

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, MAY 10, 1993

SESSION OF 1993

177TH OF THE GENERAL ASSEMBLY

No. 30

HOUSE OF REPRESENTATIVES

The House convened at 1 p.m., e.d.t.

THE SPEAKER (H. WILLIAM DeWEESE) PRESIDING

PRAYER

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

Let us pray:

Gracious God our Father, we thank You for all of the mothers throughout this Nation and the world, for all that they have done for all of us.

Also, Gracious God our Father, we realize that Rome was not built in a day, nor can a tree produce fruit overnight. Throughout nature, we observe Your handiwork and are reminded that nothing happens instantly. It takes time to produce beautiful flowers and singing birds. The sun and moon appear according to Your schedule.

Unlike nature, we often seem to be in a big hurry. We want things immediately; we desire instant gratification, only to regret at our leisure.

Slow us down, Gracious Lord. Let us take time to enjoy our family, friends, and loved ones and take time to tell them we love them very much.

And teach us that "They who wait for the Lord shall renew their strength; They shall mount up with wings as eagles; They shall run, and not be weary; They shall walk, and not faint."

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 Wednesday, May 5, 1993, will be postponed until printed. The Chair hears no objection.

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader. Mr. ITKIN. Mr. Speaker, I move that the following bills be removed from the table and placed upon the active calendar:

HB 292;
HB 294;
HB 296;
HB 297;
HB 298;
HB 402;
HB 672;
HB 1073;
HB 1074;
HB 1422;
HB 1512;
SB 399; and
SB 507.

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

BILLS RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader, Mr. Itkin, from Allegheny County.

Mr. ITKIN. Mr. Speaker, I move that the following bills be recommitted to the Appropriations Committee:

HB 292;
HB 294;
HB 296;
HB 297;
HB 298;
HB 402;
HB 672;
HB 1073;
HB 1074;
HB 1512;
SB 399; and
SB 507.

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

SUPPLEMENTAL CALENDAR A

BILL ON SECOND CONSIDERATION

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

HB 1422, PN 1573.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 78, PN 1802 (Amended)

By Rep. MARKOSEK

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining "emergency vehicle."

TRANSPORTATION.

HB 168, PN 1803 (Amended)

By Rep. MARKOSEK

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for a speed limit of 65 miles per hour on rural interstate highways and on a certain portion of the Pennsylvania Turnpike; and further providing for speed timing devices.

TRANSPORTATION.

HB 299, PN 1804 (Amended)

By Rep. MARKOSEK

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the authority to issue permits and for weighing and measurement of vehicles.

TRANSPORTATION.

HB 315, PN 1805 (Amended)

By Rep. MARKOSEK

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for notifying drivers of suspensions by certified mail; requiring drivers to return suspended driver's licenses in person or by certified mail; and increasing the fee and authorizing an additional fee for reinstatement of a suspended driver's license.

TRANSPORTATION.

HB 371, PN 400

By Rep. MARKOSEK

An Act amending the act of June 1, 1956 (1955 P.L.1944, No.655), referred to as the Liquid Fuels Tax Municipal Allocation Law, further providing for the expenditure of liquid fuels tax revenues by municipalities.

TRANSPORTATION.

HB 948, PN 1033

By Rep. MARKOSEK

An Act amending the act of May 21, 1931 (P.L.149, No.105), known as The Liquid Fuels Tax Act, providing for additional uses of fuel tax funds.

TRANSPORTATION.

HB 1080, PN 1164

By Rep. MARKOSEK

An Act amending the act of May 21, 1931 (P.L.149, No.105), known as The Liquid Fuels Tax Act, further providing for the use of liquid fuels tax revenues.

TRANSPORTATION.

HB 1304, PN 1443

By Rep. MARKOSEK

An Act designating the interchange at Interstate 79 and Interstate 80 in Mercer County as the Orville DeWayne "O.D." Anderson Interchange.

TRANSPORTATION.

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the gentleman, Mr. Steighner, the secretary of the Democratic Caucus, for leaves of absence.

Mr. STEIGHNER. Thank you, Mr. Speaker.

Mr. Speaker, I would like to ask for leave for today only for the gentleman from Washington, Mr. TRICH, and the gentleman from Westmoreland, Mr. PETRARCA.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Perzel, for leaves of absence.

Mr. PERZEL. Thank you, Mr. Speaker.

I request a leave of absence for the gentleman from Crawford, Mr. MERRY, for the week.

The SPEAKER. The Chair thanks the gentleman.

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—200

Acosta	Fargo	Linton	Ryan
Adolph	Farmer	Lloyd	Santoni
Allen	Fee	Lucyk	Sather
Argall	Fichter	Lynch	Saurman
Armstrong	Fleagle	Maitland	Saylor
Baker	Flick	Manderino	Scheetz
Barley	Freeman	Markosek	Schuler
Battisto	Gamble	Marsico	Scrimanti
Bebko-Jones	Gannon	Masland	Semmel
Belardi	Geist	Mayernik	Serafini
Belfanti	George	McCall	Smith, B.
Birmelin	Gerlach	McGeehan	Smith, S. H.
Bishop	Gigliotti	McNally	Snyder, D. W.
Blaum	Gladeck	Melio	Staback
Boyes	Godshall	Michlovic	Stairs
Brown	Gordner	Micozzie	Steelman
Bunt	Gruitza	Mihalich	Steighner
Bush	Gruppo	Miller	Steil
Butkovitz	Haluska	Mundy	Stern
Buxton	Hanna	Murphy	Stetler
Callagirone	Harley	Nailor	Stish
Cappabianca	Hasay	Nickol	Strittmatter
Carn	Heckler	Nyce	Sturla
Carone	Hennessey	O'Brien	Surra
Cawley	Herman	O'Donnell	Tangretti
Cessar	Hershey	Olasz	Taylor, E. Z.
Chadwick	Hess	Oliver	Taylor, J.
Civera	Hughes	Perzel	Thomas
Clark	Hutchinson	Pesci	Tigue

Clymer	Itkin	Petrone	Tomlinson
Cohen, L. I.	Jadlowiec	Pettit	Trello
Cohen, M.	James	Phillips	True
Colaella	Jarolin	Piccola	Tulli
Colaizzo	Josephs	Pistella	Uliana
Cornell	Kaiser	Pitts	Vance
Corrigan	Kasunic	Platts	Van Horne
Cowell	Keller	Preston	Veon
Coy	Kenney	Raymond	Vitali
Curry	King	Reber	Waugh
Daley	Kirkland	Reinard	Williams
DeLuca	Krebs	Richardson	Wogan
Dempsey	Kukovich	Rieger	Wozniak
Dent	LaGrotta	Ritter	Wright, D. R.
Dermody	Laub	Roberts	Wright, M. N.
Donatucci	Laughlin	Robinson	Yandrisevits
Druce	Lawless	Roebuck	Yewcic
Durham	Lederer	Rohrer	Zug
Egolf	Lee	Rooney	
Evans	Leh	Rubley	DeWeese,
Fairchild	Lescovitz	Rudy	Speaker
Fajt	Levdanský		

ADDITIONS—0

NOT VOTING—0

EXCUSED—3

Merry Petrarca Trich

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The House will please come to order for the purpose of an announcement.

The chairman of the Appropriations Committee, Mr. Evans, would like to announce an immediate meeting of the Appropriations Committee in room 140, the majority caucus room — an immediate meeting. The House will momentarily be in recess during this short meeting, but the meeting will take place at 1:20, at 1:20, in the majority caucus room.

All members of the House Appropriations Committee, Republicans and Democrats, should report immediately to room 140 for an Appropriations meeting.

GUESTS INTRODUCED

The SPEAKER. The Chair would like to welcome Mrs. Cindy "GAMS" Judd Hill, winner of the Ms. Pennsylvania Senior America 1993 title for our State. Mrs. Hill will be leaving for Nashville, Tennessee, to compete for the national title.

The gentlemen, Mr. Gigliotti and Mr. Petrone, have three young students from the Pittsburgh area, from their legislative districts, who placed 1, 2, and 3 in a 1993 Student Energy Home Contest. They are Jimmy Schmidt, Jarrad Haag, and Charles Hergenroeder.

The Chair would like to inquire with these young men whether Mr. Gigliotti ever won a 1st place in a science contest, but we will let that up to our imaginations.

The Chair thanks Geraldine McFarland, the instructor who has brought these worthy young men to the hall of the House. The Chair thanks the lady.

The Chair would like to welcome Representative Santoni's parents, Dante, Sr., and Carmella Santoni. The Chair welcomes your mom and dad, Dante, to the hall of the House.

MARBLE KING MIBSTERS PRESENTED

The SPEAKER. The Chair recognizes the gentleman, Mr. Santoni, for the presentation of a citation to members of his constituency. The gentleman may proceed.

Mr. SANTONI. Thank you, Mr. Speaker.

They do not get the headlines of our beloved Penguins and our again beloved Phillies, but their dedication to a sport that requires concentration, strategy, and dedication is no less than many of the headline grabbers.

Today we have with us from Berks County, Darlene Schwartz and Debra E. Stanley-Lapic. They represent, along with Darlene's sister, Brenda, half of the United States team, the Marble King Mibsters, which last month competed at the British and World Marbles Tournament in England and rolled their way not just to the State, not just to the national, but to the world 1993 marbles championship.

I, along with State Representative Sam Rohrer, present them with this House citation today as sportswomen who represented America, Pennsylvania, and Berks County in a manner most worthy of our recognition and praise. Thank you.

The SPEAKER. The Chair thanks the gentleman and Representative Rohrer.

The Chair congratulates the ladies.

MEADVILLE HIGH SCHOOL ICE HOCKEY TEAM PRESENTED

The SPEAKER. The final presentation will be from Representative Teresa Brown. Is Representative Brown in the hall of the House? The lady will approach the dais.

The Chair recognizes our colleague, Representative Teresa Brown.

Mrs. BROWN. It gives me great pleasure to introduce the members of the Meadville High School Bulldogs ice hockey team. Welcome to the Pennsylvania House of Representatives. Would you please stand.

Congratulations on winning the State AAA championship for a second year in a row. This sets you apart as the first ice hockey team in sports history at Meadville High School to ever win back-to-back championships.

Additionally, the Bulldogs hold the distinction of being all alone in the four-win class, having brought home to Meadville High four State titles in the last 7 years. By attaining this honor, team, you have made your school, your coaches, your families, your friends, your community, and the members of this General Assembly very, very proud of you.

This season you ended up with a perfect 22 and zero, outscoring your opponents by an unbelievable margin of 7.41 goals per game. The action was awesome. You made your opposition's goalies mightily nervous from face-off to finish at every game.

You worked hard, Dawgs, to win the AAA championship. You deserve all the praise given, not only back home but here today as well.

You are winners in more ways than you can imagine. Bringing this victory to Meadville shows that you possess endurance, the spirit to win, the will to win, and the will to excel. You went far beyond our expectations as you proved winning is not everything, it is the only thing.

Again, my sincere congratulations to the Meadville High School Bulldogs ice hockey team, your coach, Jamie Plunkett, his assistants, and the Meadville area community which helped raise funds so that you could come down here to the Capitol.

Thank you, fellow members of the House of Representatives, for giving me this opportunity to boast to you our hometown Meadville High School hockey team, and thank you, Mr. Speaker, for allowing me time in which to do this presentation today before this very august group. Thank you.

The SPEAKER. The Chair thanks the lady and congratulates the team.

GUESTS INTRODUCED

The SPEAKER. The Chair would like to welcome to the hall of the House the guests of Mr. Nicky Colafella, Representative Colafella of Beaver County: Mary Jane Lombardo and Carl Korak. The Chair would like to say welcome to Harrisburg and welcome to the General Assembly.

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader. Mr. ITKIN. Mr. Speaker, I move that HB 441, PN 1710, be removed from the tabled calendar.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes Mr. Itkin. Mr. ITKIN. Mr. Speaker, I move that HB 441 be recommitted to the Appropriations Committee.

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

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 559, PN 1208**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

SENATE MESSAGE

HOUSE AMENDMENTS CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 295, PN 1144**.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 100, PN 178**; and **HB 318, PN 1209**, with information that the Senate has passed the same without amendment.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1552 By Representatives DURHAM, DeLUCA, BATTISTO, TRELLO, GERLACH and CIVERA

An Act providing for a Statewide residential building code for one-family and two-family residences in certain municipalities.

Referred to Committee on LOCAL GOVERNMENT, May 10, 1993.

No. 1553 By Representatives DURHAM, DeLUCA, TRELLO and CORRIGAN

An Act providing for new home warranties; requiring the registration of builders of new homes; establishing the New Home Warranty Security Fund and providing for alternate new home warranty security programs; and providing for procedures for claims and for penalties.

Referred to Committee on CONSUMER AFFAIRS, May 10, 1993.

No. 1557 By Representatives GLADECK, FLICK, E. Z. TAYLOR, REBER, WOGAN, KENNEY, TRELLO and CLARK

An Act providing for rights and administrative responsibilities of homeowners associations.

Referred to Committee on BUSINESS AND ECONOMIC DEVELOPMENT, May 10, 1993.

No. 1597 By Representatives LLOYD, NAILOR, ARMSTRONG, HANNA, CLYMER, J. TAYLOR, KELLER, DeLUCA, NYCE, RAYMOND, STABACK, O'BRIEN, FAIRCHILD, KING, YANDRISEVITS, TRELLO, LAUGHLIN, BELFANTI, STERN, SAURMAN, MASLAND, BATTISTO, KASUNIC, GEIST, THOMAS, PETRARCA, EGOLF, FLICK, FARGO, STISH, DeWEESE, ROBERTS, JADLOWIEC, NICKOL, COY, ROONEY, KREBS, BUXTON, BELARDI, GORDNER, COLAIZZO, KUKOVICH, GEORGE, CAPPABIANCA, COLAFELLA,

GIGLIOTTI, MARKOSEK, PESCI, TIGUE, STURLA, CLARK, MIHALICH, JOSEPHS, YEWIC, GODSHALL, SAYLOR, WOZNAK, HECKLER, MUNDY, VEON, McCALL, CAWLEY, FAJT, ARGALL, SEMMEL, ULIANA, B. SMITH, TANGRETTI, GERLACH and PRESTON

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for profits received as a result of the commission of a crime.

Referred to Committee on JUDICIARY, May 10, 1993.

No. 1598 By Representatives LLOYD, DeWEESE, MIHALICH, COY, ROONEY, MELIO, BELARDI, KUKOVICH, GEORGE, COLAFELLA, GIGLIOTTI, PESCI, D. R. WRIGHT, WOZNAK, VEON, CAWLEY, FAJT, DALEY, TANGRETTI, PRESTON, OLASZ, STABACK, LEVDANSKY, TRELLO, LAUGHLIN, BELFANTI, SAURMAN, STEELMAN, KASUNIC and SURRA

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, deleting a deduction for Social Security payments.

Referred to Committee on LABOR RELATIONS, May 10, 1993.

No. 1599 By Representatives PETTTT, GODSHALL, FLICK, ARMSTRONG, SCHEETZ, MILLER, PETRONE, NAILOR, LYNCH, FICHTER, BARLEY, FARGO, FAIRCHILD, M. N. WRIGHT, NYCE, HUTCHINSON, BROWN, HERSHEY, TRUE, CLYMER, EGOLF, E. Z. TAYLOR, FAJT, HECKLER, LAWLESS and TANGRETTI

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, setting forth public policy relating to strikes; and providing for assessments.

Referred to Committee on LABOR RELATIONS, May 10, 1993.

No. 1600 By Representatives JADLOWIEC, REBER, BAKER, LYNCH, FAIRCHILD, FARGO, SEMMEL, FARMER, BROWN, GORDNER, PITTS, BUSH, CLARK, LAUB, GANNON, HERMAN, MILLER, HERSHEY, PETTTT, HECKLER, BUNT, SATHER, SAURMAN, MIHALICH, GODSHALL, HASAY, BELARDI, FAJT, HESS, KING, LEH, TRELLO, GEIST, HUTCHINSON and GERLACH

An Act amending the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law, further defining "administrative regulation" in relation to the Department of Environmental Resources.

Referred to Committee on STATE GOVERNMENT, May 10, 1993.

No. 1602 By Representatives VANCE, EGOLF, NAILOR, PICCOLA, MARSICO, TULLI, FAJT, FAIRCHILD, DURHAM, TIGUE, HERMAN, DeLUCA, B. SMITH, BUXTON, RAYMOND, MELIO, STEELMAN, CLARK, BUNT, SAURMAN, MILLER, ULIANA, HARLEY, FARGO, STERN, E. Z. TAYLOR, GEIST, HECKLER, MASLAND, MAITLAND, JAROLIN, BELARDI, HENNESSEY, KENNEY, BATTISTO, RUBLEY, SEMMEL, TOMLINSON, GERLACH, TRUE, PETTTT, KASUNIC, CIVERA and TRELLO

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for child protective custody; defining certain offenses; and providing penalties.

Referred to Committee on AGING AND YOUTH, May 10, 1993.

No. 1603 By Representatives NICKOL, PLATTS, NAILOR, CLYMER, TRELLO, S. H. SMITH, HALUSKA, E. Z. TAYLOR, WAUGH, BELFANTI, CLARK and TULLI

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, exempting certain dealers from registration bonds and from the provisions of the Motor Vehicle Transaction Recovery Fund.

Referred to Committee on TRANSPORTATION, May 10, 1993.

No. 1604 By Representatives GRUTTZA, DALEY, BELFANTI and PESCI

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, authorizing tax collecting bureaus to charge a fee for taxes collected and remitted to nonmember municipalities.

Referred to Committee on LOCAL GOVERNMENT, May 10, 1993.

No. 1605 By Representatives GRUTTZA, CAWLEY, DALEY, BELFANTI, KUKOVICH, HERMAN, TRELLO, TIGUE, SURRA, GODSHALL, FAIRCHILD, CARONE, WOZNAK, ARGALL, RAYMOND, JADLOWIEC, BROWN, HANNA, KASUNIC, HESS, FREEMAN, LEDERER, BAKER, HUTCHINSON, PISTELLA, PESCI, BELARDI, STABACK, CIVERA and CLARK

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, requiring the Department of Transportation to establish offices in counties.

Referred to Committee on TRANSPORTATION, May 10, 1993.

No. 1606 By Representatives JAROLIN, ROBERTS, STISH, HANNA, SCHULER, KING and BROWN

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for correction of certificate of title.

Referred to Committee on TRANSPORTATION, May 10, 1993.

No. 1607 By Representatives FAJT, GORDNER, LAUB, ROONEY, HERSHEY, PETTTI, VEON, TULLI, CURRY, NYCE, PESCI, MELIO, DURHAM, KUKOVICH, EGOLF, TIGUE, GODSHALL, ARMSTRONG, BELFANTI, STERN, MASLAND, TRELLO, CIVERA, KASUNIC, MURPHY, MICHLOVIC, KAISER, GAMBLE, PISTELLA, HESS and D. W. SNYDER

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring a due process hearing prior to suspension of a driver's license under certain circumstances.

Referred to Committee on TRANSPORTATION, May 10, 1993.

No. 1608 By Representatives MIHALICH, COLAIZZO, VAN HORNE, DeLUCA, GIGLIOTTI and KUKOVICH

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, providing for electricity construction debt approval by qualified voters.

Referred to Committee on LOCAL GOVERNMENT, May 10, 1993.

No. 1609 By Representatives ROONEY, MARKOSEK, SEMMEL, FAIRCHILD, ULIANA, PISTELLA, STABACK, MELIO, BUNT, BATTISTO, DENT, COWELL, GEIST, VEON and TRELLO

An Act amending the act of July 2, 1984 (P.L.553, No.110), known as the Engineering School Equipment Act, further providing for reallocation of unused funds and for the expiration of the act.

Referred to Committee on EDUCATION, May 10, 1993.

No. 1610 By Representatives B. SMITH, BELARDI, STEIGHNER, CLARK, STABACK, MASLAND, CARONE, KING, STEELMAN, NICKOL, LaGROTTA, SAYLOR, SATHER, CAWLEY, STERN, STETLER, PLATTS, FLEAGLE, WAUGH, VANCE and PHILLIPS

An Act requiring the disclosure of certain information relating to potential exposure to electromagnetic energy; imposing powers and duties on the Department of Labor and Industry; and providing a penalty.

Referred to Committee on LABOR RELATIONS, May 10, 1993.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 97 By Representatives BELARDI,

STEIGHNER, B. SMITH, SERAFINI, VEON, DeWEESE, SURRA, BLAUM, CAWLEY, STABACK, FEE, BAKER, CURRY, BATTISTO, LAUGHLIN, LaGROTTA, GIGLIOTTI, NAILOR, COY, M. N. WRIGHT, COLAFELLA, KASUNIC, PESCI, DONATUCCI, STURLA, BUTKOVITZ, RUBLEY, CLYMER and LINTON

A Resolution memorializing Congress to promptly appropriate full funding for the Electric and Magnetic Fields Research and Public Information Dissemination Program authorized by section 2118 of the Energy Policy Act of 1992.

Referred to Committee on FEDERAL-STATE RELATIONS, May 10, 1993.

SENATE BILLS FOR CONCURRENCE

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

SB 701, PN 1126

Referred to Committee on INSURANCE, May 10, 1993.

SB 704, PN 1129

Referred to Committee on INSURANCE, May 10, 1993.

SB 705, PN 1130

Referred to Committee on INSURANCE, May 10, 1993.

BILLS SIGNED BY SPEAKER

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

HB 100, PN 178

An Act providing for the management of nutrients on certain agricultural operations to abate nonpoint source pollution, for the certification of nutrient management specialists and for the assessment of other nonpoint sources of nutrient pollution to the waters of this Commonwealth; establishing the Nutrient Management Advisory Board and providing for its powers and duties; establishing the Nutrient Management Fund; and providing for enforcement and penalties.

HB 318, PN 1209

An Act prohibiting a county of the second class from imposing taxes on certain individuals.

SB 295, PN 1144

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining "school bus"; and further providing for definitions, for implements of husbandry, for farm vehicles, for vehicles exempt from registration, for tire equipment and traction surfaces, for inspections, for width of vehicles, for certificate of salvage, for the transportation of school children on certain chartered buses, for use of hearing impairment devices and for the length of projecting loads.

RULES COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman, Mr. Itkin, for the purpose of an announcement.

Mr. ITKIN. Mr. Speaker, at this time I would ask that the House be placed at ease for the purpose of a Rules Committee meeting at the majority leader's desk.

The SPEAKER. The Chair thanks the gentleman.

The House will be momentarily at ease. Members of the Rules Committee will please report to the majority leader's podium.

BILLS REREPORTED FROM COMMITTEE

SB 323, PN 1145 By Rep. EVANS

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining "school bus"; and further providing for registration requirements for school buses and for certification of mechanics.

APPROPRIATIONS.

SB 399, PN 422 By Rep. EVANS

An Act requiring public employees who are not members of a collective bargaining unit to contribute a fair share fee; establishing payment, notice, objection and reporting procedures; and imposing penalties.

APPROPRIATIONS.

SB 507, PN 1201 By Rep. EVANS

An Act amending the act of December 17, 1981 (P. L. 435, No. 135), entitled "Race Horse Industry Reform Act," further providing for general powers of the commission, for the Pennsylvania Sire Stakes Fund and for simulcasting of horse races.

APPROPRIATIONS.

RESOLUTION REPORTED FROM COMMITTEE

HR 91, PN 1795 By Rep. ITKIN

A Resolution memorializing the President and Congress to act expeditiously in procuring a site or sites for the storage of high-level radioactive waste.

RULES.

ADDITIONS AND DELETIONS OF SPONSORS

The SPEAKER. The Chair acknowledges receipt of additions and deletions for sponsorships of bills, which the clerk will file.

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

CALENDAR

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 569, PN 620**, entitled:

An Act amending the act of June 26, 1992 (P.L.322, No.64), known as the Agriculture Education Loan Forgiveness Act, repealing the expiration provision.

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—196

Acosta	Fajt	Lescovitz	Rudy
Adolph	Fargo	Levdansky	Ryan
Allen	Farmer	Linton	Santoni
Argall	Fee	Lloyd	Sather
Armstrong	Fichter	Lucyk	Saurman
Baker	Fleagle	Lynch	Saylor
Barley	Flick	Maitland	Scheetz
Battisto	Freeman	Manderino	Schuler
Bebko-Jones	Gamble	Markosek	Scrimenti
Belardi	Gannon	Marsico	Semmel
Belfanti	Geist	Masland	Serafini
Birmelin	George	Mayernik	Smith, B.
Bishop	Gerlach	McCall	Smith, S. H.
Blaum	Gigliotti	McGeehan	Snyder, D. W.
Boyes	Gladeck	McNally	Staback
Brown	Godshall	Michlovic	Steelman
Bunt	Gordner	Micozzie	Steighner
Bush	Gruitza	Miller	Steil
Butkovitz	Gruppo	Mundy	Stern
Buxton	Haluska	Murphy	Stetler
Caltagirone	Hanna	Nailor	Stish
Cappabianca	Harley	Nickol	Strittmatter
Carn	Hasay	Nyce	Sturla
Carone	Heckler	O'Brien	Surra
Cawley	Hennessey	O'Donnell	Tangretti
Cessar	Herman	Olasz	Taylor, E. Z.
Chadwick	Hershey	Oliver	Taylor, J.
Civera	Hess	Perzel	Thomas
Clark	Hughes	Pesci	Tomlinson
Clymer	Hutchinson	Petrone	Trello
Cohen, L. I.	Itkin	Pettit	True
Cohen, M.	Jadlowiec	Phillips	Tulli
Colafralla	James	Piccola	Uliana
Colaizzo	Jarolin	Pistella	Vance
Cornell	Josephs	Pitts	Van Horne
Corrigan	Kaiser	Platts	Veon
Cowell	Kasunic	Preston	Vitali
Coy	Keller	Raymond	Waugh
Curry	Kenney	Reber	Williams
Daley	King	Reinard	Wogan
DeLuca	Kirkland	Richardson	Wozniak
Dempsey	Krebs	Rieger	Wright, D. R.
Dent	Kukovich	Ritter	Wright, M. N.
Dermody	LaGrotta	Roberts	Yandrisevits
Donatucci	Laub	Robinson	Yewcic
Druce	Laughlin	Roebuck	Zug
Durham	Lawless	Rohrer	
Egolf	Lederer	Rooney	DeWeese,
Evans	Lee	Rubley	Speaker
Fairchild	Leh		

NAYS—1

Tigue

NOT VOTING—3

Melio Mihalich Stairs

EXCUSED—3

Merry Petrarca Trich

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 15, PN 25**, entitled:

An Act amending the act of March 1, 1988 (P.L.82, No.16), known as the Pennsylvania Infrastructure Investment Authority Act, providing for the waiver of letters of no prejudice for certain applications for financial assistance.

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—196

Acosta	Farmer	Lloyd	Santoni
Adolph	Fee	Lucyk	Sather
Allen	Fichter	Lynch	Saurman
Argall	Fleagle	Maitland	Saylor
Armstrong	Flick	Manderino	Scheetz
Baker	Freeman	Markosek	Schuler
Barley	Gamble	Marsico	Scrimenti
Battisto	Gannon	Masland	Semmel
Bebko-Jones	Geist	Mayernik	Serafini
Belardi	George	McCall	Smith, B.
Belfanti	Gerlach	McGeehan	Smith, S. H.
Bishop	Gigliotti	McNally	Snyder, D. W.
Blaum	Gladeck	Melio	Staback
Boyes	Godshall	Michlovic	Stairs
Brown	Gordner	Micozzie	Steelman
Bunt	Gruitza	Mihalich	Steighner
Bush	Gruppo	Miller	Steil
Butkovitz	Hanna	Mundy	Stern
Buxton	Harley	Murphy	Stetler
Caltagirone	Hasay	Nailor	Stish
Cappabianca	Heckler	Nickol	Strittmatter
Carone	Hennessey	Nyce	Sturla
Cawley	Herrnan	O'Brien	Surra
Cessar	Hershey	O'Donnell	Tangretti
Chadwick	Hess	Olasz	Taylor, E. Z.
Civera	Hughes	Oliver	Taylor, J.
Clark	Hutchinson	Perzel	Thomas
Clymer	Itkin	Pesci	Tigue
Cohen, L. I.	Jadlowiec	Petrone	Tomlinson
Cohen, M.	James	Pettit	Trello
Colafiglia	Jarolin	Phillips	True
Colaizzo	Josephs	Piccola	Tulli

Cornell	Kaiser	Pistella	Uliana
Corrigan	Kasunic	Pitts	Vance
Cowell	Keller	Platts	Van Horne
Coy	Kenney	Preston	Veon
Curry	King	Raymond	Vitali
Daley	Kirkland	Reber	Waugh
DeLuca	Krebs	Reinard	Williams
Dempsey	Kukovich	Richardson	Wogan
Dent	LaGrotta	Rieger	Wozniak
Dermody	Laub	Ritter	Wright, D. R.
Donatucci	Laughlin	Roberts	Wright, M. N.
Druce	Lawless	Robinson	Yandrisevits
Durham	Lederer	Rohrer	Yewcic
Egolf	Lee	Rooney	Zug
Evans	Leh	Rublely	
Fairchild	Lescovitz	Rudy	DeWeese,
Fajt	Levdansky	Ryan	Speaker
Fargo	Linton		

NAYS—0

NOT VOTING—4

Birmelin Carn Haluska Roebuck

EXCUSED—3

Merry Petrarca Trich

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 353, PN 1624**, entitled:

An Act providing for the payment of interest on purchases by political subdivisions.

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?

The Chair recognizes the gentleman, Mr. Saurman.
Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to this bill for one reason only, not because of saying that small business should not receive the interest, but this is a little like the Sunshine Act as far as I am concerned. We make the local governments do these things and we do not do them. In this case, even though we have a regulation that we are supposed to pay interest, it does not happen, but you can bet that if we pass this, local government will have to pay the interest, and oftentimes they are not able to pay that interest because we are late in our payments to them.

I kind of think that this is unfair to our local governments. It may be fair to small business, but I think we are being very

hypocritical in this case, and I would urge a "no" vote. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Hasay.

Mr. HASAY. Thank you, Mr. Speaker.

Mr. Speaker, just to comment on HB 353. It is where local school districts, local municipalities, if they were late on the 46th day, would have to pay a penalty of an interest charge which they do not now.

I have some concerns where you may have new school boards that get elected and change over, or the authority may change or the superintendent may change, and there could be a circumstance where they may be late in pay.

What concerns me with the school district is, what if Jones Bus Lines happens not to get paid on the 46th day, and the contract might have been \$100,000. Because of an error, maybe that the business manager may have encompassed or the superintendent may encompass, that school district would then be penalized to pay a \$9,000 interest penalty if the interest is 9 percent.

So that is my concern, and you may wish to examine the bill before you cast your vote. I am voting "no." Thank you.

The SPEAKER. The Chair recognizes the chairman of the Business and Economic Development Committee, Mr. Lescovitz.

Mr. LESCOVITZ. Thank you, Mr. Speaker.

Just to clarify a couple of things. First of all, we have a State prompt-pay law on the books. It has been on the books since 1982. Secondly, there was a question about the interest rate. It is based upon the Department of Revenue's rate at the time during that year. Currently, now, yes, it is at 9 percent, but that would be 9 percent per year, not 9 percent per month.

I think it is a good piece of legislation. We should have prompt pay for our businesses and there should be a penalty if they do not pay those businesses in any community within 30 days. So I would appreciate the support of this body on this legislation.

A very similar bill passed the House and Senate last year, and I would appreciate your support. It is a good business bill. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Columbia County, Mr. Gordner.

Mr. GORDNER. Thank you, Mr. Speaker.

Just to respond to Representative Saurman's comments. In section 4 of the bill, there is an exception there. Representative Saurman had stated that it is not fair that if the State government does not provide moneys to local governments, that they should be responsible. In section 4 of the bill there is an exception that says that this shall not apply when the political subdivision's nonpayment on a particular project is caused by failure of the Federal or State government to pay funds designated for the specific project. So in response to Representative Saurman's problem in regard to that, there is a specific exception that is put in this bill.

I would urge my colleagues on both sides of the aisle to support this bill. There are many local small businesses that

provide services to municipalities. This would insure that those small businesses are paid for their services within a reasonable time. And again, there are provisions in here that would give them up to 45 days in order to make those payments. Many local townships only hold monthly meetings. That is why they have now up to 45 days in order to make that payment, and I would encourage support for this bill. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman from Columbia County and recognizes Mr. Godshall. Mr. Godshall is recognized.

Mr. GODSHALL. Thank you, Mr. Speaker.

I would just like to say that I would ask the membership for a favorable vote for this legislation.

We do have prompt payment requirements for State government; we also should have prompt payment requirements for our local municipalities. And the issues that were brought up by the previous speaker, Mr. Saurman, from Montgomery County are addressed in the bill. Local governments are not asked to make payments if they have not received timely payments from the State. It is covered in the legislation. And I am also aware of the fact that all of the local government organizations that I know of, including the townships, boroughs, and so forth, have agreed to this bill.

I ask for a favorable vote. Thank you.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Delaware County, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

Would the maker of the bill stand for interrogation?

The SPEAKER. Chairman Lescovitz indicates he will yield to interrogation.

Mr. VITALI. I would appreciate if you would discuss—I apologize; I do not believe I was present when the bill was caucused—why conceptually should not this issue be something as a matter of negotiation between the small business and the governmental unit? Why are we mandating this as opposed to letting the government and small business decide if you are X days late you will pay Y percent interest, as opposed to simply mandating an interest payment?

Mr. LESCOVITZ. Thank you, Mr. Speaker.

One of the problems is that there is a problem, as has been in the past, where many of our small businesses have been stuck holding on to that bill not being paid for months at a time even though they have had late payments on their invoices. That is why this legislation is necessary, to mandate payment of that for a late payment, interest in case of a late payment.

Mr. VITALI. Okay. To further follow up.

It appears to me that a bill such as this does not prevent the late payments from being put into some sort of contractual provision. In other words, the question still remains, why cannot a small business and a local government unit simply agree that there will be a late payment? Why does it have to be mandated in every case?

Mr. LESCOVITZ. Well, Mr. Speaker, again, this has been a problem over many years which we have heard of from many of our small businesses throughout the Commonwealth

that even though they have had particular late payments on their invoices, they are not following through with this. All the municipalities that I know of — the Township Supervisors Association, the borough councils' associations — they are all in favor of this and they certainly believe that there should be a penalty if there is a late payment.

I do not see a particular problem since it is supported by all those local governments, but there is a problem out there. We do have a prompt payment law on the books for the Commonwealth of Pennsylvania. I see no need that we should not have one for our local municipalities as well.

Mr. VITALI. Why would legislatively requiring late payments be any more enforceable than having late payments contractually made? You do not follow the question?

If I could just clarify that question. You seem to cite the ability to enforce as a need for this legislation. My question is this: If it were simply a contractual agreement between a small business and an employee, why would that be any more or less enforceable than a piece of legislation?

Mr. LESCOVITZ. I certainly believe that it would be enforceable. One of the problems is that many small businesses, there is a cost in order to go to court in order to claim that late payment, and if the payment is only a small portion, a few dollars at a time, to hire legal counsel in order to go to court to enforce that is an expense for that small business, maybe more than what the actual late payment will be.

Mr. VITALI. Well, you are aware that in order to enforce this bill you would have to go to court, too, and incur those same legal and other fees.

In other words, you cite that the cost of enforcement is why we need this legislation, but if this legislation is in fact violated, you would have those same enforcement provisions. You would have to hire an attorney and so forth to go into court to enforce this also.

Mr. LESCOVITZ. Okay. Mr. Speaker, again, we believe that this is going to be a deterrent. I believe that most small businesses will not go to court because it is a law on the books rather than through a contractual situation, and I believe it will be enforced. But there is a possibility in some cases they may have to go to court; that is correct.

Mr. VITALI. Thank you.

The SPEAKER. The gentleman, Mr. Vitali, has concluded his interrogation?

The gentleman, Mr. Fleagle, is recognized.

Mr. FLEAGLE. Mr. Speaker, I would like to interrogate the prime sponsor of the bill, if I could, please.

The SPEAKER. The gentleman, Mr. Lescovitz, indicates he will consent to interrogation.

Mr. FLEAGLE. Thank you, Mr. Speaker.

Mr. Speaker, I assume from reading the bill that school districts are included in this legislation. Is that correct?

Mr. LESCOVITZ. That is correct, all governmental agencies within the Commonwealth: local municipalities, school districts, boroughs; yes.

Mr. FLEAGLE. Well, my concern is with the exception that you noted several minutes ago in section 4 where it says

“Exception. Section 3 shall not apply when the political subdivision’s nonpayment on a particular project is caused by failure of the Federal or State government to pay funds designated for the specific project,” and I would like to outline “specific.” From time to time we in the legislature here jerk our school systems around, do not make payments on time, or if the budget goes overtime we do not make special ed payments; we do not make ESBE (equalized subsidy for basic education) payments. I do not look at those as payments for a specific project. What would happen if we would not pay a school system their ESBE funding and they, consequently, would not be able to pay for one project or another? And the reason I am asking is, I do not look at those ESBE funds being for a specific project. They are general funds that the school system used.

Mr. LESCOVITZ. Thank you, Mr. Speaker.

Mr. Speaker, first of all, I believe that was Mr. Gordner who brought that section up, not myself. But one of the problems, we basically put that in the section of the law because most municipalities, when they get payment, it is for a specific project such as a road or a building, or in the case of a school district, the school building payments, books, things such as that for which they get specific funds from the State government or Federal Government. What you would be talking about, I believe, is ESBE, which goes into the general fund, which is a totally different situation than for a specific project.

Mr. FLEAGLE. Well, just for legislative intent, if a school district does not get its ESBE funding for a particular period of time, which would make them liable under this bill, would they still be liable for that interest or are they absolved from that time period until they get their ESBE funding?

Mr. LESCOVITZ. If the ESBE formula, I believe, under this bill would be used for a specific project, I certainly believe they would not have to pay that particular bill. Or I am sorry; the interest if there is a late payment. If it was for a specific project and the ESBE money was designated for that, yes.

Mr. FLEAGLE. I am assuming, and correct me if I am wrong, that if a— I do not know of any school system that specifically delineates ESBE funds for specific projects. The general fund projects, many of which run into thousands of dollars, are all covered under the general fund. My concern with this is that a school district would be left hanging with these funds that are due to them for a lot of different projects and would have to go out and perhaps borrow short term or however they can come up with that money to pay for those to avoid these interest payments, and we would be hitting them with a double whammy. Not only would we not be giving them their money, but they would have to borrow that money and pay interest on it to avoid the fines in this.

Mr. LESCOVITZ. No; I would disagree with that, Mr. Speaker. What this is is in case a small business within the Commonwealth of Pennsylvania has a service or produces a product for a municipality or a school district and after a certain period of time, after 30 days, they are due payment on that particular product, then after that 30 days, if that municipi-

pality does not pay them, then there is interest added on top of that. So I am not sure how you would get into a fine, because there are not any State dollars coming into the school district.

What this legislation does is if a small business provides a service or a product to a municipality and is due payment after 30 days, if that municipality does not pay the bill within that 30 days, they are going to be charged interest on top of that for that product. If there is a situation where State or Federal dollars are involved for a particular service, such as a road that is going to be completed or a building, then that section is exempted underneath that, because you cannot hold the school district responsible for paying that small business if it is due money from another governmental agency. So you are not holding the school district responsible if it is due money for that project from a State or Federal agency. There was something that was holding up their payment from those agencies.

Mr. FLEAGLE. Thank you, Mr. Speaker.

May I speak to the bill, please?

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

Mr. FLEAGLE. Mr. Speaker, I do not have a large concern with this bill, but I am a little leery of the fact that we here in the legislature are slow sometimes in giving school districts, or whatever municipalities might be looking at, moneys for their general fund.

I would assume from my interrogation that if a school district, during our budget time, should we go over our budget time or should we not give them the massive influx of funds that they get from ESBE or from special ed funding, they would be absolved from provisions of this bill under the exception. I will support the bill assuming that that is the case, Mr. Speaker. Thank you.

The SPEAKER. The gentleman from Union County, Mr. Fairchild, is recognized.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

This bill is long overdue. As many of you know, we have gone through this time and time again.

Here is the thing. There is not a person in here that has interest-free money. I think when you get your bills, you are expected to pay them. A lot of times it is 15 days. What we are saying is, submit a bill, a legitimate bill, approved by an architect or engineer, and a municipality has 30 days to act. For a small business trying to struggle and survive in the economy not only in Pennsylvania but the United States, that is not too much to ask. All we are saying is, pay your bills on time. Most municipalities and school districts do exactly that. There are provisions in the bill to handle disputes, should they arise.

This is a good bill, and it is long overdue, and let us get on with the business. Thank you.

The SPEAKER. The Chair thanks the gentleman and recognizes Representative Preston from Allegheny County.

Mr. PRESTON. Thank you, Mr. Speaker.

HB 353 happens to be, in my opinion, an excellent pro-small-business piece of legislation. I have heard certain

individuals talk about the inability as far as some school districts might not have the ability to pay. Unless they are receiving a late payment for something, I would have a problem with any school district, and I think it is against their policy per se to split small contracts out, that they do not have the money to be able to encumber it anyway.

But this goes beyond just school districts. We also have over 5,000 different governmental subunits within this Commonwealth that we are trying to address. That would include all of the different boards, as far as boards or commissions. It would also go as far as some of the different authorities that fall under the Municipality Authorities Act that we have to also address.

It is kind of ridiculous for a lot of us to be able to have small businesses sometimes that have to wait 6 or 9 months as far as payment is concerned, and yet alone, those governmental subunits have the ability to be able to sit on that money per se and gain their own interest. So we think that this is an encouragement, and again, as you have heard, this is being supported by an awful lot of governmental subunits, as far as the locals and as far as the township commissioners and some of the other council groups.

So let us try to vote for business for a change. I think it is respective of what we need to do on both sides of the aisle. If you care about your small business people back in your home districts, you will vote for HB 353. Thank you.

The SPEAKER. The gentleman, Mr. Godshall, from Montgomery County for the second time.

Mr. GODSHALL. Thank you, Mr. Speaker.

There is a misconception out here with this legislation that where State moneys are concerned, if the State moneys are slow in coming, it will prevent the local municipalities from paying. It is just not the case.

We have accepted in the bill that when State funds are concerned, if they are late in coming, the municipalities are also going to be able to delay the payments. So that is taken care of in the bill.

What this bill simply does is say that present State law requiring the State of Pennsylvania in paying its bills to its subcontractors is extended to municipalities and school districts throughout the State. Our municipalities are going to have to follow the precedent or the law that is established for the State of Pennsylvania.

It is not too much to ask. It is a small business bill. It is good for businessmen in Pennsylvania. I ask for a favorable vote. Thank you.

The SPEAKER. The gentleman, Mr. Kenney, from Philadelphia is recognized.

Mr. KENNEY. Thank you, Mr. Speaker.

Mr. Speaker, as a member of the House Business and Economic Development Committee, I rise to support HB 353.

As we heard from previous speakers, this legislation is a pro-small-business concern. As I attend town meetings throughout my district and listen to small employers with three, four, or five employees, one concern is that political subdivisions are not paying their bills in a timely fashion, and I say

this vote today would help send a message that we are out looking for job creation and for protecting jobs in Pennsylvania, and an affirmative vote would send that message to our small business community. Thank you, Mr. Speaker.

The SPEAKER. The gentleman from Washington County, Mr. Colaizzo, is recognized.

Mr. COLAIZZO. Thank you, Mr. Speaker.

I rise to support this bill.

This bill is good both for municipalities and for small businesses. Many small businesses who are qualified and who would give very good services to the municipalities refuse to bid their services to the municipalities because of late payment. In essence, both the municipalities and small businesses will benefit from this bill.

I urge that ladies and gentlemen on both sides of the aisle vote for this bill. Thank you.

The SPEAKER. The gentleman from Montgomery County, Mr. Saurman, for the second time.

Mr. SAURMAN. Thank you, Mr. Speaker.

I am truly moved by your concern for small business and hope that you will look very carefully at the delay in the payments that the State makes. I know that it takes forever to have a check generated. I had a blind pensioner once that it took about 45 days to get the check even after they acknowledged that she should have received it. So I just would hope that you would put all the pressure that you can on the State to make sure that they pay in a timely fashion.

One other comment, and this is kind of a warning. Local municipalities meet usually once a month. They have a committee meeting; they have a regular meeting. At that time bills are approved, so that from the time that that bill is approved until the check is actually generated, it could exceed that 30 days and get into an interest period.

I think that maybe it might be wise to consider at least an extra 15 days for the mechanics of the payment. I have no problem with making them do it if you think that is what you want to do, but I would still vote "no" because I think 30 days is going to get into a logistical problem for local municipalities. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Preston, for the second time.

Mr. PRESTON. Thank you.

In response to the gentleman, Mr. Saurman's comments concerning 30 days.

Originally in this piece of legislation, it was 30 days. The township commissioners and the boroughs and councils had agreed to the 30 days. We changed this piece of legislation to be able to help them just in case of their bookkeeping and they dealt with some outside contractors, and we within the Business and Commerce Committee changed it to 45 days, even though the small towns and boroughs and councils had agreed to 30 days.

So therefore, within the Business and Commerce Committee, members on both sides of the aisle worked with the small governmental subunits to be able to help them, and the

National Federation of Independent Business people also agreed to this.

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—191

Acosta	Fairchild	Lloyd	Ryan
Adolph	Fajt	Lucyk	Santoni
Allen	Fargo	Lynch	Sather
Argall	Farmer	Maitland	Saylor
Armstrong	Fee	Manderino	Scheetz
Baker	Fichter	Markosek	Schuler
Barley	Fleagle	Marsico	Scrimenti
Battisto	Flick	Masland	Semmel
Bebko-Jones	Freeman	Mayernik	Smith, B.
Belardi	Gamble	McCall	Smith, S. H.
Belfanti	Gannon	McGeehan	Snyder, D. W.
Birmelin	Geist	McNally	Staback
Bishop	George	Melio	Stairs
Blaum	Gerlach	Michlovic	Steelman
Boyes	Gigliotti	Micozzie	Steighner
Brown	Gladeck	Mihalich	Steil
Bunt	Godshall	Miller	Stern
Bush	Gordner	Mundy	Stetler
Butkovitz	Gruitza	Murphy	Stish
Buxton	Gruppo	Nailor	Strittmatter
Caltagirone	Hanna	Nickol	Sturla
Cappabianca	Harley	Nyce	Surra
Carn	Heckler	O'Brien	Tangretti
Carone	Hennessey	O'Donnell	Taylor, E. Z.
Cawley	Herman	Olasz	Taylor, J.
Cessar	Hess	Oliver	Thomas
Chadwick	Hughes	Perzel	Tigue
Civera	Hutchinson	Pesci	Tomlinson
Clark	Itkin	Petrone	Trello
Clymer	Jadlowiec	Phillips	True
Cohen, L. I.	James	Piccola	Tulli
Cohen, M.	Jarolin	Pistella	Uhiana
Colafella	Kaiser	Pitts	Vance
Colaizzo	Kasunic	Platts	Van Horne
Cornell	Keller	Preston	Veon
Corrigan	Kenney	Raymond	Vitali
Cowell	King	Reber	Waugh
Coy	Kirkland	Reinard	Williams
Curry	Krebs	Richardson	Wogan
Daley	Kukovich	Rieger	Wozniak
DeLuca	LaGrotta	Ritter	Wright, D. R.
Dempsey	Laub	Roberts	Wright, M. N.
Dent	Laughlin	Robinson	Yandrisevits
Dermody	Lawless	Roebuck	Yewcic
Donatucci	Lederer	Rohrer	Zug
Druce	Leh	Rooney	
Durham	Lescovitz	Rubley	DeWeese,
Egolf	Linton	Rudy	Speaker
Evans			

NAYS—7

Hasay	Josephs	Pettit	Serafini
Hershey	Lee	Saurman	

NOT VOTING—2

Haluska	Levdansky
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EXCUSED—3

Merry Petrarca Trich

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 143, PN 1201**, entitled:

An Act authorizing and directing the Department of Corrections, with the approval of the Governor, to convey to The Pennsylvania State University a tract of land situate in Benner Township, Centre County, Pennsylvania.

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

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

The question is, shall the bill pass finally?

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

YEAS—199

Acosta	Fargo	Linton	Ryan
Adolph	Farmer	Lloyd	Santoni
Allen	Fee	Lucyk	Sather
Argall	Fichter	Lynch	Saurman
Armstrong	Fleagle	Maitland	Saylor
Baker	Flick	Manderino	Scheetz
Barley	Freeman	Markosek	Schuler
Battisto	Gamble	Marsico	Scrimenti
Bebko-Jones	Gannon	Masland	Semmel
Belardi	Geist	Mayermik	Serafini
Belfanti	George	McCall	Smith, B.
Birmelin	Gerlach	McGeehan	Smith, S. H.
Bishop	Gigliotti	McNally	Snyder, D. W.
Blaum	Gladeck	Melio	Staback
Boyes	Godshall	Michlovic	Stairs
Brown	Gordner	Micozzie	Steelman
Bunt	Gruitza	Mihalich	Steighner
Bush	Gruppo	Miller	Steil
Butkovitz	Hanna	Mundy	Stern
Buxton	Harley	Murphy	Stetler
Caltagirone	Hasay	Nailor	Stish
Cappabianca	Heckler	Nickol	Strittmatter
Carn	Hennessey	Nyce	Sturla
Carone	Herman	O'Brien	Surra
Cawley	Hershey	O'Donnell	Tangretti
Cessar	Hess	Olasz	Taylor, E. Z.
Chadwick	Hughes	Oliver	Taylor, J.
Civera	Hutchinson	Perzel	Thomas
Clark	Itkin	Pesci	Tigue
Clymer	Jadlowiec	Petrone	Tomlinson
Cohen, L. I.	James	Pettit	Trello
Cohen, M.	Jarolin	Phillips	True
Colafranca	Josephs	Piccola	Tulli
Colaizzo	Kaiser	Pistella	Uliana
Cornell	Kasunic	Pitts	Vance
Corrigan	Keller	Platts	Van Horne
Cowell	Kenney	Preston	Veon

Coy	King	Raymond	Vitali
Curry	Kirkland	Reber	Waugh
Daley	Krebs	Reinard	Williams
DeLuca	Kukovich	Richardson	Wogan
Dempsey	LaGrotta	Rieger	Wozniak
Dent	Laub	Ritter	Wright, D. R.
Dermody	Laughlin	Roberts	Wright, M. N.
Donatucci	Lawless	Robinson	Yandrisevits
Druce	Lederer	Roebuck	Yewcic
Durham	Lee	Rohrer	Zug
Egolf	Leh	Rooney	
Evans	Lescovitz	Rubley	DeWeese,
Fairchild	Levdansky	Rudy	Speaker
Fajt			

NAYS—0

NOT VOTING—1

Haluska

EXCUSED—3

Merry Petrarca Trich

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 450, PN 501**, entitled:

An Act amending Title 5 (Athletics and Sports) of the Pennsylvania Consolidated Statutes, providing for the licensing of athletic agents; and imposing a penalty.

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

Mr. COLAFELLA offered the following amendments No. A1498:

Amend Sec. 1 (Sec. 3304), page 5, lines 25 through 27, by striking out all of said lines

Amend Sec. 1 (Sec. 3304), page 5, line 30, by striking out all of said line

Amend Sec. 1 (Sec. 3304), page 6, lines 1 through 6, by striking out all of said lines

Amend Sec. 1 (Sec. 3304), page 6, lines 15 and 16, by striking out all of said lines

Amend Sec. 1 (Sec. 3304), page 6, lines 28 and 29, by striking out all of said lines

Amend Sec. 1 (Sec. 3304), page 7, lines 1 through 17, by striking out all of said lines

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

The SPEAKER. On that question, the Chair recognizes the gentleman from Beaver County, Chairman Colafella.

Mr. COLAFELLA. Thank you, Mr. Speaker.

Mr. Speaker, my amendment eliminates some minor crimes which would prevent a person being licensed as a sports agent.

I would appreciate very much an affirmative vote from the members of the House.

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

The following roll call was recorded:

YEAS—198

Acosta	Fajt	Linton	Ryan
Adolph	Fargo	Lloyd	Santoni
Allen	Farmer	Lucyk	Sather
Argall	Fee	Lynch	Saurman
Armstrong	Fichter	Maitland	Saylor
Baker	Fleagle	Manderino	Scheetz
Barley	Flick	Markosek	Schuler
Battisto	Freeman	Marsico	Scrimenti
Bebko-Jones	Gamble	Masland	Semmel
Belardi	Gannon	Mayernik	Serafini
Belfanti	Geist	McCall	Smith, B.
Birmelin	George	McGeehan	Smith, S. H.
Bishop	Gerlach	McNally	Snyder, D. W.
Blaum	Gigliotti	Melio	Staback
Boyes	Gladeck	Michlovic	Stairs
Brown	Godshall	Micozzie	Steelman
Bunt	Gordner	Mihalich	Steighner
Bush	Gruppo	Miller	Steil
Butkovitz	Hanna	Mundy	Stern
Buxton	Harley	Murphy	Stetler
Caltagirone	Hasay	Nailor	Stish
Cappabianca	Heckler	Nickol	Strittmatter
Carn	Hennessey	Nyce	Sturla
Carone	Herman	O'Brien	Surra
Cawley	Hershey	O'Donnell	Tangretti
Cessar	Hess	Olasz	Taylor, E. Z.
Chadwick	Hughes	Oliver	Taylor, J.
Civera	Hutchinson	Perzel	Thomas
Clark	Itkin	Pesci	Tigue
Clymer	Jadlowiec	Petrone	Tomlinson
Cohen, L. I.	James	Pettit	Trello
Cohen, M.	Jarolin	Phillips	True
Colaella	Josephs	Piccola	Tulli
Colaizzo	Kaiser	Pistella	Uliana
Cornell	Kasunic	Pitts	Vance
Corrigan	Keller	Platts	Van Horne
Cowell	Kenney	Preston	Veon
Coy	King	Raymond	Vitali
Curry	Kirkland	Reber	Waugh
Daley	Krebs	Reinard	Williams
DeLuca	Kukovich	Richardson	Wogan
Dempsey	LaGrotta	Rieger	Wozniak
Dent	Laub	Ritter	Wright, D. R.
Dermody	Laughlin	Roberts	Wright, M. N.
Donatucci	Lawless	Robinson	Yandrisevits
Druce	Lederer	Roebuck	Yewcic
Durham	Lee	Rohrer	Zug
Egolf	Leh	Rooney	
Evans	Lescovitz	Rubley	DeWeese,
Fairchild	Levdansky	Rudy	Speaker

NAYS—0

NOT VOTING—2

Gruitza Haluska

EXCUSED—3

Merry Petarca Trich

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—193

Acosta	Fajt	Linton	Ryan
Adolph	Fargo	Lloyd	Santoni
Allen	Farmer	Lucyk	Sather
Argall	Fee	Lynch	Saurman
Armstrong	Fichter	Maitland	Saylor
Baker	Fleagle	Manderino	Scheetz
Barley	Flick	Markosek	Schuler
Battisto	Freeman	Marsico	Scrimenti
Bebko-Jones	Gamble	Masland	Semmel
Belardi	Gannon	Mayernik	Serafini
Belfanti	Geist	McCall	Smith, B.
Birmelin	George	McGeehan	Smith, S. H.
Bishop	Gerlach	McNally	Snyder, D. W.
Blaum	Gigliotti	Melio	Staback
Boyes	Gladeck	Michlovic	Stairs
Brown	Godshall	Micozzie	Steelman
Bunt	Gordner	Mihalich	Steighner
Bush	Gruitza	Miller	Steil
Butkovitz	Gruppo	Mundy	Stern
Buxton	Hanna	Murphy	Stetler
Caltagirone	Harley	Nailor	Stish
Cappabianca	Hasay	Nickol	Strittmatter
Carn	Heckler	O'Brien	Sturla
Carone	Hennessey	O'Donnell	Surra
Cessar	Herman	Olasz	Tangretti
Chadwick	Hershey	Oliver	Taylor, E. Z.
Civera	Hess	Perzel	Taylor, J.
Clark	Hughes	Pesci	Thomas
Clymer	Hutchinson	Petrone	Tomlinson
Cohen, L. I.	Itkin	Pettit	Trello
Cohen, M.	Jadlowiec	Phillips	True
Colaella	James	Piccola	Tulli
Colaizzo	Jarolin	Pistella	Uliana
Cornell	Josephs	Pitts	Vance
Corrigan	Kaiser	Platts	Veon
Cowell	Kasunic	Preston	Vitali
Coy	Keller	Raymond	Waugh
Curry	Kenney	Reber	Williams
Daley	King	Reinard	Wogan
DeLuca	Kirkland	Richardson	Wozniak
Dempsey	Krebs	Rieger	Wright, D. R.
Dent	Kukovich	Ritter	Wright, M. N.
Dermody	LaGrotta	Roberts	Yandrisevits
Donatucci	Laub	Robinson	Yewcic
Druce	Laughlin	Roebuck	Zug
Durham	Lawless	Rohrer	
Egolf	Lederer	Rooney	DeWeese,
Evans	Lescovitz	Rubley	Speaker
Fairchild	Levdansky	Rudy	

NAYS—4

Cawley Lee Tighe Van Home

NOT VOTING—3

Haluska Leh Nyce

EXCUSED—3

Merry Petrarca Trich

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 290, PN 1628, entitled:

An Act providing for the preservation of historic burial places and tombs, monuments and gravestones; and imposing penalties.

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

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

The question is, shall the bill pass finally?

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

YEAS—199

Acosta Fargo Linton Ryan
Adolph Farmer Lloyd Santoni
Allen Fee Lucyk Sather
Argall Fichter Lynch Saurman
Armstrong Fleagle Maitland Saylor
Baker Flick Manderino Scheetz
Barley Freeman Markosek Schuler
Battisto Gamble Marsico Scrimenti
Bebko-Jones Gannon Masland Semmel
Belardi Geist Mayernik Serafini
Belfanti George McCall Smith, B.
Birmelin Gerlach McGeehan Smith, S. H.
Bishop Gigliotti McNally Snyder, D. W.
Blaum Gladeck Melio Staback
Boyes Godshall Michlovic Stairs
Brown Gordner Micozzie Steelman
Bunt Gruitza Mihalich Steighner
Bush Gruppo Miller Steil
Butkovitz Hanna Mundy Stern
Buxton Harley Murphy Stetler
Caltagirone Hasay Nailor Stish
Cappabianca Heckler Nickol Strittmatter
Carn Hennessey Nyce Sturla
Carone Herman O'Brien Surra
Cawley Hershey O'Donnell Tangretti
Cessar Hess Olasz Taylor, E. Z.
Chadwick Hughes Oliver Taylor, J.
Civera Hutchinson Perzel Thomas
Clark Itkin Pesci Tighe
Clymer Jadlowiec Petrone Tomlinson
Cohen, L. I. James Pettit Trello
Cohen, M. Jarolin Phillips True

Colaella Josephs Piccola Tulli
Colaizzo Kaiser Pistella Uliana
Cornell Kasunic Pitts Vance
Corrigan Keller Platts Van Home
Cowell Kenney Preston Veon
Coy King Raymond Vitali
Curry Kirkland Reber Waugh
Daley Krebs Reinard Williams
DeLuca Kukovich Richardson Wogan
Dempsey LaGrotta Rieger Wozniak
Dent Laub Ritter Wright, D. R.
Dermody Laughlin Roberts Wright, M. N.
Donatucci Lawless Robinson Yandrisevits
Druce Lederer Roebuck Yewcic
Durham Lee Rohrer Zug
Egolf Leh Rooney
Evans Lescovitz Rubley DeWeese,
Fairchild Levdansky Rudy Speaker

NAYS—0

NOT VOTING—1

Haluska

EXCUSED—3

Merry Petrarca Trich

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 829, PN 1180, entitled:

An Act designating a bridge over the Allegheny River in Allegheny County, as the Jonathan Hulton Memorial Bridge.

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

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

The question is, shall the bill pass finally?

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

YEAS—199

Acosta Fargo Linton Ryan
Adolph Farmer Lloyd Santoni
Allen Fee Lucyk Sather
Argall Fichter Lynch Saurman
Armstrong Fleagle Maitland Saylor
Baker Flick Manderino Scheetz
Barley Freeman Markosek Schuler
Battisto Gamble Marsico Scrimenti
Bebko-Jones Gannon Masland Semmel
Belardi Geist Mayernik Serafini
Belfanti George McCall Smith, B.
Birmelin Gerlach McGeehan Smith, S. H.
Bishop Gigliotti McNally Snyder, D. W.

Blaum	Gladeck	Melio	Staback
Boyes	Godshall	Michlovic	Stairs
Brown	Gordner	Micozzie	Steelman
Bunt	Gruitza	Mihalich	Steighner
Bush	Gruppo	Miller	Steil
Butkovitz	Hanna	Mundy	Stern
Buxton	Harley	Murphy	Stetler
Caltagirone	Hasay	Nailor	Stish
Cappabianca	Heckler	Nickol	Strittmatter
Carn	Hennessey	Nyce	Sturla
Carone	Herman	O'Brien	Surra
Cawley	Hershey	O'Donnell	Tangretti
Cessar	Hess	Olasz	Taylor, E. Z.
Chadwick	Hughes	Oliver	Taylor, J.
Civera	Hutchinson	Perzel	Thomas
Clark	Itkin	Pesci	Tigue
Clymer	Jadlowiec	Petrone	Tomlinson
Cohen, L. I.	James	Pettit	Trello
Cohen, M.	Jarolin	Phillips	True
Colafrilla	Josephs	Piccola	Tulli
Colaizzo	Kaiser	Pistella	Uliana
Cornell	Kasunic	Pitts	Vance
Corrigan	Keller	Platts	Van Horne
Cowell	Kenney	Preston	Veon
Coy	King	Raymond	Vitali
Curry	Kirkland	Reber	Waugh
Daley	Krebs	Reinard	Williams
DeLuca	Kukovich	Richardson	Wogan
Dempsey	LaGrotta	Rieger	Wozniak
Dent	Laub	Ritter	Wright, D. R.
Dermoddy	Laughlin	Roberts	Wright, M. N.
Donatucci	Lawless	Robinson	Yandrisevits
Druce	Lederer	Roebuck	Yewcic
Durham	Lee	Rohrer	Zug
Egolf	Leh	Rooney	DeWeese,
Evans	Lescovitz	Rubley	Speaker
Fairchild	Levdansky	Rudy	
Fajt			

NAYS—0

NOT VOTING—1

Haluska

EXCUSED—3

Merry

Petrarca

Trich

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.

CONCURRENT RESOLUTION

Mr. MICHLOVIC called up **HR 71, PN 1528**, entitled:

A Concurrent Resolution memorializing Congress to prohibit the Federal Energy Regulatory Commission from implementing FERC Order No. 636, Pipeline Service Obligations and Revisions to Regulations Governing Self-Implementing Transportation Under Part 284 of the Commission's Regulations, Docket No. RM91-11-000 (Issued April 8, 1992) until after the 1993-1994 winter heating season.

On the question,
Will the House adopt the resolution?

The SPEAKER. On the question, the Chair recognizes the gentleman from Allegheny County, Mr. Michlovic.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, HR 71 was introduced at the request of the members of the Public Utility Commission. On March 17 of this year, the PUC members made a presentation to the House Consumer Affairs Committee in which they alerted us of an upcoming problem which was caused by FERC Order 636. FERC stands for the Federal Energy Regulatory Commission.

This FERC order would decouple the gas distribution system across the United States. In so doing, it is estimated that the gas ratepayers across the country are going to pay an extra \$13 billion in additional dollars for their gas rates. It is estimated that \$280 million of that is going to be spent by Pennsylvania ratepayers.

The FERC board that made the decision, in the waning days of the Bush administration, was heavily populated by representatives from the southwestern part of the country and by representatives of the gas industry. Essentially what this order did is it injected new life into the gas prices at the wellhead, and by deregulating and decoupling this, they are introducing a whole series of new middlemen into the process — people who store gas, people who broker gas and market gas. They will now all be players in this new gas distribution system.

The FERC board, in the waning days or last November, not only did they pass the Order 636 but they required an expedited implementation of that order. They are requiring that that be implemented by November of this year.

HR 71 urges Congress to slow down that process and to study the impact of whether or not FERC Order 636 is something that we want in our gas distribution system.

Mr. Speaker, I urge the House to adopt HR 71. Thank you.

The SPEAKER. The gentleman from Carbon County, young Keith McCall.

Mr. McCALL. Young Keith.

Thank you, Mr. Speaker.

I would like to take this opportunity to buttress somewhat what Representative Michlovic has said regarding FERC Order 636.

What I see is a battle between the southwestern United States gas producer versus the northeastern Pennsylvania and northeastern United States consumer.

Now, a lot of factors went into considering the adoption of FERC Order 636. In the early 1980's, Congress passed legislation in an effort to lower the price of wellhead gas. Now, that legislation was in fact working, and we saw a reduction in the price of wellhead gas. Then a series of mild winters throughout the northeastern part of the country and across the country resulted in less consumption and again a reduction in prices of wellhead gas. Also, with the economic outlook the way it was, big industrial users of natural gas declined, and of course, last but not least, the last recessionary period we had all contributed to lower prices for natural gas.

Now, with all those factors in mind, there was a move by the southwestern gas producers to artificially inflate the cost of

wellhead gas by dismantling the current system as we know it, thereby the issuance of FERC Order 636. Now, how they accomplished this in the order is that they transferred the risk from the transmission companies to our local distribution companies, our LDC's as we know it back in our districts, and by also taking away the transmission line, those companies or those wholesale companies, by taking away their merchant status and putting in gas brokers. Now, I do not think I have to explain to the members what a gas broker is. A gas broker is a middleman, and I think the significance of that middleman is that that person or that gas broker is currently unregulated.

So in essence, what FERC Order 636 does is it replaces the one-step or bundled transaction whereby our LDC's can contract directly with the transmission line company; it replaces that bundled process with a multistep process where our local distribution companies have to transact with a producer or a broker, and then the LDC, or local distribution company, would have to arrange for the transportation to the retail market.

As Representative Michlovic has said, it will cost the United States ratepayers approximately \$13 billion, and more importantly and most importantly, it can cost the Pennsylvania ratepayers anywhere from \$280 to \$300 million.

I urge that we adopt House Concurrent Resolution 71 and again urge the Congress to take a stand against FERC Order 636. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Saurman, from Montgomery County.

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, this resolution was passed unanimously from the Federal-State Relations Committee, and we would ask for bipartisan support of HR 71.

On the question recurring,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

Acosta	Fajt	Linton	Ryan
Adolph	Fargo	Lloyd	Santoni
Allen	Farmer	Lucyk	Sather
Argall	Fee	Lynch	Saurman
Armstrong	Fichter	Maitland	Saylor
Baker	Fleagle	Manderino	Scheetz
Barley	Flick	Markosek	Schuler
Battisto	Freeman	Marsico	Scrimenti
Bebko-Jones	Gannon	Masland	Semmel
Belardi	Geist	Mayernik	Serafini
Belfanti	George	McCall	Smith, B.
Birmelin	Gerlach	McGeehan	Smith, S. H.
Bishop	Gigliotti	McNally	Snyder, D. W.
Blaum	Gladeck	Meljo	Staback
Boyes	Godshall	Michlovic	Stairs
Brown	Gordner	Micozzie	Steelman
Bunt	Gruitza	Mihalich	Steighner
Bush	Gruppo	Miller	Steil
Butkovitz	Hanna	Mundy	Stern
Buxton	Harley	Murphy	Stetler
Caltagirone	Hasay	Nailor	Stish
Cappabianca	Heckler	Nickol	Strittmatter
Carn	Hennessey	Nyce	Sturla

Carone	Herman	O'Brien	Surra
Cawley	Hershey	O'Donnell	Tangretti
Cessar	Hess	Olasz	Taylor, E. Z.
Chadwick	Hughes	Oliver	Taylor, J.
Civera	Hutchinson	Perzel	Thomas
Clark	Itkin	Pesci	Tigue
Clymer	Jadlowiec	Petrone	Tomlinson
Cohen, L. I.	James	Pettit	Trello
Cohen, M.	Jarolin	Phillips	True
Colafrilla	Josephs	Piccola	Tulli
Colaizzo	Kaiser	Pistella	Uliana
Cornell	Kasunic	Pitts	Vance
Corrigan	Keller	Platts	Van Horne
Cowell	Kenney	Preston	Veon
Coy	King	Raymond	Vitali
Curry	Kirkland	Reber	Waugh
Daley	Krebs	Reinard	Williams
DeLuca	Kukovich	Richardson	Wogan
Dempsey	LaGrotta	Rieger	Wozniak
Dent	Laub	Ritter	Wright, D. R.
Dermody	Laughlin	Roberts	Wright, M. N.
Donatucci	Lawless	Robinson	Yandrisevits
Druce	Lederer	Roebuck	Yewcic
Durham	Lee	Rohrer	Zug
Egolf	Leh	Rooney	
Evans	Lescovitz	Rublely	DeWeese,
Fairchild	Levdansky	Rudy	Speaker

NAYS—0

NOT VOTING—2

Gamble Haluska

EXCUSED—3

Merry Petrarca Trich

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

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

RULES SUSPENDED

The SPEAKER. The Chair recognizes the majority leader from Allegheny County, Mr. Itkin.

Mr. ITKIN. Mr. Speaker, I move for an immediate suspension of the rules for the consideration of HR 100 and HR 101.

On the question,

Will the House agree to the motion?

(Members proceeded to vote.)

The SPEAKER. Does the gentleman, Mr. Ryan, seek recognition?

Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, we are trying to get some questions answered by way of staff.

The SPEAKER. The board will remain open momentarily.

While the board is remaining—

Mr. RYAN. Mr. Speaker?

The SPEAKER. The Chair recognizes the gentleman.

Mr. RYAN. Mr. Speaker, we did not caucus on HR 100 or HR 101, although they are kind of run-of-the-mill resolutions that I see no problem with. If the prime sponsor of the resolution would explain it briefly, there is no reason why we cannot run HR 100 and HR 101 immediately.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—199

Acosta	Fargo	Linton	Ryan
Adolph	Farmer	Lloyd	Santoni
Allen	Fee	Lucyk	Sather
Argall	Fichter	Lynch	Saurman
Armstrong	Fleagle	Maitland	Saylor
Baker	Flick	Manderino	Scheetz
Barley	Freeman	Markosek	Schuler
Battisto	Gamble	Marsico	Scrimenti
Bebko-Jones	Gannon	Masland	Semmel
Belardi	Geist	Mayernik	Serafini
Belfanti	George	McCall	Smith, B.
Birmelin	Gerlach	McGeehan	Smith, S. H.
Bishop	Gigliotti	McNally	Snyder, D. W.
Blaum	Gladeck	Melio	Staback
Boyes	Godshall	Michlovic	Stairs
Brown	Gordner	Micozzie	Steelman
Bunt	Gruitza	Mihalich	Steighner
Bush	Gruppo	Miller	Steil
Butkovitz	Hanna	Mundy	Stern
Buxton	Harley	Murphy	Stetler
Caltagirone	Hasay	Nailor	Stish
Cappabianca	Heckler	Nickol	Strittmatter
Carn	Hennessey	Nyce	Sturla
Carone	Herman	O'Brien	Surra
Cawley	Hershey	O'Donnell	Tangretti
Cessar	Hess	Olasz	Taylor, E. Z.
Chadwick	Hughes	Oliver	Taylor, J.
Civera	Hutchinson	Perzel	Thomas
Clark	Itkin	Pesci	Tigue
Clymer	Jadlowiec	Petrone	Tomlinson
Cohen, L. I.	James	Pettit	Trello
Cohen, M.	Jarolin	Phillips	True
Colafrilla	Josephs	Piccola	Tulli
Colaizzo	Kaiser	Pistella	Uliana
Cornell	Kasunic	Pitts	Vance
Corrigan	Keller	Platts	Van Home
Cowell	Kenney	Preston	Veon
Coy	King	Raymond	Vitali
Curry	Kirkland	Reber	Wagh
Daley	Krebs	Reinard	Williams
DeLuca	Kukovich	Richardson	Wogan
Dempsey	LaGrotta	Rieger	Wozniak
Dent	Laub	Ritter	Wright, D. R.
Dermody	Laughlin	Roberts	Wright, M. N.
Donatucci	Lawless	Robinson	Yandrisevits
Druce	Lederer	Roebuck	Yewcic
Durham	Lee	Rohrer	Zug
Egolf	Leh	Rooney	
Evans	Lescovitz	Rublely	DeWeese,
Fairchild	Levdansky	Rudy	Speaker
Fajt			

NAYS—0

NOT VOTING—1

Haluska

EXCUSED—3

Merry Petrarca Trich

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

RESOLUTIONS

The SPEAKER. The gentleman from Allegheny County, Mr. Cowell, calls up HR 100.

The following resolution was read:

House Resolution No. 100

A RESOLUTION

Designating the week of May 9 through 15, 1993, as "Hospital Week" in Pennsylvania.

WHEREAS, Pennsylvania's hospitals play an integral role in delivering health care services to all the people of this Commonwealth, providing acute inpatient care as well as outpatient, emergency, rehabilitation and psychiatric services; and

WHEREAS, As part of their mission to their communities, hospitals provide many services in addition to direct delivery of health care; and

WHEREAS, Hospitals provide free care to those who have no health care insurance or inadequate insurance coverage; and

WHEREAS, Hospitals are a key element in Pennsylvania's economy and are often the leading employer in their community; and

WHEREAS, Hospitals are reaching out to many other interests in their communities to form partnerships for a healthy America; therefore be it

RESOLVED, That the House of Representatives designate May 9 through 15, 1993, as "Hospital Week" in Pennsylvania; and be it further

RESOLVED, That the House of Representatives urge its members to visit the hospitals in their districts in recognition of the vital role that hospitals play in Pennsylvania's communities and health care system.

Ronald R. Cowell

On the question,
Will the House adopt the resolution?

The SPEAKER. The gentleman, Mr. Cowell, is recognized for the explanation that the Republican floor leader has requested.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, this resolution would declare or designate the week of May 9 through May 15, 1993, as "Hospital Week" in Pennsylvania.

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

The following roll call was recorded:

YEAS—199

Acosta	Fargo	Linton	Ryan
Adolph	Farmer	Lloyd	Santoni
Allen	Fee	Lucyk	Sather
Argall	Fichter	Lynch	Saurman
Armstrong	Fleagle	Maitland	Saylor
Baker	Flick	Manderino	Scheetz
Barley	Freeman	Markosek	Schuler
Battisto	Gamble	Marsico	Scrimenti
Bebko-Jones	Gannon	Masland	Semmel
Belardi	Geist	Mayernik	Serafini
Belfanti	George	McCall	Smith, B.
Birmelin	Gerlach	McGeehan	Smith, S. H.
Bishop	Gigliotti	McNally	Snyder, D. W.
Blaum	Gladeck	Melio	Staback
Boyes	Godshall	Michlovic	Stairs
Brown	Gordner	Micozzie	Steelman
Bunt	Gruitza	Mihalich	Steighner
Bush	Gruppo	Miller	Steil
Butkovitz	Hanna	Mundy	Stern
Buxton	Harley	Murphy	Stetler
Caltagirone	Hasay	Nailor	Stish
Cappabianca	Heckler	Nickol	Strittmatter
Carn	Hennessey	Nyce	Sturla
Carone	Herman	O'Brien	Surra
Cawley	Hershey	O'Donnell	Tangretti
Cessar	Hess	Olasz	Taylor, E. Z.
Chadwick	Hughes	Oliver	Taylor, J.
Civera	Hutchinson	Perzel	Thomas
Clark	Itkin	Pesci	Tigue
Clymer	Jadlowiec	Petrone	Tomlinson
Cohen, L. I.	James	Pettit	Trello
Cohen, M.	Jarolin	Phillips	True
Colafella	Josephs	Piccola	Tulli
Colaizzo	Kaiser	Pistella	Uliana
Cornell	Kasunic	Pitts	Vance
Corrigan	Keller	Platts	Van Horne
Cowell	Kenney	Preston	Veon
Coy	King	Raymond	Vitali
Curry	Kirkland	Reber	Waugh
Daley	Krebs	Reinard	Williams
DeLuca	Kukovich	Richardson	Wogan
Dempsey	LaGrotta	Rieger	Wozniak
Dent	Laub	Ritter	Wright, D. R.
Dermody	Laughlin	Roberts	Wright, M. N.
Donatucci	Lawless	Robinson	Yandrisevits
Druce	Lederer	Roebuck	Yewcic
Durham	Lee	Rohrer	Zug
Egolf	Leh	Rooney	
Evans	Lescovitz	Rubley	DeWeese,
Fairchild	Levdansky	Rudy	Speaker
Fajt			

NAYS—0

NOT VOTING—1

Haluska

EXCUSED—3

Merry Petrarca Trich

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

* * *

The SPEAKER. HR 101 is called up by the gentleman from Philadelphia, Mr. Richardson.

The following resolution was read:

House Resolution No. 101

A RESOLUTION

Declaring May 10, 1993, as a "Day of Relief and Recovery."

WHEREAS, Substance abuse is one of the leading causes that has torn apart the very fiber of the family; and

WHEREAS, Thousands of babies per year are born chemically addicted because of the alarming number of mothers who, during pregnancy, are chemically dependent; and

WHEREAS, The average person seeking to be drug free will attend or be admitted to three or four rehabilitation or treatment programs before recovery becomes a realistic goal; and

WHEREAS, Incarceration, the act of a violent crime and death are at their highest rates among the active drug-using population; and

WHEREAS, "One Day at a Time" is a community drug recovery program from Philadelphia that has restored dignity and given new direction to thousands of people who once were drug dependent; and

WHEREAS, "One Day at a Time," if truth be told, has recycled hopelessness into hope, grim yesterdays into bright tomorrows, and within their challenge of new life their mediocrity has no place; therefore be it

RESOLVED, That the House of Representatives declare Monday, May 10, 1993, as a "Day of Relief and Recovery"; and be it further

RESOLVED, That the House of Representatives recognize "One Day at a Time" for its contributions to drug and alcohol treatment.

David P. Richardson, Jr.
 Anthony Hardy Williams
 W. Curtis Thomas
 Vincent Hughes
 Andrew J. Carn
 Harold James
 Dwight Evans
 Frank L. Oliver

On the question,
 Will the House adopt the resolution?

The SPEAKER. Will the gentleman please give a brief explanation of the resolution to the gentleman from Delaware County, Mr. Ryan.

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

Mr. Speaker, HR 101 calls for a group by the name of "One Day at a Time," which is a drug recovery program in Philadelphia that has taken hundreds of men and women and recovered them, and they are doing an excellent job. There are several parts of the city of Philadelphia that have this program, and today they were here in Harrisburg, and today we are commemorating them on their Day of Relief and Recovery.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Strittmatter.

Mr. STRITTMATTER. Thank you, Mr. Speaker.

Could I ask Representative Richardson a question?

The SPEAKER. The gentleman is in order, and Chairman Richardson indicates he will consent to interrogation.

Mr. STRITTMATTER. Thank you.

For the members of the House, can you explain, One Day at a Time, is that a for-profit corporation?

Mr. RICHARDSON. Yes.

Mr. STRITTMATTER. And do they have contracts with the State?

Mr. RICHARDSON. No. It is nonprofit.

Mr. STRITTMATTER. Okay. So this is a nonprofit corporation. Does it contract with the State of Pennsylvania?

Mr. RICHARDSON. No, it does not.

Mr. STRITTMATTER. Okay. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—199

Acosta	Fargo	Linton	Ryan
Adolph	Farmer	Lloyd	Santoni
Allen	Fee	Lucyk	Sather
Argall	Fichter	Lynch	Saurman
Armstrong	Fleagle	Maitland	Saylor
Baker	Flick	Manderino	Scheetz
Barley	Freeman	Markosek	Schuler
Battisto	Gamble	Marsico	Scrimenti
Bebko-Jones	Gannon	Masland	Semmel
Belardi	Geist	Mayernik	Serafini
Belfanti	George	McCall	Smith, B.
Birmelin	Gerlach	McGeehan	Smith, S. H.
Bishop	Gigliotti	McNally	Snyder, D. W.
Blaum	Gladeck	Melio	Staback
Boyes	Godshall	Michlovic	Stairs
Brown	Gordner	Micozzie	Steelman
Bunt	Gruitza	Mihalich	Steighner
Bush	Gruppo	Miller	Steil
Butkovitz	Hanna	Mundy	Stern
Buxton	Harley	Murphy	Stetler
Caltagirone	Hasay	Nailor	Stish
Cappabianca	Heckler	Nickol	Strittmatter
Carn	Hennessey	Nyce	Sturla
Carone	Herman	O'Brien	Surra
Cawley	Hershey	O'Donnell	Tangretti
Cessar	Hess	Olasz	Taylor, E. Z.
Chadwick	Hughes	Oliver	Taylor, J.
Civera	Hutchinson	Perzel	Thomas
Clark	Itkin	Pesci	Tigue
Clymer	Jadlowiec	Petrone	Tomlinson
Cohen, L. I.	James	Pettit	Trello
Cohen, M.	Jarolin	Phillips	True
Colafrella	Josephs	Piccola	Tulli
Colaizzo	Kaiser	Pistella	Uliana
Cornell	Kasunic	Pitts	Vance
Corrigan	Keller	Platts	Van Horne
Cowell	Kenney	Preston	Veon
Coy	King	Raymond	Vitali
Curry	Kirkland	Reber	Waugh
Daley	Krebs	Reinard	Williams
DeLuca	Kukovich	Richardson	Wogan
Dempsey	LaGrotta	Rieger	Wozniak
Dent	Laub	Ritter	Wright, D. R.
Dermoddy	Laughlin	Roberts	Wright, M. N.
Donatucci	Lawless	Robinson	Yandrisevits
Druce	Lederer	Roebuck	Yewcic
Durham	Lee	Rohrer	Zug
Egolf	Leh	Rooney	
Evans	Lescovitz	Rubley	DeWeese,
Fairchild	Levdansky	Rudy	Speaker
Fajt			

NAYS—0

NOT VOTING—1

Haluska

EXCUSED—3

Merry

Petrarca

Trich

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

GUESTS INTRODUCED

The SPEAKER. The Chair would like to announce the presence in the balcony of guests of Representative Thaddeus Kirkland — Ms. Delores Wright, Professor John Linden, Dr. Janice Hoffman-Willis, and Mr. Nathaniel Cheers. They are with some young students from Chester High School, who are in Harrisburg today to receive environmental awards, and the members of the hall of the House welcome you to our midst.

VOTE CORRECTIONS

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

Mr. LEH. Mr. Speaker, may I correct the record, please.

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

Mr. LEH. On final passage on HB 450, my switch malfunctioned. I believe I was recorded as not voting. I wish to be recorded in the negative. Thank you.

The SPEAKER. The Chair thanks the gentleman, and his remarks will be spread across the record.

The gentleman, Mr. Nyce, is recognized.

Mr. NYCE. Thank you, Mr. Speaker.

Correction of the record.

On the final passage of HB 450, my button did not register. I would like to be shown in the affirmative. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Levdansky.

Mr. LEVDANSKY. Thank you, Mr. Speaker.

Mr. Speaker, on final passage on HB 353, I was not in my seat. I would like to be recorded in the affirmative.

The SPEAKER. The Chair thanks the gentleman and recognizes Chairman Gamble.

Mr. GAMBLE. Mr. Speaker, my vote did not register on HR 71. I would like to be recorded in the affirmative.

SUPPLEMENTAL CALENDAR A CONTINUED

BILLS ON SECOND CONSIDERATION

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

SB 399, PN 422; SB 507, PN 1201; and SB 323, PN 1145.

CALENDAR CONTINUED

RULES SUSPENDED

The SPEAKER. The Chair would like to bring the attention of the members to page 6 of today's calendar.

The Chair would like to rescind his pronouncement that HR 96, PN 1789, was over for the day, and the Chair recognizes the majority leader, Mr. Itkin.

Mr. ITKIN. Mr. Speaker, I move for a temporary suspension of the rules for the consideration of HR 96.

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

The following roll call was recorded:

YEAS—198

Acosta	Fajt	Linton	Ryan
Adolph	Fargo	Lloyd	Santoni
Allen	Farmer	Lucyk	Sather
Argall	Fee	Lynch	Saurman
Armstrong	Fichter	Maitland	Saylor
Baker	Fleagle	Manderino	Scheetz
Barley	Flick	Markosek	Schuler
Battisto	Freeman	Marsico	Scrimenti
Bebko-Jones	Gamble	Masland	Sermel
Belardi	Gannon	Mayernik	Serafini
Belfanti	Geist	McCall	Smith, B.
Birmelin	George	McGeehan	Smith, S. H.
Bishop	Gerlach	McNally	Snyder, D. W.
Blaum	Gigliotti	Melio	Staback
Boyes	Gladeck	Michlovic	Stairs
Brown	Godshall	Micozzie	Steelman
Bunt	Gordner	Mihalich	Steighner
Bush	Gruitz	Miller	Steil
Butkovitz	Gruppo	Mundy	Stern
Buxton	Hanna	Murphy	Stetler
Caltagirone	Harley	Nailor	Stish
Cappabianca	Hasay	Nickol	Strittmatter
Carn	Heckler	Nyce	Sturla
Carone	Hennessey	O'Brien	Surra
Cawley	Herman	O'Donnell	Tangretti
Cessar	Hershey	Olasz	Taylor, E. Z.
Chadwick	Hess	Oliver	Taylor, J.
Civera	Hughes	Perzel	Thomas
Clark	Hutchinson	Pesci	Tigue
Clymer	Itkin	Petrone	Tomlinson
Cohen, L. I.	Jadlowiec	Pettit	Trello
Cohen, M.	Jarolin	Phillips	True
Colafella	Josephs	Piccola	Tulli
Colaizzo	Kaiser	Pistella	Uliana
Cornell	Kasunic	Pitts	Vance
Corrigan	Keller	Platts	Van Horne
Cowell	Kenney	Preston	Veon
Coy	King	Raymond	Vitali
Curry	Kirkland	Reber	Waugh
Daley	Krebs	Reinard	Williams
DeLuca	Kukovich	Richardson	Wogan
Dempsey	LaGrotta	Rieger	Wozniak
Dent	Laub	Ritter	Wright, D. R.
Dermody	Laughlin	Roberts	Wright, M. N.
Donatucci	Lawless	Robinson	Yandrisevits
Druce	Lederer	Roebuck	Yewcic
Durham	Lee	Rohrer	Zug
Egolf	Leh	Rooney	
Evans	Lescovitz	Rublely	DeWeese,
Fairchild	Levdansky	Rudy	Speaker

NAYS—0

NOT VOTING—2

Haluska James

EXCUSED—3

Merry Petrarca Trich

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.

RESOLUTION

Mr. OLASZ called up HR 96, PN 1789, entitled:

A Resolution urging the Department of Environmental Resources to withdraw a proposed amendment to the Pennsylvania Abandoned Mine Lands Reclamation Plan until a complete study can be performed by the House of Representatives.

On the question,
Will the House adopt the resolution?

The SPEAKER. On the resolution, the Chair recognizes the minority leader, Mr. Ryan, from Delaware County.

Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, we have not had an opportunity to caucus on this, and Representative Smith from our side, in a discussion here at the rostrum, thought that he could explain, in lieu of a caucus, thought that he could explain his side. He, frankly, is against this resolution, and I thought at this time that I could yield to Representative Smith to give his version of his thoughts on this particular resolution and then we could go on from there.

The SPEAKER. The gentleman is in order, and the gentleman, Mr. Smith, from Jefferson County is recognized.

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

First, a point of inquiry. Are we actually debating the passage of this resolution at this point, Mr. Speaker? Is that correct?

The SPEAKER. Yes.

Mr. S. H. SMITH. Okay.

Frankly, Mr. Speaker, I was thinking that I would probably want to yield to the gentleman, the sponsor of it. I had only suggested to the minority leader that since we had not caucused on it, I certainly wanted to speak to our members about it. I had hoped to speak in caucus about that prior, but at this point I would, frankly, yield to the gentleman, the prime sponsor.

The SPEAKER. The Chair thanks Mr. Smith and recognizes Mr. Olasz from Pittsburgh.

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

I appreciate the courtesy of the House to suspend the rules so that this resolution might be heard today, and the reason for the importance of running this today is that there is a hearing being held tomorrow at 9 o'clock relative to the substance of this resolution.

I am sure you know that there is an old saying, if it ain't broke, don't fix it. In a nutshell, that is what my resolution is saying to the Department of Environmental Resources. For any of you who have had districts in which abandoned coal mines lie beneath homes, roads, and public properties, you are probably well aware of what can happen when one of those mines collapses. The mine subsidence problem is very real and a very serious one for constituents in my district.

A few months ago I was listening to the 11 p.m. news and heard that a friend of mine, who also happens to be a constituent, was having subsidence problems. I immediately went over to his home and found it literally falling apart. He lost his home due to the collapse of an underground mine. And I do not mind telling you that next to making the decision to get married, purchasing a home is the largest investment and major decision you will make in your life, and I will tell you, it is heartrending to see it go into the ground.

This can happen at any time to anyone who lives above an abandoned coal mine. As a matter of fact, geologists say it is not a matter of if — if an abandoned coal mine will collapse — it is a matter of when. It could happen in 50 years. It could happen tomorrow. It could happen this afternoon.

In all the years I have worked with this issue, the Federal Office of Surface Mining has responded to these incidents with incredible speed and knowledge, and I emphasize speed and knowledge.

OSM personnel have been tremendous. They have stabilized areas of my district and saved other homes from potentially severe damage. Their reputation and track record are superb. They have the legal authority to enter private property and have the ability to award bids on-site to get the area stabilized as soon as possible. I repeat, they have the legal authority to enter private property and have the ability to award bids on-site to get the area stabilized as soon as possible.

DER (Department of Environmental Resources) wants to change all this. DER has submitted a proposal to take over this emergency reclamation program. Why? Why, when OSM does such a great job and the Federal Government funds the program, should DER take it over? What is in it for us? From my perspective, nothing; zero.

DER's ability to execute contract awards to quickly address mine-related emergencies is unproven and questionable. In addition, DER's ability to seek right of entry onto private properties in the event of an emergency is untested and based on sketchy provisions in State law.

OSM will probably spend \$3.5 to \$4 million this year on emergency construction projects in Pennsylvania. That is on projects alone; administrative costs are above and beyond.

The OSM offices in Pittsburgh and Wilkes-Barre have 120 Federal jobs and bring around \$15 million into our State yearly in salaries, rents, and administrative costs. We stand to lose all of this if DER takes over the program.

The bottom line is, Pennsylvania will have less money to respond to these emergencies if DER takes over the program.

The Feds have promised DER \$3 million to run the program; that is it. I repeat, \$3 million to run the program and that is it. With OSM running the program, we will get more than that this year in project costs alone, not to mention personnel. That is 120 jobs.

How can DER do as good a job as OSM? OSM has 15 years of proven experience in handling these crisis situations. DER has no track record; I repeat, no track record.

Right now the financial obligation for operating this program is in the hands of the Feds. Why should we take it over and tax our overburdened State budget? DER has enough to do already. Why add another program, especially one that the Federal Government runs already?

My resolution urges DER to withdraw this proposal until the House can fully investigate the impact a DER takeover would have on the health and welfare of Pennsylvania citizens.

I urge you to support this resolution, which has bipartisan support. Please think about it and vote to support the resolution.

The SPEAKER. The Chair recognizes the gentleman, Mr. Smith, for the second time.

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

I rise in opposition to this resolution.

Certainly, I respect the concerns that the prime sponsor has raised in terms of the ability of the Federal OSM to respond to mining emergencies.

I would draw the members' attention to a letter sent to us by the Deputy Secretary for Mineral Resources from DER in which it stated that there have been at least 90 incidents reported to OSM and that some of these emergencies which OSM has investigated have lingered over 30 days without affirmative action. There are also other examples of situations where OSM simply does not declare a mining problem an emergency, and therefore, they are not deemed to be responsible for reacting to that problem.

In general, I would also add, Mr. Speaker, that I am not typically one to stand up here and defend the success or the overall activities of the Department of Environmental Resources. I have a lot of problems in my district, and as many of us also know, we have many problems with DER and how it operates.

I do draw the line, most certainly, when we are dealing with the Bureau of Abandoned Mine Reclamation. I believe that this agency has done a very good job in Pennsylvania, given the fact that we in Pennsylvania, or at least in the course of doing our budget recently, a couple of years ago, we pretty much took a lot away from this bureau. A few years ago when there were some layoffs by the executive branch, this department in particular was cut significantly. I feel that it has done a remarkable job with the resources that we have given them.

The proposal that has been sent to the Federal Government on behalf of DER will not jeopardize our funding. There has been language put into the proposal, as I understand it, that would have it revert back to the Federal Government if in fact the Federal moneys were not available to us and that this

funding stream, because of the nature of it, will be available to Pennsylvania for at least 9 years into the coming future.

Certainly, I do not want to be in a position of starting up a program that we cannot pay for. I believe that when we talk about the Federal moneys or State money, we are really just arguing about whether you want tax dollars taken out of your right pocket or tax dollars taken out of your left pocket.

Ultimately, when we talk about the responsiveness though, I feel that to the members of this body and to our constituents, we will find the Department of Environmental Resources' Bureau of Abandoned Mine Reclamation and the emergency program that they would provide here under this proposal, I believe they would be more responsive to us and our constituents in the cases where we do have emergencies.

I feel that we have a greater link with them, a much faster tie to them than we would if it is a Federal program, and given that, I would strongly urge the membership to vote against the Olasz resolution No. 96. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Lackawanna County, Mr. Staback.

Mr. STABACK. Thank you, Mr. Speaker.

Mr. Speaker, I stand in support of the resolution for the same reasons as stated by Mr. Olasz.

The OSM operation in my area has demonstrated itself to be an extremely effective and extremely efficient one. I personally have had many opportunities to work with them on many different projects, from mine flushing to the extinguishing of mine fires. Mr. Speaker, they know their job, and they do it well. Now we are talking of taking a total emergency program and shifting that responsibility from OSM to DER.

Mr. Speaker, I already know how effective OSM is and what a great job they do in responding to emergencies. I have no idea, no idea how effective DER might be in administering this kind of a program. It seems to me that when we have an agency that works as well as OSM does, common sense would dictate that we leave it alone.

Mr. Speaker, I really do not understand why any of this transfer of responsibility is taking place to begin with, and it is with that thought in mind I believe the resolution is in order and would ask this body for an affirmative vote. Thank you, sir.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Westmoreland County, Mr. Mihalich.

Mr. MIHALICH. Mr. Speaker, I would like to point out that this resolution does not make a decision or would not confirm either what the one side says or the other side says. This resolution asks that a decision be delayed until we can take a closer look at it, which I think is a very sound approach.

One of the principal reasons that we all have or most of us have with DER, in my point of view, is that they have usurped the powers of the legislative body, of the lawmakers, and through regulations, policies, written and unwritten, and through initiatives of their own, they disregard what the people do when they make the laws. For that reason alone, I think we should support this resolution so that everybody can step back

from that and see whether or not it is a good move or a bad move.

As to my personal opinion on it, I think that it is a bad move to give DER additional responsibilities. I think they have more than they can handle right now handling swimming pools, mine insurance, farm labor, restaurants, mine reclamation, forests, parks, and that is just to name a few of their responsibilities now. I think it is out of hand. I do not think they have a control over their own department and their current responsibilities, and we should look very, very hard before we give them additional. Thank you.

The SPEAKER. The Chair thanks the gentleman.

Mr. Reber from Montgomery County is recognized.

Mr. REBER. Thank you, Mr. Speaker.

Mr. Speaker, would the prime sponsor of the resolution stand for a brief interrogation?

The SPEAKER. The chairman indicates that he will consent to interrogation.

Mr. REBER. Thank you, Mr. Speaker.

Mr. Speaker, on page 4 of the resolution, you reference in the final "resolve" clause that the House of Representatives shall conduct a thorough study on this issue. Does that imply that the House Conservation Committee would be the acting standing committee of the House to conduct the study contemplated under your resolution?

Mr. OLASZ. Yes, Mr. Speaker. If this measure is successful, it is my intention to offer measures that would authorize the chairman of the Conservation Committee, Mr. George, to undertake an investigation and report back.

Mr. REBER. Thank you, Mr. Speaker.

Could you yield to the chairman of the House Conservation Committee, Representative George?

Mr. OLASZ. Certainly.

The SPEAKER. Mr. George indicates he will consent to interrogation.

Mr. REBER. Mr. Speaker, you have no objection, it is my understanding, to, in your capacity as the chairman, call for the study to be conducted under this resolution, if it would be adopted, by the House Conservation Committee. Is that a fair statement?

Mr. GEORGE. Mr. Speaker, I believe that the resolution, as proposed by the gentleman from Allegheny, merely asks that we detain any decisionmaking for the purpose of trying to study, so a resolution was put forth as you asked. I am sure you and I and our committee would be happy to pursue the matter and to effectuate a proper study on the matter. I would believe that would be the way to go.

Mr. REBER. I understand then the chairman has responded that it would be within the purview of the Conservation Committee to handle this.

I thank the gentleman. Thank you, Mr. Speaker.

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

Mr. GEORGE. Mr. Speaker, I think it would be most proper to advise the membership on both sides of the aisle that this resolution merely asks for a delay in a decision of whether

DER should take over the functionary of the OSM as far as mine subsidence is concerned.

Last week it was intended by the gentleman from Allegheny to pursue the matter. He was asked to hold up on the resolution, that an answer would be forthcoming. As of this moment, Mr. Speaker, no answer has been provided, and I believe that it is about time that this legislature as a body, not Republicans, not Democrats, say, look, these are the answers that we need and we are going to have you provide us these answers before we make these certain kinds of decisions.

Therefore, Mr. Speaker, I ask for an affirmative vote on this resolution.

The SPEAKER. For the second time, the gentleman, Mr. Olasz.

Mr. OLASZ. Mr. Speaker, for the benefit of the House, I have been advised that Congressmen McDade and Kanjorski are preparing statements to be submitted to that hearing tomorrow. Obviously the submission of their comments indicates that something has aroused their concerns that they are submitting this for the record tomorrow.

And, Mr. Speaker, I must correct one item contrary to a statement that you made. I have in my possession a letter from the Office of Surface Mining from the Department of the Interior where it says that they will step back in on an issue, and it states in paragraph A, "At any time that projected emergency obligations exceed anticipated funding levels, DER will relinquish to OSM the responsibility for conducting the emergency program in Pennsylvania until adequate funding is renewed." Once assumed, responsibility for the emergency program may not—and I repeat—"may not be automatically relinquished...to...(OSM)." That is for the record, Mr. Speaker.

Once again I urge an affirmative vote and remind you that this is to authorize a study asking DER to hold back until the Conservation Committee has an opportunity to review its merits. Thank you very much.

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

The following roll call was recorded:

YEAS—176

Acosta	Farmer	Lloyd	Saurman
Allen	Fee	Lucyk	Saylor
Argall	Fichter	Lynch	Scheetz
Armstrong	Fleagle	Maitland	Schuler
Baker	Freeman	Manderino	Scrimenti
Barley	Gamble	Markosek	Semmel
Battisto	Gannon	Masland	Serafini
Bebko-Jones	Geist	Mayernik	Smith, B.
Belardi	George	McCall	Snyder, D. W.
Belfanti	Gerlach	McGeehan	Staback
Bishop	Gigliotti	McNally	Stairs
Blaum	Godshall	Melio	Steelman
Boyes	Gordner	Michlovic	Steighner
Brown	Gruitza	Micozzie	Steil
Bunt	Gruppo	Mihalich	Stern
Bush	Hanna	Miller	Stetler
Butkovitz	Hasay	Mundy	Stish
Buxton	Hennessey	Murphy	Strittmatter
Caltagirone	Herman	Nailor	Sturla

Cappabianca	Hershey	Nyce	Surra
Carn	Hess	O'Brien	Tangretti
Carone	Hughes	O'Donnell	Taylor, E. Z.
Cawley	Hutchinson	Olasz	Taylor, J.
Clark	Itkin	Oliver	Thomas
Clymer	Jadlowiec	Perzel	Tigue
Cohen, M.	James	Pesci	Trello
Colaella	Jarolin	Petrone	True
Colaizzo	Josephs	Pettit	Tulli
Cornell	Kaiser	Phillips	Uliana
Corrigan	Kasunic	Pistella	Vance
Cowell	Keller	Pitts	Van Horne
Coy	Kenney	Platts	Veon
Curry	King	Preston	Vitali
Daley	Kirkland	Reber	Waugh
DeLuca	Krebs	Richardson	Williams
Dent	Kukovich	Rieger	Wogan
Dermody	LaGrotta	Ritter	Wozniak
Donatucci	Laub	Roberts	Wright, D. R.
Druce	Laughlin	Robinson	Wright, M. N.
Durbam	Lawless	Roebuck	Yandrisevits
Egolf	Lederer	Rooney	Yewcic
Evans	Lee	Rudy	
Fairchild	Lescovitz	Santoni	DeWeese,
Fajt	Levdansky	Sather	Speaker
Fargo	Linton		

NAYS—22

Adolph	Dempsey	Marsico	Rubley
Birmelin	Flick	Nickol	Ryan
Cessar	Gladeck	Piccola	Smith, S. H.
Chadwick	Harley	Raymond	Tomlinson
Civera	Heckler	Rohrer	Zug
Cohen, L. I.	Leh		

NOT VOTING—2

Haluska	Reinard
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EXCUSED—3

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

DEMOCRATIC CAUCUS

The SPEAKER. Are there announcements relative to caucus from either side?

The gentleman, Mr. Coy, is recognized.

Mr. COY. Thank you, Mr. Speaker.

There is no need for a Democratic caucus today. However, we anticipate that we will have a caucus tomorrow after we come into session. We will come into session about 11 o'clock and probably have caucus around 11:30 on the bills that will be voted on tomorrow afternoon. Thank you, Mr. Speaker.

REPUBLICAN CAUCUS

The SPEAKER. The gentleman, Mr. Geist, from Blair County is recognized.

Mr. GEIST. Mr. Speaker, it is my understanding we are going to come on the floor tomorrow, run off a couple of bills,

and then at that time the Republicans will caucus on the rest of the calendar.

There will be no need for a Republican caucus today. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair would like to thank one more time Dante and Carmella Santoni for being with us this afternoon.

STATE GOVERNMENT COMMITTEE MEETING

The SPEAKER. The Chair asks Chairman Oliver to state his reason for rising.

Mr. OLIVER. Thank you, Mr. Speaker.

Mr. Speaker, at the call of the recess there will be a meeting of the State Government Committee in room 40E. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

ANNOUNCEMENT BY MR. CALTAGIRONE

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. Mr. Caltagirone is recognized.

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

I just want to mention to the members, those of you that did not sign on to the 2-year study of the work that we had done on the juvenile probation funding issue, we will have the bill in the well of the House. If you care to sign on, please do so.

I will submit the remainder of my remarks for the record. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

I wish to restate to the members of the House that I am introducing a bill today known as the juvenile probation officer parity bill.

This bill will put State support money into juvenile supervision where it is sadly needed.

Chief juvenile probation officers in several counties have appeared and testified before the Judiciary Committee that a commitment to supervision saves counties and the State money in the long run.

With enough officers to closely guide and supervise juveniles, money is saved because residency programs are reduced. The State pays for these lock-in facilities. And close supervision and interaction with juveniles reduces the occurrence of adult criminality.

We know that it costs the State close to \$20,000 a year per inmate to keep someone in jail.

My bill will cost the State approximately \$9 million in fiscal year 93-94, (roughly one-fifth of the adult probation budget and one sixty-ninth of the Department of Corrections 93-94 budget.)

We have got to look at where we are putting the State's money. My bill supports juvenile probation officers at close to 40 percent in the coming year. As a spokesperson for the JPO's, I am not asking for a lot.

This money would be well spent and is a small price to pay for cost savings down the line.

State support for adult probation officers is currently paid to counties at a rate of 80 percent. This bill will phase in support for juvenile officers so that in 2 more budget years, county juvenile officers will also receive 80 percent support.

If you have not joined me and the 70-some others who have cosigned this bill, I urge you to sign on now.

Let us support smart legislation, legislation which is dollarwise by supporting juvenile services. Our youth deserve the chance to make good; our State deserves a break in the cycle of neglect which leads to State-supported incarceration.

VOTE CORRECTION

The SPEAKER. The Chair recognizes David Richardson.

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

Mr. Speaker, on 5-5-93 on HB 678, amendment A1191, I was not recorded. I would like to have my vote recorded in the negative.

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. Representative Miller is recognized.

Mrs. MILLER. Mr. Speaker, I move that this House do now adjourn until Tuesday, May 11, 1993, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

The SPEAKER. The Chair thanks the lady.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 2:51 p.m., e.d.t., the House adjourned.