

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, SEPTEMBER 29, 1993

SESSION OF 1993

177TH OF THE GENERAL ASSEMBLY

No. 51

HOUSE OF REPRESENTATIVES

The House convened at 11 a.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, when we consider Your goodness to us, we are overwhelmed. If we would attempt to count our blessings, it would take all the day long, and the day would not be long enough to enumerate them all. And we are too quick to forget Your goodness.

We especially thank You for choosing us to serve in this legislature. There must be a countless number, yea thousands, who could ably serve in this august body, but You chose each one of us to serve, and we dare not *forget it and are humbled* by Your choice.

Discourage us from ever believing that we did it our way or on our own. May we never be beguiled into believing this. Contrary to what we would want to believe, we are not the masters of our fate; we are not the captains of our souls.

It has been You and You alone who made it possible for us to serve. And, O God our Father, we are ever thankful.

In Your name we pray. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Tuesday, September 28, 1993, will be postponed until printed. The Chair hears no objection.

JOURNALS APPROVED

The SPEAKER. The Journals for Wednesday, May 26, 1993, and Thursday, May 27, 1993, are in print and, without objection, will be approved.

COMMUNICATION FROM OFFICE OF ATTORNEY GENERAL

The SPEAKER. The Chair would like to recognize the receipt of the annual report of the Attorney General of the Commonwealth to the General Assembly pursuant to section 3(a) of the act of September 28, 1978, Public Law 788, No. 152, as amended.

The following communication was submitted:

Commonwealth of Pennsylvania
Office of Attorney General
Harrisburg, Pa. 17120

September 24, 1993

Honorable H. William DeWeese
Speaker
House of Representatives
Room 139, Main Capitol Building
Harrisburg, PA 17120

Dear Mr. Speaker:

Pursuant to Section 3(a) of the Act of September 28, 1978, P.L. 788, No. 152 (the Sovereign Immunity Act), the Office of Attorney General is required to report annually to the General Assembly regarding the institution and disposition of tort claims against the Commonwealth.

In response to that requirement, we are pleased to submit the enclosed annual report for the year ending March 31, 1993.

Sincerely yours,
Walter W. Cohen
First Deputy
Attorney General

WWC/LJR/bjm
Enclosure

HOUSE BILLS INTRODUCED AND REFERRED

No. 1974 By Representatives KUKOVICH, BLAUM, THOMAS, VEON, BELARDI, PRESTON, MIHALICH, BELFANTI, JAROLIN, TRELLO, KREBS, PISTELLA, LEVDANSKY, M. COHEN, PESCI, HALUSKA, FLICK, MUNDY, LAUGHLIN, BATTISTO and COY

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for assignment to orphans' court.

Referred to Committee on AGING AND YOUTH, September 29, 1993.

No. 1975 By Representatives LLOYD, D. R. WRIGHT, B. SMITH, RUDY, HERSHEY, SURRA, YEWIC and GORDNER

An Act providing for the promotion of farmers' markets; imposing additional powers and duties on the Department of Agriculture, the Department of Public Welfare, the Department of Transportation and the Department of Commerce; and making appropriations.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, September 29, 1993.

No. 1977 By Representatives LLOYD, BAKER, WAUGH, NYCE, ARGALL, MILLER, GORDNER, MASLAND, VEON, MIHALICH, HESS, SCHULER, LAUB, TIGUE, SCRIMENTI, PESCI, MARKOSEK, FAIRCHILD, JAROLIN, BROWN, FARGO, HENNESSEY, FAJT, TOMLINSON, CLARK, SAURMAN, RAYMOND, McCALL, LAUGHLIN, CAPPABIANCA, CURRY, D. W. SNYDER, D. R. WRIGHT, YEWIC, KING, WOGAN, STABACK, CARONE, CLYMER, COY, TRICH, CESSAR and PISTELLA

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

Referred to Committee on FINANCE, September 29, 1993.

No. 1978 By Representatives LLOYD, SCHULER, TIGUE, D. R. WRIGHT, CARONE, COY, PESCI, JAROLIN, FAJT, TOMLINSON, SAURMAN, MIHALICH, McCALL, LAUGHLIN and BATTISTO

An Act amending the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act, further providing for signs on vehicle transporting solid waste.

Referred to Committee on CONSERVATION, September 29, 1993.

No. 1979 By Representatives LLOYD, PISTELLA, BAKER, ARGALL, MILLER, GORDNER, VEON, MIHALICH, SCHULER, LAUB, TIGUE, SCRIMENTI, D. R. WRIGHT, S. H. SMITH, YEWIC, STABACK, KREBS, M. N. WRIGHT, SANTONI, COY, TRICH, CESSAR, HERSHEY, HERMAN, PESCI, MARKOSEK, FAIRCHILD, JAROLIN, FARGO, HENNESSEY, FAJT, CLARK, SAURMAN, MICOZZIE, RAYMOND, McCALL, LAUGHLIN, FREEMAN and BATTISTO

An Act amending the act of December 19, 1990 (P.L.1358, No.210), known as the Local Government Capital Project Loan Fund Act, extending the expiration date of the act.

Referred to Committee on LOCAL GOVERNMENT, September 29, 1993.

No. 1980 By Representatives LLOYD, BAKER,

WAUGH, NYCE, MILLER, GORDNER, MASLAND, VEON, MIHALICH, HESS, SCHULER, LAUB, FARMER, TIGUE, D. R. WRIGHT, KING, WOGAN, STABACK, M. N. WRIGHT, COY, CESSAR, HERSHEY, PISTELLA, EGOLF, PESCI, FAIRCHILD, VANCE, JAROLIN, HENNESSEY, FAJT, TOMLINSON, CLARK, SAURMAN, MICOZZIE, BROWN, McCALL, LAUGHLIN, CAPPABIANCA, FREEMAN and BATTISTO

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for excluded transactions.

Referred to Committee on FINANCE, September 29, 1993.

No. 1982 By Representative LEE

An Act amending the act of December 16, 1988 (P.L.1259, No.155), known as the Urban and Rural Teacher Loan Forgiveness Act, further defining the term "eligible rural public school district."

Referred to Committee on EDUCATION, September 29, 1993.

No. 1983 By Representatives MELIO, YANDRIVEVITS, CORRIGAN and TRELLO

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for riding on motorcycles.

Referred to Committee on TRANSPORTATION, September 29, 1993.

No. 1984 By Representatives ROONEY, STETLER, LaGROTTA, TRELLO, VEON, BELFANTI, BUTKOVITZ, TOMLINSON, DALEY, KIRKLAND, CAPPABIANCA, JOSEPHS, COY, FREEMAN, BATTISTO and MASLAND

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting the storage of firearms within easy access of children; and imposing penalties.

Referred to Committee on JUDICIARY, September 29, 1993.

No. 1985 By Representatives ROONEY, STETLER, LaGROTTA, TRELLO, VEON, BELFANTI, BUTKOVITZ, TOMLINSON, DALEY, KIRKLAND, CAPPABIANCA, JOSEPHS, COY, FREEMAN, BATTISTO and MASLAND

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting the storage of firearms within easy access of certain individuals; and imposing penalties.

Referred to Committee on JUDICIARY, September 29, 1993.

No. 1986 By Representatives ROONEY, STETLER, LaGROTTA, TRELLO, VEON, BELFANTI, BUTKOVITZ, TOMLINSON, DALEY, FAJT, KIRKLAND,

CAPPABIANCA, MASLAND, JOSEPHS, COY,
FREEMAN and BATTISTO

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for transfer to criminal proceedings.

Referred to Committee on JUDICIARY, September 29, 1993.

No. 1987 By Representatives ROONEY, STETLER, LaGROTTA, TRELLO, VEON, BELFANTI, BUTKOVITZ, TOMLINSON, DALEY, FAJT, KIRKLAND, CAPPABIANCA, MASLAND, JOSEPHS, COY, FREEMAN and BATTISTO

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, upgrading the penalty for the sale or lease of weapons and explosives.

Referred to Committee on JUDICIARY, September 29, 1993.

No. 1988 By Representatives ROONEY, STETLER, LaGROTTA, TRELLO, VEON, BELFANTI, BUTKOVITZ, TOMLINSON, DALEY, FAJT, KIRKLAND, CAPPABIANCA, MASLAND, JOSEPHS, COY and BATTISTO

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, imposing a penalty for firearms carried without a license.

Referred to Committee on JUDICIARY, September 29, 1993.

No. 1989 By Representatives ROONEY, STETLER, LaGROTTA, TRELLO, VEON, BELFANTI, BUTKOVITZ, TOMLINSON, FAJT, DALEY, KIRKLAND, CAPPABIANCA, MASLAND, JOSEPHS, COY, BATTISTO and FREEMAN

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for persons to whom delivery shall not be made.

Referred to Committee on JUDICIARY, September 29, 1993.

No. 1990 By Representatives ROONEY, STETLER, LaGROTTA, TRELLO, VEON, BELFANTI, BUTKOVITZ, TOMLINSON, DALEY, FAJT, KIRKLAND, CAPPABIANCA, JOSEPHS, FREEMAN, BATTISTO and MASLAND

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for inspection of court files and records.

Referred to Committee on JUDICIARY, September 29, 1993.

No. 1991 By Representatives ROONEY, STETLER,

LaGROTTA, TRELLO, VEON, BELFANTI, BUTKOVITZ, TOMLINSON, DALEY, BLAUM, FAJT, KIRKLAND, CAPPABIANCA, JOSEPHS, FREEMAN, BATTISTO and MASLAND

An Act requiring school districts to provide the Department of Education with information relating to incidents of crime on school property.

Referred to Committee on EDUCATION, September 29, 1993.

No. 1992 By Representatives SURRA, FEE, STABACK, OLASZ, JAROLIN, COLAIZZO, McGEEHAN, TIGUE, HESS, SCHEETZ, VAN HORNE, LYNCH, McCALL, M. COHEN, BAKER, GORDNER, BATTISTO, IASAY, PESCI and TRELLO

An Act providing for the adoption of capital projects to be financed from current revenues of the Game Fund.

Referred to Committee on GAME AND FISHERIES, September 29, 1993.

No. 1993 By Representatives PETTTT, HERSHEY, CLYMER, GIGLIOTTI and LAUB

An Act amending the act of July 23, 1970 (P.L.563, No.195), known as the Public Employe Relations Act, further providing for prohibited strikes; and making a repeal.

Referred to Committee on LABOR RELATIONS, September 29, 1993.

No. 1994 By Representatives KREBS, MASLAND, TULLI, CARONE, NYCE and TANGRETTI

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for a standard employment application form for school districts for certain applicants.

Referred to Committee on EDUCATION, September 29, 1993.

No. 1996 By Representatives COWELL, ROBINSON, KUKOVICH, VEON, MAYERNIK, PISTELLA, PRESTON, FAJT, KASUNIC, CAWLEY, STABACK, PESCI, ROONEY, VAN HORNE, ROBERTS, STERN, ITKIN, KREBS, LESCOVITZ, KIRKLAND, DALEY, COLAFELLA, RICHARDSON, L. I. COHEN and MUNDY

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for definition of "professional employe" to include school social workers.

Referred to Committee on EDUCATION, September 29, 1993.

No. 1997 By Representatives CALTAGIRONE, VEON, SCRIMENTI, DALEY, GEIST, PISTELLA, PESCI, TRELLO, OLASZ, WILLIAMS and MELIO

An Act prohibiting certain unlawful discharge from employment; providing protection for dismissed employees; prohibiting blacklisting; providing for enforcement, penalties and remedies and for certain limitations and exemption.

Referred to Committee on LABOR RELATIONS, September 29, 1993.

No. 1998 By Representatives LaGROTTA, SURRA, STEELMAN, LEH, TIGUE, TRELLO, CLARK, CARONE, DeLUCA, STABACK, CURRY, ROONEY, THOMAS, SAURMAN, TRICH, BELFANTI, FAJT, PETRARCA, LAUGHLIN, BATTISTO, WILLIAMS, FREEMAN and MELIO

An Act amending the act of July 13, 1988 (P.L.525, No.93), referred to as the Infectious and Chemotherapeutic Waste Law, requiring the labeling of infectious and chemotherapeutic waste disposal bags.

Referred to Committee on CONSERVATION, September 29, 1993.

No. 1999 By Representatives LaGROTTA, MIHALICH, SANTONI, GEIST, GORDNER, TIGUE, VEON, CESSAR, RAYMOND, DeLUCA, BAKER, WOZNIAK, CURRY, SCRIMENTI, GANNON, ROONEY, PISTELLA, MARKOSEK, BELFANTI, DRUCE, TRELLO, YEWIC, L. I. COHEN, SAURMAN, ADOLPH, TOMLINSON, LAUGHLIN, WILLIAMS, BATTISTO, MELIO and GIGLIOTTI

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for professional sports plates.

Referred to Committee on TRANSPORTATION, September 29, 1993.

No. 2000 By Representatives M. COHEN, ROBINSON, CALTAGIRONE, ROBERTS, THOMAS, TRICH, PISTELLA, TRELLO, PRESTON, PETRARCA, LAUGHLIN and CIVERA

An Act amending the act of May 28, 1937 (P.L.955, No.265), known as the Housing Authorities Law, further providing for the security officers of housing authorities by increasing their jurisdiction and by subjecting them to collective bargaining laws.

Referred to Committee on URBAN AFFAIRS, September 29, 1993.

No. 2002 By Representatives TIGUE, NYCE, MIHALICH, BATTISTO, FAJT, LAUGHLIN, BELFANTI, TRICH, KAISER, PETRARCA, MUNDY, KREBS, PETRONE, TULLI, STEELMAN, DALEY and MICHLOVIC

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for billing for service to fire hydrants.

Referred to Committee on CONSUMER AFFAIRS, September 29, 1993.

No. 2005 By Representatives PITTS, DeLUCA, BIRMELIN, VAN HORNE, GERLACH, ROBERTS, BAKER, SATHER, CLYMER, WAUGH, ZUG, NYCE, HASAY, CIVERA, CLARK, FLICK, SAURMAN, LAUB, LEH, TRUE, ROHRER, ADOLPH, GLADECK, MERRY, SEMMEL, RAYMOND, GEIST, S. H. SMITH, DURHAM, MASLAND, M. N. WRIGHT, E. Z. TAYLOR, PLATTS, MARSICO, GODSHALL, FARGO, KENNEY, CORNELL, HERSHEY, BARLEY, FAIRCHILD, STEIL, FICHTER, FARMER, NAILOR, TRELLO, ARMSTRONG, MICOZZIE and McCALL

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, imposing restrictions on certain programs; further providing for the adoption of annual budgets; and providing for voter approval of certain adopted budgets.

Referred to Committee on EDUCATION, September 29, 1993.

No. 2006 By Representative PERZEL

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the forfeiture of motor vehicles of persons not properly licensed or without financial responsibility.

Referred to Committee on TRANSPORTATION, September 29, 1993.

No. 2007 By Representative PERZEL

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for the limitation on disclosure of certain records.

Referred to Committee on GAME AND FISHERIES, September 29, 1993.

No. 2008 By Representative PERZEL

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, authorizing release of certain information to members of the General Assembly.

Referred to Committee on GAME AND FISHERIES, September 29, 1993.

No. 2009 By Representatives LEE, BAKER, HESS and FLEAGLE

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further defining "market value/income aid ratio."

Referred to Committee on EDUCATION, September 29, 1993.

No. 2010 By Representatives LEE, HASAY, CHADWICK, E. Z. TAYLOR, PICCOLA and DEMPSEY

An Act designating a certain bridge in Wyoming County as the

Carmel Sirianni Memorial Bridge.

Referred to Committee on TRANSPORTATION, September 29, 1993.

No. 2011 By Representatives FLICK, SCHULER, DEMPSEY, VANCE, CLARK, YANDRISEVITS, LAWLESS, TIGUE, HENNESSEY, D. W. SNYDER, CHADWICK, S. H. SMITH, PLATTS, MILLER, MUNDY, GODSHALL, NYCE, FARGO, RUBLEY, WAUGH, M. N. WRIGHT, OLASZ, HERSHEY, FAIRCHILD, RAYMOND, LYNCH, GERLACH, HUTCHINSON, HALUSKA, BARLEY, MAITLAND, E. Z. TAYLOR, TRUE, TANGRETTI, DRUCE, STEELMAN and ROONEY

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for sabbatical leaves of absence.

Referred to Committee on EDUCATION, September 29, 1993.

No. 2012 By Representatives FLICK, SCHULER, CLARK, GODSHALL, TIGUE, HENNESSEY, S. H. SMITH, FAIRCHILD, SCHEETZ, TRUE, YANDRISEVITS, MAITLAND, RUBLEY, PLATTS, L. I. COHEN, M. N. WRIGHT, TRICH, OLASZ, DRUCE, LAWLESS, HUTCHINSON, HALUSKA and STEELMAN

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for continuing professional development.

Referred to Committee on EDUCATION, September 29, 1993.

No. 2013 By Representatives LAUGHLIN, LaGROTTA, LESCOVITZ, VEON and CAPPABIANCA

A Supplement to the act of June 28, 1993 (P.L.134, No.31), known as the Capital Budget Act of 1993-1994, providing for a public improvement project for the restoration and preservation of the Great House at Old Economy Village; and making a repeal.

Referred to Committee on TOURISM AND RECREATIONAL DEVELOPMENT, September 29, 1993.

No. 2015 By Representatives L. I. COHEN, BARLEY, GEIST, STEELMAN, LAUB, BUNT, FICHTER, TIGUE, DALEY, HERMAN, DeLUCA, J. TAYLOR, B. SMITH, ULIANA, DENT, MAITLAND, PISTELLA, ROONEY, BAKER, BEBKO-JONES, TRELLO, STETLER, MARSICO, E. Z. TAYLOR, D. W. SNYDER, GERLACH, DRUCE, ZUG, BUTKOVITZ, PETTIT, STEIL, MICHLOVIC, FARMER, TOMLINSON and MELIO

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, creating weapon-free school zones.

Referred to Committee on JUDICIARY, September 29, 1993.

No. 2016 By Representatives D. R. WRIGHT, STEIGHNER, COY, VEON, STABACK, TULLI, MARKOSEK, MICHLOVIC, McCALL, DeLUCA, MIHALICH, LAUB, TIGUE, NYCE, CARONE, GEIST, M. N. WRIGHT, HANNA, GODSHALL, BAKER, RAYMOND, WOGAN, D. W. SNYDER, WILLIAMS, BELFANTI, MELIO and TRELLO

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for revocation of habitual offender's license.

Referred to Committee on TRANSPORTATION, September 29, 1993.

No. 2017 By Representatives D. R. WRIGHT, VEON, LAUGHLIN, STABACK, MARKOSEK, McCALL, FAIRCHILD, LAUB, LESCOVITZ, PESCI, MASLAND, HESS, PHILLIPS, SATHER, ROBERTS, NICKOL, WOZNIAK, BAKER, WOGAN, HUTCHINSON, HERSHEY, L. I. COHEN, ZUG, ROONEY, JOSEPHS, KING, PERZEL, KELLER, PLATTS, TRELLO, O'BRIEN and DONATUCCI

An Act redesignating the Toby Creek Bridge located on State Route 1005 in Clarion County as the Wayne Richard Weaver II Memorial Bridge.

Referred to Committee on TRANSPORTATION, September 29, 1993.

No. 2018 By Representatives D. R. WRIGHT, PESCI, VEON, LAUGHLIN, STABACK, MARKOSEK, McCALL, FAIRCHILD, LAUB, LESCOVITZ, MASLAND, HESS, PHILLIPS, SATHER, ROBERTS, NICKOL, WOZNIAK, BAKER, WOGAN, HUTCHINSON, HERSHEY, L. I. COHEN, ZUG, ROONEY, JOSEPHS, KING, PERZEL, KELLER, PLATTS, TRELLO, O'BRIEN and DONATUCCI

An Act redesignating the Clarion River Bridge located on Route 322 in Clarion County as the Frank James Walls Memorial Bridge.

Referred to Committee on TRANSPORTATION, September 29, 1993.

No. 2019 By Representatives D. R. WRIGHT, DeWEESE, TRELLO, PETRARCA, HUTCHINSON and MERRY

An Act amending the act of December 19, 1984 (P.L.1140, No.223), known as the Oil and Gas Act, further providing for bonding.

Referred to Committee on CONSERVATION, September 29, 1993.

No. 2020 By Representatives D. R. WRIGHT, COY, S. H. SMITH, BELFANTI, FARGO, CLYMER, STABACK, FLEAGLE, ROHRER, FAIRCHILD, WOGAN,

NICKOL, BIRMELIN, NAILOR, SERAFINI, LAUB, SCHEETZ, PISTELLA, HESS, BAKER, PETTIT, BARLEY, KING, TRELLO, LYNCH, MIHALICH, STERN, OLASZ, FARMER and DERMODY

An Act amending Title 15 (Corporations and Unincorporated Associations) of the Pennsylvania Consolidated Statutes, further providing for the fee schedule of the Corporation Bureau.

Referred to Committee on STATE GOVERNMENT, September 29, 1993.

No. 2021 By Representatives DALEY, TIGUE, SCRIMENTI, STABACK and VEON

An Act amending the act of July 10, 1987 (P.L.246, No.47), known as the Municipalities Financial Recovery Act, further providing for joint agreements for combination of municipalities; and providing for taxing of nonresidents.

Referred to Committee on LOCAL GOVERNMENT, September 29, 1993.

No. 2022 By Representatives DALEY, VEON, ROONEY, PHILLIPS, M. N. WRIGHT, LaGROTTA, GANNON, TRELLO, FEE and GORDNER

An Act amending the act of June 29, 1953 (P.L.304, No.66), known as the Vital Statistics Law of 1953, further providing for compensation of local registrars.

Referred to Committee on HEALTH AND WELFARE, September 29, 1993.

No. 2023 By Representatives DALEY, CALTAGIRONE, BEBKO-JONES, WILLIAMS and BUNT

An Act amending the act of June 18, 1974 (P.L.359, No.120), referred to as the Municipal Police Education and Training Law, further providing for definitions, for training and for automatic certification.

Referred to Committee on JUDICIARY, September 29, 1993.

No. 2024 By Representatives FAJT, DENT, GORDNER, PESCI, CAPPABIANCA, MIHALICH, NICKOL, CLARK, LAUB, MARKOSEK, TOMLINSON, STURLA, FARGO, TIGUE, NYCE, PETRARCA, ADOLPH, YANDRISEVITS, HUTCHINSON, WOGAN, ROONEY, JOSEPHS, McCALL, WILLIAMS, MELIO, RAYMOND, BATTISTO, TRELLO, HENNESSEY and GIGLIOTTI

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, imposing a tax on generation-skipping transfers in an amount equal to the maximum credit allowable under Federal law; and providing a penalty for failure to file a return.

Referred to Committee on FINANCE, September 29, 1993.

No. 2025 By Representatives GERLACH,

GODSHALL, M. N. WRIGHT, D. W. SNYDER, STEIL, FLICK, CORNELL, ARGALL, MELIO, GLADECK, DEMPSEY, OLASZ, EGOLF and SAURMAN

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for a pilot project; authorizing students to attend the public schools selected by their parents; providing for tuition grants; creating the Office of Educational Opportunity and the School Choice Exploratory Commission; further providing for payments on account of transportation; and making an appropriation.

Referred to Committee on EDUCATION, September 29, 1993.

No. 2026 By Representatives GERLACH, GODSHALL, M. N. WRIGHT, D. W. SNYDER, STEIL, FLICK, CORNELL, ARGALL, MELIO, GLADECK, DEMPSEY, OLASZ, EGOLF and SAURMAN

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for grants for elementary or secondary education.

Referred to Committee on EDUCATION, September 29, 1993.

No. 2029 By Representatives MICHLOVIC, VAN HORNE and MARKOSEK

An Act amending the act of April 6, 1956 (1955 P.L.1414, No.465), known as the Second Class County Port Authority Act, further providing for labor relations.

Referred to Committee on LABOR RELATIONS, September 29, 1993.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 159 By Representatives ARGALL, STEIGHNER, FICHTER, RUBLEY, CLYMER, LAUB, HERSHEY, PETRONE, ZUG, B. SMITH, CARONE, NICKOL, SCHULER, GERLACH, NAILOR, GEIST, LEH, M. N. WRIGHT, KENNEY, HESS, BAKER, CAWLEY, MILLER, PLATTS, FARGO, FAIRCHILD, BARLEY, M. COHEN, TIGUE, BIRMELIN, TRELLO, McCALL, YANDRISEVITS, CESSAR, BLAUM, MIHALICH, E. Z. TAYLOR, VAN HORNE, BUNT, DEMPSEY, STERN, BUXTON, COLAZZO, NYCE, DENT, ADOLPH, HARLEY, DeLUCA, STEIL, PISTELLA, RUDY, MARSICO, GODSHALL, FLEAGLE, PESCI, LESCOVITZ, STURLA, ROONEY, FAJT, OLASZ, BEBKO-JONES, KING, ALLEN, BROWN, BELFANTI, SURRA, FARMER, WOGAN, KAISER, ROHRER, RAYMOND, LYNCH, JOSEPHS, STABACK, HENNESSEY, EGOLF, PETRARCA, LAUGHLIN and FREEMAN

A Resolution proclaiming October 6, 1993, as "German-American Day."

Referred to Committee on RULES, September 29, 1993.

No. 161 By Representatives BAKER, LYNCH, PETTIT, FICHTER, MAITLAND, BROWN, FLEAGLE, ALLEN, PESCI, MELIO, MILLER, HESS, CLARK, WOZNIAK, GORDNER, BIRMEIN, YEWIC, STERN, SCHULER, DEMPSEY, FARGO, FAJT, SAYLOR, FAIRCHILD, DeLUCA, PLATTS, ROBERTS, STISH, NAILOR, NYCE, GEORGE, STABACK, DRUCE, HENNESSEY, HUTCHINSON, SAURMAN, ARMSTRONG, TIGUE, TRUE, KASUNIC, CESSAR, PERZEL, KING, CLYMER, SCHEETZ, GERLACH, TOMLINSON, PHILLIPS, HERSHEY, BARLEY, E. Z. TAYLOR, HASAY, ROHRER, GEIST, OLASZ, TRELLO, LAUGHLIN and LEH

A Concurrent Resolution memorializing Congress to propose an amendment to the Constitution of the United States which would allow children in public schools to engage in certain forms of prayer and Bible readings.

Referred to Committee on RULES, September 29, 1993.

No. 162 By Representatives ROBERTS, FICHTER, BUXTON, TIGUE, SAYLOR, HASAY, MASLAND, FARGO, CAWLEY, JAROLIN, GORDNER, VANCE, BROWN, TRELLO, GERIACII, MAITLAND, KING, DONATUCCI, CLARK and FAIRCHILD

A Resolution memorializing Congress to support an amendment to the United States Constitution to restore voluntary prayer in the public school system.

Referred to Committee on RULES, September 29, 1993.

No. 163 By Representatives SCRIMENTI, CAPPABIANCA, BEBKO-JONES, LYNCH, DeLUCA, WAUGH, SATHER, SAURMAN, MARKOSEK, PETRONE, MIHALICH, SCHULER, LAUGHLIN, DEMPSEY, HERSHEY, RUBLEY, CAWLEY, SAYLOR, ROONEY, JOSEPHS, LESCOVITZ, NYCE, KING, STABACK, VEON, CESSAR, GEIST, B. SMITH, M. N. WRIGHT, HESS, DENT, TIGUE, MILLER, PESCI, LEH, GIGLIOTTI, TRELLO and DONATUCCI

A Resolution declaring the month of October 1993 as "Pennsylvania Grape Month."

Referred to Committee on RULES, September 29, 1993.

No. 164 By Representatives BOYES, LYNCH, O'BRIEN, DeWEESE and RYAN

A Resolution providing for a select committee to make arrangements for the commemoration of the Battle of the Bulge.

Referred to Committee on RULES, September 29, 1993.

No. 165 By Representatives CAPPABIANCA, VEON, FREEMAN, SCRIMENTI, LEVDANSKY, LESCOVITZ, MIHALICH, MANDERINO, GEORGE, WOZNIAK, TIGUE, CESSAR, NYCE, BUXTON, MELIO, CURRY, SAURMAN, PISTELLA, LAUGHLIN, GEIST,

SATHER, LAUB, PESCI, RUDY, CLYMER, DENT, SANTONI, BEBKO-JONES, RUBLEY, HERSHEY, TRELLO, LEDERER, HENNESSEY and KING

A Resolution honoring the agreement between Israel and the Palestine Liberation Organization.

Referred to Committee on RULES, September 29, 1993.

No. 166 By Representatives D. R. WRIGHT, COY, STEIGHNER, VEON, BUXTON, STABACK, GORDNER, SCRIMENTI, MIHALICH, NAILOR, TIGUE, PISTELLA, CAWLEY, DERMODY, COWELL, M. N. WRIGHT, MARKOSEK, STETLER, PESCI, BEBKO-JONES, STURLA, JAROLIN, KING, CARN, TULLI, BLAUM, PHILLIPS, NYCE, BAKER, DENT, WOZNIAK, OLASZ, FICHTER, KUKOVICH, VAN HORNE, LEDERER, FLICK, KENNEY, L. I. COHEN, SURRA, HUTCHINSON, HANNA, MANDERINO, MILLER, DeLUCA, ROBERTS, LAUB, RAYMOND, LEVDANSKY, KELLER, SATHER, MUNDY, PETRARCA, HERSHEY, FAJT, MELIO, ROONEY, JOSEPHS, LAUGHLIN, WILLIAMS, FREEMAN, McCAIL, TANGRETTI, COLAIZZO and GIGLIOTTI

A Resolution memorializing the President and Congress to maintain or increase funding for the Low-Income Home Energy Assistance Program.

Referred to Committee on FEDERAL-STATE RELATIONS, September 29, 1993.

No. 167 By Representatives DALEY, M. COHEN, BUXTON, CALTAGIRONE, VEON, NYCE, COLAIZZO, ROBINSON, PISTELLA, LAUGHLIN, FREEMAN, LEH, KELLER, GIGLIOTTI, JAROLIN and TRELLO

A Resolution memorializing Congress to not ratify the North American Free Trade Agreement.

Referred to Committee on RULES, September 29, 1993.

No. 168 By Representatives FAJT, STURLA, DENT, TRUE, MASLAND, MAITLAND, BAKER, PESCI, COY, CAPPABIANCA, TRICH, HESS, LESCOVITZ, PETTIT, LAUB, VEON, MANDERINO, STABACK, FARGO, TIGUE, DERMODY, ZUG, ARMSTRONG, KENNEY, JOSEPHS, GEIST, LAUGHLIN, WILLIAMS, BELFANTI, MARSICO, BATTISTO, HUTCHINSON, LYNCH, FARMER, HERSHEY, L. I. COHEN, ROONEY and TRELLO

A Resolution declaring the second Friday in September as "Freedom Friday."

Referred to Committee on RULES, September 29, 1993.

No. 169 By Representatives BROWN, PESCI, FICHTER, COLAFELLA, LYNCH, BAKER, ROONEY, ULIANA, HUTCHINSON, LESCOVITZ, HERSHEY, L. I. COHEN, ZUG, STABACK, TIGUE, LAUGHLIN,

MELIO, PETTIT, NYCE, STERN, PETRARCA, GEIST, OLASZ, EGOLF, TANGRETTI, TRELLO, SAURMAN, MICHLOVIC and TOMLINSON

A Resolution to recognize October 2, 1993, as "World Ostomy Day."

Referred to Committee on RULES, September 29, 1993.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 1672, PN 2427 (Amended)

By Rep. COWELL

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, prohibiting the strip searching of pupils in public schools, except in certain cases; establishing a procedure to be used for strip searches where probable cause exists to believe that a student is carrying certain items; and providing a penalty.

EDUCATION.

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 ask for leave for today only for the gentleman from Westmoreland, Mr. TANGRETTI, and the gentleman from Allegheny, Mr. PISTELLA.

The SPEAKER. The Chair thanks the gentleman and recognizes Mr. Perzel for leaves of absence on the Republican side.

Mr. PERZEL. Thank you, Mr. Speaker.

I ask for a leave for the day for the gentleman from Lycoming, Mr. BUSH, and a temporary leave for the gentleman from Lancaster, Mr. SCHULER.

The SPEAKER. The Chair thanks the gentleman. The names will be added to the list of leaves.

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—197

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

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—4

Bush	Pistella	Schuler	Tangretti
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LEAVES ADDED—1

LaGrotta

LEAVES CANCELED—1

Schuler

GUESTS INTRODUCED

The SPEAKER. The Chair would like to welcome in the balcony of the hall members of the ARCO Corporation political action committee from around the State. Thank you very much for taking the time to journey to Harrisburg and to witness State government in action. Welcome.

CALENDAR

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1453, PN 2045**, entitled:

An Act amending the act of May 31, 1933 (P.L.1108, No.272), entitled "An act providing for the appointment, promotion, reduction, removal and reinstatement of paid officers, firemen and employes of fire departments and of fire alarm operators and fire box inspectors in the bureaus of electricity in cities of the third class; defining the powers and duties of civil service commissions for such purposes; and fixing penalties," further providing for applicants for any position in the fire department.

On the question,

Will the House agree to the bill on third consideration?

Mrs. MILLER offered the following amendment No. A3917:

Amend Sec. 1 (Sec. 4), page 2, line 30, by inserting after "EMPLOYMENT."
The ordinance may exempt from the residency requirement an applicant who establishes to the satisfaction of the civil service commission of the city that the applicant has performed active firefighting service on a consistent basis for a volunteer fire company during the three-year period immediately preceding application. The ordinance provision allowing exemption for active firefighting service may require such an applicant to become a resident of the city within ninety days from the date of employment.

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes Representative Miller.

Mrs. MILLER. Thank you, Mr. Speaker.

Amendment A3917 to HB 1453 allows cities that reinstitute a residency requirement for firefighters to have the option to broaden their pool of potential employees by considering, during the application process, volunteer firefighters from outside the city limits. The firefighters must have performed active firefighting service during the 3-year period before making application for the city's firefighting position. If hired, the city may require the applicant to become a resident of the city within 90 days.

This is a win-win amendment for HB 1453, which basically allows cities to repeal the residency requirement by being able to provide them with trained, experienced volunteer firefighters. Thank you, Mr. Speaker.

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

Mr. STETLER. May I interrogate the maker of the amendment, please?

The SPEAKER. The gentleman is in order, and Representative Miller indicates she will yield to interrogation.

Mr. STETLER. I just want to clarify one thing through a question.

A city of the third class that wishes to reimpose the ordinance, the residency requirement, has the option of including this in that ordinance; it is not required to include this in that ordinance. Is that correct?

Mrs. MILLER. That is correct.

Mr. STETLER. Okay. Thank you.

May I comment?

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

Mr. STETLER. This amendment is agreed to, Mr. Speaker. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—194

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

NAYS—0

NOT VOTING-3

Carn Van Horne Vitali

EXCUSED—4

Bush Pistella Schuler Tangretti

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—196

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

NAYS—0

NOT VOTING—1

Rieger

EXCUSED—4

Bush Pistella Schuler Tangretti

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 849, PN 912**, entitled:

An Act amending the act of November 17, 1982 (P.L.676, No.192), known as the Manufactured Housing Construction and Safety Standards Authorization Act, providing for installation of manufactured homes.

On the question,

Will the House agree to the bill on third consideration?

BILL RECOMMENDED

The SPEAKER. The Chair recognizes Representative Harley.

Mrs. HARLEY. Mr. Speaker, I would like to first be recognized to make a motion for recommittal.

The SPEAKER. The lady is recognized.

Mrs. HARLEY. Thank you.

I would like to make a motion to recommit HB's 849, 850, and 851 to the Urban Affairs Committee. I am sorry, just HB 849 to the Urban Affairs Committee.

There have been hours of debate, numerous amendments to these bills. These are extraordinarily complex bills affecting the lives of hundreds of thousands of decent, taxpaying citizens, many of whom are senior citizens and first-time home buyers. I believe we need to allow the committee most familiar with this subject to deal with these complex issues.

The SPEAKER. Has the lady concluded her remarks?

Mrs. HARLEY. Yes.

The SPEAKER. The Chair thanks the lady.

It has been moved by the lady that HB 849 be recommitted to the Urban Affairs Committee.

On the question,

Will the House agree to the motion?

The SPEAKER. On the motion, the Chair recognizes the gentleman from Clarion County, Chairman David Wright.

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

I would respectfully ask the members to vote against the motion to recommit. There is virtually no reason to recommit HB 849. There are only two, perhaps three amendments to HB 849, which could be easily disposed of. But the second thing is that we have come back to Harrisburg to do work, and Mrs.

Harley is asking us to do precisely the thing that our citizens are asking us not to do, and that is to postpone, to delay, to procrastinate.

Last June I agreed, somewhat reluctantly, to hold these bills over until we came back in September. Over the summer there was ample opportunity for those who are interested in this legislation to meet with me, to meet with others. I have not been asked by anybody, except when the bills came on the calendar for a vote, to enter into any kind of conversation or negotiation on these issues. While they have not come to me, I have attempted to meet the concerns of the Community Legal Services, the Attorney General's Office, representatives who have expressed an interest in this legislation, and we will have an amendment that will correct many of these.

There is an effort, it seems to me, to make it appear as if there are voluminous amendments that will take us forever to consider. As a matter of fact, I have counted that at least 31 amendments can be eliminated from this debate because they are in an omnibus amendment which I will present or they are already covered in the bill or they are identical to each other. So there is an attempt being made here to sabotage the consideration of this bill.

I was willing to agree in June to postpone. It is time for us to march. This issue has been before this General Assembly for 3 years. We are back here to do work. Let us get on with the work and tell the people, at least for today, we are not going to postpone, we are not going to delay, we are not going to procrastinate; we are going to do the people's business today.

The SPEAKER. The Chair thanks Mr. Wright and recognizes the Republican floor leader, Mr. Ryan.

Mr. RYAN. Mr. Speaker, I endorse the motion to recommit. Let me tell you for a minute why I say that and why I am going to urge that something like this be done.

Now, I do not particularly care whether it be Urban Affairs. I think that is probably as good a committee as any. I think it really has to come away from and out of the clutches of the present committee, and I do not say that with any malice at all. I think the gentleman who chairs the Consumer Affairs Committee and is the prime sponsor of the bill is perhaps too close to it.

Now, when we left in June, we left with the idea that there was going to be a good deal of work spent on this particular bill and on the amendments during the summer months. To the best of my knowledge, Mr. Speaker, until last week, until last week, there was virtually nothing done by way of attempting to forge a compromise between the conflicting interests on this bill.

Now, right now, although it is true that there are only 3 amendments to IIB 849, there are a total of 64 amendments to this particular package, and you are not going to do HB 849 unless you do IIB 850; you are not going to do HB 849 and HB 850 unless you do HB 851; and if you do those three bills, you are going to do 64 amendments.

Now, the function of the committee should have been over the summer months, in my judgment, to take these 64 amend-

ments, go through them, weed them out, come up with a single amendment or 2 or 3 or 4 or even 10 amendments to bring to the floor of the House and say, what do you folks want to do? But instead we are just where we were in June when we instructed—and I think it was almost by way of instruction—when we said to the sponsors and those interested, work it out this summer so that when we come back in the fall we do not have 64 amendments to look at. Instead, we come back and all 64 of them are still before us on the desk.

For that reason, Mr. Speaker, I am suggesting a motion to recommit this bill to the Urban Affairs Committee and let that committee, the Urban Affairs Committee, look through these amendments, and I am guessing that this motion will be made to the next two bills. Let them look through all the amendments. Let the gentleman, Mr. Wright, testify before Urban Affairs. Let the gentleman, Mr. Kukovich, testify to Urban Affairs. Let the lady, Mrs. Harley, testify before Urban Affairs. Let them make their case, let that committee do the work that should have been done this summer, and then let us have a clean shot at a reasonably clean bill.

The SPEAKER. Does the gentleman, Mr. Wright, seek recognition for a second time?

Mr. D. R. WRIGHT. I believe, Mr. Speaker, that the gentleman, Mr. Coy, was seeking recognition. I will speak last if I could be permitted to do so.

The SPEAKER. The gentleman will certainly be granted that opportunity. I am scanning the membership. Mr. Coy is at the microphone.

The Chair apologizes to the gentleman from Franklin County, and he is recognized. Mr. Coy.

Mr. COY. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the motion to recommit. In particular, I rise with all deference to the chairman of the committee and the members of the Committee on Urban Affairs. I wonder about the applicability of this particular legislation to that committee. The Consumer Affairs Committee considered the legislation, and I suspect the bill was referred to that committee because of the obvious references to consumer rights and consumer concerns in the legislation. It is difficult for me to believe that another committee would find anything more substantive about the legislation than the Consumer Affairs Committee has already found. If there is a need for more testimony, if there is a need for recommitment, it makes sense, if we are going to recommit it, to recommit it to the Committee on Consumer Affairs for more consideration, but to recommit it to another substantive committee of the House, I do not believe to be applicable at this time and to be necessary for the time of the members of the House.

Therefore, I oppose the current motion to recommit to the Committee on Urban Affairs.

The SPEAKER. The Chair thanks the gentleman.

Does Mr. Petrone seek recognition?

Mr. PETRONE. Thank you, Mr. Speaker.

Just a point of clarification on the motion to recommit this legislation to Urban Affairs. I would like to inform the House that the Urban Affairs Committee has dealt with this legislation

for 8 years and has a wealth of time, effort, and talent in studying this problem, and I can assure you, the Urban Affairs Committee will be able to handle this recommitment. Thank you.

The SPEAKER. The gentleman from Clarion, David Wright, is recognized.

Mr. D. R. WRIGHT. Mr. Speaker, this is an unusual motion that we have before us. It is a little different than we sometimes hear. It is different in the sense that the bills that we have before us were voted out of the Consumer Affairs Committee by a unanimous vote, and in June of this summer, the Appropriations Committee voted these bills out of the Appropriations Committee by a unanimous vote.

I am not sure what the gentleman from Delaware means when he says, get this bill out of the clutches of the present chairman, that he is too close to the issue. The fact that a person in this House pays the price to understand an issue, that he attempts to balance the concerns of various groups and then present a bill that people can, in good conscience, vote on, seems to me the kind of closeness to an issue that we ought to look for.

I have been available all summer; I have been available all summer to negotiate with anybody who would negotiate. But there are two things that are required for negotiation. One is that you have to come to the table, and the second thing is, you have to bring something to the table, and there was no one who was willing to come to the table or bring anything to the table until these bills appeared on the calendar.

These bills historically have been in the Consumer Affairs Committee. It was only an aberration that certain bills went to the Urban Affairs Committee, and I have great respect for the chairman of that committee, but the proper home for these bills is in the Consumer Affairs Committee.

I ask you, put away some of the politics that is going on in this room today. I would ask you to put away some of that and to vote against the motion to recommit and give the word to the people of Pennsylvania who are wondering what is going on, what we are doing in this House, that we are here to work and we are going to work and we are not going to procrastinate, we are not going to delay, we are not going to put off for another day.

The SPEAKER. Mr. Ryan.

Mr. RYAN. Mr. Speaker, I would apologize to the gentleman if he interpreted my remarks as being any kind of a knock towards him personally. That is not what I intended when I made the remark that he was too close to the issue. What I meant by my remark was that I think when you become so involved in a given issue and you are chairman of that committee—I know I would—you are just so close and you are so persuasive—this gentleman is—you are so persuasive that you almost get your way whether you want to or not. Your demeanor, your tone—and I am not saying this of the gentleman personally but rather of someone in his capacity—but you can guide, you can guide amendments, and here in this case we have three important legislators with a series of important amendments. One of these three legislators is the prime sponsor and the person who for a number of years, as I recall,

has been interested in this subject; that is the gentleman, Mr. Wright. I think he is too close to it; I think his committee is too close to it, and that is what I intended to say. That is what I meant by my remarks.

I do not care whether it is Urban Affairs, but I think they are not a bad committee to put it in. This is a series of bills that deal with financing to a great extent, with matters other than construction-type matters. The gentleman, Mr. Wright, could come before that committee and lay out his idea on the amendments. The lady could do the same thing, Mrs. Harley, as could Mr. Kukovich. Maybe this moderating body called the Urban Affairs Committee could act as a neutral ground rather than a committee that is chaired by one of the activists on the subject, and I say that with the greatest respect for the gentleman, Mr. Wright, and at no time would I hope that he would have interpreted my remarks to be other than with the greatest respect.

The SPEAKER. Does Representative Harley seek recognition?

Mrs. HARLEY. Thank you, Mr. Speaker.

I would only say that the reason I believe that this is so important for this to go to the Urban Affairs Committee is because this is the committee that spent the last legislative session, if you remember, for those of you who were here, holding public hearings on this subject. This was the opportunity for many, many different groups of people interested in this issue to come before a committee in the House and explain their positions and put forward their positions. I also believe that this is a committee that can work at arm's length.

But I want to stress the fact and I think the most important fact here is the fact that we are dealing with hundreds of thousands of decent, taxpaying citizens in Pennsylvania, and we are talking about their lives and their quality of life and their well-being, and I do not think, for the sake of a week or so, that it is in their best interest—and that is whom we are here for—to vote on things prematurely, to ask this body to consider the abundance of amendments, which as Representative Ryan indicated, there are many amendments to this legislation. It is not fair to these taxpaying citizens, most of whom are either senior citizens or they are first-time home buyers, for us to consider it here without it having first been looked at and worked out by the committee that has spent the most time over the past 2 1/2 years dealing with this issue.

I would ask, Mr. Speaker, that this bill be recommitted to the Urban Affairs Committee.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—104

Adolph	Flick	Marsico	Sather
Allen	Freeman	Masland	Saurman
Argall	Geist	McNally	Saylor
Armstrong	Gerlach	Merry	Scheetz
Baker	Gladeck	Miller	Smith, B.
Barley	Godshall	Murphy	Smith, S. H.
Battisto	Gruppo	Nailor	Snyder, D. W.

Birmelin	Harley	Nickol	Stairs
Brown	Hasay	Nyce	Steil
Bunt	Hennessey	O'Brien	Stern
Butkovitz	Herman	O'Donnell	Steller
Carone	Hershey	Perzel	Strittmatter
Cessar	Hess	Petrone	Taylor, E. Z.
Chadwick	Hutchinson	Pettit	Taylor, J.
Clark	Josephs	Phillips	Tigue
Clymer	King	Piccola	Tomlinson
Cornell	Krebs	Pitts	Trello
Dempsey	Kukovich	Platts	True
Dent	Laub	Preston	Vance
Druce	Lawless	Reber	Vitali
Egolf	Loderer	Ritter	Waugh
Fairchild	Lee	Roberts	Wogan
Fargo	Leh	Rohrer	Wozniak
Farmer	Levdansky	Rublely	Wright, M. N.
Fichter	Maitland	Ryan	Yandrisevits
Fleagle	Manderino	Santoni	Zug

NAYS--93

Acosta	Donatucci	Laughlin	Rooney
Bebko-Jones	Durham	Lescovitz	Rudy
Belardi	Evans	Lloyd	Scrimenti
Belfanti	Fajt	Lucyk	Semmel
Bishop	Fee	Lynch	Serafini
Blaum	Gamble	Markosek	Staback
Boyes	Gannon	Mayernik	Steelman
Buxton	George	McCall	Steighner
Caltagirone	Gigliotti	McGeehan	Stish
Cappabianca	Gordner	Melio	Sturla
Carn	Gruitza	Michlovic	Surra
Cawley	Haluska	Micozzie	Thomas
Civera	Hanna	Mihalich	Trich
Cohen, L. I.	Hughes	Mundy	Tulli
Cohen, M.	Itkin	Olasz	Uliana
Colafella	Jadlowiec	Oliver	Van Horne
Colaizzo	James	Pesci	Veon
Corrigan	Jarolin	Petrarca	Williams
Cowell	Kaiser	Raymond	Wright, D. R.
Coy	Kasunic	Reinard	Yewcic
Curry	Keller	Richardson	
Daley	Kenney	Rieger	DeWeese,
DeLuca	Kirkland	Robinson	Speaker
Dermody	LaGrotta	Roebuck	

NOT VOTING--0

EXCUSED--4

Bush	Pistella	Schuler	Tangretti
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The question was determined in the affirmative, and the motion was agreed to.

GUEST INTRODUCED

The SPEAKER. The Chair would like to take 30 seconds to introduce a good acquaintance of his own and a young man who has made Pennsylvania proud, an all-pro cornerback for the Pittsburgh Steelers and a member of the National Football League's Hall of Fame, one of the preeminent players on the gridiron in the 1970's, from Pittsburgh, Mel Blount.

**BILLS ON THIRD
CONSIDERATION CONTINUED**

The House proceeded to third consideration of **HB 850, PN 913**, entitled:

An Act amending the act of November 24, 1976 (P.L.1176, No.261), known as the Mobile Home Park Rights Act, further providing for evictions, for park rules and regulations, for maintenance and repairs, for underskirting and tie-down equipment, for community associations, for overnight guests, for written leases, for installations, for business visitors, for fees at competitive prices, for security deposits, for abandoned homes, for sales of *manufactured homes and for sewer and water facilities*.

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

MOTION TO RECOMMIT

The SPEAKER. The gentleman, Mr. Wright, is recognized.
Mr. D. R. WRIGHT. Mr. Speaker, I rise to be recognized for the purpose of making a motion.

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

Mr. D. R. WRIGHT. I would move that HB 850 and HB 851 be recommitted to the Committee on Consumer Affairs.

The SPEAKER. The Chair thanks the gentleman.

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

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes Mr. Ryan.

Mr. RYAN. Mr. Speaker, who made that motion? I did not see--

The SPEAKER. The gentleman from Clarion County, Mr. Wright.

Mr. RYAN. Mr. Speaker, for some reason that does not seem to make sense to me. We send one of them to Urban Affairs with the idea that we are going to have Urban Affairs look at all these amendments. The first bill has only three amendments attached to it. The next 2 bills have 62 amendments attached to them, and the gentleman wants them back in Consumer Affairs.

I would ask a point of parliamentary inquiry.

The SPEAKER. The gentleman is in order.

Mr. RYAN. It is my recollection that I can move to amend that motion to a motion to recommit that bill to Urban Affairs, or is it necessary for me first to try and defeat this motion and then move to send these bills to Urban Affairs?

The SPEAKER. The query is inscrutable, and the Parliamentarian is checking.

Mr. RYAN. Does that mean you do not know the answer either?

The SPEAKER. According to Mason's Manual, section 388, part 2, "The motion to refer to committee may not be amended, except as to the committee or as to instructions to

the committee." So the gentleman is in order; the gentleman is in order.

(Conference held.)

The SPEAKER. The House will come to order.

In order for us to continue our business, the Chair would repeat to the gentleman, Mr. Ryan, that his motion is in order and—

Mr. RYAN. Mr. Speaker, we have had a sidebar conference, and I think as a result of that conference, the gentleman, Mr. Wright, is going to address the— I withdraw my motion at this time and yield to the gentleman, Mr. Wright.

The SPEAKER. The Chair thanks the gentleman and recognizes the Representative from Clarion County, Mr. Wright.

BILL TABLED

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

Mr. D. R. WRIGHT. Mr. Speaker, I want to express appreciation to some of my colleagues who suggested that they would, after reconsidering the issue, change their vote on the motion to recommit HB 849.

I do not think it is appropriate at this time for us to recommit HB 850 and HB 851 if we can avoid it. I very much wanted to move these bills, because I think they are important and because I think we need to be busy, but since it seems to be the will of the House to do the contrary, I would hope that we would be able to resolve these issues expeditiously, and for that purpose I would move that we table HB 850 and HB 851 and allow us then in an expeditious manner to resolve some of the issues that are before us, and that way the bill will be available to us for a vote rather than having to go through the committee process, as was outlined earlier.

So I move, Mr. Speaker, that HB 850 and HB 851 be tabled.

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

The SPEAKER. This is not a debatable motion except by the floor leaders, and seeing the gentleman, Mr. Ryan, at the podium, the Chair recognizes the gentleman.

Mr. RYAN. Mr. Speaker, it is my sincere hope that what the gentleman is proposing is going to be an answer, at least a partial answer, to the problem or dilemma that has faced us twice now, once in June and again here today, and that is a tremendous number of amendments. I have been told privately that maybe half of these amendments could be easily disposed of, and it is my sincere hope that the gentleman, Mr. Wright; the lady, Mrs. Harley; the gentleman, Mr. Kukovich; and anyone else who has an interest in these particular amendments will get together this week or next week and decide which of these amendments can be done away with or consolidated, or at least have staff people do that.

Now, if the three of you who have the greatest interest in this amendment process do that, you are going to make it a lot easier for the rest of us, and if you do not, then I am going to again ask that these bills go back into a committee that will do that, and Mr. Wright has indicated a willingness to get together and try and do it, and I have not had an opportunity to talk to the other two, but I suspect that they, too, would be willing to do it, and I am going to leave it up to the good faith of the three of them to get this done.

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

The following roll call was recorded:

YEAS—196

Acosta	Farmer	Lucyk	Ryan
Adolph	Fee	Lynch	Santoni
Allen	Fichter	Maitland	Sather
Argall	Fleagle	Manderino	Saurman
Armstrong	Flick	Markosek	Saylor
Baker	Freeman	Marsico	Schoetz
Barley	Gamble	Masland	Scrimenti
Battisto	Gannon	Mayermik	Semmel
Bebko-Jones	Geist	McCall	Serafini
Belardi	George	McGeehan	Smith, B.
Belfanti	Gerlach	McNally	Smith, S. H.
Birmelin	Gigliotti	Melio	Snyder, D. W.
Bishop	Gladeck	Merry	Staback
Blaum	Godshall	Michlovic	Stairs
Boyes	Gordner	Micozzie	Steelman
Brown	Gruitza	Mihalich	Steighner
Bunt	Gruppo	Miller	Steil
Butkovitz	Haluska	Mundy	Stern
Buxton	Hanna	Murphy	Stetter
Caltagirone	Harley	Nailor	Stish
Cappabianca	Hasay	Nickol	Strittmatter
Carone	Hennessey	Nyce	Sturla
Cawley	Herman	O'Brien	Surra
Cessar	Hershey	O'Donnell	Taylor, E. Z.
Chadwick	Hess	Olasz	Taylor, J.
Civera	Hughes	Oliver	Thomas
Clark	Hutchinson	Perzel	Tigue
Clymer	Itkin	Pesci	Tomlinson
Cohen, L. I.	Jadlowiec	Petrarca	Trelo
Cohen, M.	James	Petrone	Trich
Colafella	Jarolin	Pettit	True
Colaizzo	Josephs	Phillips	Tulli
Cornell	Kaiser	Piccola	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	Roebuck	Yeweic
Egolf	Lee	Rohrer	Zug
Evans	Leh	Rooney	
Fairchild	Lescovitz	Rubley	DeWeese,
Fajt	Levdansky	Rudy	Speaker
Fargo	Lloyd		

NOT VOTING—1

Carn

EXCUSED—4

Bush Pistella Schuler Tangretti

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

* * *

The House proceeded to third consideration of **HB 851, PN 2174**, entitled:

An Act providing for dispute reconciliation in manufactured housing communities; establishing the Manufactured Housing Community Commission and providing for its powers and duties; conferring powers and duties on the Department of Community Affairs; imposing fees on manufacturing housing communities; establishing the Manufactured Housing Fund; and imposing duties on the Legislative Reference Bureau.

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

BILL TABLED

The SPEAKER. The gentleman from Clarion, Mr. Wright, has moved that this bill be placed on the table.

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

The following roll call was recorded:

YEAS—196

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

- | | | | |
|------------|-----------|------------|---------------|
| Colafiglia | Jarolin | Pettit | True |
| Colaizzo | Josephs | Phillips | Tulli |
| Cornell | Kaiser | Piccola | 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 | Roebuck | Yewcic |
| Egolf | Lee | Rohrer | Zug |
| Evans | Leh | Rooney | |
| Fairchild | Lescovitz | Rubley | DeWeese, |
| Fajt | Levdansky | Rudy | Speaker |
| Fargo | Lloyd | | |

NAYS—0

NOT VOTING—1

Carn

EXCUSED—4

Bush Pistella Schuler Tangretti

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

STATEMENT BY MR. STRITTMATTER

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

Mr. STRITTMATTER. Yes, sir.

The SPEAKER. For what reason does the gentleman rise?

Mr. STRITTMATTER. To make a statement to the members to ask if they would like to join me in signing a letter to the Acting Governor calling for a special session dealing with welfare reform, job stimulus through reduction of business taxes and related State spending, health care, and a proposed constitutional amendment establishing State spending limits.

The SPEAKER. The Chair is under the impression that in order for the gentleman, Mr. Strittmatter, to make the statement, he will need to seek unanimous consent.

Mr. STRITTMATTER. Thank you, sir.

I would like to ask for unanimous consent to ask all the members to please join me in signing this, and I would be happy to place this in the well of the House now, and after session I would be happy to respond, but call my office. Thank you.

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

Mr. WILLIAMS. Mr. Speaker, I would respectfully object to the motion.

The SPEAKER. The Chair recognizes the gentleman, Mr. Williams, and thanks the gentleman for his comment, but I

think Mr. Strittmatter has concluded his remarks since unanimous consent was perceived by the gentleman.

Mr. STRITTMATTER. Thank you, Mr. Speaker.

RULES COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman, Mr. Itkin, who calls for an immediate meeting of the House Rules Committee at the majority leader's desk; an immediate meeting of the House Rules Committee.

TOURISM AND RECREATIONAL DEVELOPMENT COMMITTEE MEETING

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

Mr. GAMBLE. Mr. Speaker, I would like to call for a meeting of the Tourism Committee immediately after the break in room 39 in the East Wing; a short meeting of the Tourism Committee, 39, East Wing.

RECESS

The SPEAKER. The House will stand in recess at this time. We will reconvene at 1:30 for additional votes; at 1:30.

Mr. Gamble's Tourism Committee will meet immediately in 39E of the new wing, the Tourism Committee will meet immediately, and the Rules Committee meeting is ongoing right now at Mr. Itkin's desk.

AFTER RECESS

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

THE SPEAKER PRO TEMPORE (GREGORY C. FAJT) PRESIDING

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair recognizes Mr. Steighner, who requests a leave of absence for Representative LaGROTTA for the remainder of the day. No objections? Leave is granted.

RESOLUTIONS REPORTED FROM COMMITTEE

HR 159, PN 2475

By Rep. ITKIN
A Resolution proclaiming October 6, 1993, as "German-American Day."

RULES.

HR 163, PN 2478

By Rep. ITKIN
A Resolution declaring the month of October 1993 as "Pennsylvania Grape Month."

RULES.

BILLS REMOVED FROM TABLE

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. ITKIN. Mr. Speaker, I move that the following bills be taken off the tabled calendar and put on the active calendar:

HB 144;
HB 1741;
HIB 1930; and
HB 1956.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILLS RECOMMITTED

The SPEAKER pro tempore. The Chair recognizes the majority leader.

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

HB 1741;
HB 1930; and
HB 1956.

On the question,

Will the House agree to the motion?

Motion was agreed to.

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 144, PN 2420.

LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. The Chair recognizes that Mr. Schuler is in the hall of the House and should be added to the master roll.

GUEST INTRODUCED

The SPEAKER pro tempore. I would like to make the announcement that Rachel Goldfarb, a Montgomery County resident and a student at Baldwin School in Lower Merion, is the guest page of Representative Ellen Harley. Congratulations, Rachel, and welcome to the House.

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of HB 956, PN 2297, entitled:

An Act prohibiting discrimination against persons who use lawful products, providing for enforcement and for penalties.

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

RULES SUSPENDED

The SPEAKER pro tempore. On that question, the Chair recognizes Representative Mark Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, in reading the correspondence we got on this bill and in listening to discussions in the Democratic caucus on this bill, it occurred to me that a very large percentage of all the objections to this bill were based on a small section of this bill which was very poorly written and very confusing and had no precise meaning, and therefore, it could be subject to just about any interpretation that the prime sponsor did not agree to. Therefore, I decided to write an amendment to this bill to get rid of this basically irrelevant, poorly written language.

I would like to suspend the rules now so we can make the necessary editorial changes in this bill. The prime sponsor agrees with my amendment, as does Mr. Ryan. I would urge support of the motion to suspend the rules.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The SPEAKER pro tempore. Mr. Ryan.

Mr. RYAN. Mr. Speaker, I wonder if I could have the attention of the members for a moment.

I spoke to the gentleman, Mr. Cohen, about this amendment prior to our noontime break, and what I said to him was that I had no particular objection to his asking that the rules be suspended.

However, I would appreciate it if he would explain in some detail exactly what that amendment was and allow himself to be interrogated by any of our members with respect to what that amendment did, because I really had no idea just what it was and we had no caucus planned. So I would appreciate it if the motion not be acted upon at the moment until the gentleman, Mr. Cohen, goes through an explanation of this to give us an opportunity to know just whether or not we want to go to the trouble of suspending the rules. I know that is a little out of whack, but I think this generally is what we agreed to.

Mr. COHEN. Thank you, Mr. Speaker.

I apologize to the gentleman if I overstated.

The SPEAKER pro tempore. The Chair thanks the gentleman, and I believe Representative Cohen has agreed to explain his amendment and also agreed to interrogation from all members.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, this bill contains language that bans four things. It shall be unlawful for an employer to refuse to hire or discipline or discharge any individual. My amendment does not change that language.

It is also unlawful, under the existing language, to otherwise disadvantage any individual. "Otherwise disadvantage" is a very vague term which has no precise meaning. There have been no court cases ever on what that means. "Otherwise disadvantage" could, I think, legitimately be interpreted to ban employee wellness programs; it could be interpreted to ban incentives to quit smoking or quit drinking; it could be interpreted in a lot of ways that would hurt the legitimate goals of trying to improve employee health. Discussions with the prime sponsor and the other main advocates of this bill convinced me that that is not their objective. They do not want any of these possible interpretations to take effect, and by removing this language, we are getting rid of the possibility of these negative scenarios taking effect.

I would therefore urge people to support this motion to suspend the rules and support the amendment at such time as the amendment is offered.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—177

Acosta	Fargo	Lucyk	Ryan
Adolph	Farmer	Maitland	Santoni
Allen	Fee	Manderino	Scheetz
Armstrong	Fichter	Markosek	Schuler
Baker	Flick	Marsico	Scrimenti
Barley	Freeman	Masland	Serafini
Battisto	Gamble	McCall	Smith, B.
Bebko-Jones	Gannon	McGeehan	Smith, S. H.
Belardi	Geist	McNally	Snyder, D. W.
Belfanti	George	Melio	Staback
Birmelin	Gerlach	Merry	Stairs
Bishop	Gigliotti	Michlovic	Steelman
Blaum	Gladeck	Micozzie	Stighner
Brown	Godshall	Mihalich	Steil
Bunt	Gordner	Miller	Stern
Butkovitz	Gruitza	Mundy	Stetler
Buxton	Gruppo	Murphy	Stish
Caltagirone	Haluska	Nickol	Strittmatter
Cappabianca	Hanna	Nyce	Sturla
Carn	Hasay	O'Brien	Surra
Cawley	Hennessey	O'Donnell	Taylor, E. Z.
Cessar	Herman	Olasz	Taylor, J.
Chadwick	Hershey	Oliver	Thomas
Civera	Hess	Perzel	Tigue
Clymer	Hughes	Pesci	Tomlinson
Cohen, L. I.	Itkin	Petrarca	Trello
Cohen, M.	Jadlowiec	Petrone	Trich
Colaella	James	Pettit	True
Colaizzo	Jarolin	Phillips	Tulli
Cornell	Josephs	Piccola	Van Horne
Corrigan	Kaiser	Pitts	Veon
Cowell	Kasunic	Preston	Vitali
Coy	Keller	Raymond	Waugh
Curry	Kenney	Reber	Williams
Daley	King	Reinard	Wogan
DeLuca	Kirkland	Richardson	Wozniak
Dempsey	Kukovich	Rieger	Wright, D. R.
Dermody	Laub	Ritter	Wright, M. N.
Donatucci	Laughlin	Roberts	Yandrisevits
Druce	Lawless	Robinson	Yewcic

Durham	Lederer	Roebuck	Zug
Egolf	Leh	Rohrer	
Evans	Lescovitz	Rooney	DeWeese,
Fairchild	Levdansky	Rubley	Speaker
Fajt	Lloyd	Rudy	

NAYS—19

Argall	Harley	Mayernik	Saylor
Carone	Hutchinson	Nailor	Semmel
Clark	Krebs	Platts	Uliana
Dent	Lee	Sather	Vance
Fleagle	Lynch	Saurman	

NOT VOTING—1

Boyes

EXCUSED—4

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

On the question recurring,
Will the House agree to the bill on third consideration?
Mr. COHEN offered the following amendment No. A3925:

Amend Sec. 2, page 2, lines 7 through 9, by striking out all of lines 7 and 8 and "individual," in line 9 and inserting unlawful for an employer to discharge or refuse to hire any individual to discipline any individual

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

Mr. RYAN. Mr. Speaker?
The SPEAKER pro tempore. The minority leader, Mr. Ryan.

Mr. RYAN. A number of our members have indicated to me that they do not have a copy of this amendment. Has it been distributed?

Mr. COHEN. Mr. Speaker, they could not circulate it until I got the vote.

Mr. RYAN. I am looking around and I am seeing that a number of your members have apparently not seen these amendments, and I am going to suggest that we should get a look at the amendments; just look. They have not been distributed.

Mr. COHEN. Okay. That is acceptable, Mr. Speaker.
Mr. Speaker, I would ask that my amendment be voted on after Mr. Lee's amendment.

The SPEAKER pro tempore. Will the gentleman stop for a second.

The amendment is being circulated right now, and the House will be at ease for a couple of minutes for the purposes of reviewing that amendment.

Mr. COHEN. Okay.

GUESTS INTRODUCED

The SPEAKER pro tempore. While the House is at ease, we will take care of some housekeeping matters.

The Chair is happy to welcome Kristen Morris of Wellsboro. She is a student at Wellsboro High School. I understand her mother is also in the balcony, and Kristen is the guest of Representative Matt Baker. Kristen, welcome to the hall of the House today.

The Chair also welcomes to the hall of the House Dr. and Mrs. Al Filano, who are the guests of Representative Elinor Taylor. Welcome to the hall of the House.

The Chair also is happy to welcome some guest pages — Lee Ann Fawver, Brett Clay, Amy Cliber, Jennifer Jones, Star Espenshade, and Lisa Diehl — who are from Susquenita High School, and Representative Allan Egolf is their sponsor. Welcome and thank you for your help today.

CONSIDERATION OF HB 956 CONTINUED

The SPEAKER pro tempore. The Chair recognizes Representative Mark Cohen for a discussion of the amendment.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, as I said a few minutes ago, this amendment deletes the language that there shall be no disadvantage to any individual on the basis of their consumption of a lawful product. That language is vague. That language is referred to negatively in the chamber of commerce letter. That language could be construed by a court to strike down employee wellness programs or incentive programs to get employees not to smoke or drink. Such a result will be contrary to the wishes of the sponsor of the bill; such a result will be contrary to the wishes of many members of this House. It is impossible to say whether that is a legitimate interpretation or not because this is totally new language in law. It has never been interpreted before. Certainly there is a possible interpretation, and because it is basically irrelevant to the main purposes of this bill, I urge that this language be stricken.

I urge support for my amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—185

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

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

NAYS—10

Daley	Lynch	Sather	Steil
Hess	Platts	Saylor	Waugh
Krebs	Reinard		

NOT VOTING—2

Boyes	Hershey
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EXCUSED—4

Bush	LaGrotta	Pistella	Tangretti
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The question was determined in the affirmative, and the amendment was agreed to.

On the question,

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

MOTION TO RECOMMIT

The SPEAKER pro tempore. The Chair recognizes Representative Barley.

Mr. BARLEY. Thank you, Mr. Speaker.

I would like to move that we recommit this bill, HB 956, back to the Labor Relations Committee.

You know, this morning we recommitted several bills because there was a lot of confusion, there were a lot of amendments, and I think clearly we have just witnessed again a lot of confusion, a last-minute suspension of the rules. We did not have an opportunity to review this amendment. I do not

necessarily disagree that it may possibly be a good amendment, but nevertheless, we have our own rules that we made and we made them so that we had adequate time to review amendments. Well, we did not have that.

There is a whole series of amendments that are proposed to be offered that may or may not be good amendments, but there again, we had all summer to work this out in committee. It was not done. I think we should slow down here a bit today on this bill, put it back into committee, work out the necessary amendments in committee, and then bring it back out on the floor.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question,

Will the House agree to the motion?

The SPEAKER pro tempore. The Chair recognizes Representative Lee.

Mr. LEE. Thank you, Mr. Speaker.

I rise to support Representative Barley's motion mainly because I oppose this bill and what it stands for and what it will do.

For hundreds of years our economic system has successfully operated under a doctrine known as employment at will. Put simply, this doctrine holds that the government should not restrict any qualified employee from working wherever they wish and, if they so choose, ending their employment with any employer at any time. Conversely, the doctrine also holds that the government should not restrict an employer from choosing to spend their own money to hire any person they wish to and, if they so choose, to cease employing that person at any time.

Not only does the employment-at-will doctrine guarantee basic economic freedom, both to employees and employers, it also is a practice which enhances overall productivity—

Mr. COY. Mr. Speaker?

The SPEAKER pro tempore. Will the gentleman suspend.

For what purpose does the Representative, Mr. Coy, rise?

Mr. COY. I guess I am curious about the debate that the gentleman is making and its relevance to the motion to recommit. I would like the Chair to pay particular attention to see if we are talking about recommittal or if we are talking about the substance of the bill, and if we are going to be about the business of talking about the substance of the bill, then let us not recommit; let us debate the bill.

The SPEAKER pro tempore. The Chair notes the gentleman's comments and asks Representative Lee to keep his comments on the motion before the House, which is the motion to recommit.

Mr. LEE. Well, I will certainly restrain from talking about the merits of the bill, Mr. Speaker. I was just trying to, hopefully, save the House's time and determine whether we like this whole concept or not before we move on to a lengthy debate on the amendments. I would hope that we would have some type of indication whether we want to support this concept or not support it right up front here, but if we are insisting on withholding comments on the merits of the bill, I

would just like to support the Barley motion, a motion to recommit, because I think this bill needs more work; it is not a concept we should be addressing here, and I think we all should vote for the Barley motion to recommit. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes Representative Coy.

Mr. COY. Thank you, Mr. Speaker.

Mr. Speaker, I oppose the motion to recommit.

We have heard a lot of discussion about whether we should be considering bills or should not be. This bill was properly reported from a committee. There are questions which need to be answered. Maybe those questions were addressed in the committee, maybe they were not, but certainly the chamber of the House of Representatives is the place where we can address them all.

I find it very curious that we hear some debate concerning the need for the Senate to use this chamber and then at the same time we are here talking about recommitting bills so we do not have to be in session to consider them. Now, either it is or it is not, Mr. Speaker.

I am against recommitment of the bill. I am for debate on the subject this afternoon. Let us vote "yes" or "no" on amendments, let us vote "yes" or "no" on the bill, and then we probably would not have to worry about who is going to use the chamber and who is not. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks Representative Coy and recognizes Representative Williams for comments on the motion to recommit.

Mr. WILLIAMS. Thank you, Mr. Speaker.

I, too, am opposed to the motion, Mr. Speaker, for a lot of the similar reasons that Representative Coy has already articulated. But I would only like to add that I find it very curious and ironic that Representative Lee, whom I work with and respect a great deal, who would like to open up the process in terms of how we move things through the House and through the Senate, is opposed to this. I believe that the finest ideals of democracy are that we move from the committee to the House floor, from the House floor to the Senate, and from the Senate to the Governor, and certainly if this bill is not perfected, as most are not when they leave this House, there are ample opportunities for us to perfect the bill and to incorporate any concerns that any member or any citizen of the Commonwealth would have.

I would vigorously implore that the members open up the process and that we debate this on the floor, even if we have to stay here through tonight, tomorrow, and whatever else we would have to do. We have done that on other legislation before; we have stayed here until early in the morning and argued what many of us considered imperfect legislation, and Mr. Lee and everyone else who is in support of this motion were more than happy to do that and stay awake and lose sleep to do that.

So I would only encourage him and everyone else that is opposed to this to reconsider their position and vote against this particular motion. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes Representative Daley for comments on the motion to recommit.

Mr. DALEY. Thank you, Mr. Speaker.

I rise to support the motion to recommit.

I do not see any great need or urgency to have this bill passed today. Contrary to the last comments by the previous speaker, we have a process here; it is a dynamic process. Many times every day when we are in session we would recommit bills because they may need work. This bill needs worked on. It has a lot of serious problems to it concerning the major issue of the bill, and I ask for an affirmative vote.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes Representative Veon.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, I, of course, would oppose the motion to recommit. I would just make the argument to my colleagues on both sides of the aisle that it would be the intention of the majority to bring this bill back up for a vote in the very near future. There are a lot of interest groups that I know are working hard for their particular points of view. The fact is, we are going to deal with this bill one way or another sometime in the very near future. My suggestion to my colleagues would be, let us do it today. Let us get it over with. I know that there is— And let us recognize also that there are two very different philosophical approaches to how we deal with this issue. Let us have that discussion today. Let us take that vote up or down and get it over with.

I would oppose the motion and ask for opposition.

The SPEAKER pro tempore. The Chair thanks the gentleman and, for the second time on the motion to recommit, recognizes Representative Barley.

Mr. BARLEY. Thank you, Mr. Speaker.

Again, I think what we are dealing with here is really the issue of doing our work responsibly here in the House, and in order to do that responsibly, these last-minute amendments should have been addressed in committee. And I applaud my colleague on the other side of the aisle who indicated that if it goes to committee, it would come out again rather quickly. I think that is fine. Also, he admitted that there are a lot of special interest groups that are working very strenuously here at the last minute because of some details and differing points of view, and so I think that in itself should be enough to provide a little bit of additional time for that debate to take place as well.

I can go on and on and probably list several other reasons, but I think we have heard enough good reasons why we should vote to recommit this bill and take that little bit of additional time needed and deal with this responsibly, as we should do here in the House.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—94

Adolph	Egolf	Lawless	Ryan
Allen	Fairchild	Lee	Sather
Argall	Fargo	Leh	Saurman
Armstrong	Farmer	Lloyd	Saylor
Baker	Fichter	Maitland	Scheetz
Barley	Fleagle	Markosek	Schuler
Birmelin	Flick	Masland	Semmel
Boyes	Gannon	Mayernik	Serafini
Brown	Geist	Merry	Smith, B.
Butkovitz	Gerlach	Micozzie	Snyder, D. W.
Carone	Gruppo	Miller	Stairs
Cawley	Haluska	Murphy	Steelman
Cessar	Hanna	Nailor	Steil
Chadwick	Harley	Nickol	Stern
Civera	Hasay	Nyce	Stetler
Clark	Hennessey	O'Donnell	Strittmatter
Clymer	Herman	Pettit	Taylor, E. Z.
Cohen, L. I.	Hershey	Phillips	True
Cornell	Hess	Pitts	Uliana
Daley	Kaiser	Platts	Vance
Dempsey	Kasunic	Raymond	Waugh
Dent	King	Rohrer	Wright, M. N.
Druce	Krebs	Rubley	Zug
Durham	Laub		

NAYS—103

Acosta	George	McGeehan	Scrimenti
Battisto	Gigliotti	McNally	Smith, S. H.
Bebko-Jones	Gladeck	Melio	Staback
Belardi	Godshall	Michlovic	Steighner
Belfanti	Gordner	Mihalich	Stish
Bishop	Gruitza	Mundy	Sturla
Blaum	Hughes	O'Brien	Surra
Bunt	Hutchinson	Olasz	Taylor, J.
Buxton	Itkin	Oliver	Thomas
Caltagirone	Jadlowiec	Perzel	Tigue
Cappabianca	James	Pesci	Tomlinson
Carn	Jarolin	Petrarca	Trello
Cohen, M.	Josephs	Petrone	Trich
Colafrilla	Keller	Piccola	Tulli
Colaizzo	Kenney	Preston	Van Home
Corrigan	Kirkland	Reber	Veon
Cowell	Kukovich	Reinard	Vitali
Coy	Laughlin	Richardson	Williams
Curry	Lederer	Rieger	Wogan
DeLuca	Lescovitz	Ritter	Wozniak
Dermody	Levdansky	Roberts	Wright, D. R.
Donatucci	Lucy	Robinson	Yandrisevits
Evans	Lynch	Roebuck	Yewcic
Fajt	Manderino	Rooney	
Fee	Marsico	Rudy	DeWeese,
Freeman	McCall	Santoni	Speaker
Gamble			

NOT VOTING—0

EXCUSED—4

Bush	LaGrotta	Pistella	Tangretti
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The question was determined in the negative, and the motion was not agreed to.

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

Mr. BIRMELIN offered the following amendment No. A3866:

Amend Sec. 2, page 2, line 16, by inserting after "public." This section does not apply to any employer that is a religious corporation, association or society nor at a school operated by a religious corporation, association or society.

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

The SPEAKER pro tempore. On that question, the Chair recognizes Representative Birmelin.

Mr. BIRMELIN. Thank you, Mr. Speaker.

The amendment that I have before you, A3866, is one that, for past history purposes, was included in the bill last session in committee and was in the bill when I believe it was voted successfully on the House floor, so it is nothing new. I talked with the prime sponsor of the legislation, Representative Veon, and it is my understanding that it is an agreed-to amendment.

Just briefly what it does is exempt religious organizations from compliance with this piece of legislation, and the reason why we do it is really for a twofold purpose: number one, it is practical; and number two, it is constitutional.

The practical aspect of this is that if this legislation became law as it is, you would have a situation where perhaps there are teachers in a private parochial school, and the school atmosphere in which they have been hired is one that is very strongly opposed to the use of alcohol or tobacco, for instance, and they have a teacher who is drinking and is in contradiction to the standards set by the school. The legislation does not provide for that sort of a problem. So it is a practical thing. But I also believe that if you do not have this, you may have a real constitutional challenge to the freedom of religion in the U.S. Constitution, because then you would be trampling on the religious freedoms of political organizations to control some of the activities of their members.

So I think for those two good reasons I would ask for your support of this amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes Representative Veon.

Mr. VEON. Thank you, Mr. Speaker.

I appreciate the gentleman, Mr. Birmelin's work on this issue. This is an amendment that was in the bill when it passed the House last year, and I would ask for an affirmative vote.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—195

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

NAYS—1

Steil

NOT VOTING—1

Belfanti

EXCUSED—4

Bush	LaGrotta	Pistella	Tangretti
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The question was determined in the affirmative, and the amendment was agreed to.

On the question recurring,

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

Mr. LEE offered the following amendments No. A3760:

Amend Sec. 2, page 2, line 17, by striking out "those job requirements which limit the use, during" and inserting any of the following:

(1) Those job requirements which limit the use during

Amend Sec. 2, page 2, by inserting between lines 25 and 26

(2) A health, disability or life insurance benefit which makes distinctions between employees for the type of coverage or the price of coverage based upon the employees' use of lawful products if:

(i) differential rates or costs charged employees do not exceed a differential cost to the employer; and

(ii) the employer provides employees with a statement identifying the differential rates or costs.

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman, Representative Lee.

Mr. LEE. Thank you, Mr. Speaker.

I believe this is an agreed-to amendment.

What this amendment would do would allow an employer to charge an employee the additional cost of purchasing health insurance for that employee if that employee used a lawful substance under this bill, mainly tobacco. So if the employer has to pay an additional \$100 to purchase health insurance for an employee, then he can charge that \$100 to the employee.

I believe this is agreed to.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes Representative Veon for comments on the amendment.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, I know that the gentleman, Mr. Lee, is addressing in this amendment concerns that have really been brought up from members on both sides of the aisle about whether you can or should be able to offer some kind of health insurance differential. I have some concerns, quite frankly, as to whether this language would pass muster in a Federal court because of the ERISA (Employment Retirement Income Security Act) law, but that is much too complicated, difficult, and complex for me to even begin to attempt to explain here today.

I think Representative Cohen and Representative Lee are expressing the concerns of a lot of members here today. I think and hope that the members who have expressed those concerns about this health insurance issue will vote for this amendment and help us pass this bill because this amendment would be included in it.

I would ask for an affirmative vote.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—194

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

NAYS—2

Lucyk Sather

NOT VOTING—1

Belfanti

EXCUSED—4

Bush LaGrotta Pistella Tangretti

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

On the question recurring,

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

Mr. LEE offered the following amendments No. A3920:

Amend Sec. 1, page 1, line 7, by striking out "OFF-DUTY CONDUCT" and inserting

, when impairment is at issue, off-duty use of lawful products

Amend Sec. 1, page 1, lines 11 and 12, by striking out "SUCH OFF-DUTY CONDUCT" and inserting

, when impairment is at issue, off-duty use of lawful products

Amend Sec. 1, page 1, lines 13 through 16, by striking out "IN A DESIRE TO EXTEND" in line 13, all of lines 14 and 15 and "DUTY CONDUCT TO ALL WORKERS WITHIN THIS COMMONWEALTH," in line 16

Amend Bill, page 2, by inserting between lines 2 and 3 Section 2. Definitions.

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

"Lawful products." Tobacco products and distilled and malt beverages.

"Lawful use." The customary and intended use of a specified lawful product; however, underage drinking and public drunkenness shall not be considered conduct which is protected by this act.

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

3

Amend Sec. 2, page 2, lines 7 through 9, by striking out "refuse to hire or to DISCIPLINE OR" in line 7, all of line 8 and "individual," in line 9 and inserting

discipline a current employee

Amend Sec. 2, page 2, line 10, by inserting after "individual"

lawfully

Amend Sec. 2, page 2, line 14, by striking out "that is a nonprofit organization"

Amend Sec. 2, page 2, line 17, by striking out "the" and inserting

any

Amend Sec. 2, page 2, line 18, by inserting after "would"

, in any way,

Amend Sec. 2, page 2, line 20, by striking out all of said line and inserting

duties; an employee's ability to meet job requirements,

Amend Sec. 2, page 2, line 22, by striking out "and" and inserting

or

Amend Sec. 2, page 2, line 23, by striking out " , or" and inserting

and

Amend Sec. 2, page 2, line 25, by removing the period after "employee" and inserting

; the safety of other employees; or the employer's economic well-being. This section does not apply to an employer wellness program designed to improve health of employees.

Amend Sec. 3, page 2, line 26, by striking out "3" and inserting

4

Amend Sec. 3, page 2, line 26, by striking out "and civil remedy"

Amend Sec. 3, page 2, line 27, by striking out "(a) Complaint.—"

Amend Sec. 3, page 2, line 29, by striking out "six months" and inserting

180 days

Amend Sec. 3, page 3, lines 3 through 14, by striking out all of said lines

Amend Sec. 4, page 3, line 15, by striking out "4" and inserting

5

Amend Sec. 4, page 3, line 17, by striking out "3" and inserting

4

Amend Sec. 4, page 3, line 18, by striking out "civil action or"

Amend Sec. 4, page 3, line 19, by striking out "3" and inserting

4

Amend Sec. 4, page 3, line 20, by striking out "or a court"

Amend Sec. 4, page 3, lines 22 and 23, by striking out "or court"

Amend Sec. 4, page 3, lines 29 and 30; page 4, lines 1 through 7, by striking out all of said lines on said pages

Amend Sec. 5, page 4, line 14, by striking out "5" and inserting

6

Amend Sec. 5, page 4, lines 15 through 23, by striking out all of said lines and inserting

Nothing in this act shall be construed to supersede any law or contract which provides greater employee rights than the rights established under this act.

Amend Sec. 6, page 4, line 24, by striking out "6" and inserting

7

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On that question, the Chair recognizes Representative Lee.

Mr. LEE. Thank you, Mr. Speaker.

As members of the House already know, I oppose the basic concept upon which this bill is based, and many members of the business community also oppose that concept. However, if this House chooses to adopt this legislation and raise smokers' rights up to the rights of a civil right in Pennsylvania, we would at least like to have a bill that will work effectively and not unduly prejudice employers, and therefore, I have an amendment, 3920, which makes several basically technical amendments or clarifications to the bill.

The first amendment would basically define "lawful products" as alcohol and tobacco. That is what most of the discussion has been about. So we are clear about what we are talking about here, the use of alcohol and tobacco.

Number two, the amendment would only protect lawful uses of lawful products. For example, if alcohol is a lawful product but someone were caught underage drinking, for example, that is an illegal use of a lawful product, and therefore, we do not want to protect an employer, in disciplining an employee, for someone who might be underage drinking or DUI (driving under the influence) or something like that.

Third, the bill changes the same language that Representative Cohen was changing dealing with the almost exact same situation, which basically is saying that the bill would prohibit an employer from disciplining current employees, and the reason we say "employees" in the amendment is that the bill right now says "individual." So an employee— Let us say Penn State University. They are an employer, they employ a lot of people, but they also have students. They have some type of policy about drinking on campus or drinking around the grounds of campus. The bill could be interpreted to mean that you could not discipline a student for drinking as opposed to an employee, and I think the intent of the bill is to just deal

with the workplace, and that is why we put the term "employee" in.

Fourthly, there is an amendment in here that specifically addresses a concern that was raised by Hershey Foods. They have an employer wellness program, which gives their employees benefit increases if they meet certain criteria: they do not smoke; they do not use alcohol; they fall within certain weight classifications. It is basically an incentive program so they remain healthy, and this amendment specifically provides an exemption for employer wellness programs.

Fifth, the amendment changes the enforcement provisions of the bill, so basically you would have the ability to go to the Department of Labor and Industry and have a hearing, and if the hearing determines that you were unjustly discriminated against under the provisions of the bill, then you would have the right to have your job back and your wages and salary and benefits. It eliminates the automatic penalties, the right to an automatic civil trial, other types of provisions in the bill.

And finally, the amendment eliminates section 5. That is a technical section that was added by the Appropriations Committee. My concern with that section is that it would prohibit any type of proceeding under this act to be used as evidence in any other proceeding. For example, if an employee claims under this act that he was fired because he smokes and he wins, then an insurance company could not come in, if that same employee had marked off on his insurance that he did not smoke in order to get a discount—okay?—this would prohibit the insurance company from coming in and saying, wait a second; you were fired because you smoke, but then on your insurance form you say you do not smoke, and I do not think that is fair to the insurance companies, because obviously he is defrauding the insurance companies by saying he does not smoke.

Those are the various amendments that we are offering here. I can give you case examples of some of the problems that will be caused if this language is not changed, but suffice to say, these are important amendments that need to be added to the bill if we are going to enact this legislation in order to at least allow it to function properly in today's workplace. Thank you very much.

THE SPEAKER (H. WILLIAM DeWEESE) PRESIDING

The SPEAKER. The Chair thanks the gentleman.
Would Mr. Veon and Mr. Lee approach the podium?

(Conference held at Speaker's podium.)

PARLIAMENTARY INQUIRY AMENDMENTS DIVIDED

The SPEAKER. The Chair recognizes Mr. Lee.
Mr. LEE. Thank you, Mr. Speaker.

After discussion with the Chair, it is apparent that my amendment is in conflict with an earlier amendment offered by Representative Cohen in relation to the section dealing with the

disciplining of a current employee, and therefore, I would like to move that this amendment be divided, two amendments, everything before "discipline a current employee" on page 2 being amendment 1, which I will then withdraw, and then amendment 2 would be everything from line 3 on on pages 2 and 3. Is that correct, Mr. Speaker?

The SPEAKER. According to the Parliamentarian, the division would start at the bottom of page 1 underneath the numeral "3." Therefore, the two bottom lines, "Amend Sec. 2,..." et cetera, and, quote, "refuse to hire..." et cetera, would be deleted, as well as the top two lines on page 2.

Mr. LEE. Yes.

The SPEAKER. We are in concert.

On the question,

Will the House agree to part 1 of the amendments?

The SPEAKER. The amendment is so divided, and the Chair recognizes the gentleman from Beaver County, Mr. Veon.

Mr. VEON. Mr. Speaker, the amendment is now divided?

The SPEAKER. Yes.

Mr. VEON. Thank you, Mr. Speaker.

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

Mr. COY. Thank you, Mr. Speaker.

Would the gentleman, Mr. Lee, stand for interrogation?

The SPEAKER. The gentleman indicates he will yield to interrogation.

Mr. COY. Mr. Speaker, as I read page 3 of the amendment, and a point of parliamentary inquiry. Page 3 of the amendment is still part of what we are considering at this point?

The SPEAKER. Yes.

Mr. COY. Thank you, Mr. Speaker.

As I read page 3 of the amendment, Mr. Speaker, do the lines which you intend to delete compose or comprise that section of the bill dealing with "complaint"?

Mr. LEE. Section 3(b), "Complaint not to be foreclosed," is the section I believe we have eliminated.

Mr. COY. So if your amendment would be adopted, there would be no remedy available for enforcement of the legislation?

Mr. LEE. No; that is incorrect. An earlier amendment had incorrectly deleted all forms of relief, and that is why we redrafted the amendment. Your avenue of complaint under the bill as amended by my amendment would be to seek a hearing with the Department of Labor and Industry, then the Department of Labor and Industry would make a determination either in your favor or against you, and if they ruled in your favor, they would have the ability to offer you back wages, benefits, and salary and they could reinstate you to your job. If they ruled against you or the employer did not like the decision, obviously that administrative determination could be appealed to I believe the court of common pleas.

Mr. COY. And how, Mr. Speaker, does that differ from the earlier version of enforcement or complaint?

Mr. LEE. I believe that under the bill, if the department did not hold a hearing as required under section (a), the complain-

ant could seek a de novo hearing in the court of common pleas as opposed to an administrative review or an appeal hearing.

Mr. COY. So in essence what you are doing then with your amendment is eliminating the opportunity for a potentially injured party to seek redress in the local court of common pleas and have to go through an administrative procedure with a State agency.

Mr. LEE. Just like we do with workers' compensation and unemployment compensation and many other similar-type statutes, yes.

Mr. COY. But your language would prevent that action from being taken at the local court of common pleas.

Mr. LEE. It would prevent— It would be the same thing as we do in workers' compensation. If you have a workers' compensation case—okay?—you cannot take that case to the court of common pleas. The first thing you have to do is you have to go to the workers' compensation referee, and it goes through an administrative agency first, and the reason they do that is to eliminate the backlog in the court of common pleas. What this would allow you to do would be to go, after a certain period of time, go directly to the court of common pleas, and we are just trying to eliminate the case backlog in the courts, really.

Mr. COY. Mr. Speaker, if an employee were to be dismissed from employment for some other cause, for some other reason, would that employee have an appropriate avenue of redress in the local court of common pleas?

Mr. LEE. It depends on what statute they are being addressed by. If it is a Human Relations Commission violation, a workers' compensation violation, each statute has its differing remedies, but most statutes in Pennsylvania do require you to go to an administrative court, I believe, first.

Mr. COY. Thank you, Mr. Speaker. I have concluded my interrogation.

Will the gentleman, Mr. Veon, stand for interrogation?

The SPEAKER. The gentleman indicates that he will.

Mr. COY. Mr. Speaker, does the clarification in the gentleman's amendment having to do with wellness clinics on the part of employers, does that have merit insofar as the intent of your legislation being to not empower an employer from having wellness clinics? Is that your intent in the legislation?

Mr. VEON. Yes, Mr. Speaker. In fact, I think with the Mark Cohen amendment we very definitively tried to address that in the House. The House has already said that they accepted that. I already moved to accept the gentleman, Mr. Lee's amendment on allowing a health differential, and I think that we have done everything possible to take care of the gentleman's concerns about any company anywhere in Pennsylvania having a wellness clinic.

Mr. COY. Thank you, Mr. Speaker.

So there is no intent in the legislation to prohibit an employer from having wellness clinics. Therefore, it would be unnecessary to amend the bill to make certain that these wellness clinics can be held.

Mr. VEON. Yes, Mr. Speaker. That is my clear intention, and I believe that that is reflected accurately in the legislation.

Mr. COY. Mr. Speaker, I am a tad uncertain as to what was deleted in the division of the amendment, so if I ask a question which may not pertain to that section, I could be corrected. But does your legislation attempt in any way to prohibit an employer from conducting drug testing on the subject of illegal drugs?

Mr. VEON. Absolutely not, Mr. Speaker, and that is, I think, very clear in the legislation.

Mr. COY. Thank you, Mr. Speaker.

I have concluded my interrogation. I would like to speak on the issue.

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

Mr. COY. Mr. Speaker, I rise to oppose the amendment sponsored by the gentleman, Mr. Lee.

When you change an enforcement procedure, as this amendment attempts to do, and take the opportunity from an individual to bring a complaint to the local court of common pleas and switch that, in this case— And this is unlike a workers' compensation appeal which has to do with insurance and so on. This has to do with being fired for some reason. This has to do with losing your job. It does not have anything to do with whether you are going to collect workers' compensation insurance. It does not have anything to do with a lot of the other subjects that Mr. Lee mentioned that we bring appeals to State agencies for.

I oppose the amendment for more than, obviously, the parts of the amendment which have been mentioned, but more so because it takes the employee's right to go to his local court of common pleas and bring an action in that local court of common pleas if he would be fired because of an action in this legislation.

I think Mr. Veon, the sponsor of the bill, also correctly outlined that there is nothing in the legislation which attempts in any way to constrict an employer's right to conduct drug testing for illegal drugs, so any portion of this amendment which would attempt to change that is not necessary also.

Mr. Speaker, the bottom line is, do you want legislation like this and do you want an enforcement in the local county, in the local court of common pleas, and if you do, you have got to oppose this amendment, because this shifts the entire enforcement procedure to a State agency in Harrisburg.

I believe that cases dealing with whether or not an employee has or has not been fired from his job because of the use of a legal product should be a case which is heard in a local court of common pleas, and an employee should, at the very least, not have his right to bring that action in that court threatened or diluted by amendatory language such as this. I oppose the amendment and urge the members of the House to do likewise.

The SPEAKER. The Chair recognizes Representative Manderino from Philadelphia.

Ms. MANDERINO. Thank you, Mr. Speaker.

Would the maker of the amendment, Mr. Lee, please submit to interrogation?

The SPEAKER. The gentleman indicates that he will.

Ms. MANDERINO. Mr. Speaker, my questions and concerns go to the debate by the last two speakers — yourself and Mr. Coy.

If I may, my understanding— And I agree with Mr. Coy that the workers' compensation analogy is different, but I think an analogy that is very similar is what happens when somebody files a charge of discrimination that has to come before the Pennsylvania Human Relations Commission. My understanding right now is that in Pennsylvania, if you file a claim because you think you were unlawfully fired for sexual, racial, or other protected classes, you must go before the Pennsylvania Human Relations Commission first. If within a year you have received no decision from the Pennsylvania Human Relations Commission, you can automatically go to the court of common pleas with your case. Likewise, if within that given year you received a decision from the Pennsylvania Human Relations Commission that you were not happy with, you still had a right to appeal to the court.

Is that the procedure that you have left in place by your amendment, and if so, could you help me out by pointing out the operative language that does that?

Mr. LEE. I think the scenario you just outlined is similar to the scenario that is in the bill currently without my amendment. I am not familiar with the Human Relations Act. I am assuming what you are saying is correct regarding your right to bring a de novo trial after a year in the court of common pleas. This would change that and, under this bill, would eliminate that right to give a de novo jurisdiction to the court of common pleas, and I guess that is the question we are asking the House right now, is do we want to let an administrative agency handle this in somewhat of an informal fashion where people do not have to have attorneys, do not have to spend a lot of money, both employees and employers, or do we want to open the courts up to these types of suits and let people bring court suits in there where it is going to be very expensive? The courts are already backlogged enough. I personally just do not think we should do that. I think we should just keep this in the administrative body. Thank you.

Ms. MANDERINO. Okay. Just please indulge me for 1 minute.

Regardless of the outcome of the administrative body, neither party has an opportunity to appeal. You have stopped it there, is what you are saying?

Mr. LEE. No; we do not stop it there. The difference is between a de novo trial and an appeal. A de novo is you start all from the beginning with all of the— Under the bill as I would amend it, you would not have a right to a de novo trial. Under the bill as it is right now, you would. But both my bill and their bill would allow for an appeal.

Ms. MANDERINO. Okay. Then let me restate the question. Can you help me out by pointing out the operative language, given the deletions that you have made in your amendment, that leaves in that right to an appeal?

Mr. LEE. I believe that is part of the Administrative Code. Any administrative decision is always appealable to a court. I

do not think we have to specifically state that in the body of this legislation.

Ms. MANDERINO. Thank you very much. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes George Saurman from Montgomery County.

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, it seemed to me that there was a recognition or a concern for tying up the courts, and I feel sorry for the courts, but I would just like to indicate—and I think you all have had the same kind of an experience—that my office is tied up with people who are unable to go to court, who have indeed a very justifiable complaint but are unable to pay that \$100 an hour and the filing fees and all the rest that are necessary to gain their proper rights and justice. This amendment allows for them to get that satisfaction without having to invest a lot of money in the court process, except as a very last resort.

I would urge the support of this amendment and give our people that means of filing for their justice without having to pay all those legal fees and the attorney fees. Thank you.

The SPEAKER. The Chair recognizes Representative Williams.

Mr. WILLIAMS. Thank you, Mr. Speaker.

Mr. Speaker, I think that we need some clarity on what amendment we are speaking to. Mr. Speaker, I mean, the comments that I am hearing and the way and the manner that the amendment was divided, it seems that the comments which are before the body and the considerations before the body right now speak to the second section, which we are not currently discussing. Section 1, I guess, does not talk about the issue of enforcement, unless I am missing something here. I want to make sure that the members are clear on what they are going to vote upon, for one thing.

The SPEAKER. For clarification for the gentleman—and it is in need of some clarification—the only thing that we are not voting on right now is the bottom two lines of the first page and the top two lines of the second page. Everything else is being voted upon.

Mr. WILLIAMS. Another question, Mr. Speaker. Is there some particular—I mean, I see portions which are on the first page, and I would agree that the issues that Representative Lee has raised in the form of this amendment should be for the body in terms of consideration, but I am not sure and confident that the manner in which all of these issues are truncated in terms of, I guess, how you have divided A versus B should be divided in this manner. I would just like to know why it has been divided in such a manner.

The SPEAKER. To use your own word, the truncation of the bottom two lines of page 1 and the top two lines of page 2 took place because they were in direct conflict with Mark Cohen's amendment.

Mr. WILLIAMS. Thank you for your illumination, Mr. Speaker.

The SPEAKER. The gentleman is welcome.

Mr. WILLIAMS. Mr. Speaker, I would ask that the maker of the amendment stand for a brief moment of interrogation.

The SPEAKER. Representative Lee indicates he will stand for interrogation. Mr. Williams may proceed.

Mr. WILLIAMS. Thank you, Mr. Speaker.

Mr. Speaker, on page 1, under "Definitions," section 2, when it speaks to the "lawful use," I want to make sure that I am quite clear on what the intent of this section is. I will read it and provide my interpretation, and then Mr. Lee can speak to my interpretation.

"'Lawful use.' The customary and intended use of a specified lawful product; however, underage drinking and public drunkenness shall not be considered conduct which is protected by this act."

If I understand this correctly, then that means that people who are convicted for DUI situations or people who go to sporting events, if they are seen in public by their employer or if their employer discovers that they have a DUI conviction, are they able to be terminated for this particular purpose?

Mr. LEE. That is basically the intent of the amendment. We believe that should be a provision that allows an employer, especially having something to do with the employment, to discipline an employee. Yes.

Mr. WILLIAMS. So in other words, if you work for a law firm in Philadelphia or anyplace in the State of Pennsylvania and your driving has nothing to do with your employment but they discover that you have a DUI conviction, then under this terminology, they can fire you?

Mr. LEE. Yes, and I will give you an example of why that oftentimes has an effect on an employer. Representative Dempsey was just talking to me about an employer back in his district that had an employee that was constantly going to one of the establishments they service, I guess it was a restaurant, and he was constantly getting drunk there, and they threw him out four or five times, and they told him, if you come in here one more time, we are not going to do business with your employer anymore. He came back, and they did not do business with the employer anymore, so that had a direct effect on the employer, and obviously, that would not even be covered by this, because that would not technically be an unlawful—That would be a lawful use technically, I guess, but that is covered by another amendment I have in this section.

Mr. WILLIAMS. Well, can I expound upon your example. If a person was not drunk and they just happened to be obnoxious and the place of employment said, hey, I do not like your face and you are obnoxious, and if you come in here one more time and you are obnoxious, we are not going to do business with your employer, could that not have also occurred?

Mr. LEE. And you can fire that person at will, yes.

Mr. WILLIAMS. Right. Okay.

Mr. LEE. That is the current law.

Mr. WILLIAMS. So frankly, that has little or nothing to do with the issue of—

Mr. LEE. The question is, do you want to set up a special protection for the guy that was drunk as opposed to the guy who was obnoxious?

Mr. WILLIAMS. I just wanted to be clear, so I mean, you are saying that it relates to drunkenness and to obnoxiousness, and so soon I am sure we will find some provision in here that relates to being obnoxious, I would hope.

Mr. LEE. You can fire or you can discipline an employee for that already.

Mr. WILLIAMS. No. I mean your example. You are saying that the gentleman happened to be, I guess, inebriated. I do not know.

Mr. LEE. Yes.

Mr. WILLIAMS. And they said that if you continue to come in here and act in that same manner, we are no longer going to do business with your employer.

Mr. LEE. Right.

Mr. WILLIAMS. Okay.

The other item is, if this is to become a part of the law, how is it to be that one would, I guess, marshal this, or I mean, would it be enough that one employee saw another employee at an event consuming too much alcohol, and in his opinion or her opinion, they were drunk, so therefore, they would go back to their boss and say, hey, did you know Joe was drunk today or yesterday? I mean, would that be enough for an employer to take action?

Mr. LEE. There would have to be some type of showing that that was an illegal use of the product, and if they were just at a ball game and had a few too many to drink, I am not quite sure whether that falls into a definition of "public drunkenness."

Mr. WILLIAMS. They are drunk in public. I mean, that is pretty clear to me.

I want to know, if they are drunk in public and I witness that they are drunk in public, is it enough for me to go back to my employer and say, hey, Joe was drunk, and you should take some action? Are they able to take action at that point?

Mr. LEE. I think it would have to rise to the level—this is clearly the intent—it would have to rise to the level of an unlawful activity. It would have to be a criminal public drunkenness. There are statutes on the book that prohibit public drunkenness, and if it rises to that level, then it would be an unlawful activity.

Mr. WILLIAMS. Well, at any point that you are drunk in public, the law is pretty clear about that. I am saying, let us assume that it rises to that legal level.

Mr. LEE. Sure. Yes, yes.

Mr. WILLIAMS. Okay. The employee that witnesses this takes it back to the employer, and the employer has the right to dismiss.

Mr. LEE. Yes.

Mr. WILLIAMS. What measures are in your amendment that say or protect the employee if the other person just does not like him and lies?

Mr. LEE. Well, then it would be a question of whether—Then you would have a hearing. Then you would say, but you know, I appeal your firing me because I was not drunk at that ball game. They would go to the Department of Labor and Industry. They would bring the guy in. They would have to

show that the person was consuming alcohol in an illegal manner, and then there would be a determination by a judge whether that guy was lying or not.

Mr. WILLIAMS. So in other words, if I have a beef against Joe who has a promotion pending—we are colleagues; we are cohorts—and I want to get the promotion that he does and I want to beat him out for the promotion and I walk into my boss' office and say, hey, by the way, I was at a ball game with Joe yesterday, he got drunk, and he gets terminated because of that, you are suggesting that all the damage which is done, the promotion is given out, and now he has to go through a legal process to get that job back, let alone the promotion?

Mr. LEE. If the same employee went in to the boss and said, hey, Joe is screwing up on the job, not doing his job; he is not getting things in on time, and you should fire him—

Mr. WILLIAMS. He would not be fired.

Mr. LEE. Well, he might be. The employer, for the same reason you just gave—the guy was publicly drunk—the employer would still have the discretion of saying, okay, you are fired. If he wants to believe one of his employees just on a lark like that, he can, but this would provide that employee, under the bill, additional protection, because he can at least go in for a hearing and say, no, I was not publicly drunk; I was not conducting illegal use of alcohol, as opposed to if I am just screwing off on my job, then I have no protection, or if someone is just alleging that I am screwing off on my job.

Mr. WILLIAMS. Well, unfortunately, the difference between—and that goes to the heart of this legislation—the difference between the example that you would like to have given and the reality is that when it comes to firing somebody just because I walk in and I say, hey, Joe is screwing up on his job, the boss has the right to judge my performance by actual results, not by implication, not by inference, not by a subjective opinion, and not by innuendo. There is a measurable result, my work product that is performed in my 9 to 5 or whatever it might be, that my boss can say, hey, Joe, I am taking your allegation into consideration, but I am measuring Fred's performance. But you are suggesting that we should take Joe's consideration outside the workplace, force Fred to go to a hearing to relieve himself of this innuendo. That is the difference, and if I am missing something, please clarify what I am missing other than there are facts versus opinion. There is a fact of work performance.

Mr. LEE. Well, we can go into a long debate here, but if my supervisor goes to my higher-up boss and says I am doing a bad job, there might be no objective criteria whether my higher-up boss knows whether I am doing a good job other than the fact that my supervisor is saying it. You know, that is the unfairness of an employment situation. Sometimes you are going to have a supervisor who is a jerk and who is going to lie or whatever, but in this law, you are going to actually give more protection to the person that is publicly drunk as opposed to who is simply being unfairly accused of not doing his job properly.

Mr. WILLIAMS. Absolutely not. You are suggesting to me that to have a supervisor is just some ancillary window-dressing kind of situation. The reason why you have a supervisor is to monitor work, and by definition, that supervisor is judged upon the work product. So there is something there to judge. Be it a lawyer, be it a doctor, be it a person who removes trash, or whatever it might be, there is a work product by which to measure it. You are suggesting to me that that fact— And even if the supervisor does not like him, because that certainly happens in the workplace, the boss above the supervisor does have recourse, and as you know, steeped in the law there is that issue that has to be brought forward. When you sit down and you go through a review, they do not measure how you smile. They do not measure those impersonal things. They measure what you are doing at your job. You are saying to me today that, forget that; we can go to a ball game and a guy can make up a story on a guy that he is drunk; he could be terminated, and he is now more protected because he has lost his job, has to go through collecting unemployment, possibly, if he can, and now he has a right to go before some administrative process in Harrisburg, and for some reason I am supposed to believe that he has more protections under that situation. I am not quite clear on how that exists.

Thank you, Mr. Speaker, for that brief period of interrogation. I would like to conclude with my remarks.

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

Mr. WILLIAMS. Mr. Speaker, I think that this discussion should be beneficial to anyone who has heard it with a rational mind.

I started out with a DUI conviction, and I am sure that many people in this hall who labored over this legislation with regard to DUI attempted to find a balance within the law. If someone truly had a problem, there should be a measured step by which to remediate that problem. We as legislators imposed that. We said, do not take away the license at first, because people have to go to work; they have to make money. Let us penalize them. Let us make them pay money before we actually put them in jail and remove their license.

But yet now we are saying, hey, if he has a DUI license, he has the right to continue to get drunk and drive, but he is going to lose his job. That, to me, seems a bit hypocritical at best, if not absurd at least. I have taken that to another step and said, forget the actual conviction; it is now enough to have innuendo.

If people have ever read books about Big Brother and that kind of environment in which we do not want to have our society, this speaks to the worst of it. The own maker of the amendment's admission is enough—

Mr. PITTS. Mr. Speaker?

The SPEAKER. Mr. Pitts is recognized.

Mr. PITTS. Mr. Speaker, I would like to rise to make a motion to recommit this bill to the Judiciary Committee. We have listened to this—

The SPEAKER. The gentleman is not in order. The gentleman, Mr. Pitts, is not in order to make that motion during the gentleman's—

Mr. PITTS. Does that motion not take precedence over the amendment?

The SPEAKER. It is not appropriate and against our rules for you to interrupt a speaker to make a motion.

Mr. PITTS. Would you recognize me for a motion when he finishes, please?

The SPEAKER. That is in order, and that shall be done.

The gentleman, Mr. Williams, may continue.

Mr. WILLIAMS. Thank you, Mr. Speaker. I appreciate it.

As I was saying, the maker of the amendment indicates that it is now enough for me to walk forward with a concocted story possibly, impugn someone else's reputation, and force them through an administrative process, which for some reason they are suggesting will not cost any money. Well, I know that at least to travel from Philadelphia to Harrisburg will at least cost me some gas money, and if I am unemployed, that is at least a dollar or two that I need not spend on the road, and I need not be fired just because someone chooses to make up a story which is not even measured by any credible situation. It is beyond me how even an administrator in Harrisburg is to judge whether I am drunk, because there is not any test which we are forced to apply.

This is totally out of hand. This is totally arbitrary and does not in the least protect any worker and certainly puts an employer, an employer, in a situation of jeopardy. So, Mr. Speaker, I would emphatically oppose this amendment. Thank you, Mr. Speaker.

MOTION TO RECOMMIT

The SPEAKER. The Chair thanks the gentleman, Mr. Pitts, and he is recognized.

Mr. PITTS. Thank you, Mr. Speaker.

I have listened to this legal mumbo jumbo here for the past few minutes, and I think it is appropriate, Mr. Speaker— You know, the gentleman, Mr. Williams, talked about all the legislation we pass from this chamber, and everything we pass is not sacrosanct. We have some bills that we call turkeys, and in my opinion, this bill is not a turkey; it is a trial lawyer's gobbler.

Mr. Speaker, we need to put this back into committee. Let, if you wish, the ones concerned with the legal profession in the Judiciary Committee work out some of these problems in committee. Mr. Speaker, I make a motion that we recommit this bill to the Judiciary Committee at this time.

On the question,

Will the House agree to the motion?

The SPEAKER. On the motion to recommit, the Chair recognizes Mr. Veon.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, I would obviously oppose this motion. We just now spent over an hour and a half debating these amend-

ments. We have this amendment and one other amendment left. I think that we have gone very far along in bringing the issues to the forefront, discussing them, debating them. Let us take a vote on this issue today and put it behind us.

I would ask for a negative vote.

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

Mr. LYNCH. Thank you, Mr. Speaker.

I rise to support the motion to recommit this, and I want to give my reasons why here.

I have got a real serious concern with one part of this bill, and that is the definition of the nonworking hours. Now, I do not know how many of us here have had the opportunity to have worked in small and large businesses. I have, and I see in here some potential problems that can lead up to lawsuits.

The first page, you know, where it says, "The General Assembly, in a desire to extend the protection enjoyed by employees covered by collective bargaining..." et cetera, et cetera, is what really starts to open up the door. You know, I do not really know what nonworking hours—

POINT OF ORDER

Mr. COY. Mr. Speaker?

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

Mr. COY. I am concerned about saying it, but I must raise the point that the gentleman address the subject of recommitment to the Committee on Judiciary, and I raise the point of order and ask for the Speaker's clarification on the issue.

The SPEAKER. The gentleman, Mr. Lynch, will please keep his remarks to the recommitment motion.

Mr. LYNCH. With all due respect, Mr. Speaker, I am giving the reason why I want it to be recommitted, and I want this on record so that if it gets recommitted to the Judiciary Committee, this may be looked at. Is that in order?

The SPEAKER. The gentleman may proceed. The Chair will be more cognizant of the specific comments from the gentleman.

Mr. LYNCH. Thank you, Mr. Speaker.

I would like to continue with my reason why I think it should be recommitted. The nonworking hours are a big problem here. I mean, we may be looking at a plant that is a three-shift operation. Union employees, nonunion employees, whether they are covered by collective bargaining or not covered by collective bargaining, you may be talking about foremen who come in on a Saturday drunk, get hurt on the equipment; you may be talking about a nonunion employee who comes in on a Saturday drunk, you know, and gets hurt on the equipment, opens the door to a lawsuit.

Now, I think that if it gets recommitted to the Judiciary Committee, I want to go on record as saying that I think that this aspect of the bill needs to be looked at very, very strictly. Nonworking hours have to be defined very, very carefully. Okay? The fact that a collective-bargaining unit is controlled by the nonworking hours, they are controlled by the fact that they have to go in and punch a time card. Most workers,

whether they are labor or whether they are management, are not controlled by a time card. There is not a stringent definition of nonworking hours. If this goes to the Judiciary Committee, I suggest very strongly that this be further defined.

I would like to close by saying that I urge my colleagues to vote to put this back into the Judiciary Committee. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Barley, is recognized.

Mr. BARLEY. Thank you, Mr. Speaker.

I also rise to urge support of Representative Pitts' motion to recommit to the Judiciary Committee.

I think he referred to this bill as a turkey or a gobbler or something to that effect. I think what he meant was that it is going to gobble up small business if we pass it, and what he was suggesting, I think, along that line is because the debate already today has raised a lot more questions than what it has answered as it pertains to the legal aspects of the bill, the enforcement of the bill, and what kind of impact that would have on the business community in Pennsylvania, particularly what kind of impact it would have from a legal standpoint and the aspect of how business would defend these potential suits that would be brought against them.

Again, we have this committee system here in the House of Representatives. We have the Judiciary Committee that rightfully has been designated to deal with legal matters and matters that would pertain to lawsuits, and I think it would be appropriate. Again, maybe they do not have to have a long period of time, but in a relatively short period of time, perhaps, they could review the legal aspects and the potential lawsuits and so on that may occur because of this, then vote it out of the Judiciary Committee, hopefully in a lot better shape than it is today, and I think members would be a lot better prepared to go ahead and vote on the issue and understand it much better.

So I think there are, again, ample reasons to put this into the Judiciary Committee, and I would urge all members to vote to do that.

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

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

Mr. Speaker, I respectfully must oppose this motion to recommit.

As a cosponsor of this legislation, I think that it came out of the committee rather simple and direct as to what its intent was to be in the form of law. It is something that I can understand. I have actually read this bill once or twice, which is more than I can say for a lot of the legislation and most of us, but this bill has been presented in a very simplified form. I would fear that once it would go back to the Judiciary Committee, most of us that are not lawyers would not be able to understand a bill that might come back out of there, as confusing as this issue has been made over the last half hour or 45 minutes of debate.

Therefore, I would strongly urge the membership of this body to vote against the motion to recommit and consider the bill in its current form. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Representative Caltagirone.

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

As chairman of the House Judiciary Committee, I want to let the members know—and I think most of the members of the committee would agree with this—our pot is full. We do not need to handle something like this in our committee, and I would urge the members to vote “no” on the recommittal motion, support the prime sponsor of the bill, and let us get on with the business of this bill and vote it today. Thank you.

The SPEAKER. Mr. Surra from Elk is recognized.

Mr. SURRA. Thank you, Mr. Speaker.

Mr. Speaker, I am opposed to recommittal of this legislation.

Earlier in the day and yesterday we talked about, should we bring the Senate back; we have to deal with all these pertinent issues. We cannot even deal with a little, simple issue like this, and all day today we have had, let us recommit this; let us recommit that. Let us do our jobs. Let us vote this bill up or down. You want to send it back to the committee? The Labor Relations Committee met all over this Commonwealth this summer, and to be frank about it, the meetings were sparsely attended if attended at all by the minority party. Now, if you want to put input on the legislation, be at the committee meetings, be at the hearings, and let us do it now. Let us vote it up or down, do our jobs, and let it stand on its merits. Thank you, Mr. Speaker.

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, this bill has been substantially improved as a result of the prime sponsor’s flexibility in agreeing to amendments from me, from Representative Birmelin, from Representative Lee. As it now stands, it is a very good bill.

I strongly urge members to vote against recommittal to Judiciary.

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

The following roll call was recorded:

YEAS—84

Adolph	Durham	Lee	Rohrer
Allen	Egolf	Leh	Rublely
Argall	Fairchild	Lucyk	Rudy
Armstrong	Farmer	Lynch	Ryan
Baker	Fichter	Maitland	Saurman
Barley	Fleagle	Markosek	Saylor
Boyes	Flick	Marsico	Scheetz
Brown	Gannon	Mayermik	Schuler
Butkovitz	Geist	McNally	Semmel
Carone	Gerlach	Merry	Smith, B.
Cessar	Gruppo	Micozzie	Stairs
Chadwick	Harley	Murphy	Steil
Civera	Hennessey	Nailor	Stern
Clark	Herman	Nickol	Strittmatter
Clymer	Hershey	Nyce	Taylor, E. Z.
Cohen, L. I.	Hutchinson	O’Donnell	True
Cornell	Kaiser	Pettit	Uliana
Daley	King	Phillips	Vance
Dempsey	Krebs	Pitts	Waugh

Dent	Laub	Platts	Wright, M. N.
Druce	Lawless	Raymond	Zug

NAYS—113

Acosta	Gamble	McCall	Smith, S. H.
Battisto	George	McGeehan	Snyder, D. W.
Bebko-Jones	Gigliotti	Melio	Staback
Belardi	Gladeck	Michlovic	Steelman
Belfanti	Godshall	Mihalich	Steighner
Birmelin	Gordner	Miller	Stetler
Bishop	Gruitza	Mundy	Stish
Blaum	Haluska	O’Brien	Sturla
Bunt	Hanna	Olasz	Surra
Buxton	Hasay	Oliver	Taylor, J.
Caltagirone	Hess	Perzel	Thomas
Cappabianca	Hughes	Pesci	Tigue
Carn	Itkin	Petrarca	Tomlinson
Cawley	Jadlowiec	Petrone	Trello
Cohen, M.	James	Piccola	Trich
Colafella	Jarolin	Preston	Tulli
Colaizzo	Josephs	Reber	Van Home
Corrigan	Kasunic	Reinard	Veon
Cowell	Keller	Richardson	Vitali
Coy	Kenney	Rieger	Williams
Curry	Kirkland	Ritter	Wogan
DeLuca	Kukovich	Roberts	Wozniak
Dermody	Laughlin	Robinson	Wright, D. R.
Donatucci	Lederer	Roebuck	Yandrisevits
Evans	Iescovitz	Rooney	Yewcic
Fajt	Levdanský	Santoni	
Fargo	Lloyd	Sather	DeWeese, Speaker
Fee	Manderino	Scrimenti	
Freeman	Masland	Serafini	

NOT VOTING—0

EXCUSED—4

Bush	LaGrotta	Pistella	Tangretti
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The question was determined in the negative, and the motion was not agreed to.

The SPEAKER. The House returns to Representative Ken Lee’s amendment A3920.

On the question recurring,
Will the House agree to part 1 of the amendments?

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

Mr. FAIRCHILD. Thank you, Mr. Speaker.

Earlier Representative Coy asked Representative Veon some questions, and I was wondering if I could interrogate Representative Veon.

The SPEAKER. Mr. Veon indicates he will stand for interrogation. Mr. Fairchild may proceed.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

Earlier you were asked the question concerning employer and employee agreed-to wellness plans, and you were responding to Representative Lee’s comment with Hershey Foods, which has a wellness program, and if I am correct, Representative Coy asked you a direct question whether allowing these plans was already in your existing bill, and I believe your answer was yes. Is that correct?

Mr. VEON. Actually, Mr. Speaker, what I believe I said—and you can correct this—what I believe I said was that Representative Cohen very clearly was trying to address this with the language in his amendment. I thought that was a worthwhile and sensible addition to the bill, and I think his language in fact does address that issue and is now included in the bill. And if I could, Mr. Speaker, I also tried to point out that it was not my intention to in any way prohibit a wellness program from being in existence, and I think Representative Cohen clearly helped define that more explicitly in the bill.

Mr. FAIRCHILD. Okay.

Are you familiar with Hershey's wellness program?

Mr. VEON. Somewhat, Mr. Speaker.

Mr. FAIRCHILD. And it is your interpretation that under the provisions of the bill as it now exists, without the Lee amendment, that they would be in strict compliance?

Mr. VEON. Yes, Mr. Speaker.

Mr. FAIRCHILD. Thank you.

One last question, and it may be contained in Mr. Cohen's amendment, but if an employer and employee agree to a wellness plan and as part of achieving goals within that plan there would be a condition of employment or dismissal or suspension, that would clearly be a contract between an employer and employee. Which would have precedence under this legislation — the contract between the employee and an employer or the provisions of this legislation?

Mr. VEON. Mr. Speaker, I apologize; if you do not mind just repeating the last part of that question. I could not hear it very well.

Mr. FAIRCHILD. Which would have precedence in a court of law — the provisions of a contract between an employer and employee or the provisions of this proposed legislation?

Mr. VEON. In my opinion, Mr. Speaker, the contract.

Mr. FAIRCHILD. The contract between the employer and the employee?

Mr. VEON. That is my opinion, Mr. Speaker.

Mr. FAIRCHILD. Thank you. That is all.

THE SPEAKER PRO TEMPORE (PHYLLIS MUNDY) PRESIDING

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question, the Chair recognizes Mr. Veon.

Mr. VEON. Thank you, Madam Speaker.

I would like to very quickly try to bring this issue to a close. I appreciate the members' attention and patience here this afternoon. I recognize that this is not one of the great issues of the day. It is important to some of us for some important reasons, and I appreciate the members' attention.

I want to make just a couple of things very clear to the members of the House. First and foremost, this is not a novel concept that we just created here in Harrisburg sometime in the last year and a half. Twenty-nine States have already passed legislation in some degrees similar to this. This is not a new idea. It is not a novel concept.

Secondly and probably most importantly, the gentleman, Mr. Lee, has already made it clear that he does not support my legislation, and I believe that it is very important for the members to defeat his amendment. He has already said he does not support this legislation. Let us get to the point, and I think that we can do that with a vote on the Lee amendment.

If you believe there ought to be some protection in law for the kinds of things we have talked about here today, then I would ask you to defeat the Lee amendment and support final passage of this bill.

Thank you for your time and attention, and thank you, Madam Speaker.

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

Mr. LEE. Thank you, Madam Speaker.

Two brief comments to end this debate. First of all, on this whole issue of whether Hershey's wellness program is protected without my amendment, in my position, it would be certainly not, because what Representative Cohen's amendment says is, you cannot discipline an employee for smoking or drinking alcohol. Okay? Now, there are a lot of courts out there, and under the bill as it is now without my amendment, you could go to a court of common pleas and you are going to be able to find someone— If I am an employee, I am going to say, hey, wait a second. I have got to pay more for my health insurance or I am going to get less benefits somewhere else. That is disciplining me for smoking or drinking. That is clearly going to be interpreted by some court somewhere, probably most courts, as disciplining an employee. My amendment specifically allows that program to continue, which I think most of the members of this legislature would agree with.

Finally, in closing, we have a great debate here about, you know, the fairness of hiring and firing, well, what about unsupported allegations, and is it— You know, I have talked to a lot of employees who have been fired, and I have yet to find one employee who felt he was fired fairly. You know, they all feel that they were correct, they should not have been fired, and what I am trying to do here, given the fact that everyone feels they are fired unfairly, is trying to set up a bill. If we are going to have a bill—and it is quite right, I think the whole concept underlying this bill is not right—but if we are going to move forward in this area and set up smoking and drinking as civil rights, then we ought to listen to our employers out there and try to set this up in a way that makes some type of sense and does not lead to unnecessary litigation — people unjustly accusing employers and taking them to court and going on and on and on in legislation.

This was relatively a simple amendment. Seven simple changes, basically, make this bill into a workable bill, so if we do pass it, the employers of Pennsylvania will be able to live with it.

Therefore, I urge its adoption. Thank you very much.

On the question recurring,

Will the House agree to part 1 of the amendments?

The following roll call was recorded:

YEAS—111

Adolph	Fairchild	Leh	Scheetz
Allen	Fajt	Lescovitz	Schuler
Argall	Fargo	Lloyd	Scrimenti
Armstrong	Farmer	Lynch	Semmel
Baker	Fichter	Maitland	Serafini
Barley	Fleagle	Manderino	Smith, B.
Battisto	Flick	Markosek	Snyder, D. W.
Birmelin	Gamble	Masland	Staback
Boyes	Gannon	Mayermik	Stairs
Brown	Gcist	Merry	Steelman
Butkovitz	Gerlach	Micozzie	Steil
Carone	Gordner	Miller	Stern
Cawley	Gruitza	Mundy	Stetler
Cessar	Gruppo	Murphy	Strittmatter
Chadwick	Haluska	Nailor	Sturla
Civera	Hanna	Nickol	Taylor, E. Z.
Clark	Harley	Nyce	Tigue
Clymer	Hasay	Pettit	Trich
Cohen, L. I.	Hennessey	Phillips	True
Colaizzo	Herman	Pitts	Tulli
Cornell	Hershey	Platts	Uliana
Cowell	Hutchinson	Raymond	Vance
Daley	Kaiser	Rohrer	Van Horne
Dempsey	King	Rubley	Vitali
Dent	Krebs	Ryan	Waugh
Druce	Laub	Sather	Wright, M. N.
Durham	Lawless	Saurman	Zug
Egolf	Lee	Saylor	

NAYS—85

Acosta	George	McGeehan	Roebuck
Bebko-Jones	Gigliotti	McNally	Rooney
Belardi	Gladeck	Melio	Rudy
Belfanti	Godshall	Michlovic	Santoni
Bishop	Hess	Mihalich	Smith, S. H.
Blaum	Hughes	O'Brien	Steighner
Bunt	Itkin	O'Donnell	Stish
Buxton	Jadlowiec	Olasz	Surra
Caltagirone	James	Oliver	Thomas
Cappabianca	Jarolin	Perzel	Tomlinson
Carn	Josephs	Pesci	Trello
Cohen, M.	Kasunic	Petrarca	Veon
Colafella	Keller	Petrone	Williams
Corrigan	Kenney	Piccola	Wogan
Coy	Kirkland	Preston	Wozniak
Curry	Kukovich	Reber	Wright, D. R.
DeLuca	Laughlin	Reinard	Yandrisevits
Dermody	Lederer	Richardson	Yewcic
Donatucci	Levdansky	Rieger	
Evans	Lucyk	Ritter	DeWeese,
Fee	Marsico	Roberts	Speaker
Freeman	McCall	Robinson	

NOT VOTING—1

Taylor, J.

EXCUSED—4

Bush	LaGrotta	Pistella	Tangretti
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The question was determined in the affirmative, and part 1 of the amendments was agreed to.

PART 2 OF AMENDMENTS WITHDRAWN

The SPEAKER pro tempore. Without objection, Mr. Lee withdraws part 2 of amendment A3920.

On the question recurring,

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

Mr. COLAIZZO offered the following amendments No. A3778:

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

dismissal and discipline of

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

Discipline and discharge

Amend Sec. 2, page 2, lines 8 through 10, by striking out "or otherwise disadvantage any" in line 8, all of line 9 and "conditions or privileges of employment" in line 10 and inserting solely

Amend Sec. 2, page 2, line 11, by striking out "lawful products" and inserting

tobacco products or distilled or malt beverages

Amend Sec. 4, page 3, line 26, by striking out all of said line and inserting

wages or salary

On the question,

Will the House agree to the amendments?

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

Mr. COLAIZZO. Thank you, Madam Speaker.

My amendment is designated to address what I hope is an unintentional effect of HB 956 as currently drafted.

In its current form, HB 956 would prohibit an employer from continuing to provide incentives to employees to maintain healthy lifestyles. Medical data clearly shows that individuals who smoke have increased health problems and related health care costs. Many employers have wellness programs that include incentives to stop smoking, a proven cost-saver on health insurance premiums. These programs should be encouraged, not prohibited.

My amendment would allow employers to continue to offer incentives to individuals who are nonsmokers. One example of an incentive is lower premium copays for nonsmokers. There is really no other way for an employer who purchases a group health insurance policy to differentiate the cost of health care between smokers and nonsmokers than through copayments.

My amendment deletes all references to "discrimination." This focuses the intent of the bill to the discipline and dismissal of employees, as opposed to discrimination, which could easily be interpreted to mean the offering of different benefits to smokers and nonsmokers.

My amendment deletes the phrases "or otherwise disadvantage" on page 2, line 8, and "conditions or privileges of employment" on page 2, line 10, for the same reason.

I have clearly stated that the lawful products are tobacco and malt or distilled beverages because, in truth, this is what they are.

Lastly, I have amended the relief section of the bill on page 4 to limit an employer's liability to wages and salary and not employment benefits or health care benefits.

I ask for a "yes" vote on this amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes Mr. Cohen.

Mr. COHEN. Thank you, Madam Speaker.

Madam Speaker, I would urge the defeat of this amendment.

This amendment does several things. First, it says that people cannot be solely fired, disciplined, or discharged for the use of a lawful substance. The addition of the word "solely" greatly limits the scope of this bill. If they are fired for using tobacco and coming in late one time over the last 3 years, then the remedies of this bill do not apply. It basically guts the bill. It is a very, very rare employee who, over the course of his tenure, has done absolutely nothing that any employer could disagree with, and so the insertion of the word "solely" gives anybody an out. No, he was not just fired because of use of tobacco; he was fired because of use of tobacco and some other obscure reason. Then that obscure reason, combined with the use of tobacco, makes it okay. That really guts the bill.

Secondly, by limiting the use to tobacco, it creates a category of tobacco use that very likely makes this bill unconstitutional and will lead to the bill being thrown out. There is very little sense in the House voting for a bill which would be very, very likely struck down by the courts.

The fact is, as the chamber of commerce communication pointed out to us, that some companies are now testing for use of Tylenol and many other legal drugs, and the idea that somebody could be fired for using Tylenol was dismissed as alarmist hysteria by the chamber of commerce when the labor unions tried to regulate drug testing. The chamber of commerce, the NFIB (National Federation of Independent Business), everybody said, do not worry; drug testing is just for illegal drugs; it is not for legal drugs. Now we have statements that drug testing is being used for legal drugs, and I think it is a very serious mistake to continue to allow that drug testing to take place. I cannot believe that the vast majority of businesses are testing for use of Tylenol or Robitussin or any other legal drug. I think that is an abuse. The legislature ought not to sanction that as its policy. The whole function of drug testing was to test for illegal drugs, not for legal drugs.

So for both these reasons, I would urge the defeat of the Colaizzo amendment.

The SPEAKER pro tempore. Will Mr. Colaizzo and Mr. Veon please come to the rostrum?

(Conference held at Speaker's podium.)

AMENDMENTS RULED OUT OF ORDER

The SPEAKER pro tempore. The Chair, upon consultation with the Parliamentarian, must rule the Colaizzo amendment out of order because of conflicts with the Cohen amendment.

On the question recurring,

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

RULES SUSPENDED

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

Mr. STURLA. To move to suspend the rules for the consideration of amendment A3928 to HB 956.

On the question,

Will the House agree to the motion?

The SPEAKER pro tempore. Does the gentleman wish to offer a brief explanation of his amendment?

Mr. STURLA. Essentially what the amendment does is—I will read it verbatim—it says, "This act shall not be construed so as to prevent an employer from offering, and an employee from participating, in a program designed to assist the employee in limiting or discontinuing the use of lawful products."

I believe that this may be covered under some of the amendments that have been passed previously, but I am not sure in that I do not know whether it definitely qualifies for employee assistance programs, and I want to make sure that employee assistance programs in dealing with this are covered.

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

Mr. RYAN. Madam Speaker, the gentleman consulted with me with respect to suspension of the rules, and inasmuch as we had suspended the rules earlier on an amendment and this one seemed to fit into the flow of the last one frankly, I thought as long as he explained it and no one objected, we might as well go ahead and do it and get rid of this bill today. Otherwise, I suspect the bill will be held over, although I do not know that.

I have no objection. If any of the members of my caucus have objection and they indicate so, then I will object. But there comes a time that we ought to get rid of this bill, and absent objections, let us—I do not see any—so let us go ahead and suspend the rules.

The SPEAKER pro tempore. The motion is not debatable.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—165

Acosta	Farmer	Lucyk	Scrimenti
Adolph	Fee	Maitland	Serafini
Armstrong	Fichter	Manderino	Smith, B.
Baker	Fleagle	Markosek	Smith, S. H.
Barley	Flick	Mayernik	Snyder, D. W.
Battisto	Freeman	McCall	Staback
Bebko-Jones	Gamble	McGeehan	Stairs
Belardi	Gannon	Melio	Steelman
Belfanti	Geist	Michlovic	Steighner
Birmelin	George	Micozzie	Steil
Bishop	Gerlach	Mihalich	Stern
Blaum	Gigliotti	Miller	Stetler
Boyes	Gladeck	Mundy	Stish
Bunt	Godshall	Murphy	Strittmatter
Butkovitz	Gordner	Nickol	Sturla
Buxton	Gruitza	O'Donnell	Surra
Caltagirone	Gruppo	Olasz	Taylor, E. Z.

Cappabianca	Haluska	Oliver	Taylor, J.
Cam	Hasay	Perzel	Thomas
Cawley	Hennessey	Pesci	Tigue
Cessar	Herman	Petrarca	Tomlinson
Chadwick	Hershey	Petrone	Trello
Civera	Hess	Pettit	Trich
Clymer	Hughes	Phillips	True
Cohen, L. I.	Itkin	Preston	Tulli
Cohen, M.	Jadlowiec	Raymond	Uliana
Colaifella	James	Reber	Van Horne
Colaizzo	Jarolin	Reinard	Veon
Cornell	Josephs	Richardson	Vitali
Corrigan	Kaiser	Rieger	Waugh
Cowell	Kasunic	Ritter	Williams
Coy	Keller	Roberts	Wogan
Curry	Kenney	Robinson	Wozniak
Daley	King	Roebuck	Wright, D. R.
DeLuca	Kirkland	Rooney	Wright, M. N.
Dermody	Kukovich	Rubley	Yandrisevits
Donatucci	Laub	Rudy	Yewcic
Druce	Laughlin	Ryan	Zug
Durham	Lederer	Santoni	
Egolf	Lescovitz	Saurman	DeWeese,
Evans	Levdansky	Scheetz	Speaker
Fajt	Lloyd	Schuler	

NAYS—28

Allen	Fargo	Leh	Piccola
Argall	Hanna	Lynch	Pitts
Carone	Harley	Marsico	Platts
Clark	Hutchinson	Masland	Sather
Dempsey	Krebs	Nailor	Saylor
Dent	Lawless	Nycc	Semmel
Fairchild	Lee	O'Brien	Vance

NOT VOTING—4

Brown	McNally	Merry	Rohrer
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EXCUSED—4

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

On the question recurring,

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

Mr. STURLA offered the following amendment No. A3928:

Amend Sec. 5, page 4, line 23, by inserting after "ENTITLED."

This act shall not be construed so as to prevent an employer from offering, and an employee from participating, in a program designed to assist the employee in limiting or discontinuing the use of lawful products.

On the question,

Will the House agree to the amendment?

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

Mr. STURLA. Thank you.

Again, I appreciate the consideration of the House on this amendment. It was about 5 minutes after 2 yesterday when this

was discussed in caucus. Essentially, again, all it does is insure that employee assistance programs to limit or discontinue the use of lawful products can be done under this legislation.

So I would appreciate your consideration, and I ask for an affirmative vote.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—195

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

NAYS—0

NOT VOTING—2

Rohrer	Stern
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EXCUSED—4

Bush LaGrotta Pistella Tangretti

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

On the question, the Chair recognizes Mr. Lee.

Mr. LEE. Thank you, Madam Speaker.

I will try to be brief, but I think there is an important issue we are really addressing in this bill, and it is an important one that this body should decide. I am certain that Representative Veon is going to give an opposing point of view on why he feels this bill is important.

But I want to try to stress here the importance of the employment-at-will doctrine, because what the employment-at-will doctrine is all about is that if I am a person who wants to employ somebody, I am going to use my own money; I am going to go out there and put the capital into a business or whatever, and I am going to hire somebody. The whole idea of employment at will is, I should be able to go out there and hire whomever I want with my money, and if I do not want to hire that person, anybody, anymore, then I should be able not to hire and not to spend my money on that person just like any other commodity or any other thing I spend money on.

Now, I recognize that in the past we have suspended the employment-at-will doctrine in very limited circumstances for very real and compelling reasons, and they are basically relating to civil rights issues, to try to defeat racism, sexism, ageism, discrimination against people with handicaps, et cetera, and those, although I am reluctant to suspend the employment-at-will doctrine to do that, I think in those instances, clearly, it is necessary to do.

But what we are doing here today is suspending this very important doctrine. By considering this bill today, we are again making an exception to the employment-at-will doctrine, but not with the worthwhile goal of curing racism or sexism, but instead, to protect the use of two dangerous drugs, tobacco and alcohol, which cost our society billions of dollars each year in medical costs and which have ruined the lives of millions of Americans.

I question whether we should be raising the use of those products to a civil right, and I am not the only one who believes this, and now let me just read a paragraph from a veto message. "This bill is part of a national effort to grant rights to smokers similar to those protected by the First Amendment's guarantee of free speech or those extended to people protected from discrimination on the basis of race, sex, or some other

innate condition. While Americans plainly may smoke in many circumstances, smoking is an acquired behavior. Given the overwhelming evidence of the toll it takes every year in disease and death, it should not be accorded legal protection like freedom of speech; nor should smokers be a protected class like those who have been wrongly discriminated against because of race, sex, age, or physical handicaps." The author of that message: the Governor of Arkansas, Bill Clinton, now the President of the United States.

I urge defeat of this bill. Thank you very much.

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

Mr. VEON. Thank you, Madam Speaker.

Madam Speaker, for, I guess, the second time here today I would like to join with the gentleman, Mr. Lee, in opposing this legislation, obviously for much different reasons than the gentleman, Mr. Lee. In fact, I was momentarily tempted to make a motion to recommit to the Labor Relations Committee, but I figured that might not pass too easily.

So I would like to join with the gentleman, Mr. Lee, for very different reasons, I think reasons that were well articulated here today by a lot of people, and ask for the defeat of this bill. We want to come back another day in another way. Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,
Shall the bill pass finally?

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

YEAS—12

Gladeck	Marsico	Piccola	Smith, S. H.
Godshall	O'Brien	Preston	Taylor, J.
Kenney	Perzel	Ryan	Vance

NAYS—184

Acosta	Evans	Lescovitz	Santoni
Adolph	Fairchild	Levdansky	Sather
Allen	Fajt	Lloyd	Saurman
Argall	Fargo	Lucyk	Saylor
Armstrong	Farmer	Lynch	Scheetz
Baker	Fee	Maitland	Schuler
Barley	Fichter	Manderino	Scrimenti
Battisto	Fleagle	Markosek	Semmel
Bebko-Jones	Flick	Masland	Serafini
Belardi	Freeman	Mayernik	Smith, B.
Belfanti	Gamble	McCall	Snyder, D. W.
Birmelin	Gannon	McGeehan	Staback
Bishop	Geist	McNally	Stairs
Blaum	George	Melio	Steelman
Boyes	Gerlach	Merry	Steighner
Brown	Gigliotti	Michlovic	Steil
Bunt	Gordner	Micozzie	Stern
Butkovitz	Gruitza	Mihalich	Stetler
Buxton	Gruppo	Miller	Stish
Caltagirone	Haluska	Mundy	Strittmatter
Cappabianca	Ilanna	Murphy	Sturla
Carn	Harley	Nailor	Surra
Carone	Hasay	Nickol	Taylor, E. Z.
Cawley	Hennessey	Nyce	Thomas
Cessar	Herman	O'Donnell	Tigue

Chadwick	Hershey	Olasz	Tomlinson
Civera	Hess	Oliver	Trello
Clark	Hughes	Pesci	Trich
Clymer	Hutchinson	Petrarca	True
Cohen, T. I.	Itkin	Petrone	Tulli
Cohen, M.	Jadlowiec	Pettit	U'liana
Colaella	James	Phillips	Van Horne
Colaizzo	Jarolin	Pitts	Veon
Cornell	Josephs	Platts	Vitali
Corrigan	Kaiser	Raymond	Waugh
Cowell	Kasunic	Reber	Williams
Coy	Keller	Reinard	Wogan
Curry	King	Richardson	Wozniak
Daley	Kirkland	Rieger	Wright, D. R.
DeLuca	Krebs	Ritter	Wright, M. N.
Dempsey	Kukovich	Roberts	Yandrisevits
Dent	Laub	Robinson	Yewcic
Dermody	Laughlin	Roebuck	Zug
Donatucci	Lawless	Rooney	
Druce	Lederer	Rubleby	DeWeese, Speaker
Durham	Lee	Rudy	
Egolf	Leh		

NOT VOTING—1

Rohrer

EXCUSED—4

Bush LaGrotta Pistella Tangretti

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill fell.

The SPEAKER pro tempore. There are no further votes scheduled for the floor today.

GUEST INTRODUCED

The SPEAKER pro tempore. The Chair would like to recognize Ms. Cynthia Hilton, a guest of Representative Preston. Welcome to the hall of the House.

**THE SPEAKER (H. WILLIAM DeWEESE)
PRESIDING**

VOTE CORRECTION

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

Mr. STERN. I rise to correct the record, Mr. Speaker, on HB 956.

On the Sturla amendment, amendment 3928, my switch was not functioning properly. I wanted the record to record my vote in the affirmative.

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

Mr. STERN. Thank you, Mr. Speaker.

**HOUSE BILLS
INTRODUCED AND REFERRED**

No. 1976 By Representatives LLOYD, CESSAR,

MASLAND, MIHALICH, TIGUE, D. R. WRIGHT, COY, EGOLF, PESCI, JAROLIN, FARGO, MICOZZIE, McCALL and LAUGHLIN

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for special permits for movement of timber.

Referred to Committee on TRANSPORTATION, September 29, 1993.

No. 1981 By Representatives PICCOLA, DERMODY, BOYES, FARGO, BAKER, NICKOL, KREBS, NAILOR, LEH, S. H. SMITH, SAYLOR, GEIST, COLAIZZO, SEMMEL, E. Z. TAYLOR, DEMPSEY, MILLER, CLARK, MASLAND, LAUB, CLYMER and BATTISTO

An Act prohibiting unreasonable restraints of trade; imposing penalties; and providing for enforcement.

Referred to Committee on JUDICIARY, September 29, 1993.

No. 1995 By Representatives KREBS, TULLI, CURRY, SAYLOR, GORDNER, VEON, SATHER, SCRIMENTI, JAROLIN, BELFANTI, ZUG and HENNESSEY

An Act amending the act of July 25, 1977 (P.L.95, No.35), known as the Mobile Home Titling Act, further providing for the application, issuance and cancellation of certificates of title or ownership; and providing for transfer of mobile home ownership.

Referred to Committee on CONSUMER AFFAIRS, September 29, 1993.

No. 2001 By Representatives M. COHEN, ROBINSON, CALTAGIRONE, ROBERTS, THOMAS, TRICH, PISTELLA, TRELLO, PRESTON, PETRARCA, LAUGHLIN and CIVERA

An Act amending the act of June 18, 1974 (P.L.359, No.120), referred to as the Municipal Police Education and Training Law, providing for training of police officers hired by first class city housing authorities; and making a repeal.

Referred to Committee on URBAN AFFAIRS, September 29, 1993.

No. 2003 By Representatives TIGUE, GODSHALL, NYCE, MIHALICH, LAUGHLIN, GAMBLE, MUNDY, CORNELL, TRELLO, HANNA and LaGROTTA

An Act amending the act of June 24, 1968 (P.L.237, No.111), referred to as the Policemen and Firemen Collective Bargaining Act, regulating arbitration awards.

Referred to Committee on LABOR RELATIONS, September 29, 1993.

No. 2004 By Representatives PITTS, OLASZ, HERSHEY, MIHALICH, LEH, SCHEETZ, PETRONE, BATTISTO, COLAIZZO, BAKER, NAILOR, GEIST,

RAYMOND, WOZNIAK, VANCE, TRELLO, SAURMAN, MICOZZIE, STEIL, E. Z. TAYLOR, EGOLF and STABACK

An Act amending the act of July 9, 1976 (P.L.919, No.170), entitled, "An act providing for the approval or disapproval of applications for a permit relating to the construction or maintenance of improvements to real estate," requiring additional notices relating to the Fire and Panic Act.

Referred to Committee on LABOR RELATIONS, September 29, 1993.

No. 2014 By Representatives ADOLPHI, RAYMOND, E. Z. TAYLOR, BUNT, FICHTER, RUBLEY, LAUB, HERSHEY, NICKOL, M. N. WRIGHT, NAILOR, SAURMAN, TRELLO, COLAIZZO, HARLEY, LAWLESS, MICOZZIE, CORNELL, GODSHALL, FAJT, KING, FLICK, L. I. COHEN, TRUE, REBER, HENNESSEY, GLADECK, GERLACH, VITALI and RYAN

An Act amending the act of May 28, 1993 (P.L. No.1A), known as the General Appropriation Act of 1993, providing additional appropriations to the Department of Public Welfare.

Referred to Committee on APPROPRIATIONS, September 29, 1993.

No. 2027 By Representatives GERLACH, PITTS, MANDERINO, KENNEY, MELIO, DeLUCA, CARONE, NYCE, DEMPSEY, ZUG, WAUGH, J. TAYLOR, EGOLF, L. I. COHEN, CORRIGAN, NAILOR, BATTISTO, LAUB, STABACK, E. Z. TAYLOR, DRUCE, SCHEETZ, GEIST, HENNESSEY, BUNT, SCHULER, MARSICO, PLATTS, LEH and HERSHEY

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing summary offenses involving vehicles.

Referred to Committee on TRANSPORTATION, September 29, 1993.

No. 2028 By Representatives GERLACH, PITTS, MANDERINO, KENNEY, MELIO, DeLUCA, CARONE, ROHRER, NYCE, DEMPSEY, ZUG, WAUGH, J. TAYLOR, EGOLF, L. I. COHEN, CORRIGAN, NAILOR, BATTISTO, LAUB, STABACK, E. Z. TAYLOR, RAYMOND, DRUCE, SCHEETZ, RUBLEY, GEIST, HENNESSEY, SCHULER, MARSICO, PLATTS, LEH, HERSHEY and BUNT

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for required financial responsibility.

Referred to Committee on TRANSPORTATION, September 29, 1993.

No. 2030 By Representatives D. R. WRIGHT, GEORGE, VEON, STABACK, MIHALICH, MARKOSEK,

FEE, MELIO, SURRA, KASUNIC, LAUGHLIN, CAWLEY, D. W. SNYDER, HENNESSEY and TRELLO

An Act amending the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act, expanding the scope of the act; further providing for definitions, for powers and duties of municipalities other than counties, for submission and content of municipal waste management plans, for permit requirements, for site limitation, for completeness review, for planning grants, for information to host municipalities, for water supply testing and protection and for evaluation of permit applications; providing for cleanup; and further providing for host municipality benefit fees, for unlawful conduct and for public information.

Referred to Committee on CONSERVATION, September 29, 1993.

No. 2085 By Representatives McNALLY, COWELL, ROBINSON and ITKIN

An Act amending the act of June 27, 1947 (P.L.1046, No.447), referred to as the State Tax Equalization Board Law, further providing for the determination of market value of taxable real property.

Referred to Committee on FINANCE, September 29, 1993.

No. 2091 By Representatives CALTAGIRONE, BIRMELIN, DALEY, CLARK, DERMODY, L. I. COHEN, GRUTZTA, MASLAND, HUGHES, LEH, JAMES, D. W. SNYDER, LaGROTTA, WOGAN, McNALLY, YANDRISEVITS and ACOSTA

An Act amending the act of October 4, 1978 (P.L.876, No.169), known as the Pennsylvania Crime Commission Act, eliminating the annual report requirement; and providing for certain reports to the Judiciary Committee of the Senate and the Judiciary Committee of the House of Representatives.

Referred to Committee on JUDICIARY, September 29, 1993.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 156 By Representatives GERLACH, MARKOSEK, VANCE, GORDNER, TULLI, REBER, KREBS, NICKOL, TIGUE, NYCE, PHILLIPS, NAILOR, DRUCE, RAYMOND, STERN, BAKER, FAIRCHILD, HENNESSEY, PLATTS, DENT, FICHTER, TRUE, DEMPSEY, BUNT, EGOLF, M. N. WRIGHT, PETTTI, MASLAND, STEIL, MAILLAND, HUTCHINSON, WOGAN, SANTONI, KING, FLICK, MARSICO, D. W. SNYDER, HANNA, CARONE, LAUB, E. Z. TAYLOR, CLARK, MILLER, SCRIMENTI, ARGALL, FARMER, LYNCH, RUBLEY, FAJT, L. I. COHEN, HERSHEY, SEMMEL and HARLEY

A Resolution directing the Joint State Government Commission to undertake a study and review of the General Assembly.

Referred to Committee on RULES, September 29, 1993.

No. 157 By Representatives EVANS, DeWEESE, JAMES, GEORGE, RUDY, BUXTON, YANDRISEVITS, CORRIGAN, KREBS, FLICK, VITALL, ITKIN, CAPPABIANCA, JOSEPHS, McGEEHAN, NAILOR, PISTELLA, SCHULER, MUNDY, CIVERA, ROONEY, PETRONE, TULLI, OLIVER, BAKER, PRESTON, BEBKO-JONES, WAUGH, GORDNER, PESCI, TRUE, SAURMAN, STURLA, ROHRER, LESCOVITZ, WILLIAMS, M. N. WRIGHT, ALLEN, ROEBUCK, CESSAR, MIHALICH, COLAIZZO, BLAUM, MASLAND, GAMBLE, ZUG, KELLER, MELIO, MERRY, FARGO, TRELLO, ROBINSON, SAYLOR, LEDERER, SURRA, McCALL, MILLER, FARMER, HESS, O'BRIEN, GLADECK, BUNT, FICHTER, D. W. SNYDER, DENT, KING, KENNEY, BATTISTO, WOZNIAK, MARKOSEK, ARMSTRONG, OLASZ, LaGROTTA, GERLACH, SATHER, MANDERINO, LAUB, DEMPSEY, TIGUE, LYNCH, B. SMITH, RUBLEY, DRUCE, SANTONI, DERMODY, HALUSKA, L. I. COHEN, MAITLAND, GODSHALL, SEMMEL, FAIRCHILD, LAUGHLIN, FREEMAN, CURRY, DeLUCA, GEIST, HASAY, HERSHEY, PERZEL, GIGLIOTTI, JAROLIN, VEON, NYCE, MICOZZIE, E. Z. TAYLOR, HENNESSEY, ROBERTS and DONATUCCI

A Resolution awarding citations to the Pennsylvania State Police and municipal police officers wounded in the line of duty.

Referred to Committee on RULES, September 29, 1993.

No. 175 By Representatives DeLUCA, THOMAS, CORRIGAN, PETRONE, KASUNIC, OLASZ, FLICK, CESSAR, BAKER, YEWIC, MARKOSEK, GERLACH, LAUB, CARONE, CURRY, HASAY, SAYLOR, JAROLIN, GIGLIOTTI, TRELLO, KING, COLAIZZO, FAJT, ROBERTS, VAN HORNE, McCALL, STABACK, STEIGHNER, ITKIN, DeWEESE, SERAFINI, VEON, BUXTON, CAPPABIANCA, M. COHEN, GEORGE, GAMBLE, WOZNIAK, McNALLY, COWELL, DERMODY, CIVERA, FARMER, RAYMOND, TRICH, PESCI, SCRIMENTI, BELFANTI, LEDERER, MANDERINO, MICHLOVIC, MIHALICH, MURPHY, STURLA, FEE, PRESTON, D. R. WRIGHT, BELARDI, EGOLF, FREEMAN, COY, PETRARCA, MELIO, LAUGHLIN and STAIRS

A Resolution memorializing Congress to enact legislation to protect the eligibility of senior citizens in public and assisted housing.

Referred to Committee on RULES, September 29, 1993.

VOTE CORRECTIONS

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

Mr. PRESTON. Thank you, Mr. Speaker.

On final passage of HB 956, my switch malfunctioned. I was recorded as a "yea." I would like to be recorded in the "nay."

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

Mr. Taylor.

Mr. TAYLOR. I am sorry to interrupt, Mr. Speaker. Will you take corrections of the vote at this time?

The SPEAKER. That would be appropriate.

Mr. TAYLOR. Mr. Speaker, on HB 956, final passage, I voted in the affirmative and the vote should have been in the negative, Mr. Speaker.

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

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER. The Chair recognizes the distinguished gentleman from Philadelphia, Mr. Keller.

Mr. KELLER. Thank you, Mr. Speaker.

Mr. Speaker, I move that this House do now adjourn until Monday, October 4, 1993, at 1 p.m., e.d.t., unless sooner recalled by the Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 3:52 p.m., e.d.t., the House adjourned.

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