1) There shall be imposed a host municipality benefit fee upon the operator of each commercial hazardous waste treatment or disposal facility that has a valid permit on the effective date of this act or receives a new permit or permit that results in additional capacity from the department under the Solid Waste Management Act after the effective date of this act. The fee shall be paid to the host municipality. If the

facility is located within more than one host municipality, the fee shall be apportioned among them according to the percentage of the permitted area located in each municipality.

(2) There shall be imposed a host municipality benefit fee upon the owner or operator of each facility which utilizes hazardous waste, in any form, as a combustion fuel for commercial or noncommercial purposes, regardless of whether such use is for the purpose of disposal, treatment, processing or recycling. This paragraph shall not apply to any of the following:

(i) Captive facilities.

(ii) Facilities subject to paragraph (1).

(b) Amount.—The fee shall be \$1 per ton of weighed hazardous waste [or], \$1 per three cubic yards of volume-measured hazardous waste or \$1 per 606 gallons of liquid-measured hazardous waste for all hazardous waste received at a facility. Any amounts paid by an operator to a host municipality pursuant to a preexisting agreement shall serve as a credit against the fee amount imposed by this section.

(c) Municipal options.—Nothing in this section or section 307 shall prevent a host municipality from receiving a higher fee or receiving the fee in a different form or at different times than provided in this section and section 307, if the host municipality and the operator of the commercial hazardous waste treatment or disposal facility agree in writing.

Amend Sec. 2, page 2, line 21 (A1336), by striking out “2” and inserting

3

Amend Sec. 3, page 5, line 2 (A1336), by striking out “3” and inserting

4

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On the question, the gentleman, Mr. Nyce.

Mr. NYCE. Thank you, Mr. Speaker.

Mr. Speaker, my amendment will expand the definition of a hazardous waste facility within Act 108. Currently facilities that are not deemed hazardous waste facilities but that burn or handle hazardous waste and pose the same dangers to the community are not subject to the local host municipality fee. This bill would amend those provisions in order to bring them into definition.

In addition, it redefines the calculation of the fee from a ton basis to a 606-gallons-per-\$1 fee in order to assess that fee on a liquid fuel basis. This is no different than the fee that currently applies to hazardous waste material handlers and also is available to the solid waste industry, and I urge support from all of the members.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The House will be at ease briefly.

Will the gentleman, Mr. Nyce, come to the desk, please.

AMENDMENTS WITHDRAWN

The SPEAKER pro tempore. The gentleman, Mr. Nyce, withdraws amendment A0981, the amendment that he just offered.

On the question recurring,

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

Mr. SCHULER offered the following amendments No. A3743:

Amend Title, page 1, line 11 (A1336), by inserting after “providing”

for facility citing and

Amend Bill, page 2, by inserting between lines 20 and 21 (A1336)

Section 2. The act is amended by adding a section to read:

Section 314. Facility siting.

(a) Adoption of regulations.—The department shall, within two years of the effective date of this section, adopt regulations establishing criteria for the siting of solid waste treatment, processing or disposal facilities, which criteria shall include, but not be limited to, specific restrictions and limitations on the siting of more than one solid waste facility within a five-mile radius of any existing or proposed solid waste facility.

(b) Specific requirements.—Such regulations shall consider and address the environmental, economic and societal impacts of the siting of more than one solid waste treatment, processing or disposal facility within the five-mile radius.

Amend Sec. 2, page 2, line 21 (A1336), by striking out “2” and inserting

3

Amend Sec. 3, page 5, line 2 (A1336), by striking out “3” and inserting

4

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On the amendment, the gentleman, Mr. Schuler.

Mr. SCHULER. Thank you, Mr. Speaker.

My amendment comes from a situation that occurred in my district, in one of my townships, specifically Caernarvon Township. Caernarvon Township at the present time has one of the largest landfills in eastern Lancaster County and also has three buried hazardous waste dumps, and at the present time there is an attempt to also put a new hazardous waste dump into Lancaster County, especially Caernarvon Township. When I checked with DER to see whether or not any criteria is available to consider this new waste dump in comparison to the other dumps existing, I found there was no criteria.

So what my amendment is doing is asking the Department of Environmental Resources, they would be required to establish siting criteria for a proposed waste dump, processing or disposal facility within 5 miles of an existing facility. Within those criteria, they would have to consider specific restrictions or limitations. Also, they would have to conduct an environmental impact study in regards to its environmental impact, economic impact, and societal impact.

We talked about local veto. Well, let me tell you, Mr. Speaker, here is a township that now already has three hazardous waste dumps, a large landfill, and they really have no control over what this next landfill may do to their beautiful township.

So I ask for an affirmative vote. Thank you, Mr. Speaker.

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

Mr. D. R. WRIGHT. Mr. Speaker, this is the amendment that I referred to earlier that meets the objection of Mr. Davies, and I would ask for approval of the House of 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—188

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

NAYS—4

Gigliotti	Lee
Hayden	O'Donnell, Speaker

NOT VOTING—3

Broujos	Carn	James
---------	------	-------

EXCUSED—6

Krebs	Olasz	Pistella	Thomas
Noye	Oliver		

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

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

Mr. LAWLESS offered the following amendments No. A3749:

Amend Title, page 1, line 12 (A1336), by removing the period after "minimization" and inserting
; and further providing for the powers and duties of the Hazardous Waste Facility Siting Commission.

Amend Sec. 1 (Sec. 103), page 1, by inserting between lines 23 and 24 (A1336)

"Chemotherapeutic waste." Waste resulting from the production or use of antineoplastic agents used for the purpose of stopping the growth of malignant cells or killing malignant cells.

Amend Bill, page 2, by inserting between lines 20 and 21 (A1336)

Section 2. Section 313(d) of the act is amended to read:
Section 313. Powers and duties of commission.

(d) Selection of site by commission.—The commission shall apply the siting criteria to the entire Commonwealth and shall identify potentially suitable sites for hazardous waste disposal facilities throughout this Commonwealth. No facility for the treatment, transfer, processing or disposal of chemotherapeutic waste may be sited within a ten-mile radius of another facility for the treatment, transfer, processing or disposal of chemotherapeutic waste. The commission may, at any time, solicit proposals from interested persons to develop hazardous waste disposal facilities at such sites as may be identified by the commission. If no such proposals are received by January 1, 1994, the commission may make application to the department, in the name of the Commonwealth, for the necessary permits to establish a State-owned hazardous waste disposal facility. In carrying out its duties under this subsection, the commission shall be authorized to lease such real estate owned by the Commonwealth which is not being used in connection with the work of any department, board or commission thereof for a period of not more than 50 years to individuals, firms, corporations or the Federal Government pursuant to section 2402(i) of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, and shall also have the power of eminent domain to acquire a site or sites as may be deemed necessary, for the purpose of establishing a hazardous waste disposal facility.

Amend Sec. 2, page 2, line 21 (A1336), by striking out "2" and inserting
3

Amend Sec. 3, page 5, line 2 (A1336), by striking out "3" and inserting
4

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

The SPEAKER pro tempore. On the question, the gentleman, Mr. Lawless.

Mr. LAWLESS. Thank you, Mr. Speaker.

Mr. Speaker, my amendment would make so that "No facility for the treatment, transfer, processing or disposal of chemotherapeutic waste may be sited within a ten-mile radius of another facility for the treatment, transfer, processing or disposal of chemotherapeutic waste."

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

Mr. HAYDEN. Thank you, Mr. Speaker.

Mr. Speaker, the one area of waste disposal which I think is treated adequately within the city of Philadelphia, frankly, is chemotherapeutic and infectious waste. To impose a 10-mile restriction in the city of Philadelphia would make it impossible for a number of our leading hospitals and research institutions to continue to dispose of their waste, either directly on-site or through transfer facilities which exist in the city of Philadelphia.

Now, if you want more chemotherapeutic waste out in your counties—and apparently you do not—and you want more infectious waste out in your counties, please approve this amendment. But if you want to approve of existing treatment methods that are already operating not only in the city of Philadelphia but in other parts of the Commonwealth, you will vote "no" on this amendment.

The SPEAKER pro tempore. On the question, the gentleman from Clarion, Mr. Wright.

Mr. D. R. WRIGHT. Mr. Speaker, I reluctantly oppose this amendment. It purports for a 10-mile radius, and those of us who have read this understand the consequences of that.

I would ask for a negative vote.

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—9

Fairchild	Gallen	Godshall	Micozzie
Freeman	Gladeck	Lawless	Mrkonich
Freind			

NAYS—184

Acosta	Dent	Langtry	Saloom
Adolph	Dermody	Laughlin	Saurman
Allen	Donatucci	Lee	Scheetz
Anderson	Durham	Leh	Schuler
Angstadt	Evans	Lescovitz	Scrimenti
Argall	Fajt	Levdansky	Semmel
Armstrong	Fargo	Linton	Serafini
Arnold	Farmer	Lloyd	Smith, B.
Barley	Fee	Lucyk	Smith, S. H.
Battisto	Fleagle	McCall	Snyder, D. W.
Belardi	Flick	McGeehan	Snyder, G.
Belfanti	Foster	McHale	Staback
Billow	Gamble	McHugh	Stairs
Birmelin	Gannon	Maiale	Steelman
Bishop	Geist	Markosek	Steighner
Black	George	Marsico	Stetler
Blaum	Gerlach	Mayernik	Stish
Bowley	Gigliotti	Melio	Strittmatter
Boyes	Gruitza	Merry	Stuban
Broujos	Gruppo	Michlovic	Sturla
Brown	Hagarty	Mihalich	Surra

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

NOT VOTING—2

Carn

McNally

EXCUSED—6

Krebs
Noye

Olasz
Oliver

Pistella

Thomas

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 as amended?

Mr. S. H. SMITH offered the following amendments No. A3733:

Amend Title, page 1, line 12 (A1336), by removing the period after "minimization" and inserting
and for referendum of siting facilities.

Amend Sec. 2, page 2, line 21 (A1336) by striking out "a section" and inserting
sections

Amend Sec. 1, page 2, by inserting between lines 20 and 21 (A1336)

Section 309.1. Approval by governing body; referendum.

(a) Review by municipality.—Siting modules and the remainder of a permit application shall be reviewed by the appropriate county, county planning agency or county health department where they exist and the host municipality, and they may recommend to the Hazardous Waste Facility Siting Team conditions upon, revisions to, or disapproval of the permit application only if specific cause is identified. In such case, the Hazardous Waste Facility Siting team shall be required to publish in the Pennsylvania Bulletin its justification for overriding the county's recommendations. If the Hazardous Waste Facility Siting Team does not receive comments within 60 days, the county shall be deemed to have waived its right to review.

(b) Referendum.—

(1) The department shall take into consideration the evaluation of the permit applicant's public participation process and degree of local acceptance based on the results of the municipal referendum process set forth in this subsection.

(2) When the county board of elections is in receipt of a petition signed by no less than 20% of the registered electors

of the municipality in which the permit is being proposed, the county board of elections shall place on the ballot, within the election districts encompassing that municipality, a referendum at the next municipal or general election. The petition shall be in the form required for nomination petitions by the election laws of this Commonwealth. The validity of the petition and the conduct of the referendum shall be determined in accordance with the election laws of this Commonwealth.

(3) The referendum question being placed on the ballot shall read as follows:

The Hazardous Waste Facility Siting Team is in receipt of a siting module and permit application for the siting of a (general description of the facility being permitted). The siting module and permit application are being submitted by (name of company, organization or individual who is submitting the siting module and permit application). Do you favor the siting of such a facility within (name of municipality)?

(4) If at least 66% of the registered electors of the municipality vote in the negative, as certified by the county board of elections, the municipality shall forward the results to the Hazardous Waste Facility Siting Team.

(5) The Hazardous Waste Facility Siting Team and the secretary shall take into consideration the results of this municipal referendum and, where the 66% negative votes are confirmed, the secretary shall have the power to reject or deny the permit application based on the grounds that the permit applicant has not engaged in a public participation process which adequately answers the legitimate public concerns regarding the potential negative impact of such a facility in a given municipality.

(6) (i) The permit applicant shall have the right to challenge the petition and each signature on that petition in the court of common pleas within 30 days of the submission of that petition to the county board of elections.

(ii) The permit applicant shall also have the right to challenge the election results certified by the county board of elections in the court of common pleas.

Amend Sec. 3, page 5, line 2 (A1336), by striking out all of said line and inserting

Section 3. This act shall take effect as follows:

(1) The addition of section 309.1 of the act and this section shall take effect immediately.

(2) The remainder of 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 gentleman, Mr. Smith.

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

Amendment A3733 was a version of local referendum that could be considered somewhat paralleling the first amendment that was considered by this body and involved a lot of debate. I would like, if it is not out of order, Mr. Speaker, to have this amendment reflected upon the record, but I will withdraw it.

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

On the question recurring,

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

Mr. S. H. SMITH offered the following amendments No. A0950:

Amend Title, page 1, line 12 (A1336), by removing the period after "minimization" and inserting
and host community review.

Amend Sec. 1 (Sec. 103), page 1, by inserting between lines 23 and 24 (A1336)

"Commercial hazardous waste incinerator." A facility which accepts hazardous waste for incineration which is not a captive facility.

"Commercial hazardous waste incinerator operator." The owner or operator of a commercial hazardous waste incinerator or a person proposing a commercial hazardous waste incinerator.

"Commercial hazardous waste incinerator site." All contiguous land owned or under the control of an owner or operator of a hazardous waste incinerator facility and identified in a permit or permit application.

Amend Sec. 2, page 2, line 21 (A1336), by striking out "a section" and inserting
sections

Amend Sec. 2, page 2, by inserting between lines 21 and 22 (A1336)

Section 305.1. Hazardous waste incinerator.

(a) Evaluation grant.—The commercial hazardous waste incinerator operator that intends to apply for a permit under the Solid Waste Management Act shall make available to the governing body of the host municipality and the host county of any potential sites for the commercial hazardous waste incinerator a grant of at least \$125,000 each for the purpose of reimbursing the governing bodies for the cost for providing comments on a proposed commercial hazardous waste incinerator plan and a professional technical review of the permit application and for each 12-month period after the announcement of any proposed commercial hazardous waste incinerator sites. This provision shall not prohibit the governing bodies and the commercial hazardous waste incinerator operator from agreeing to provide more funds for these purposes.

(b) Eligible costs.—The county and host municipality may expend the grant on legal, engineering and environmental consulting services necessary for providing comments on a proposed commercial hazardous waste incinerator plan and to conduct a technical review of the permit application. The county and host municipality shall submit a detailed accounting for expenditures made under the grant to the department and the commercial hazardous waste incinerator operator. The commercial hazardous waste incinerator operator shall not have the authority to disapprove expenditures made under the grant as long as the funds are expended for eligible costs.

(c) Unused funds.—Any funds not expended by the host county or host municipality within the 12-month period shall be returned to the commercial hazardous waste incinerator operator.

(d) Prior applications.—The provisions of this section shall apply to commercial hazardous waste incinerator operators which announced potential commercial hazardous waste incinerator facility sites after January 1, 1990. Grant funds for any 12-month period beginning in 1990 shall be available to the host county and host municipality through July 1, 1995.

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On the amendment, the gentleman, Mr. Smith.

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

This amendment has been introduced primarily on behalf of the local municipalities and counties that are faced with dealing with the permitting process involved with hazardous waste facilities. As you may know, there is a tremendous amount of cost that is forced upon the local municipalities. Certainly, most of them operate on small budgets, and the amount of money that it takes to do research, to investigate the various aspects of a given permit application or hazardous waste proposal, involves a lot of time and money.

This amendment would have the organization that is applying for a hazardous waste facility to provide a grant to that local municipality in order to allow them to operate at least on somewhat of a level playing field. In many of the smaller communities, at least populationwise, the amount of money that they could spend trying to just justify their position or trying to interpret what the proposal would do in their community would cost more money than that municipality would normally be spending in their entire fiscal year.

I would ask for an affirmative vote on the amendment.

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

Mr. HAYDEN. Thank you, Mr. Speaker.

This amendment provides for meaningful public participation in the application process. In other environmental statutes, particularly in the solid waste field, we do provide this grant money for local municipalities for technical advice. For those reasons, certainly in the context of hazardous waste, we ought to do the same here.

I would recommend that we vote "yes" on this amendment.

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

Mr. D. R. WRIGHT. Mr. Speaker, I also join Mr. Smith and Mr. Hayden in supporting this. This is a very important amendment, particularly for those municipalities that are saddled with the enormous expense of just simply trying to discover what is going on in their community.

I vote for it, and I would ask you to do as well.

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—194

Acosta	Donatucci	Kukovich	Roebuck
Adolph	Durham	LaGrotta	Rudy
Allen	Evans	Langtry	Ryan
Anderson	Fairchild	Laughlin	Saloom
Angstadt	Fajt	Lawless	Saurman
Argall	Fargo	Lee	Scheetz
Armstrong	Farmer	Leh	Schuler
Arnold	Fee	Lescovitz	Scrimenti
Barley	Fleagle	Levdansky	Semmel
Battisto	Flick	Linton	Serafini
Belardi	Foster	Lloyd	Smith, B.
Belfanti	Freeman	Lucyk	Smith, S. H.
Billow	Freind	McCall	Snyder, D. W.

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

NAYS—0

NOT VOTING—1

Carn

EXCUSED—6

Krebs	Olasz	Pistella	Thomas
Noye	Oliver		

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

On the question recurring,

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

Mr. HASAY offered the following amendments No. A0562:

Amend Bill, page 2, by inserting between lines 20 and 21 (A1336)

Section 2. Section 902(a) of the act is amended by adding a paragraph to read:

Section 902. Expenditures from fund.

(a) Purposes.—The department shall expend money in the fund for purposes including, but not limited to:

(14) Cleanup of those existing waste tire stockpiles that present a potentially hazardous threat, as determined by each departmental region, to the health, safety and welfare of the citizens of this Commonwealth.

Amend Sec. 2, page 2, line 21 (A1336), by striking out "2" and inserting

Amend Sec. 3, page 5, line 2 (A1336), by striking out "3" and inserting

4

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On the amendment, the gentleman, Mr. Hasay.

Mr. HASAY. Thank you, Mr. Speaker.

Mr. Speaker, what this amendment does, briefly, is it allows regional directors of the DER offices, it gives them an opportunity to apply for funding to clean up these tire piles that we have across the Commonwealth. It allows the director of the regional office to apply for funding through the hazardous waste cleanup fund.

I think it is a good mechanism to do it. It just adds to the list of what the fund can function to do, and I ask for a "yes" vote. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and turns to the gentleman from Philadelphia, Mr. Hayden.

Mr. HAYDEN. Mr. Speaker, I note that this amendment has not been circulated with a fiscal note. I wonder if one is available, and the reason I ask that is not to be dilatory but simply to note that recently we transferred \$17 million from the Hazardous Sites Cleanup Fund back into the General Fund to cover other obligations. If we continue to draw down from the fund, the question remains whether we are able to remediate the more serious sites which we have identified through the course of the act. So I am wondering if a fiscal note is available on this amendment.

Mr. HASAY. Would you repeat the question, please?

Mr. HAYDEN. Is there a fiscal note?

The SPEAKER pro tempore. The gentleman, Mr. Hasay, will stand for interrogation. The gentleman, Mr. Hayden, is in order, and he has asked whether there is a fiscal note.

The gentleman, Mr. Hasay.

Mr. HASAY. No, Mr. Speaker.

This just changes the language to allow a director to apply through Harrisburg for the authorization to apply through the hazardous waste cleanup fund. There is no specified amount.

The SPEAKER pro tempore. Further interrogation?

Mr. HAYDEN. So then there is no mandate within the language that certain dedicated sources of money must be spent on these particular sites?

Mr. HASAY. Correct. It would be up to the Secretary of DER, as his decision on what to fund.

Mr. HAYDEN. Thank you, Mr. Speaker. That completes my interrogation on the amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question, the gentleman, Mr. Mihalich.

Mr. MIHALICH. Mr. Speaker, I agree with the thrust of the amendment. I do not agree with the mechanics that the amendment attempts to use.

One of the complaints that industry has, a legitimate complaint that people in various industries that are regulated by DER have, is that we do not have one DER in Pennsylvania; we have six. We have six regional offices with a great deal of autonomy, and their recent reorganization just gave them more autonomy. This autonomy has reflected itself, for instance, in my region in one way and another way in another region, just to the opposite extreme.

The problem of tires, the 260 or 270 million tires that we accumulate in this Nation every year—in Pennsylvania, about 13 million we accumulate every year—is a problem much larger. I would hope that it would be addressed in separate legislation soon. I would not want to see—forgive the pun—that this be cluttered up, this tire legislation be cluttered up any further. For instance, Mr. Speaker, if we would follow DER rules now for waste tires—and that is to stockpile them in piles, if you figure it out backwards mathematically, piles of roughly 10,000 to 11,000, with fire lanes between them, et cetera—we would be using 300 acres a year of flat, level Pennsylvania ground.

I do not know what some regional director could do about the problem. It is a problem bigger than any one region can handle. It is a problem that should be addressed very soon by this General Assembly, and I respectfully disagree with Mr. Hasay. I agree with the thrust of it, but the mechanism involved here, I think, is unworkable and will produce disastrous results, inconsistent results in Pennsylvania. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Montgomery County, Mr. Reber.

Mr. REBER. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of this amendment.

I can speak from experience in my district. Back in the early eighties, there was a site where there were stockpiled millions of tires, and in the course of that stockpiling of those waste tires, a fire started, and the fire burned for days and polluted the atmosphere, polluted water, and it was a very serious environmental problem.

I think the esteemed minority chairman of the House Conservation Committee has built into this amendment a criteria for the regions to rank, if you will, those particular kinds of sites, not each and every site but those sites that do present, as I experienced, an extreme, potentially serious, threatening environmental situation, to in fact rank, to in fact expend funds.

Mr. Speaker, the Commonwealth of Pennsylvania has an abundance of funds. The Casey administration is not doing anything, anything, to remediate these sites. As a matter of fact, I stood on this floor a number of months ago and criticized the General Assembly for taking money that was earmarked in 1988 for remedial Superfund cleanup. We had the money. We had the programs. We stand here today and we posture, but this administration refuses, after it gets the headlines in environmental programs, to close the deal. They do not move forward. They do not remediate. They only regurgitate, and I am sick and tired of it.

I applaud the gentleman, Mr. Hasay, for bringing to the floor a consideration for the expending of moneys, moneys that have been stockpiled just like these tires have been stockpiled. Let us quit posturing. Let us get the department, let us get the administration, let us get the Budget Secretary to release the funds. Let us do the cleanup that we talked about doing in 1988.

Support the Hasay amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the amendment, the gentleman, Mr. Wright.

Mr. D. R. WRIGHT. Mr. Speaker, I reluctantly oppose this amendment for the reasons that Representative Mihalich mentioned, in addition to the fact that we do not have a fiscal note with it. But I have been assured that the Committee on Conservation is going to be dealing with this tire issue very soon, and I would cooperate in any way, because we all recognize that this is a problem and something must be done about it.

I do not believe this amendment is the way to do it, and I reluctantly ask for a "no" vote.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—179

Acosta	Fairchild	Kukovich	Ryan
Adolph	Fajt	Langtry	Saloom
Allen	Fargo	Laughlin	Saurman
Anderson	Farmer	Lawless	Scheetz
Angstadt	Fee	Lee	Schuler
Argall	Fleagle	Leh	Scrimenti
Armstrong	Flick	Lescovitz	Semmel
Arnold	Foster	Levdansky	Serafini
Barley	Freeman	Linton	Smith, B.
Battisto	Freind	Lucyk	Smith, S. H.
Belardi	Gallen	McCall	Snyder, D. W.
Belfanti	Gamble	McGeehan	Snyder, G.
Birmelin	Gannon	McHugh	Staback
Bishop	Geist	McNally	Stairs
Black	George	Maiale	Steelman
Blaum	Gerlach	Markosek	Steighner
Bowley	Gigliotti	Marsico	Stetler
Boyes	Gladeck	Mayernik	Stish
Broujos	Godshall	Melio	Strittmatter
Brown	Gruppo	Merry	Stuban
Bunt	Hagarty	Michlovic	Sturla
Bush	Haluska	Micozzie	Surra
Butkovitz	Hanna	Mrkonc	Tangretti
Caltagirone	Harley	Mundy	Taylor, E. Z.
Carlson	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	Perzel	Trich
Clymer	Hess	Petrarca	Tulli
Cohen	Hughes	Petrone	Uliana
Colaifella	Itkin	Phillips	Van Horne
Colaizzo	Jadlowiec	Piccola	Vance
Cole	James	Pitts	Vroon
Cornell	Jarolin	Preston	Wambach
Cowell	Johnson	Raymond	Williams
DeLuca	Josephs	Reber	Wilson
Davies	Kaiser	Reinard	Wogan
Dempsey	Kasunic	Richardson	Wozniak

Dent	Kenney	Rieger	Wright, M. N.
Dermody	King	Ritter	
Donatucci	Kosinski	Roebuck	O'Donnell,
Durham	Kruszewski	Rudy	Speaker
Evans			

NAYS—15

Billow	DeWeese	Lloyd	Robinson
Cappabianca	Daley	McHale	Veon
Corrigan	Gruitza	Mihalich	Wright, D. R.
Coy	LaGrotta	Pesci	

NOT VOTING—1

Carn

EXCUSED—6

Krebs	Olasz	Pistella	Thomas
Noye	Oliver		

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

On the question recurring,

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

Mr. FREEMAN offered the following amendments No. A1063:

Amend Title, page 1, line 12 (A1336), by removing the period after "minimization" and inserting
; and further providing for unlawful conduct.

Amend Bill, page 2, by inserting between lines 20 and 21 (A1336)

Section 2. Section 1108 of the act is amended by adding a paragraph to read:

Section 1108. Unlawful conduct.

It shall be unlawful for a person to do any of the following:

(8) Dispose of or use as a fuel any identified or listed hazardous waste by burning it in a cement kiln.

Amend Sec. 2, page 2, line 21 (A1336), by striking out "2" and inserting

3

Amend Sec. 3, page 5, line 2 (A1336), by striking out "3" and inserting

4

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On the question, the gentleman, Mr. Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, I am offering this amendment on behalf of myself and Representative Mayernik.

This amendment would make it illegal to dispose of or use as a fuel any identified or listed hazardous waste by burning it in a cement kiln. Currently a loophole exists in the law that permits the burning of hazardous waste in cement kilns. Although promoted by the cement industry as a form of recycling, it is nothing more than sham recycling. Mr. Speaker, it is merely a legal loophole for the cement industry to burn hazardous waste as a fuel in facilities that were never designed to burn hazardous waste at all. This poses a very real and a very serious environmental health threat to those communities that are located near cement kilns where hazardous waste is burned as a fuel.

It should be kept in mind, Mr. Speaker, that cement kilns are not subject to the same site restrictions or regulations as are hazardous waste facilities. They do not have the sort of site limits that this legislature incorporated into Act 101 and Act 108. Cement kilns are in close proximity to residential areas and to schools. In fact, in the case of Keystone Cement, located in Northampton County, a school is located within 1 mile of this cement kiln which is burning hazardous waste. It should also be noted that they are often located in proximity to agricultural areas, areas where the threat of dioxins from stack emissions entering into the food chain is very real and very serious.

Cement kilns were never designed to burn hazardous waste. They are subject to operational problems that cause release of hazardous waste into the atmosphere. In fact, their standards are much lower than in other areas.

The Lehigh Valley has five cement plants. A 5-year, \$2-million study that was released by Random House in January of this year put Northampton and Lehigh Counties in the very top, 2 to 5 percent, of counties across this Nation in terms of the volume of hazardous chemicals that are released into our water and into our air by industry. That study noted that the Lehigh Valley was ranking very high in the annual number of excess deaths—and by that I mean deaths in an inordinate amount above what is to be expected by normal death conditions—that the Lehigh Valley ranks high in the cancer rate, that the Lehigh Valley ranks high in the number of hazardous waste and toxic releases, and that the Lehigh Valley ranks high in the number of workers who are illegally exposed to toxins in the workplace.

Keystone Cement, a local company interested in burning more and more hazardous wastes as a fuel, has established it will release 40,000 pounds of lead and mercury each year out of its stacks. This is acknowledged in its records, in its submitting of a request for a permit from DER. That is 40,000 pounds of lead and mercury, a very carcinogenic element, showing, quite obviously, the real, the very serious health threat that burning hazardous waste in a cement kiln poses to any community that is located within a vicinity of a cement kiln that will burn hazardous waste.

There are alternatives to burning hazardous waste, such as waste reduction, something we should be looking more seriously at in this Commonwealth. But if you are going to dispose of hazardous waste by burning, the bottom line is that it should be burned in such a facility which is far more controlled, which has a true state-of-the-art mechanism to protect the environment, not in cement kilns that were built decades ago and were never designed to dispose of hazardous waste.

I urge the House to vote "yes" on this important amendment.

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

Mr. HAYDEN. Thank you, Mr. Speaker.

I do not purport to know about the specific facility referred to by the maker of this amendment. However, what I do

know is that the use of hazardous waste as a fuel in cement kilns is accepted under the Federal RCRA regulations as well as under our current regulations. In fact, in 1989 there were approximately 8,200 tons that were disposed of in that manner in Pennsylvania inside the State and 4,000 tons that were sent to another location outside the State for use in a cement kiln.

This is part of the problem with a number of these amendments. I know they have been offered as freestanding bills and perhaps they deserve greater consideration, but I think that we ought to err on the side of caution and reject those amendments which appear to undo years' worth of work, both at the Federal and State level, regarding regulation of hazardous waste. For that reason, I recommend we vote "no" on this amendment, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Allegheny County, Mr. Mayernik.

Mr. MAYERNIK. Thank you, Mr. Speaker.

I would ask for an affirmative vote on this amendment.

With the new district I inherited a cement kiln that wants to burn hazardous waste, and this location sits in the valley on the Ohio River. The smokestacks, which spew the air right onto the area where the other nine municipalities are located that I represent, we do not know enough of the burning in cement kilns to make sure that it is safe. It appears to be an antiquated kiln that now we are retrofitting to burn hazardous waste. There are unsafe conditions. As Mr. Freeman said, we have to reduce the consumption of hazardous waste in the use and the creation of hazardous waste. This facility is also located on a river near a filtration plant.

I would ask for an affirmative vote so that we can stop this burning in kilns until we learn more about it and make sure that these antiquated kilns are updated before any burning is done, and if we are going to err, let us err on the conservative side for the safety of the people of this Commonwealth. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Northampton, Mr. Gruppo.

Mr. GRUPPO. Mr. Speaker, thank you.

I rise in support of the Freeman amendment. For those of you who are not familiar with the Lehigh Valley as Representative Freeman described, we have a number of cement-producing facilities. One of them, at least right now, is burning hazardous waste in the cement kiln and has just received approval from DER to burn a large number of additional hazardous wastes in that kiln.

My constituents and those in the area where Representative Freeman lives and I live are opposed to this hazardous waste burning in the cement kilns. One other facility right in the town where my district office is located in Nazareth, Pennsylvania, has applied for a permit or at least began the process to apply for a permit to burn hazardous waste in the cement kiln.

The people who spoke earlier here in opposition to the hazardous waste incinerator which is being proposed in the north-

central part of Pennsylvania are concerned about a hazardous waste incinerator which is actually built to burn hazardous waste. These facilities that we have in the Lehigh Valley are not built to burn hazardous waste and they do not have the same kinds of controls and the configuration of the facility is not specifically designed to burn hazardous waste. They are cement kilns.

So I ask you, on behalf of Representative Freeman and myself and my constituents in the Nazareth and Northampton County area, that you support this amendment to prevent the burning of hazardous waste in cement kilns. Thank you.

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

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

Mr. Speaker, I certainly share the concern of the sponsors of the amendment to address the uncertainty that currently surrounds the question of burning certain hazardous materials and wastes in a cement kiln. However, Mr. Speaker, I am not quite sure that this amendment is narrow enough to address that concern without impeding the operation of cement kilns and the subsequent potential for the closing down of our cement industry.

So I would like at this time to interrogate the sponsor, either Representative Freeman or Representative Mayernik, concerning what their intent is with this amendment.

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

Mr. D. W. SNYDER. Mr. Speaker, what types of fuels does the cement industry use to get the kilns up to the high temperatures—I think, what are they - around 1,600 degrees Fahrenheit?—for operations? What types of fuels do they use currently under their normal operations?

Mr. FREEMAN. I think the gentleman is aware of that answer. Obviously a variety of fuels can be used in the manufacture of cement. Oil, coal, and currently certain hazardous wastes are being used by Keystone Cement. What we are designing in our amendment is solely to deal with the issue of hazardous waste, not with acceptable fuels. I think that is pretty clear in the amendment.

Mr. D. W. SNYDER. Mr. Speaker, though, the amendment reads "...any identified or listed hazardous waste..." Is not oil a potential hazardous waste?

Mr. FREEMAN. No, because oil is simply not a waste. It is a product; it is a fuel product. And I would direct the gentleman back to the definition of "hazardous waste" as it pertains to Act 108 and which this amendment refers back to. In looking at that definition, he will see that the definition also hearkens back to Act 97 of 1980 where specific language typifies what a hazardous waste is. Obviously no recognized fuel source, such as oil or coal, standard fuels would not be included as a hazardous waste. Under both of those definitions, it is quite clear what constitutes a hazardous waste.

Mr. D. W. SNYDER. Mr. Speaker, is it not illegal to dispose of oil into the ground or anything because it is a hazardous material?

Mr. FREEMAN. Again, the gentleman is trying to raise a red herring.

Mr. D. W. SNYDER. No—

Mr. FREEMAN. Oil and coal are simple fuel sources used as a fuel source.

If you look at the definition of "hazardous waste" in Act 108, which refers back in large part to Act 97 of 1980, there is clear criterion on what constitutes a hazardous waste. And for the purposes of the record, I am happy to state, to clarify for the legislative record, that it is not the intention of this amendment in any way to prohibit the use of conventional fuels. We are talking merely of hazardous wastes, and that is clearly defined or clearly outlined in the amendment itself.

The SPEAKER pro tempore. Does the gentleman, Mr. Snyder, have further interrogation?

Mr. D. W. SNYDER. Yes, Mr. Speaker.

Mr. Speaker, is a solvent also considered a hazardous waste?

Mr. FREEMAN. If it meets the requirements as outlined in Act 97. Again, I would refer the gentleman to that because the act clearly defines what criterion constitutes a hazardous waste. That is what we are reaching back to when we amend—as Representative Wright did by first amending amendment 1336 into the original bill, HB 953—we hearkened back to the definition in Act 108 which in large part hearkens back to the definition of "hazardous waste" under Act 97 of 1980.

Mr. D. W. SNYDER. So this would not also include the burning of tires?

Mr. FREEMAN. Anything that would be constituted under that definition as a hazardous waste. The real concern the gentleman raised earlier in his questioning about conventional fuels would not be affected, and I am very happy to state that very clearly on the record, that we in no way touch conventional fuels, such as oil or coal, in this definition. What we are talking about simply is hazardous waste, again as it is defined under Act 108 of 1988 and Act 97 of 1980.

Mr. D. W. SNYDER. Mr. Speaker, since I am not aware of that definition offhand, is a tire a hazardous waste under that definition?

Mr. FREEMAN. I do not have a copy of that act in front of me. The gentleman may want to consult with his staff. I do not believe it is considered as such, but I am not clear on that particular issue.

Again, we can— You know, this is so common in this House where we raise a lot of red herrings that really do not apply. Hazardous waste is clearly identified. The DER knows what hazardous waste is. When a company like Keystone Cement comes before the DER to request a permit to burn hazardous waste, it is quite clear they are talking about a different subject, and that is really what we are getting at here, the heart of the matter, is to prohibit them from using such very dangerous hazardous wastes which can create dioxins in the air, which can create serious health problems in terms of the final product that is created. We are simply prohibiting the use of those, not of conventional fuels.

Mr. D. W. SNYDER. Mr. Speaker, I would like to make some concluding comments.

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

Mr. D. W. SNYDER. Mr. Speaker, first of all, I resent the responses to the questions that we are trying to raise red herrings. In fact, looking at how some of the votes have been by the sponsor, I am not quite sure what his intent is and that is why I was trying to get it clarified. Certainly, I think, based on some of the positions by the sponsor of this amendment in the past, it could potentially include some of the normal fuels that are utilized in the cement industry.

I just caution the lack of any definition in this particular amendment. We write laws here not to try to figure out what is in the minds of the makers of the proposed legislation but what is in writing for DER. The speaker said that he already noted that DER knows what a hazardous material is. If they do, then I do not know why we need this amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Union County, Mr. Fairchild.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

I rise to support the Freeman amendment.

This is what happens when DER does not take the bull by the horns. We heard about cows and chickens. We have asked DER time and time again to define what is burned in these types of facilities. They have not.

I think this is a good amendment. We all know this is going to the Senate. Let us get a good definition and get on board so that this particular classification is classified the same way no matter whether it is in Pennsylvania, Connecticut, Maine, or whatever. We need a uniform classification. I understand that Pennsylvania is the one State that does not classify it the same as the others in the capacity assurance plan.

I urge adoption of the amendment. It is a good one.

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

Mr. BROUJOS. Will the gentleman, Mr. Freeman, stand for interrogation?

The SPEAKER pro tempore. The gentleman indicates that he will. The gentleman, Mr. Broujos, is in order and may proceed.

Mr. BROUJOS. Mr. Speaker, can you say unequivocally that the current normal process of manufacturing or burning ingredients within a cement kiln does not in fact contain hazardous substances or hazardous waste?

Mr. FREEMAN. I am sorry. Could the gentleman repeat the question? I was not quite sure—

Mr. BROUJOS. Can you say now that the normal process of manufacturing within a cement kiln does not involve hazardous waste?

Mr. FREEMAN. I can answer that question by stating there was never the use of hazardous waste as a fuel initially in the creation of cement. The process by which cement is pro-

duced used conventional fuel, such as oil and coal. There is, however, now a growing trend, a very alarming trend, where the cement industry is turning to the use of hazardous waste as a fuel source. That is already occurring at Keystone Cement. There are plans, at least at a couple of the cement plants located in the Lehigh Valley and in places like Representative Mayernik's district, to utilize other hazardous waste as a fuel source, and that in itself poses a very serious concern and problem. The cement industry is getting away from its primary motive, which is manufacturing cement, and my concern is that it will end up using itself more to burn hazardous waste than create a product. So I think that is a concern we should all share.

Mr. BROUJOS. I will ask you, are you able to answer that with a yes or a no? Are you able to state unequivocally that hazardous waste substances are not now used in the normal course of cement kiln manufacturing?

Mr. FREEMAN. In the traditional way of making cement, no, they are not used. In the way that some plants are now turning to them as a fuel source, as I mentioned Keystone Cement, yes, they are beginning to be used, but in a traditional method, no.

Mr. BROUJOS. Are you aware that waste oil, waste motor oil, is now being used as a fuel within buildings and within manufacturing processes?

Mr. FREEMAN. If the gentleman has a concern about waste oil, that can easily be clarified in the Senate, but if we are talking about hazardous waste—

Mr. BROUJOS. Well, Mr. Speaker, I object. The gentleman is not being responsive to the question, and I would ask him to—

Mr. FREEMAN. If he would let me finish, I will try.

THE SPEAKER (ROBERT W. O'DONNELL) PRESIDING

The SPEAKER. If the gentleman would suspend.

There is no legal requirement of relevance or being confined by the question asked as long as the general subject matter is being addressed, and objections are not really available.

In any event, the question has been posed. The gentleman will finish his answer, please.

Mr. FREEMAN. Thank you, Mr. Speaker.

If the properties of waste oil are simply oil, I see where that poses no problem under this amendment. If, however, there are certain elements that have been added to that waste oil which makes it toxic or hazardous as defined by Act 97 of 1980, then there is a concern and one that we should all share.

We have to remember that the cement industry is more and more turning to the burning of hazardous waste. That is going to create serious dioxin problems in our air quality. It is going to create serious concerns about the elements that go into the cement product itself, and I think that it is incumbent upon us, if we truly share a concern of protecting the environment, to put a halt to this use of hazardous waste as a fuel source.

I have no objection to using conventional fuels or fuels where their only purpose is that they are combustible, but in terms of using fuel sources that are a known listed hazardous waste, I cannot imagine anyone embracing that concept as making good environmental sense.

Mr. BROUJOS. Mr. Speaker, are you aware that EPA now is in the process of proposing to classify used motor oil as a hazardous waste?

Mr. FREEMAN. You are saying they are in the process of classifying?

Mr. BROUJOS. Are you aware of it?

Mr. FREEMAN. No, I am not. But you say it is in the process? It has not yet happened?

Mr. BROUJOS. Yes; that is correct. I am asking you whether you know whether it is or not.

Mr. FREEMAN. No, I am not aware of that.

Mr. BROUJOS. I have completed my interrogation. I would like to speak on the subject.

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

Mr. BROUJOS. EPA is now proposing seriously to classify used motor oil as a hazardous waste. Used motor oil is used as a fuel. If used motor oil is used as a fuel and if the present system of manufacturing within a cement kiln in fact uses used motor oil, then you are stopping or inhibiting the present process of manufacturing, and to me it is done without due notice, without any indication of consultation with the industry, without determining the impact on a business of this amendment, and I think this is an irresponsible approach.

The entire colloquy that we engaged in was a lot of obfuscation of the position of the gentleman without responding to the specific questions. I personally do not object to a provision of this nature. I want to protect the environment. I want to insure that hazardous waste is not burned in a cement kiln. I support the gentleman's goal, but I cannot support the gentleman's goal in the form of an amendment that is presented to this House without adequate information, without the gentleman even knowing that used motor oil is used as a fuel and is seriously being proposed by EPA as being a hazardous waste.

Let us give this cement kiln industry some notice in advance. Let us give them some opportunity to phase out the entire process or to conform without impacting immediately with a relatively high cost on a business of an environmental initiative albeit so sound.

I would ask for the defeat of it, and I would ask that the gentleman pursue his worthy objective on the Senate side.

The SPEAKER. The Chair recognizes Mr. Gruppo.

Mr. GRUPPO. Thank you, Mr. Speaker.

I would like to just bring this thing down to a level that everyone can understand and without trying to answer complicated chemistry questions. We in the Lehigh Valley have cement factories that at least one has already received permission and is burning hazardous waste in the cement kilns.

Now, DER, as the previous speaker, Representative Freeman, indicated, knows quite well what hazardous wastes

are. They have categories where these hazardous wastes are listed. Do not be misled to think that motor oil is the concern of my constituents or of myself. There are more serious and complex hazardous wastes which have been approved and are currently being burned in those kilns. We in the Lehigh Valley, where these kilns are located, believe it is in the best interest of our constituents that the hazardous wastes, which, by the way, you should understand become part of the product in the production of cement. It is not only the fact that they become a heat source, but they also in the process—which is a chemical one and I am not able to describe to you—do become part of the product, so that you will have cement that has actually, through the molecules that are created in the burning, become part of the cement product. I do not know what that is going to do to the environment, and quite honestly, at present there is no distinguishing in the labeling after the product has been produced to say this one has been made with hazardous waste and this one has not.

So to make it as simple as possible, we in the area where I live and in the eastern part of Pennsylvania where these cement kilns are located stand a very high risk of not only the one company burning hazardous waste, but another has already applied to do it, and a whole string of them will be burning hazardous wastes, not only the hazardous wastes that are created here in Pennsylvania but by the truckload those that are coming in from Canada and other places, even imported from other countries.

The cement companies argue that this is a cheap source of energy. We argue that, as Mr. Freeman said, cement has been produced under traditional sources of energy in the past, and we are asking that the hazardous waste not be burned in cement kilns. It is that simple, Mr. Speaker. We do not want hazardous waste burned in cement kilns. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—79

Allen	Fairchild	Kasunic	Snyder, D. W.
Argall	Fajt	LaGrotta	Steelman
Battisto	Fee	Lawless	Steighner
Belfanti	Fleagle	Lescovitz	Stish
Bishop	Freeman	Levdansky	Stuban
Bowley	Freind	Linton	Sturla
Bunt	Gallen	Lucyk	Surra
Caltagirone	Geist	McCall	Tangretti
Carone	George	Mayernik	Taylor, F.
Clawley	Gigliotti	Mundy	Trello
Clark	Godshall	Nyee	Trich
Cohen	Gruppo	Petrone	Uliana
Colafella	Haluska	Phillips	Veon
Cornell	Hanna	Preston	Williams
Coy	Harley	Ritter	Wilson
DeLuca	Hayes	Robinson	Wogan
DeWeese	Heckler	Ryan	Wozniak
Daley	Hess	Saloom	Wright, D. R.
Davies	Hughes	Serafini	Wright, M. N.
Dempsey	Johnson	Smith, B.	

NAYS—115

Acosta	Durham	Laughlin	Reinard
Adolph	Evans	Lee	Richardson
Anderson	Fargo	Leh	Rieger
Angstadt	Farmer	Lloyd	Roebuck
Armstrong	Flick	McGeehan	Rudy
Arnold	Foster	McHale	Saurman
Barley	Gamble	McHugh	Scheetz
Belardi	Gannon	McNally	Schuler
Billow	Gerlach	Maiale	Scrimenti
Birmelin	Gladeck	Markosek	Semmel
Black	Gruitza	Marsico	Smith, S. H.
Blaum	Hagarty	Melio	Snyder, G.
Boyes	Harper	Merry	Staback
Broujos	Hasay	Michlovic	Stairs
Brown	Hayden	Micozzie	Stetler
Bush	Herman	Mihalich	Strittmatter
Butkovitz	Hershey	Mrkonic	Taylor, E. Z.
Cappabianca	Itkin	Murphy	Taylor, J.
Carlson	Jadlowiec	Nahill	Telek
Cessar	James	Nailor	Tigue
Chadwick	Jarolin	Nickol	Tomlinson
Civera	Josephs	O'Brien	Tulli
Clymer	Kaiser	Perzel	Van Horne
Colaizzo	Kenney	Pesci	Vance
Cole	King	Petrarca	Vroon
Corrigan	Kosinski	Piccola	Wambach
Cowell	Kruszewski	Pitts	
Dent	Kukovich	Raymond	O'Donnell, Speaker
Dermody	Langtry	Reber	
Donatucci			

NOT VOTING—1

Carn

EXCUSED—6

Krebs	Olasz	Pistella	Thomas
Noye	Oliver		

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 as amended?

Mr. NYCE offered the following amendments No. A1064:

Amend Title, page 1, line 12 (A1336), by removing the period after "minimization" and inserting ; and further providing for host municipality benefit fees.

Amend Bill, page 2, by inserting between lines 20 and 21 (A1336)

Section 2. Section 306(a) of the act is amended to read:

Section 306. Host municipality benefit [fee] fees.

(a) Imposition.—

(1) There shall be imposed a host municipality benefit fee upon the operator of each commercial hazardous waste treatment or disposal facility that has a valid permit on the effective date of this act or receives a new permit or permit that results in additional capacity from the department under the Solid Waste Management Act after the effective date of this act. The fee shall be paid to the host municipality. If the facility is located within more than one host municipality, the fee shall be apportioned among them according to the percentage of the permitted area located in each municipality.

(2) There shall be imposed a host municipality benefit fee upon the owner or operator of each facility which utilizes hazardous waste, in any form, as a combustion fuel for commercial or noncommercial purposes, regardless of whether such use is for the purpose of disposal, treatment, processing

or recycling. This paragraph shall not apply to any of the following:

- (i) Captive facilities.
- (ii) Facilities subject to paragraph (1).

Amend Sec. 2, page 2, line 21 (A1336), by striking out "2" and inserting

3

Amend Sec. 3, page 5, line 2 (A1336), by striking out "3" and inserting

4

On the question,

Will the House agree to the amendments?

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

Mr. NYCE. Thank you, Mr. Speaker, and I would like to thank you for the opportunity to redraft the amendment.

The amendment now complies with an earlier amendment by Representative Mihalich, and again, I ask for the support of the members in expanding the definition of the host municipality fee to encompass all commercial or noncommercial uses of the fuels for the purpose of disposal, treatment, processing, or recycling. And in addition, the definition of the application of the fee will now be in conformance with the earlier amendment by Representative Mihalich. Thank you.

The SPEAKER. The Chair recognizes Mr. Hayden.

Mr. HAYDEN. Mr. Speaker, this simply is not consistent with an amendment we adopted back in December. If you recall, Representative Wright offered an amendment to require source reduction, waste minimization, and recycling, in that order of priority. In fact, in Act 108 we had a sliding scale of fees, depending upon what type of hazardous waste you dealt with, and in fact we were trying to encourage reuse and recycling so those who are involved in those processes get a break on those fees.

What this amendment proposes to do is to require that those who are currently in the process of recycling waste and handling waste on-site in a captive-site capacity must pay to a local municipality. It simply does not make sense. It is not good economic sense, in terms of encouraging recycling and minimization, if you are going to be charged the same for that process as you are for off-site disposal.

Secondly, the total tonnage in the State of Pennsylvania that is generated of hazardous waste is in excess of 900,000 tons. This would require each of those 4,200 facilities which generates waste, frankly, to pay both on the disposal end as well as simply on the handling end if there are captive sites at their facilities.

For those reasons, I would request that members vote "no" on this amendment.

The SPEAKER. The Chair recognizes Mr. Wright.

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

I join Mr. Hayden in opposition to this amendment. What we are trying to do in this bill is to create incentives for waste reuse, recycling, and minimization. It seems to me that this amendment provides a disincentive to do that, and therefore, I oppose the amendment with Mr. Hayden.

The SPEAKER. Is there anyone else seeking recognition on this issue?

The Chair recognizes Mr. Nyce.

Mr. NYCE. Mr. Speaker, this host municipality fee will do nothing more than allow the host municipality that has such a facility located within its boundaries to assess a fee which could be used to hire a professional overseer to assure the community that that facility is in complete and total compliance with all the rules and regulations of the DER and the EPA.

The intent of this host municipality fee is simply that. I have discussed it with DER representatives who suggested that the host municipality fee would be a better fee than any fee that would be paid to the DER. We are merely trying to protect the residents in the areas of cement kilns and other facilities which burn these hazardous wastes and are not considered hazardous waste facilities. It goes to the intent of the original fee - to provide assurance to the local community that their community is being protected in accordance with all due rules and regulations.

I urge all the members of the House to support it. Thank you.

The SPEAKER. The Chair recognizes Mr. Hasay.

Mr. HASAY. Thank you, Mr. Speaker.

Mr. Speaker, on the Nyce amendment, I support the amendment. It is the same concept as the Mihalich amendment. Therefore, the majority chairman as well supports the amendment. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—155

Adolph	Dermody	Kruszewski	Ritter
Allen	Donatucci	LaGrotta	Robinson
Anderson	Durham	Langtry	Rudy
Angstadt	Evans	Laughlin	Ryan
Argall	Fairchild	Lawless	Saurman
Armstrong	Fargo	Lee	Scheetz
Arnold	Farmer	Leh	Schuler
Barley	Fee	Lescovitz	Scrimenti
Battisto	Fleagle	Lloyd	Semmel
Belardi	Flick	Lucyk	Serafini
Billow	Foster	McCall	Smith, B.
Birmelin	Freeman	McHale	Smith, S. H.
Black	Freind	McHugh	Snyder, D. W.
Blaum	Gallen	Markosek	Snyder, G.
Boyes	Gamble	Marsico	Staback
Broujos	Gannon	Mayernik	Stairs
Brown	Geist	Melio	Steelman
Bunt	George	Merry	Steighner
Bush	Gerlach	Micozzie	Stish
Caltagirone	Gigliotti	Mihalich	Strittmatter
Cappabianca	Gladeck	Mrkonic	Stuban
Carlson	Godshall	Mundy	Sturla
Carone	Gruitza	Murphy	Surra
Cawley	Gruppo	Nahill	Taylor, E. Z.
Cessar	Hagarty	Nailor	Taylor, J.
Chadwick	Haluska	Nickol	Telek
Civera	Hanna	Nyce	Tigue
Clark	Harley	O'Brien	Tomlinson
Clymer	Hasay	Perzel	Trello
Cole	Hayes	Pesci	Tulli
Cornell	Heckler	Petrone	Uliana
Cowell	Herman	Phillips	Van Horne

Coy	Hershey	Piccola	Vance
DeLuca	Hess	Pitts	Veon
DeWeese	Jadlowiec	Preston	Vroon
Daley	Jarolin	Raymond	Wilson
Davies	Johnson	Reber	Wogan
Dempsey	Kenney	Reinard	Wright, M. N.
Dent	King	Rieger	

NAYS—38

Acosta	Harper	Levdansky	Tangretti
Belfanti	Hayden	Linton	Taylor, F.
Bishop	Hughes	McGeehan	Trich
Bowley	Itkin	McNally	Wambach
Butkovitz	James	Maiale	Williams
Cohen	Josephs	Michlovic	Wozniak
Colafella	Kaiser	Petrarca	Wright, D. R.
Colaizzo	Kasunic	Richardson	
Corrigan	Kosinski	Roebuck	O'Donnell,
Fajt	Kukovich	Stetler	Speaker

NOT VOTING—2

Carn	Saloom
------	--------

EXCUSED—6

Krebs	Olasz	Pistella	Thomas
Noye	Oliver		

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—134

Adolph	Dermody	Kruszewski	Robinson
Allen	Donatucci	Kukovich	Roebuck
Anderson	Durham	LaGrotta	Rudy
Argall	Evans	Langtry	Ryan
Armstrong	Fairchild	Laughlin	Saloom
Arnold	Farmer	Lescovitz	Schuler
Battisto	Fee	Levdansky	Scrimenti
Belardi	Fleagle	Lloyd	Semmel
Belfanti	Flick	Lucyk	Serafini
Billow	Freeman	McCall	Smith, B.
Bishop	Freind	McGeehan	Smith, S. H.
Black	Gallen	McHale	Snyder, D. W.
Blaum	Gamble	Maiale	Snyder, G.
Bowley	Gannon	Markosek	Staback
Broujos	Geist	Mayernik	Stairs
Bunt	George	Micozzie	Steelman
Bush	Gerlach	Mihalich	Steighner
Caltagirone	Gruitza	Mrkonic	Stish
Cappabianca	Gruppo	Mundy	Strittmatter
Carlson	Haluska	Nailor	Stuban
Carone	Hanna	Nyce	Surra
Cawley	Hasay	Pesci	Taylor, F.
Cessar	Hayes	Petrarca	Telek
Civera	Heckler	Phillips	Tigue
Clark	Herman	Piccola	Tomlinson
Clymer	Hershey	Pitts	Uliana
Cohen	Hess	Preston	Van Horne
Colafella	Hughes	Raymond	Vance
Cole	Jarolin	Reber	Veon
Cornell	Johnson	Reinard	Williams
DeWeese	Josephs	Richardson	Wilson

Daley	Kasunic	Rieger	Wogan
Davies	Kenney	Ritter	Wright, D. R.
Dempsey	King		

NAYS—59

Acosta	Foster	Linton	Stetler
Angstadt	Gigliotti	McHugh	Sturla
Barley	Gladeck	McNally	Tangretti
Birmelin	Godshall	Marsico	Taylor, E. Z.
Boyes	Hagarty	Melio	Taylor, J.
Brown	Harley	Merry	Trello
Butkovitz	Harper	Michlovic	Trich
Chadwick	Hayden	Murphy	Tulli
Colaizzo	Itkin	Nahill	Vroon
Corrigan	Jadlowiec	Nickol	Wambach
Cowell	Kaiser	O'Brien	Wozniak
Coy	Kosinski	Perzel	Wright, M. N.
DeLuca	Lawless	Petrone	
Dent	Lee	Saurman	O'Donnell,
Fajt	Leh	Scheetz	Speaker
Fargo			

NOT VOTING—2

Carn	James
------	-------

EXCUSED—6

Krebs	Olasz	Pistella	Thomas
Noye	Oliver		

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

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

RULES SUSPENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. DeWEESE. Mr. Speaker, I move that House rule 30 be suspended to permit HB 41 and HB 222 to go immediately to the calendar without referral to the Rules Committee.

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

The following roll call was recorded:

YEAS—182

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

Caltagirone	Hagarty	Micozzie	Taylor, J.
Cappabianca	Haluska	Mihalich	Telek
Carlson	Hanna	Mrkonc	Tigue
Carone	Harley	Mundy	Tomlinson
Cawley	Harper	Murphy	Trello
Cessar	Hayden	Nailor	Trich
Chadwick	Hayes	Nickol	Tulli
Clark	Heckler	Nyce	Uliana
Clymer	Herman	O'Brien	Van Horne
Cohen	Hershey	Perzel	Vance
Colaella	Hess	Pesci	Veon
Colaizzo	Hughes	Petrarca	Vroon
Cole	Itkin	Petrone	Wambach
Cornell	Jadlowiec	Phillips	Williams
Corrigan	James	Piccola	Wilson
Cowell	Jarolin	Pitts	Wogan
Coy	Johnson	Preston	Wozniak
DeLuca	Josephs	Reinard	Wright, D. R.
DeWeese	Kaiser	Richardson	Wright, M. N.
Daley	Kasunic	Rieger	
Davies	Kenney	Ritter	O'Donnell,
Dempsey	King	Robinson	Speaker

NAYS—1

Nahill

NOT VOTING—12

Carn	Gannon	McNally	Scheetz
Civera	Hasay	Raymond	Serafini
Fargo	McHale	Reber	Strittmatter

EXCUSED—6

Krebs	Olasz	Pistella	Thomas
Noye	Oliver		

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

SENATE MESSAGE

AMENDED HOUSE BILLS
RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned **HB 41, PN 3326**; and **HB 222, PN 3307**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

The SPEAKER. For the information of the members, there will be no more votes cast today. The adjournment motion will be for 11 o'clock tomorrow morning.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. For the further information of the members, the State Street Bridge is closed because of an accident.

ANNOUNCEMENT BY MR. MELIO

The SPEAKER. The Chair recognizes Mr. Melio.
Mr. MELIO. Mr. Speaker, I would like to make an announcement. I would like your attention, Mr. Speaker, just for 1 second, please. I would like to announce that Representative Colaizzo's daughter, Mary, blessed Tony with his sixth

grandchild, an 8-pound-5-ounce little Italian baby boy, and his name is Michael Anthony Dombrowski. Mother and baby are doing fine, and due to Tony's frugality, you could send cigars and congratulations to Box 52.

VOTE CORRECTIONS

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

To correct the record. Mr. Speaker, when the vote was taken on amendment 0970 to HB 953, I was recorded as not voting. Had I been recorded, I would have voted in the affirmative.

The SPEAKER. The Chair recognizes Mr. McGeehan.
Mr. MCGEEHAN. Thank you, Mr. Speaker.

On March 18, which was the day after St. Patrick's Day, on amendments 823 and 923 to HB 127, I was not recorded. I would like to be recorded in the affirmative.

SENATE MESSAGE

HOUSE BILL CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 246, PN 254**, with information that the Senate has passed the same without amendment.

BILLS SIGNED BY SPEAKER

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

HB 246, PN 254

An Act amending the act of August 20, 1953 (P. L. 1217, No. 339), entitled "An act providing for payments by the Commonwealth to municipalities which have expended money to acquire and construct sewage treatment plants in accordance with the Clean Streams Program and the act, approved the twenty-second day of June, one thousand nine hundred thirty-seven (Pamphlet Laws 1987), and making an appropriation," further providing for applications for payments by the Commonwealth; and making editorial changes.

SB 2, PN 2001

An Act providing for the advance purchase of tuition at certain institutions of higher education; establishing the Tuition Account Program Bureau within the Treasury Department and providing duties for the Treasury Department; establishing the Tuition Payment Fund; providing for tuition account payment contracts; providing for the issuance and sale of certain bonds; and further providing for duties of the Pennsylvania Higher Education Assistance Agency.

SB 752, PN 1354

An Act amending the act of February 1, 1974 (P. L. 34, No. 15), entitled "Pennsylvania Municipal Retirement Law," further providing for administrative expenses.

VOTE CORRECTION

The SPEAKER. The Chair recognizes Mr. Trich.

Mr. TRICH. Mr. Speaker, to correct the record. Yesterday on March 23 concerning HB 992, my button malfunctioned. I would like to be recorded in the affirmative. Thank you.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. For those members who had an important engagement—the Chair requests the attention of the gentleman, Mr. Veon—for those members who had an important engagement at the community college this evening, the Harrisburg Area Community College, originally scheduled for 5 o'clock, the period of that meeting has been extended so it will not end until 8:30, so that meeting will be convened.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND Tabled

HB 259, PN 3325 (Amended)

By Rep. CALTAGIRONE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, establishing the Firearms Purchase Fund; further providing for the sale of firearms; providing for fees; and imposing duties on the Pennsylvania State Police and the Department of Public Welfare.

JUDICIARY.

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER. The Chair recognizes Mr. Uliana.

Mr. ULIANA. Mr. Speaker, I move that this House do now adjourn until Wednesday, March 25, 1992, 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 6:13 p.m., e.s.t., the House adjourned.