

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, OCTOBER 13, 1993

SESSION OF 1993

177TH OF THE GENERAL ASSEMBLY

No. 57

HOUSE OF REPRESENTATIVES

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

THE SPEAKER PRO TEMPORE (FRED A. TRELLO) 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, on this beautiful autumn day that You have made, we lift our hearts in humble thanks for the leadership of this, Your House of Representatives.

We recall with joy and happiness the recent hanging of portraits of past heroes and servants of this august body - Jack Seltzer, James Manderino, Matthew Ryan, and K. Leroy Irvis.

Into this honorable stream of tradition now comes one whom You have raised up to serve Your people, William DeWeese. Give unto him strength and purpose, wit and wisdom, determination and resolve. Bless him in a very special way and manner, and overshadow him with Your peace, which surpasses all understanding.

We also pray for our majority and minority leaders, chairpersons of all of our committees, and all these great legislators who serve You with honor and distinction.

In Your dear name we pray. Amen.

The SPEAKER pro tempore. Members will please be seated.

The Pledge of Allegiance will not be offered at this time. It will be offered at a later time.

JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, the approval of the Journal of Tuesday, October 12, 1993, will be postponed until printed. The Chair hears no objection.

GUESTS INTRODUCED

The SPEAKER pro tempore. Representatives Jadowiec, Surra, and Lynch have guests in the balcony from Intermediate Unit 9, Cameron, Elk, McKean, and Potter Counties. Will the guests please rise and be recognized.

The Chair recognizes the gentleman, Mr. Gannon.

Mr. GANNON. Yes, Mr. Speaker.

Mr. Speaker, when the Chair goes over the calendar for today, I would like to be recognized in order to object to going over HB 587, at the appropriate time, Mr. Speaker.

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

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

SB 1193, PN 1678 (Amended)

By Rep. LLOYD

An Act amending the act of June 30, 1981 (P. L. 128, No. 43), entitled "Agricultural Area Security Law," prohibiting reallocation of State moneys.

AGRICULTURE AND RURAL AFFAIRS.

BILL REMOVED FROM TABLE

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

Mr. ITKIN. Mr. Speaker, I move that SB 1193 be removed from the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILL RECOMMITTED

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

Mr. ITKIN. Mr. Speaker, I move that SB 1193 be recommitted to the Appropriations Committee.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 1973, PN 2650 (Amended)

By Rep. BELFANTI

An Act amending the act of July 14, 1961 (P.L.637, No.329), known as the Wage Payment and Collection Law, providing for

duty of successor employer to pay back wages; and further providing for enforcement.

LABOR RELATIONS.

LEAVES OF ABSENCE

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Steighner, for requests for leaves of absence.

Mr. STEIGHNER. Thank you, Mr. Speaker.

Mr. Speaker, I would ask for leave for today for the gentleman from Allegheny, Mr. LEVDANSKY, and the gentleman from Bucks, Mr. CORRIGAN.

The SPEAKER pro tempore. Without objection, the leaves of absence will be granted.

The Chair recognizes the gentleman, Mr. Perzel, for the purpose of leaves of absence.

Mr. PERZEL. Thank you, Mr. Speaker.

I ask for leave for the day for the gentleman from Berks, Mr. ROHRER.

The SPEAKER pro tempore. Without objection, the leave of absence will be granted.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—196

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

Coy	Kenney	Preston	Van Horne
Curry	King	Raymond	Veon
Daley	Kirkland	Reber	Vitali
DeLuca	Krebs	Reinard	Waugh
Dempsey	Kukovich	Richardson	Williams
Dent	LaGrotta	Rieger	Wogan
Dermody	Laub	Ritter	Wozniak
Donatucci	Laughlin	Roberts	Wright, D. R.
Druce	Lawless	Robinson	Wright, M. N.
Durham	Lederer	Roebuck	Yandrisevits
Egolf	Lee	Rooney	Yewcic
Evans	Leh	Rublely	Zug
Fairchild	Lescovitz	Rudy	
Fajt	Lloyd	Ryan	DeWeese,
Fargo	Lucyk	Santoni	Speaker
Farmer	Lynch		

ADDITIONS—0

NOT VOTING—0

EXCUSED—5

Bush	Corrigan	Levdansky	Rohrer
Civera			

LEAVES ADDED—3

O'Donnell	Ritter	Tomlinson
-----------	--------	-----------

LEAVES CANCELED—2

Ritter	Tomlinson
--------	-----------

RULES SUSPENDED

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

Mr. ITKIN. Mr. Speaker, I move for a suspension of the rules to immediately consider HR's 190 and 183.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—196

Acosta	Fee	Maitland	Sather
Adolph	Fichter	Manderino	Saurman
Allen	Fleagle	Markosek	Saylor
Argall	Flick	Marsico	Scheetz
Armstrong	Freeman	Masland	Schuler
Baker	Gamble	Mayernik	Scrimenti
Barley	Gannon	McCall	Semmel
Battisto	Geist	McGeehan	Serafini
Bebko-Jones	George	McNally	Smith, B.
Belardi	Gerlach	Melio	Smith, S. H.
Belfanti	Gigliotti	Merry	Snyder, D. W.
Birmelin	Gladeck	Michlovic	Staback
Bishop	Godshall	Micozzie	Stairs
Blaum	Gordner	Mihalich	Steelman
Boyes	Gruitza	Miller	Steighner
Brown	Gruppo	Mundy	Steil
Bunt	Haluska	Murphy	Stern
Butkovitz	Hanna	Nailor	Stetler
Buxton	Harley	Nickol	Stish
Caltagirone	Hasay	Nyce	Strittmatter
Cappabianca	Hennessey	O'Brien	Sturla
Carn	Herman	O'Donnell	Surra
Carone	Hershey	Olasz	Tangretti

Cawley	Hess	Oliver	Taylor, E. Z.
Cessar	Hughes	Perzel	Taylor, J.
Chadwick	Hutchinson	Pesci	Thomas
Clark	Itkin	Petrarca	Tigue
Clymer	Jadlowiec	Petrone	Tomlinson
Cohen, L. I.	James	Pettit	Trello
Cohen, M.	Jarolin	Phillips	Trich
Colafrèffa	Josephs	Piccola	True
Colaizzo	Kaiser	Pistella	Tulli
Cornell	Kasunic	Pitts	Uliana
Cowell	Keller	Platts	Vance
Coy	Kenney	Preston	Van Home
Curry	King	Raymond	Veon
Daley	Kirkland	Reber	Vitali
DeLuca	Krebs	Reinard	Waugh
Dempsey	Kukovich	Richardson	Williams
Dent	LaGrotta	Rieger	Wogan
Dermody	Laub	Ritter	Wozniak
Donatucci	Laughlin	Roberts	Wright, D. R.
Druce	Lawless	Robinson	Wright, M. N.
Durham	Lederer	Roebuck	Yandriscvits
Egolf	Lee	Rooney	Yewcic
Evans	Leh	Rublely	Zug
Fairchild	Lescovitz	Rudy	
Fajt	Lloyd	Ryan	DeWeese,
Fargo	Lucyk	Santoni	Speaker
Farmer	Lynch		

NAYS—0

NOT VOTING—0

EXCUSED—5

Bush	Corrigan	Levdansky	Rohrer
Civera			

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

RESOLUTION

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Sturla, who calls up the following resolution, which the clerk will read.

The following resolution was read:

House Resolution No. 190

A RESOLUTION

Memorializing Congress to take appropriate measures to have the National Railroad Passenger Corporation rescind the recently announced service reduction within the Keystone Corridor.

WHEREAS, The National Railroad Passenger Corporation, commonly known as Amtrak, operates all intercity rail passenger service within the Keystone Corridor between the cities of Harrisburg and Philadelphia; and

WHEREAS, The Keystone Corridor includes the rail passenger stations located at Harrisburg, Middletown, Elizabethtown, Mount Joy, Lancaster, Parkesburg, Coatesville, Downingtown, Whitford, Exton, Malvern, Paoli, Ardmore and 30th Street in Philadelphia; and

WHEREAS, The stations within the counties of Dauphin, Lancaster, Chester and Montgomery had a combined Amtrak ridership of 525,489 in Federal Fiscal Year 1992; and

WHEREAS, The 30th Street Station in the City of Philadelphia at the juncture of the Keystone and the Northeast Corridors had an Amtrak ridership of 3,261,879 in Federal Fiscal Year 1992; and

WHEREAS, The use of intercity rail passenger transportation is a positive approach in the effort to alleviate the problems of air pollution and highway congestion; and

WHEREAS, The counties of the Keystone Corridor west of the City of Philadelphia have experienced significant population growth during the decade of the 1980's having gained a total of 160,198 persons according to the Federal Decennial Census of 1990; and

WHEREAS, Many people within the Keystone Corridor are dependent on public transportation for their mobility needs; therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania memorialize Congress to take appropriate measures to have the National Railroad Passenger Corporation rescind the recently announced service reduction within the Keystone Corridor; and be it further

RESOLVED, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

P. Michael Sturla
Richard A. Geist

On the question,
Will the House adopt the resolution?

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

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, a positive vote on this resolution will show Amtrak that the maintenance of commuter rail service is supported by State officials as well as the thousands of residents who use those services on a daily basis. For many people, this train service is the only way to get to their jobs. Reducing commuter service defies the widespread attempts to reduce gridlock problems and clean up the environment by reducing the amount of traffic on the road, and this resolution would urge Congress to recognize that.

According to Amtrak statistics, about 193,000 residents in Lancaster used the trains last year, and about 526,000 people in Lancaster, Dauphin, Chester, and Montgomery Counties used the train service. Nearly 3.3 million people used the 30th Street Station, which this links up with.

I would ask that this resolution be held open for additional cosponsors. Because of the nature of this and the timeliness of this, we had to hurry this, and there are a lot of people who are interested in cosponsoring this who represent constituents along this line, so I would ask that it be held open for cosponsors.

The SPEAKER pro tempore. The resolution will remain at the clerk's desk for signatures.

The Chair recognizes the gentleman, Mr. Geist.

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

The move by Amtrak in this resolution is very, very important, especially to the Representatives in the eastern part of the State as well as us along the main line in the west.

This General Assembly has been on record to add a third Pennsylvanian. It has been on record against the cuts that were made early in this; 10 years ago, the additional cuts that were

made. But now we have a new element and a new player in this, and it is called the Clean Air Act. It is a piece of legislation that has mighty teeth. Not only does this move cut service to those communities along the main line, especially us in Harrisburg, but it also goes against the tenet of the Clean Air Act, and that is to provide more transportation and to save fuel, preserve the air quality, and enhance the economy.

I would urge that all of us not only support this resolution but let our Congressmen and our Senators and those in Washington know that funding Amtrak in the Northeast corridor and the service that we have here is very, very important to the economic well-being of Pennsylvania as well as a measure that goes a long way to meeting the demands of the new Clean Air Act.

I would add that this resolution is a very, very good resolution and deserves the support of all of us. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Strittmatter.

Mr. STRITTMATTER. Thank you, Mr. Speaker.

I would also like to ask for a "yes" vote on this resolution.

Not only do I concur with the previous gentlemen's speeches but I would also like to point out that I believe that we should be asking our Congressmen to privatize this section of the railway. There is no reason in the world that this should not be a profitable, well-run line. The National Government has not been doing a good job with this, and I would ask also that we look into that. Thank you very much.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

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

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Bush	Corrigan	Levdansky	Rohrer
Civera			

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

CALENDAR

RESOLUTION

Mr. SAURMAN called up HR 183, PN 2632, entitled:

A Resolution designating October 23 through 31, 1993, as "Red Ribbon Week."

On the question,

Will the House adopt the resolution?

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

Mr. SAURMAN. Thank you, Mr. Speaker.

This resolution is one that we passed each year really since Pennsylvania became involved. It just simply asks people to wear a red ribbon during this week and declare that "Drug-free is the way for me." All of us, I think, can agree with that concept. I would appreciate your support.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Bush	Corrigan	Levdansky	Rohrer
Civera			

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

GUEST INTRODUCED

The SPEAKER pro tempore. The Chair would like to recognize a guest of Representative Saylor, Maria Terrana, who is a fall intern, and she is in the gallery. Will the guest please rise and be recognized.

LEAVE OF ABSENCE

The SPEAKER pro tempore. Representative TOMLINSON will be on leave for the rest of the day.

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

ANNOUNCEMENT BY MR. DALEY

The SPEAKER. The gentleman, Mr. Daley, is recognized. Mr. DALEY. To announce a meeting, Mr. Speaker.

The SPEAKER. The gentleman is recognized and may proceed.

Mr. DALEY. The Pennsylvania legislative coal caucus will be holding a public hearing tomorrow at State College, Nittany Lion Inn, from 9 o'clock till about 3:30, with a tour in the afternoon, Mr. Speaker. I want to announce it so any members that wish to attend are welcome to attend and should let my office know.

The SPEAKER. Legislative coal caucus tomorrow at Penn State. Any questions, they can inquire at Representative Daley's office during the day.

Mr. DALEY. Yes, sir, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman from Washington County, chairman of the coal caucus.

WORLD WAR I MEMORIAL PROGRAM

The SPEAKER. The House will please come to order. The Sergeants at Arms will close the doors of the House. Staff will all be seated; members will be seated, please.

PRESENTATION OF COLORS

The SPEAKER. Present the colors.

(The colors were presented by the National Color Guard.)

The SPEAKER. Post the colors.

(The colors were posted by the National Color Guard.)

PLEDGE OF ALLEGIANCE

The SPEAKER. We will now have the Pledge of Allegiance.

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

The SPEAKER. Retire the colors.

(The colors were retired by the National Color Guard.)

OPENING REMARKS BY SPEAKER

The SPEAKER. Members will please take their seats.

The doors will remain closed and staff will remain seated.

One of our members, Paul Clymer, a senior member of the Assembly, a military veteran and a good friend of the Speaker, has requested, very appropriately, that we take a few minutes and commemorate the 75th anniversary of the conclusion of World War I. We are going to take just a brief time and do just that.

I would like to say that we have in the hall of the House a veteran who served at the Meuse-Argonne and at the Battle of the Marne and who worked his way from private to sergeant in that conflict. War was declared in April 1917, and by the beginning winter months of 1918, American forces of the AEF (American Expeditionary Force) had landed in France. The gentleman who is with us today was among the first cadre to hit the shores at Le Havre.

In order for the event to go forward, I would like to recognize the gentleman, Mr. Clymer, who has been the driving force behind today's 15- or 20-minute ceremony. I do think it is wholly appropriate that the Pennsylvania General Assembly, one of the most historic assemblies on the planet, from time to time take a few moments to commemorate special events like this, and I thank my Republican colleague, Paul Clymer, for helping bring this about.

ADDRESS BY**MAJ. GEN. JOSEPH F. PERUGINO**

The SPEAKER. Paul, you are recognized.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, 2 million Americans or 42 divisions were sent to France in World War I to engage the enemy, which in the hearts and minds of many would be the war to end all wars. Unfortunately, that was not to become the reality. Nevertheless, we are here today to honor those who fought and who died.

For remarks regarding the 75th anniversary of World War I, it is my pleasure to introduce Maj. Gen. Joseph F. Perugino, deputy commander, STARC (State area command), Pennsylvania National Guard.

MAJOR GENERAL PERUGINO. Mr. Speaker, members of the House, distinguished guests and citizens: You have given me a great honor by inviting me to speak to you, the representatives of the people assembled in the oldest legislative body in this hemisphere, at this ceremony honoring the anniversary of World War I.

Seventy-five years ago, a momentous event took place in a land far from America's shores. The guns of a world war were at last silenced, and once again, "All was quiet on the Western Front." Finally, the great war to save democracy — the war to end all wars — was over. It was the 11th hour of the 11th day of the 11th month in 1918.

Before the guns stopped, though, 116,000 Americans had died in that terrible war. But they were not to be forgotten. One year later, President Woodrow Wilson proclaimed

November 11 as the date to honor them. The occasion was known as Armistice Day.

Since that time, both the scope and the name of this holiday have changed. Originally intended to recognize just those who died in World War I, today it honors veterans, both living and dead, from every war and time period. Appropriately enough, we know this holiday as Veterans Day.

So we gather here today to do what Americans have proudly done for decades. We take time to pay respects to those who served our country and served it well while members of our Armed Forces, and in doing so, we also reaffirm our faith in this Nation and the principles for which it stands. We show our love for America and for those who have protected it for more than two centuries.

Yet, who are these veterans we honor today? What do they look like? Where do they come from? In truth, our veterans are the very embodiment of America itself. They are the composite of our Nation and all that has made it great. They are men; they are women. They are of every creed and belief. They fit every physical description. They are your neighbor next door, the merchant at the mall, and the policeman on the corner. They are the 27 million Americans living today who have worn the military uniform, and they are those more than 1 million who have died in American wars.

Some of these veterans are well-known heroes who have received widespread acclaim. However, most are not. Most are just ordinary citizens who answered the call to duty when it came. That call took them from the safety of their homes, their families, and often led them to hardships, danger, and the death of war. They left the peaceful pursuits of farms and factories and offices to dedicate their talents and energy to becoming soldiers, sailors, airmen, and marines.

As we celebrate today the 75th anniversary of World War I, let me say how proud we the members of the Pennsylvania National Guard are to have the opportunity of supporting our State mission and also our role to the total force.

The 28th Infantry Division, Pennsylvania Army National Guard, is the oldest division in the Armed Forces of the United States. When the United States entered World War I in April of 1917, Pennsylvania's 7th Division, as it was known at the time, was ordered to active duty at Camp Hancock, Georgia, in July 1917. It was there, on October 11, 1917, that the division was reorganized as the 28th.

The 28th arrived in France in May of 1918 with Maj. Gen. Charles Muir in command and was committed to battle on July 14, 1918. From that day until the armistice, the division was to have no rest. It took part in six major campaigns, and in those 4 months it suffered 14,000 battle casualties and won from the General of the Armies, John J. Pershing, the title "Iron Division."

Today the Pennsylvania National Guard is the second largest Guard in the United States and has maintained its strength at 95 percent while achieving its highest standards within the 1st U.S. Army area, while the Guards in New York, New Jersey, Ohio, Massachusetts, and Delaware have lost considerable structure in the current military drawdown. These

cuts have had an impact not only on Federal missions but the Guard's ability to support State missions. We the members of the Guard appreciate the support of this House and all you have contributed to help make a stronger Pennsylvania Guard.

Let me conclude by saying that America was the beacon of light that showed the way since the end of World War I and during the Cold War period. Over many years our veterans helped preserve that light and keep it burning brightly when others wished to extinguish it. Now the results are very clear: Not only does America remain free and democratic, but a new order of freedom is spreading across the globe.

However, that does not mean our job is over. Though the hope of worldwide democracy and lasting peace may seem to be on the horizon, this is still a dangerous world. The threat of unstable governments continues to hang over us. The actions of irresponsible nations are still a cause for concern. So we must remain prepared; we must remain strong.

To those who have passed on, we who remain commemorate this special occasion. As we know, peace is not without cost; freedom is not free.

Again, thank you very much for this opportunity to participate in the program today, and I salute you.

MUSICAL TRIBUTE

The SPEAKER. Representative Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, here today to honor the war veterans in song is Darla Mulhall. Her song: "Hero for a Day."

("Hero for a Day" was sung by Darla Mulhall.)

ADDRESS BY W. V. GORDON LUNDIE

The SPEAKER. Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, Pennsylvanians in uniform in World War I numbered 359,764. There were almost 6,000 killed among Pennsylvanians and 23,580 were wounded.

It is my pleasure to introduce one of the few remaining World War I veterans from Pennsylvania. He served with the Motor Truck Company, the 413th Division. He is 97 years of age. Guests and members of the House of Representatives, please welcome W. Gordon Lundie.

Mr. LUNDIE. I thank you, Mr. Speaker, and I thank you, Major General Perugino, for bringing me up here.

Seventy-five years ago I was in the Argonne when the war ended. I never dreamt that I would have the honor of addressing this august group of men and women, and I thank you all very much indeed.

I also want to show you, this is a tag that we boys carried during the war, so that if anything happened, they would be able to recognize me.

Now, I enlisted in 1917 and was sent to Camp Joseph E. Johnston for training. While in training, word came for volunteers to go to France immediately to serve in the supply train which would haul ammunition and food to the front. I

had never driven a car, but I enlisted. So they gave me a few days of training driving a truck amongst the trees, the pine trees at the camp, and as I did not hit any of the trees or have any damage, I was granted as a good driver, so then I was elected to go.

So now we board ship, and on the high seas the captain called for a volunteer to go up to the crow's nest, and I volunteered. So I climbed up. When I got up, I had to signal to him as soon as I saw the destroyers in the distance. They were to protect us from the submarines so that we would be able to land in France. Well, they did a good job, for we landed at Bordeaux, and from there we went up to Lieusant, which is a little village south of Paris, to get the trucks. When we got up there, there were no trucks, so we bivouacked in the field and waited, and when the commander came with the trucks, he said, *I did not read the map correctly and lost my way*. So he immediately called a conference, went over the map and all the other details that he had, and then he turned to me and he said, *Lundie, you will now lead the train*.

So the orders were for us to go into Paris and pick up a field hospital and take it up to a place called Soissons. Well, we got in and loaded, but how to get out of Paris? Well, I remembered a little French I had learned at school, and with that and asking questions here and there, we landed up in Soissons. On the way back to base he said to me, now you are convoy leader. Well, I was glad of that. When we got back to base, there was an order that I should go to Le Havre, the Port of Le Havre, to pick up some lorries. The British Government had granted us some lorries. By the way, the British called their trucks lorries; we did not have many. So after picking up the trucks, my orders were to go into Paris, report to the Red Cross, and bring back supplies, which we did.

My next big job was to pick up a wounded colonel at the front. Now, what I had to do was pick out the smallest truck in the convoy, and with a man on each fender in the night, we crept down onto the field. When I got onto the field, the flares would go off, and every once in a while a flare would make the place just like broad daylight. Well, I found the colonel, put him aboard, and then left him off at the nearest field hospital.

After this, the 6th Division landed and were sent up to their positions in the Argonne Woods. So then my unit was transferred to the 6th Division for duty. After a while I got word that I was to report to GHQ (general headquarters) with some trucks. Now, GHQ was the headquarters for the 6th Division, and they were in a town called Gerardmer in the Vosges Mountains. When I got up there, the colonel briefed me very promptly with all the things I had to do. I had to load up the trucks with officers of the 6th Division and let them off at spots, the takeoff spots, and this was all marked on a map which he and I had gone over very carefully. That was the hardest job I had to do, but I did accomplish it and then was kept permanently on working with the 6th Division.

After the armistice we were sent down to a little village in southeast France called Gevroles. It was a nice little village, and a swift current of stream ran through that village and you

could see the ladies washing their clothes in the stream. Remember, ladies and gentlemen, this was 75 years ago.

We were in that little village at Christmastime, so we decided that we would give the little children a Christmas tree. So I had to go and speak to the head Sister of the school, and in my patois French, which apparently she understood, I asked her if the children could come when we had the tree ready, and she gladly gave me that permission. Now I had to go and see the count who owned all the land around and the village and everything and ask for permission to cut a tree down. So he gave the permission. We took the tree back to base, and the boys had a good time dressing up the tree. The mess sergeant gave us all the candy he had, and there was a little store in town where we could get some things. Altogether they did a very fine job. Then we called the little children, and I wish you could have seen their happy little faces, especially when we gave them the candy.

Now then, we got orders to report back to Brest for the return home. When we got up to Brest, our government had sent over a batch of brand-new trucks, and as the war was over, the high command ordered that I should convoy these trucks to a little place called Vernouillet in south-central France. Well, in order to get there I had to travel through Brittany, and of all the sections of France, I think Brittany was the nicest. You go through these little villages and you saw all the ladies with different dresses; in each village they seemed to have different dresses, different costumes, beautiful aprons, and beautiful hairdos, and the men wore a peculiar hat, a black hat which was round and flat, and on the back of the hat, some hats would have one ribbon, some hats would have two or three hanging down, and those ribbons represented the little village in Brittany where he lived.

Now then, on to Vernouillet. When we got there, I turned over the papers to the high command and the trucks were taken over by the German prisoners, and there was one very, very angry German prisoner and I heard him say, "Wait till you damn Yanks get out of here; we will trim these Frenchies yet."

Now we had to get back to Brest, and in order to do that, we had to travel on the French railroad. Now, they assigned us to what I call a big boxcar with straw on the floor. It has a name, and I will mention it. It is called quarante hommes, huit chevaux, which translated into English means, in time of war, that boxcar would carry 40 men and 8 horses.

We had a nice trip back to Brest, got there safely, and after awhile we were put on, I will call it a German cruise ship that we had captured, and we had a pleasant voyage back home.

I salute you all, and thank you very much for asking me to speak to you.

MEDAL PRESENTATION

The SPEAKER. The general has a presentation to make to Sergeant Lundie. Would the general and the sergeant and Mr. Clymer please come to the podium.

As Representative Clymer is making his way, Mr. Cohen indicated to me that this might be a moment of history for

Pennsylvania, and we are going to ask the House Historian to research it. Mr. Lundie just may be the oldest gentleman or lady to ever address our General Assembly, and not only was he quite literate with his command of the French language, he still has a scintillating retrospection about those women in France that is appreciated by one and all, I am sure.

General.

MAJOR GENERAL PERUGINO. At this time we would like to make a presentation to Mr. Lundie, this medal, in honor of this presentation today. Mr. Lundie.

(A medal was presented to W. V. Gordon Lundie.)

Mr. LUNDIE. Mr. Speaker, God bless you all.

POETRY RECITATION BY MS. SANDY COLE

The SPEAKER. Representative Clymer is recognized for the final aspect of our event before we have the last music selection.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, at this time it is my pleasure to introduce Sandy Cole, an 11th grade student from Susquenita High School, who will give "In Flanders Fields."

Ms. COLE. "In Flanders Fields," a poem by John McCrae:

In Flanders fields the poppies blow
Between the crosses, row on row,
That mark our place; and in the sky
The larks, still bravely singing, fly
Scarce heard amid the guns below.

We are the dead. Short days ago
We lived, felt dawn, saw sunset glow,
Loved and were loved, and now we lie
In Flanders fields.

Take up our quarrel with the foe:
To you from failing hands we throw
The torch; be yours to hold it high.
If ye break faith with us who die
We shall not sleep, though poppies grow
In Flanders fields.

The SPEAKER. I think that it is special to have Sandy Cole end the ceremony today, and I think it is a long line of progression between Sandy at Susquenita High School and Gordon Lundie at Soissons and Bellau Woods and St. Mihiel.

MUSICAL CONCLUSION

The SPEAKER. As we finalize the event, I would like to welcome once again Ms. Mulhall for the singing of "God Bless America."

("God Bless America" was sung by Darla Mulhall.)

The SPEAKER. Darla, thank you. Sandy, thank you. Paul Clymer, thank you for making us focus on this very special event. General, thank you for being here, and Sergeant Lundie, we again appreciated your presence in the hall of the House.

The Sergeants at Arms may open the doors of the House.

The Chair recognizes Mr. Geist for the purpose of an announcement of a Republican caucus.

Does the gentleman, Mr. Geist, seek recognition?

Mr. GEIST. Yes; just a second.

Mr. Speaker, there will be no need now for the Republicans to caucus, and we will be delighted to see you back here on the floor at 1:30.

The SPEAKER. The Chair would request that we return to the floor at 1:15, if there are no objections. We have several members on both sides of the aisle who have enthusiasms to pursue later in the afternoon. Is 1:15 acceptable with the majority leader?

There will be very important votes, very important votes taken this afternoon.

RECESS

The SPEAKER. The Chair recesses the House until 1:15.

AFTER RECESS

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

HOUSE BILLS INTRODUCED AND REFERRED

No. 2149 By Representatives BROWN, BARLEY, TRELLO, FICHTER, DeLUCA, FARMER, ULIANA, GORDNER, FAJT, HUTCHINSON, HERSHEY, CAWLEY, ROONEY, STABACK, GANNON, GEIST, STERN, MARSICO, BAKER, SATHER, PETTIT, TIGUE, MILLER, MELIO, BATTISTO, PESCI, JAROLIN, CLARK and MERRY

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, defining the offense of concealment of child from law enforcement authorities.

Referred to Committee on JUDICIARY, October 13, 1993.

No. 2150 By Representatives TANGRETTI, MARKOSEK, DERMODY, MELIO, COLAIZZO, VAN HORNE, WOZNIAK, ROBINSON, CAPPABIANCA, ROONEY, RAYMOND, DeLUCA, CORRIGAN, JOSEPHS, LEVDANSKY, PHILLIPS, E. Z. TAYLOR, DALEY, GORDNER, TRELLO, PISTELLA, THOMAS, BUNT, LAUGHLIN, WILLIAMS and LaGROTTA

An Act creating the Small Business Set-Aside Program.

Referred to Committee on BUSINESS AND ECONOMIC DEVELOPMENT, October 13, 1993.

No. 2151 By Representatives BAKER, FEE, PHILLIPS, GODSHALL, TIGUE, NAILOR, B. SMITH, RUBLEY, SCHEETZ, BUNT, SAYLOR, FLICK, EGOLF, MATTLAND, NICKOL, SCRIMENTI, SAURMAN, BARLEY, BELFANTI, SURRA, COLAIZZO, GERLACH, TRELLO, STEIL, CLARK, FARGO, NYCE, GEIST,

GANNON, E. Z. TAYLOR, SCHULER, PETTIT, LEH, STABACK, HENNESSEY, HUTCHINSON, MARSICO, HASAY, BATTISTO, LAUGHLIN, MERRY and KASUNIC

An Act amending the act of July 10, 1981 (P.L.234, No.76), known as the Donated Food Limited Liability Act, providing for deer and other big game donated as food.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, October 13, 1993.

No. 2152 By Representatives COLAFELLA, TRELLO, COY, GEIST, STISH, VAN HORNE, TIGUE, CARN, SCHEETZ, D. R. WRIGHT, KENNEY, DALEY, JOSEPHS, GANNON, E. Z. TAYLOR, OLASZ, SCRIMENTI, GIGLIOTTI, LAUGHLIN and CIVERA

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

Referred to Committee on INSURANCE, October 13, 1993.

No. 2153 By Representatives FICHTER, CORNELL, LAUB, BUNT, RUBLEY, GEIST, BARLEY, CESSAR, HENNESSEY, SAURMAN, L. I. COHEN, SERAFINI, RAYMOND, MERRY, FARMER, STAIRS, NICKOL, ROONEY, MILLER, PETTIT, HANNA, KASUNIC, SATHER, MELIO, CAWLEY and WOGAN

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for information on a driver's license.

Referred to Committee on TRANSPORTATION, October 13, 1993.

No. 2154 By Representatives ROONEY, GORDNER, PESCI, NAILOR, JOSEPHS, STEELMAN, HENNESSEY, VEON, RAYMOND, LEDERER, DeLUCA, MANDERINO and TRELLO

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further regulating use of certified medical charts or records.

Referred to Committee on JUDICIARY, October 13, 1993.

No. 2155 By Representatives ROONEY, PETRONE, LaGROTTA, BATTISTO, VAN HORNE, JAROLIN, SERAFINI, RUDY, JOSEPHS, FREEMAN, VEON, RAYMOND, ULIANA, MELIO, CURRY, LEH, WOZNIAK and TRELLO

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for criminal penalties.

Referred to Committee on JUDICIARY, October 13, 1993.

No. 2156 By Representatives ROONEY, SCRIMENTI, SATHER, GORDNER, PETRONE, MARKOSEK, FICHTER, MIHALICH, ZUG, PESCI, LAUGHLIN, SANTONI, YEWIC, MANDERINO, COLAIZZO, JAROLIN, NAILOR, TIGUE, SERAFINI, ROBINSON, STABACK, OLASZ, HENNESSEY, MARSICO, FREEMAN, VEON, M. COHEN, DRUCE, LEDERER, MUNDY, BLAUM, PISTELLA, MELIO, DeLUCA, BELFANTI, CURRY, D. R. WRIGHT, WILLIAMS, KELLER, SURRA, WOZNAK and TRELLO

An Act amending the act of April 8, 1937 (P.L.262, No.66), known as the Consumer Discount Company Act, prohibiting certain types of loan advertising.

Referred to Committee on CONSUMER AFFAIRS, October 13, 1993.

No. 2157 By Representatives ROONEY, LAUGHLIN, STABACK, FREEMAN, VEON, RAYMOND, ULIANA, MELIO, COY and TRELLO

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, further providing for acquisition of air rights.

Referred to Committee on TRANSPORTATION, October 13, 1993.

No. 2158 By Representatives CALTAGIRONE, ROBINSON, FAJT, L. I. COHEN, STABACK, FICHTER, RAYMOND, BUNT, VEON, M. COHEN, WILLIAMS, LAUB, ROONEY, LAUGHLIN, D. W. SNYDER, BAKER, YANDRISSEVITS, PETRONE, MILLER, GODSHALL, COLAIZZO, SERAFINI, KELLER, KIRKLAND, TANGRETTI and TRELLO

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for creditable non-State service.

Referred to Committee on STATE GOVERNMENT, October 13, 1993.

No. 2159 By Representatives ROBERTS, MASLAND, GORDNER, MIHALICH, SATHER, NAILOR, TULLI, KREBS, FICHTER, ZUG, HUTCHINSON, BIRMEIN, STETLER, CAPPABIANCA, MERRY, D. W. SNYDER, LAUGHLIN, PITTS, PETTIT, HERSHEY, HERMAN, KING, BUXTON, FARGO, SCHEETZ, VAN HORNE, MILLER, GODSHALL, COLAIZZO, ARGALL, SERAFINI, DEMPSEY, M. N. WRIGHT, L. I. COHEN, ARMSTRONG, STEELMAN, RUBLEY, GERLACH, WAUGH, LAUB, BROWN, S. H. SMITH, MUNDY, FAIRCHILD, FLICK, HENNESSEY, GEIST, DeLUCA, CLYMER, PHILLIPS, WOGAN, MARSICO, McCALL, SAYLOR, RAYMOND, CESSAR, LEE, CAWLEY, LYNCH, DRUCE, EGOLF, COY, TIGUE, CURRY, HASAY, ROONEY and LEH

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 treatment of net operating losses.

Referred to Committee on FINANCE, October 13, 1993.

No. 2160 By Representatives PHILLIPS, FAIRCHILD, BARLEY, FICHTER, BAKER, EGOLF, ALLEN, STEELMAN, DEMPSEY, NICKOL, ARMSTRONG, SERAFINI, SCHEETZ, MILLER, SAYLOR, GEIST, TRUE, NAILOR, HESS, HASAY, GANNON, HERSHEY, SATHER, BROWN, CLARK, MERRY, KING, LEH, SAURMAN and BELFANTI

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further defining "processing."

Referred to Committee on FINANCE, October 13, 1993.

No. 2161 By Representatives HERMAN, TRELLO, FARGO, GORDNER, COWELL, KENNEY, WAUGH, GERLACH, FLEAGLE, FICHTER, CLARK, KING, SATHER, CESSAR, LYNCH, L. I. COHEN, FARMER, STAIRS, MILLER, BAKER, FAJT, HENNESSEY, ROONEY, SCHULER, GRUPPO, MELIO, COLAIZZO, STABACK, BUNT, E. Z. TAYLOR, LEVDANSKY, DURHAM, HUTCHINSON, LAUGHLIN, THOMAS, KASUNIC, GODSHALL, LaGROTTA, LEE, BROWN, CAWLEY, MERRY, CIVERA and RUBLEY

An Act amending the act of December 19, 1990 (P.L.1200, No.202), known as the Solicitation of Funds for Charitable Purposes Act, further providing for exemptions from registration.

Referred to Committee on STATE GOVERNMENT, October 13, 1993.

No. 2162 By Representatives FLICK, CAWLEY, BAKER, SAURMAN, E. Z. TAYLOR, LAUGHLIN, LAUB, TRELLO and HENNESSEY

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for exclusion from automobile insurance benefits.

Referred to Committee on TRANSPORTATION, October 13, 1993.

No. 2163 By Representatives VEON, STEELMAN, DeWEESE, RITTER, SCRIMENTI, COWELL, KUKOVICH, CARONE, JOSEPHS, ROONEY, L. I. COHEN, HUGHES, PESCI, PISTELLA, FLICK, BATTISTO, VAN HORNE, MELIO, MICHLOVIC, GIGLIOTTI and CURRY

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, prohibiting corporal punishment.

Referred to Committee on EDUCATION, October 13, 1993.

No. 2164 By Representatives ZUG, FICHTER, FARMER, HENNESSEY and BROWN

An Act amending the act of July 12, 1972 (P.L.781, No.185), known as the Local Government Unit Debt Act, further providing for the limitations on debt of school districts.

Referred to Committee on LOCAL GOVERNMENT, October 13, 1993.

No. 2165 By Representatives ZUG, FARGO, ROHRER, SAURMAN, BARLEY, MARSICO, SAYLOR, HERSHEY, DEMPSEY, LEH, STERN, CLARK, WAUGH, MASLAND, MILLER, FARMER, BAKER, SCHULER, ARMSTRONG, HENNESSEY, NAILOR, PLATTS, PETTIT, E. Z. TAYLOR, L. I. COHEN, HUTCHINSON, STEIL, EGOLF, FLICK, LEE, MERRY and SCHEETZ

An Act amending the act of June 1, 1937 (P.L.1168, No.294), known as the Pennsylvania Labor Relations Act, further providing for unfair labor practices.

Referred to Committee on LABOR RELATIONS, October 13, 1993.

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 1015, PN 1241**, entitled:

An Act amending Title 12 (Commerce and Trade) of the Pennsylvania Consolidated Statutes, adding provisions relating to fraudulent transfers; and making repeals.

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

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

The question is, shall the bill pass finally?

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

YEAS—194

Acosta	Farmer	Lucyk	Santoni
Adolph	Fee	Lynch	Sather
Allen	Fichter	Maitland	Saurman
Argall	Fleagle	Manderino	Saylor
Armstrong	Flick	Markosek	Scheetz
Baker	Freeman	Marsico	Schuler
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	Godsball	Michlovic	Stairs
Boyes	Gordner	Micozzie	Steelman
Brown	Gruitza	Mihalich	Steighner
Bunt	Gruppo	Miller	Steil
Butkovitz	Haluska	Mundy	Stern

Buxton	Hanna	Murphy	Stetler
Caltagirone	Harley	Nailor	Stish
Cappabianca	Hasay	Nickol	Strittmatter
Carn	Hennessey	Nyce	Sturla
Carone	Herman	O'Brien	Surra
Cawley	Hershey	O'Donnell	Tangretti
Cessar	Hess	Olasz	Taylor, E. Z.
Chadwick	Hughes	Oliver	Taylor, J.
Clark	Hutchinson	Perzel	Thomas
Clymer	Itkin	Pesci	Tigue
Cohen, J. I.	Jadlowiec	Petrarca	Trello
Cohen, M.	James	Petrone	Trich
Colafrilla	Jarolin	Pettit	True
Colaizzo	Josephs	Phillips	Tulli
Cornell	Kaiser	Piccola	Uliana
Cowell	Kasunic	Pistella	Vance
Coy	Keller	Pitts	Van Horne
Curry	Kenney	Platts	Veon
Daley	King	Preston	Vitali
DeLuca	Kirkland	Raymond	Waugh
Dempsey	Krebs	Reber	Williams
Dent	Kukovich	Reinard	Wogan
Dermody	LaGrotta	Richardson	Wozniak
Donatucci	Laub	Rieger	Wright, D. R.
Druce	Laughlin	Roberts	Wright, M. N.
Durham	Lawless	Robinson	Yandrisevits
Egolf	Lederer	Roebuck	Yewcic
Evans	Lee	Rooney	Zug
Fairchild	Leh	Rubley	
Fajt	Lescovitz	Rudy	DeWeese,
Fargo	Lloyd	Ryan	Speaker

NAYS—0

NOT VOTING—1

Ritter

EXCUSED—6

Bush	Corrigan	Rohrer	Tomlinson
Civerra	Levdansky		

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

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

REPUBLICAN CAUCUS

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

Mr. **GEIST**. Thank you, Mr. Speaker.

Due to the fact that there is an amendment that is going to be offered to the smoker bill-of-rights legislation, there will be a need for a short Republican caucus. If you have some other things to run off before that bill, that would be fine with us. If not, if we could have the Republican members gather in the caucus room in about 10 minutes, that would be fine.

The **SPEAKER**. Does the gentleman believe that he could be back here in 10 minutes?

Mr. **GEIST**. Mr. Speaker, they are currently tearing the caucus room down from an event that was previously held up there. It will probably take them another 10 minutes or so to

do that; then if we could go to caucus, it may be a very short caucus, so we could come back on the floor and be prepared to vote.

The SPEAKER. The gentleman should probably utilize the majority caucus room. There are members of both—I do not need to be the beneficiary of your humor at this moment—there are a number of members on both sides of the aisle who wish to pursue other efforts later in the afternoon, so I would politely and respectfully admonish the gentleman to organize his caucus immediately in the majority caucus room and report back to the floor in 15 minutes.

Mr. GEIST. Thank you, Mr. Speaker. We will do that. The Republicans will meet in the majority caucus room immediately.

LEAVE OF ABSENCE

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

Mr. STEIGHNER. Thank you, Mr. Speaker.

Mr. Speaker, until further notice, I would ask that Representative RITTER be placed on temporary leave.

The SPEAKER. The Chair thanks the gentleman and alerts the clerk to present temporary leave to Ms. Ritter.

The gentleman, Mr. Gannon, from Delaware County is recognized.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, what is now the status of HB 587?

The SPEAKER. We have not gotten to it on today's calendar, but it is marked "over" on today's calendar.

Mr. GANNON. Mr. Speaker, I would like to be recognized to make an objection to going over the bill for the day at the appropriate time.

The SPEAKER. The Chair thanks the gentleman and will be so recognized.

RECESS

The SPEAKER. This House stands in recess until the call of the Chair.

AFTER RECESS

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

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair recognizes Karen Ritter in the hall of the House, and Karen's name will be taken off the temporary leave list.

BILL REREPORTED FROM COMMITTEE

HB 849, PN 2669 (Amended)

By Rep. PETRONE

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.

URBAN AFFAIRS.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 1250, PN 1367

By Rep. PETRONE

An Act amending the act of May 11, 1949 (P.L.1076, No.311), entitled "An act authorizing the recording, copying and recopying, of documents, plats, papers, written instruments, records and books on file or of record, and the replacement and certification of originals previously filed and of record, by officers of counties of the first class and of cities of the first class, by photostatic, photographic, microphotographic, microfilm, or other mechanical process; relating to the effect and use of such copies, records, reproductions, replacements and transcripts, or certified copies thereof, and providing for additional methods for revision of and entries to be made on originals and copies so produced or replaced," further providing for additional methods for the recording, copying and maintenance of records.

URBAN AFFAIRS.

HB 1379, PN 1514

By Rep. PETRONE

An Act amending the act of October 11, 1984 (P.L.876, No.171), known as the Second Class City Treasurer's Sale and Collection Act, regulating time of service, stay of sale, redemption and title of delinquent tax properties.

URBAN AFFAIRS.

HB 1634, PN 1860

By Rep. PETRONE

An Act amending the act of March 7, 1901 (P.L.20, No.14), referred to as the Second Class City Law, further providing for competitive bidding on contracts.

URBAN AFFAIRS.

HB 1635, PN 1861

By Rep. PETRONE

An Act amending the act of June 21, 1939 (P.L.626, No.294), referred to as the Second Class County Assessment Law, providing for reduction of tax rates in certain cases.

URBAN AFFAIRS.

HB 1759, PN 2077

By Rep. PETRONE

An Act amending the act of December 14, 1992 (P.L.866, No.137), known as the Optional County Affordable Housing Funds Act, extending the act to counties of the first class.

URBAN AFFAIRS.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair recognizes the presence of Representative Robert Tomlinson in the hall of the House. His name will also be removed from the leave list.

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 1126, PN 1531**, entitled:

An Act amending the act of August 23, 1967 (P. L. 251, No. 102), entitled, as amended, "Industrial and Commercial Development Authority Law," further providing for definitions, for applicable elected representatives, for purposes and powers, for powers of the financing authority, for financing authority indebtedness, for financing authority loans, for industrial and commercial development authorities, for bonds and for competition in award of contracts.

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

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

The question is, shall the bill pass finally?

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

YEAS—195

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

Farmer

NAYS—0

NOT VOTING—1

Petrarca

EXCUSED—5

Bush
Civera

Corrigan

Levdansky

Rohrer

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

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

The House proceeded to third consideration of **HB 1827, PN 2188**, entitled:

An Act amending the act of March 4, 1970 (P.L.128, No.49), entitled "An act granting to the Governor of the Commonwealth the sole authority for regulating the display of the flag of the United States from any public ground or building and from any ground or building of certain other institutions," further providing for the display of the official POW/MIA flag from public buildings or grounds.

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

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

The question is, shall the bill pass finally?

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

YEAS—196

Acosta	Fee	Maitland	Sather
Adolph	Fichter	Manderino	Saurman
Allen	Fleagle	Markosek	Saylor
Argall	Flick	Marsico	Scheetz
Armstrong	Freeman	Masland	Schuler
Baker	Gamble	Mayernik	Scrimenti
Barley	Gannon	McCall	Semmel
Battisto	Geist	McGeehan	Serafini
Bebko-Jones	George	McNally	Smith, B.
Belardi	Gerlach	Melio	Smith, S. H.
Belfanti	Gigliotti	Merry	Snyder, D. W.
Birmelin	Gladeck	Michlovic	Staback
Bishop	Godshall	Micozzie	Stairs
Blaum	Gordner	Mihalich	Steelman
Boyes	Gruitza	Miller	Steighner
Brown	Gruppo	Mundy	Steil
Bunt	Haluska	Murphy	Stern
Butkovitz	Hanna	Nailor	Stetler
Buxton	Harley	Nickol	Stish
Caltagirone	Hasay	Nyce	Strittmatter
Cappabianca	Hennessey	O'Brien	Sturla
Carn	Herman	O'Donnell	Surra
Carone	Hershey	Olasz	Tangretti

Cawley	Hess	Oliver	Taylor, E. Z.
Cessar	Hughes	Perzel	Taylor, J.
Chadwick	Hutchinson	Pesci	Thomas
Clark	Itkin	Petrarca	Tigue
Clymer	Jadlowiec	Petrone	Tomlinson
Cohen, L. I.	James	Pettit	Trello
Cohen, M.	Jarolin	Phillips	Trich
Colaella	Josephs	Piccola	True
Colaizzo	Kaiser	Pistella	Tulli
Cornell	Kasunic	Pitts	Uliana
Cowell	Keller	Platts	Vance
Coy	Kenney	Preston	Van Horne
Curry	King	Raymond	Veon
Daley	Kirkland	Reber	Vitali
DeLuca	Krebs	Reinard	Waugh
Dempsey	Kukovich	Richardson	Williams
Dent	LaGrotta	Rieger	Wogan
Dermody	Laub	Ritter	Wozniak
Donatucci	Laughlin	Roberts	Wright, D. R.
Druce	Lawless	Robinson	Wright, M. N.
Durham	Lederer	Roebuck	Yandrisevits
Egolf	Lee	Rooney	Yewcic
Evans	Leh	Rubley	Zug
Fairchild	Lescovitz	Rudy	
Fajt	Lloyd	Ryan	DeWeese,
Fargo	Lucyk	Santoni	Speaker
Farmer	Lynch		

NAYS—0

NOT VOTING—0

EXCUSED—5

Bush	Corrigan	Levdansky	Rohrer
Civera			

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 553, PN 2416**, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, extending enforcement powers of liquor control enforcement officers.

On the question,

Will the House agree to the bill on third consideration?

Mr. KENNEY offered the following amendments No. A3992:

Amend Bill, page 6, by inserting between lines 17 and 18 Section 2. The act is amended by adding a section to read: Section 211.1. Enforcement Personnel in Cities of the First

Class.—Notwithstanding any provision of this act to the contrary, the Pennsylvania State Police Commissioner shall assign no less than forty liquor control enforcement agents to enforce this act and any regulations promulgated pursuant thereto in cities of the first class. The number of liquor enforcement agents in cities of the first class shall never be less than a number equal to twenty-five percent (25%) of the total number of liquor control enforcement agents Statewide.

Amend Sec. 2, page 6, line 18, by striking out all of said line and inserting

Section 3. This act shall take effect as follows:

(1) The addition of section 211.1 of the act shall take effect July 1, 1994.

(2) The remainder of this act shall take effect in 60 days.

On the question,

Will the House agree to the amendments?

AMENDMENTS PASSED OVER TEMPORARILY

The SPEAKER. On the question, the Chair recognizes the gentleman, Mr. Kenney.

Is the gentleman still making his way from the caucus?

The Chair will momentarily postpone Mr. Kenney's amendment.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. DERMODY offered the following amendment No. A4198:

Amend Sec. 1 (Sec. 211), page 2, lines 21 through 30; page 3, lines 1 through 30; page 4, lines 1 through 8, by striking out all of said lines on said pages and inserting

(2) To arrest on view, except in private homes, without warrant, any person actually engaged in the unlawful sale, importation, manufacture or transportation or having unlawful possession of liquor, alcohol or malt or brewed beverages contrary to the provisions of this act or any other law of this Commonwealth or any person whom the officer/investigator, while in the performance of his assigned duties under and pursuant to this act and any regulations promulgated under this act, observes to be in violation of any of the following provisions:

18 Pa.C.S. § 3302 (relating to causing or risking catastrophe).

18 Pa.C.S. § 3304 (relating to criminal mischief).

18 Pa.C.S. § 4101 (relating to forgery).

18 Pa.C.S. § 5503 (relating to disorderly conduct).

18 Pa.C.S. § 5505 (relating to public drunkenness).

18 Pa.C.S. § 5512 (relating to lotteries, etc.).

18 Pa.C.S. § 5513 (relating to gambling devices, gambling, etc.).

18 Pa.C.S. § 5514 (relating to pool selling and bookmaking).

18 Pa.C.S. § 6307 (relating to misrepresentations of age to secure liquor or malt or brewed beverages).

18 Pa.C.S. § 6308 (relating to purchase, consumption, possession or transportation of liquor or malt or brewed beverages).

18 Pa.C.S. § 6309 (relating to representing that minor is of age).

18 Pa.C.S. § 6310.1 (relating to selling or furnishing liquor or malt or brewed beverages to minors).

18 Pa.C.S. § 6310.3 (relating to carrying a false identification card).

On the question,

Will the House agree to the amendment?

The SPEAKER. The gentleman from Allegheny is recognized.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, section (2) of this bill expands the arrest powers of liquor control enforcement officers. It allows them to arrest on view without a warrant for certain violations that

he observes of the Crimes Code that are violations under Title 18.

This amendment deletes eight violations from the bill under the Crimes Code that they would be allowed to make arrests for. Now, the eight violations are relating to corrupt organizations, relating to tampering with records or identification, false swearing, unsworn falsification to authorities, false reports to law enforcement authorities, tampering with public records, relating to obstructing administration of law, and dealing in proceeds of unlawful activities. I suggest that all of these violations do not affect the ability of the enforcement officers to protect themselves, and basically, these are out of the realm of their knowledge, expertise, and training. I do not think that these are anything they would have the ability to see on view or would be able to do without a warrant.

So I would ask the members to delete these, to vote for this amendment deleting these offenses from the bill and making the enforcement officers unable to make arrests for these violations.

The SPEAKER. Does anyone else seek recognition on the amendment?

The gentleman, Mr. Snyder.

Mr. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, I concur with the maker of the amendment. The gentleman from Allegheny County is correct that this legislation is intended to expand the enforcement powers of liquor control enforcement agents for crimes that they are able to view while they are attending to their duties under the Liquor Code. The types of crimes that are being deleted from this legislation are offenses that would require intensive investigation, including reviewing on a long-term basis records and interviewing other people that would not be on this site.

I feel that the amendment is proper and should be supported.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—194

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

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

NAYS—1

Yandrisevits

NOT VOTING—1

Butkovitz

EXCUSED—5

Bush	Corrigan	Levdansky	Rohrer
Civera			

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?

Mr. KENNEY offered the following amendments No. A3992, which had been read previously by the clerk:

Amend Bill, page 6, by inserting between lines 17 and 18 Section 2. The act is amended by adding a section to read:
Section 211.1. Enforcement Personnel in Cities of the First Class.—Notwithstanding any provision of this act to the contrary, the Pennsylvania State Police Commissioner shall assign no less than forty liquor control enforcement agents to enforce this act and any regulations promulgated pursuant thereto in cities of the first class. The number of liquor enforcement agents in cities of the first class shall never be less than a number equal to twenty-five percent (25%) of the total number of liquor control enforcement agents Statewide.

Amend Sec. 2, page 6, line 18, by striking out all of said line and inserting

Section 3. This act shall take effect as follows:

(1) The addition of section 211.1 of the act shall take effect July 1, 1994.

(2) The remainder of this act shall take effect in 60 days.

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

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Philadelphia, Mr. Kenney.

Mr. KENNEY. Thank you, Mr. Speaker, and I apologize to the House for the delay.

Mr. Speaker, my amendment, A3992, would increase the number of liquor enforcement agents in the cities of the first class, Philadelphia. The nuisance bar problem has been discussed in the Liquor Control Committee for the last several months. We have had public hearings, and for years the problem has continued to grow in Philadelphia. We can pass a number of laws, but without enforcement of these laws, nothing is going to happen. My amendment would increase that number, from the present number of 28, to 40 liquor enforcement agents by July 1, 1994.

The gentleman, Mr. Roebuck, has agreed to my amendment, and I would ask for an affirmative vote.

The SPEAKER. The Chair thanks the gentleman.

On the amendment, the Chair recognizes Dr. Roebuck from Philadelphia.

Mr. ROEBUCK. Thank you, Mr. Speaker.

This is an agreed-to amendment. I would urge the House to adopt the amendment.

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

The following roll call was recorded:

YEAS—176

Adolph	Fargo	Lescovitz	Rubleby
Allen	Farmer	Lloyd	Rudy
Argall	Fichter	Lucyk	Ryan
Armstrong	Fleagle	Lynch	Santoni
Baker	Flick	Maitland	Sather
Barley	Gamble	Manderino	Saurman
Battisto	Gannon	Markosek	Saylor
Bebko-Jones	Geist	Marsico	Scheetz
Belardi	George	Masland	Schuler
Belfanti	Gerlach	McCall	Semmel
Birmelin	Gigliotti	McGeehan	Serafini
Bishop	Gladeck	McNally	Smith, B.
Blaum	Godshall	Melio	Smith, S. H.
Boyes	Gordner	Michlovic	Snyder, D. W.
Brown	Gruppo	Micozzie	Staback
Bunt	Haluska	Mihalich	Stairs
Butkovitz	Hanna	Miller	Steelman
Caltagirone	Harley	Mundy	Steighner
Cappabianca	Hasay	Murphy	Steil
Carn	Hennessey	Nailor	Stern
Carone	Herman	Nyce	Strittmatter
Cawley	Hershey	O'Brien	Sturla
Cessar	Hess	O'Donnell	Surra
Chadwick	Hughes	Olasz	Taylor, E. Z.
Clark	Hutchinson	Oliver	Taylor, J.
Clymer	Itkin	Perzel	Thomas
Cohen, L. I.	Jadlowiec	Pesci	Tigue
Cohen, M.	James	Petrarca	Tomlinson
Colafella	Jarolin	Petrone	Trello
Colaizzo	Josephs	Pettit	Trich
Cornell	Kaiser	Phillips	True
Cowell	Kasunic	Piccola	Tulli

Coy	Keller	Pistella	Uliana
Curry	Kenney	Pitts	Vance
Daley	King	Preston	Veon
DeLuca	Kirkland	Raymond	Waugh
Dempsey	Krebs	Reber	Williams
Dent	Kukovich	Reinard	Wogan
Dermody	LaGrotta	Richardson	Wright, M. N.
Donatucci	Laub	Rieger	Yewcic
Druce	Laughlin	Ritter	Zug
Durham	Lawless	Roberts	
Egolf	Lederer	Robinson	DeWeese, Speaker
Evans	Lee	Roebuck	
Fajt	Leh		

NAYS—18

Acosta	Gruitza	Rooney	Tangretti
Buxton	Mayernik	Scrimenti	Wozniak
Fairchild	Merry	Stetler	Wright, D. R.
Fee	Nickol	Stish	Yandrisevits
Freeman	Platts		

NOT VOTING—2

Van Horne	Vitali
-----------	--------

EXCUSED—5

Bush	Corrigan	Levdansky	Rohrer
Civera			

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

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—193

Adolph	Fee	Lynch	Saurman
Allen	Fichter	Maitland	Saylor
Argall	Fleagle	Manderino	Scheetz
Armstrong	Flick	Markosek	Schuler
Baker	Freeman	Marsico	Scrimenti
Barley	Gamble	Masland	Semmel
Battisto	Gannon	Mayernik	Serafini
Bebko-Jones	Geist	McCall	Smith, B.
Belardi	George	McGeehan	Smith, S. H.
Belfanti	Gerlach	McNally	Snyder, D. W.
Birmelin	Gigliotti	Melio	Staback
Bishop	Gladeck	Merry	Stairs
Blaum	Godshall	Michlovic	Steelman
Boyes	Gordner	Micozzie	Steighner
Brown	Gruitza	Miller	Steil
Bunt	Gruppo	Mundy	Stern
Butkovitz	Haluska	Murphy	Stetler
Buxton	Hanna	Nailor	Stish
Caltagirone	Harley	Nickol	Strittmatter
Cappabianca	Hasay	Nyce	Sturla
Carn	Hennessey	O'Brien	Surra
Carone	Herman	O'Donnell	Tangretti
Cawley	Hershey	Olasz	Taylor, E. Z.

Cessar	Hess	Oliver	Taylor, J.
Chadwick	Hughes	Perzel	Thomas
Clark	Hutchinson	Pesci	Tigue
Clymer	Itkin	Petrarca	Tomlinson
Cohen, I. I.	Jadlowiec	Petrone	Trello
Cohen, M.	James	Pettit	Trich
Colafrilla	Jarolin	Phillips	True
Colaizzo	Josephs	Piccola	Tulli
Cornell	Kaiser	Pitts	Uliana
Cowell	Kasunic	Platts	Vance
Coy	Keller	Preston	Van Horne
Curry	Kenney	Raymond	Veon
Daley	King	Reber	Vitali
DeLuca	Kirkland	Reinard	Waugh
Dempsey	Krebs	Richardson	Williams
Dent	Kukovich	Rieger	Wogan
Dermody	LaGrotta	Ritter	Wozniak
Donatucci	Laub	Roberts	Wright, D. R.
Druce	Laughlin	Robinson	Wright, M. N.
Durham	Lawless	Rocbuck	Yandrisevits
Egolf	Lederer	Rooney	Yewcic
Evans	Lee	Rubleby	Zug
Fairchild	Leh	Rudy	
Fajt	Lescovitz	Ryan	DeWeese,
Fargo	Lloyd	Santoni	Speaker
Farmer	Lucyk	Sather	

NAYS—2

Acosta Mihalic

NOT VOTING—1

Pistella

EXCUSED—5

Bush Corrigan Levdansky Rohrer
Civera

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.

LEAVE OF ABSENCE

The SPEAKER. The gentleman from Philadelphia, Mr. O'DONNELL, requests that his name be placed upon the leave list for the remainder of the afternoon. The clerk is instructed to proceed forthwith.

RESOLUTION

Mr. EVANS called up **HR 157, PN 2499**, entitled:

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

On the question,
Will the House adopt the resolution?

Mr. MAYERNIK offered the following amendments No. A4142:

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

Amend Title, page 1, line 2, by inserting after "officers"
, sheriffs, deputy sheriffs, parole officers and
probation officers

Amend First Whereas Clause, page 1, line 3, by striking out
"and" and inserting
officers,

Amend First Whereas Clause, page 1, line 4, by inserting
after "officers"
, sheriffs, deputy sheriffs, parole officers and
probation officers

Amend Second Whereas Clause, page 1, line 6, by striking
out "and" and inserting
officers,

Amend Second Whereas Clause, page 1, line 7, by inserting
after "officers"
, sheriffs, deputy sheriffs, parole officers and
probation officers

Amend Third Whereas Clause, page 1, line 9, by striking out
"and" and inserting
officers,

Amend Third Whereas Clause, page 1, line 10, by inserting
after "officers"
, sheriffs, deputy sheriffs, parole officers and
probation officers

Amend Fourth Whereas Clause, page 2, line 2, by striking
out "and" and inserting
officers,

Amend Fourth Whereas Clause, page 2, line 3, by inserting
after "officers"
, sheriffs, deputy sheriffs, parole officers and
probation officers

Amend First Resolve Clause, page 2, line 6, by striking out
"and" and inserting
officers,

Amend First Resolve Clause, page 2, line 7, by inserting
after "officers"
, sheriffs, deputy sheriffs, parole officers and
probation officers

Amend Last Resolve Clause, page 2, line 9, by striking out
"and" and inserting
officers,

Amend Last Resolve Clause, page 2, line 10, by inserting
after "officers"
, sheriffs, deputy sheriffs, parole officers and
probation officers

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

The SPEAKER. On the amendment, Mr. Mayernik is recognized.

Mr. MAYERNIK. Thank you, Mr. Speaker.

I am offering this amendment, in conjunction with Representative Evans, that would also expand the resolution from just State Police and municipal police officers wounded in the line of duty to include sheriffs, deputy sheriffs, parole officers, and probation officers. We are working in conjunction, both Representative Evans and I, and would ask for an affirmative vote.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—193

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

NAYS—1

Richardson

NOT VOTING—1

Bishop

EXCUSED—6

Bush	Corrigan	O'Donnell	Rohrer
Civera	Levdansky		

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

On the question,
Will the House adopt the resolution as amended?

The following roll call was recorded:

YEAS—192

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

NAYS—0

NOT VOTING—3

Curry	Melio	Tangretti
-------	-------	-----------

EXCUSED—6

Bush	Corrigan	O'Donnell	Rohrer
Civera	Levdansky		

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

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

Mr. RYAN. Mr. Speaker, I would like to move back just for a moment. I did not realize that HR 157 was up for a final vote then. I thought there were other amendments. But I would like to interrogate someone on that resolution.

If need be, I could file a reconsideration, but I would like an explanation, as much as anything, to a few questions and then I would like to make a decision as to whether or not to file a reconsideration.

The SPEAKER. Does the gentleman, Mr. Evans, or the gentleman, Mr. Mayernik, wish to respond to the Republican floor leader? The gentleman from Delaware County has some questions concerning the resolution.

The gentleman, Mr. Evans, indicates he will respond. The gentleman may proceed.

Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, my problem is this: I really wondered, as I read this, what the need for this resolution was. I mean, I thought to myself, is this something that I have missed after being here for so many years? I look on page 2 of this resolution and I see on line 8, "RESOLVED"—and this is a resolution, right?—"RESOLVED, That citations may be requested by members of the House of Representatives to honor Pennsylvania State Police and municipal police officers wounded in the line of duty." Is that something new, Mr. Speaker? Were we not allowed to do that before? Were we not allowed to issue citations? Well, I am interrogating the prime sponsor, but the Parliamentarian is looking at me in a quizzical way. I am interrogating the gentleman, Mr. Evans, but I am doing it properly through the Speaker of the House.

So I say to you, Mr. Speaker, by way of indirection to the gentleman, Mr. Evans, if this is something new, were we not allowed to request citations for a wounded police officer prior to this adoption of this resolution? Now, maybe the Speaker of the House should answer that. I do not know.

Why do we need the resolution, is my question.

The SPEAKER. Mr. Evans is recognized for a response.

Mr. EVANS. Mr. Speaker, the gentleman is correct. Yes, we can do this through the normal process. However, Mr. Speaker, as we have with numerous resolutions, when organizations come to us and ask us or request us to take a certain action, figuring that it is your constituency, Mr. Speaker, and my constituency, Mr. Speaker, we honor that particular request by introducing resolutions. So it is our constituencies, Mr. Speaker, that are out there, your constituency and my constituency, Mr. Speaker, that we are just responding to.

Mr. RYAN. Well, I guess that is right. If the Pennsylvania State Police have approached you and they said that we would like a resolution authorizing members of the House to have the right to get a citation should one of our members be wounded in the line of duty, would you support such a resolution and introduce one, I think you did act properly, if that is what you were asked to do. Or if you were running for office, this maybe would be a good thing to have around the House, too.

Mr. EVANS. That is a better answer, Mr. Speaker.

Mr. RYAN. Yeah, I thought that. I mean, the truth of the matter is, this is hype. Everyone in this room, everyone in this

building, everyone in the Senate if they had a police officer, a constable, a State policeman and they wanted a citation to cite the bravery of that officer, we do not need anything like this. You just order it from Reference Bureau and it would pass with suspended rules and everything else. I do not understand why all of a sudden it looks like we are doing something for these individuals that is something new, because it is not new. It is, as the gentleman very rightfully and honestly points out, it is a political gimmick.

Mr. EVANS. Mr. Speaker?

The SPEAKER. Mr. Evans.

Mr. EVANS. You know what is unfortunate, Mr. Speaker, is that the gentleman on the other side of the aisle every single time will attempt to enter politics in every single thing.

This is extremely serious when you start talking about the actions regarding police officers in the Commonwealth of Pennsylvania. Sometimes, Mr. Speaker, we may not be aware of a certain incident that may occur, and the fact of the matter is, Mr. Speaker, that we want to make sure that with our State Police and with the House of Representatives, that those individuals receive citations. I do not see any problem with that, Mr. Speaker. But again, we want to continue to play politics, Mr. Speaker, and I do not begin to understand, Mr. Speaker, I do not understand why there is any debate or any real question about it, Mr. Speaker. The bottom line is not hurting the gentleman on the other side of the aisle, and it is not hurting myself. I do not think anything is wrong with it.

So I would hope that the gentleman on that side of the aisle will understand just for once, just for once, that he would rise above and face up to the fact that clearly this is something that needs to happen. Thank you, Mr. Speaker.

Mr. RYAN. Mr. Speaker?

The SPEAKER. Mr. Ryan.

Mr. RYAN. Mr. Speaker, this is not something that needs to happen. This is something that is going to happen and something that I have already supported.

What needs to happen is that abuses such as this need to be pointed out. This is something that we already had the right to do. We have put a resolution on the books that says you now can make another resolution to get what you are already entitled to. I mean, it is a redundancy at best, and no one here suggests for 1 minute that we are attacking in any way, shape, or form the integrity or the courage of a police officer. Maybe it is the courage and the integrity of someone else that should be attacked in this one.

Me. You just did it to me.

The SPEAKER. The Chair would appreciate it if all of us strive to countervail against the ad hominem no matter if those ad hominem moments are peripheral.

Mr. MIHALICH. Mr. Speaker?

The SPEAKER. Mr. Mihalich from Westmoreland County.

Mr. MIHALICH. Not to take sides in the previous debate, but last week and this week I never saw so many resolutions coming through. I cannot remember some of the names of them, and they were not challenged. What did we honor, paperhangers, retail spenders, pickle makers? I do not know

what all they were, but there was a vast host of them and nobody came up and challenged them. Now, if this deserves challenge, why not challenge all of them that might— One reason why we do not is because we do not challenge the motives of people making these resolutions, and if you want to start doing that as a normal practice, let us do it, Mr. Speaker, but let us not pick on one.

Mr. RYAN. Mr. Speaker?

The SPEAKER. The Republican leader is recognized.

Mr. RYAN. I have to answer the gentleman.

I am going to suggest that he read the last paragraph of this resolution, which authorizes you to ask for a resolution. That is something you already had before you voted on this one. That is what I am making an argument about. You do not need a resolution to honor paperhangers. You have got the right to honor them, and we do not need a resolution to say you have the right to do it. We already have that right. We do not need this resolution to say it.

Mr. MIHALICH. Mr. Speaker?

The SPEAKER. The gentleman, Mr. Mihalich, is recognized and may proceed.

Mr. MIHALICH. I did not challenge the reasons why he pointed out in that resolution. That would be a matter of a separate debate. I only raised the question that I thought it was improper to question anybody's motivation on any bill or any resolution, and I will stand by that inquiry.

If we start changing the rules of the House and start inquiring what Mr. Evans' motivations were or what any of the other 10 people were who introduced resolutions in the last 2 weeks, we are going to be in trouble. Thank you.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 1662, PN 1931**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, adding provisions relating to foreign-money claims.

On the question,

Will the House agree to the bill on third consideration?

Mr. MASLAND offered the following amendments No. A4060:

Amend Title, page 1, line 3, by inserting after "to"
contingent fees and

Amend Bill, page 1, lines 6 and 7, by striking out all of said lines and inserting

Section 1. Title 42 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:
§ 2526. Contingent fees.

(a) Contingent fee limits.—In any action based on tort, contract law or otherwise to recover damages for personal injury, death or property damage, an attorney representing any party to such an action shall not contract for, charge or collect on a contingent fee basis any fee for his services in excess of the following limits:

- (1) 40% of the first \$50,000 recovered;
- (2) 33 1/3% of the next \$100,000 recovered;
- (3) 25% of the next \$350,000 recovered; and

(4) 15% of any amount by which the recovery exceeds \$500,000.

(b) Calculation.—The permissible fee provided for in subsection (a) shall be computed on the net amount recovered after deducting disbursements in connection with the initiation and prosecution of the claim, regardless of who advances the disbursements, including investigation expenses, expenses for expert or other testimony or evidence, the cost of briefs and transcripts on appeal and any interest included in a judgment, but no deduction needs to be made for liens, assignments or claims in favor of hospitals or for medical care and treatment by physicians and nurses, or similar items. The permissible fee shall include legal services rendered on any appeal or review proceeding or on any retrial, but this provision shall not be deemed to require an attorney to take an appeal. If representation is undertaken on behalf of both a husband and wife, or parent or guardian and child in a derivative action, or a claim for wrongful death is joined with a claim on behalf of a decedent, the contingent fee shall be calculated on the aggregate sum of the recovery.

(c) Multiple parties.—When representation is undertaken on behalf of several persons or a class of persons whose respective claims, whether or not joined in one action, arise out of the same transaction or set of facts or involve substantially identical liability issues, the contingent fee shall be calculated on the basis of the aggregate sum of all recoveries, whether by judgment or settlement, or both, and shall be charged to the clients in proportion to the recovery of each.

(d) Purpose of section.—Subsection (a) is intended to fix maximum permissible fees and does not preclude an attorney from charging, entering into a contingent fee arrangement providing for or collecting a lesser contingent fee.

(e) Petition for additional fee.—If at the conclusion of a matter an attorney considers the fee permitted by subsection (a) to be inadequate, an application on written notice to the client may be made to the court in the manner prescribed by its general rules. The court may grant an increase in the maximum contingent fee permitted under subsection (a) only upon the presentation of clear and convincing evidence of unusual, specific facts or circumstances which warrant compensation in excess of that provided in this section. This subsection shall be supplementary to and shall not repeal or otherwise affect the exercise of any right a client may have to a court review of the reasonableness of an attorney's fee.

(f) Violations.—

(1) A contingent fee arrangement that is made in violation of this section shall be void and unenforceable.

(2) A person who is affected by a violation of this section shall have the substantive right to bring an action on his own behalf for damages by reason of the violation, together with costs, including reasonable attorney fees, and such other relief to which the person may be entitled under law.

(3) If the Attorney General has reason to believe that a person has violated this section, he shall have standing to bring a civil action for injunctive relief and such other relief as may be appropriate to secure compliance with this section. This remedy shall be supplementary to and shall not repeal or otherwise affect any remedy or penalty provided by statute or rules of the Supreme Court.

(g) Severability.—The provisions of this section are severable. If any provision of this section or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this section which can be given effect without the invalid provision or application.

(h) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Action." A civil action which contains one or more claims for relief based upon alleged tortious conduct, and an appeal of such civil action.

"Amount recovered." The amount awarded in an action or in the settlement of a claim based upon alleged tortious conduct, as calculated in accordance with the provisions of this section.

"Contingent fee." An agreement for legal services of an attorney or attorneys, including any associated or forwarding counsel, under which compensation is contingent, in whole or in part, upon the successful accomplishment or disposition of the subject matter of the agreement and under which the compensation is a fixed amount or is to be determined pursuant to a specified formula.

Section 2. Chapter 53 of Title 42 is amended by adding a subchapter to read:

Amend Sec. 2, page 12, line 14, by striking out "2. This act" and inserting

3. The addition of 42 Pa.C.S. Ch. 53 Subch.

D

Amend Sec. 3, page 12, lines 16 and 17, by striking out all of said lines and inserting

Section 4. All acts and parts of acts are repealed insofar as they are inconsistent with this act.

Section 5. This act shall take effect as follows:

(1) The following provisions shall take effect January 1 of the year following the year of final enactment of this act:

(i) The addition of 42 Pa.C.S. Ch. 53 Subch.

D.

(ii) Section 3 of this act.

(2) The following provisions shall take effect in 60

days:

(i) The addition of 42 Pa.C.S. § 2526.

(ii) Section 4 of this act.

(3) This section shall take effect immediately.

On the question,

Will the House agree to the amendments?

The SPEAKER. The gentleman, Mr. Masland, is recognized for an amendment and for debate.

Mr. MASLAND. Thank you, Mr. Speaker.

I have a few brief remarks to make on my amendment, after which I am confident we can move ahead expeditiously with a vote on the bill itself.

I originally introduced this amendment as HB 1529 this past March, and as Representative Mihalich was talking about motivation, I will share a little bit of mine with you briefly.

I did not introduce this bill on contingent fees in order to bash the lawyers. Rather, I did it in order to bring some amount of respect and responsibility back to our ranks, something I submit can only be done by someone who is a member of the bar.

I am proud of my training as an attorney, but I am not proud of the stature that our legal profession has fallen in, here in Pennsylvania especially.

This bill is just one piece of the puzzle relating to tort reform. This past week we addressed HB 1777, Representative Belfanti's bill on amusement parks. We have a bill hopefully coming up, authored by Representative Maitland, to limit equine liability with horses. There are also several bills coming up that Representative Trich has authored which I hope get reviewed.

However, the activities of the past few days have shed some new light on something that Senator Heinz once said, and it is probably appropriate today, since he was honored, to mention that to everybody. The late Senator Heinz said, "Hell hath no fury like a lawyer on contingent fee." These past few days I think you could extend that a little bit to the point that

hell hath no fury like an attorney trying to protect his contingent fee.

I am not fearful of the fury that this amendment I have introduced has brought on. In fact, I am, to some extent, flattered by the flurry of activity that has been generated through Pennsylvania trial lawyers and PBA (Pennsylvania Bankers Association). But I have to admit I am reminded of something that Abraham Lincoln once said. He said, "I feel kind of like the guy that was tarred, feathered, and then ridden out of town on a rail." When asked how he felt, he said, "If it wasn't for the honor, I'd rather walk." Well, I think I would rather walk.

I unfortunately do not have people to walk with me and walk for me to meet all of you and to show you a piece of paper to say why this is constitutional, and rather than get into a constitutional argument now, which I would have to be stupid not to realize we would be facing, because there is always a lawyer on both sides who can hold up a piece of paper and say, this conclusively shows that it is constitutional or it is unconstitutional, but I would submit that this is a complex argument. It is very complex and too difficult for me to get into here in a few short minutes to explain why I believe my amendment is constitutional. It is more suited for the calm review of a written memorandum, which I intend to introduce to the rest of the members of the House here in the next few weeks.

I have no delusions that this bill would pass constitutional-ly, let alone on its merits, but I also have no desire to force a protracted debate which would not necessarily be a debate where everyone has been fully informed on all the case law.

We heard earlier today, Mr. Speaker, you mentioned the ad hominem. I am quite confident that if I introduced this amendment, we would have ad hominem ad nauseam today.

AMENDMENTS WITHDRAWN

Mr. MASLAND. In light of that and in light of the fact that I have also introduced this amendment to two other Title 42 bills, I am going to be withdrawing my amendment at this time, and as I said, Mr. Speaker, I will be submitting a legal memorandum to everyone that you will have time to review which I believe will establish the constitutionality of my amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman from Carlisle.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. GERLACH offered the following amendments No. A4191:

Amend Title, page 1, line 3, by removing the period after "claims" and inserting

; and regulating testimony of defendants as to other offenses.

Amend Bill, page 12, by inserting between lines 13 and 14 Section 2. Section 5918 of Title 42 is amended to read: § 5918. Examination of defendant as to other offenses.

No person charged with any crime and called as a witness in his own behalf, shall be asked, or if asked, shall be required to

answer, any question tending to show that he has committed, or been charged with, or been convicted of any offense other than the one wherewith he shall then be charged, or tending to show that he has been of bad character or reputation unless:

(1) he shall have at such trial, personally or by counsel, asked questions of the witness for the prosecution with a view to establish his own good reputation or character, or has given evidence tending to prove his own good character or reputation; [or]

(2) he shall have testified at such trial against a co-defendant, charged with the same offense[.]; or

(3) the question refers to a prior conviction of a crime of dishonesty or a crime involving falsehood and the testimony elicited therefrom occurs not later than ten years following:

(i) the date of conviction; or

(ii) the last day of confinement for that offense, whichever comes later.

Amend Sec. 2, page 12, line 14, by striking out "2" and inserting

3

Amend Sec. 3, page 12, line 16, by striking out "3" and inserting

4

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, Mr. Gerlach.

Mr. GERLACH. Thank you, Mr. Speaker.

This amendment, Mr. Speaker, is something the House has voted on on two separate occasions in last session, and this House has supported this amendment on two separate occasions in the prior session. What it would do is simply codify our Pennsylvania Supreme Court's ruling in the Randall case to allow prosecutors to cross-examine criminal defendants as to prior convictions for crimes of falsehood and allow for that cross-examination to occur whenever a defendant takes the stand.

This is something that the Pennsylvania District Attorneys Association supports. It would bring Pennsylvania in line with what the Federal Rules of Criminal Procedure allow for and what 15 other States allow for.

As I said, we have passed this overwhelmingly on two separate occasions last session, and I would appreciate your support once again for passage of this amendment at this time. Thank you.

The SPEAKER. On the Gerlach amendment, the gentleman, Mr. McNally, is recognized.

Mr. McNALLY. Mr. Speaker, I have no objection to the Gerlach amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—193

Acosta	Farmer	Lucyk	Santoni
Adolph	Fee	Lynch	Sather
Allen	Fichter	Maitland	Saurman
Argall	Fleagle	Manderino	Saylor
Armstrong	Flick	Markosek	Scheetz

Baker	Freeman	Marsico	Schuler
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	Steil
Butkovitz	Haluska	Mundy	Stern
Buxton	Hanna	Murphy	Stish
Caltagirone	Harley	Nailor	Strittmatter
Cappabianca	Hasay	Nickol	Surra
Carn	Hennessey	Nyce	Tangretti
Carone	Herman	O'Brien	Taylor, E. Z.
Cawley	Hershey	Olasz	Taylor, J.
Cessar	Hess	Oliver	Thomas
Chadwick	Hughes	Perzel	Tigue
Clark	Hutchinson	Pesci	Tomlinson
Clymer	Itkin	Petrarca	Trello
Cohen, L. I.	Jadlowiec	Petrone	Trich
Cohen, M.	James	Pettit	True
Colafella	Jarolin	Phillips	Tulli
Colaizzo	Josephs	Piccola	Uliana
Cornell	Kaiser	Pistella	Vance
Cowell	Kasunic	Pitts	Van Horne
Coy	Keller	Platts	Veon
Curry	Kenney	Preston	Vitali
Daley	King	Raymond	Waugh
DeLuca	Kirkland	Reber	Williams
Dempsey	Krebs	Reinard	Wogan
Dent	Kukovich	Richardson	Wozniak
Dermody	LaGrotta	Rieger	Wright, D. R.
Donatucci	Laub	Ritter	Wright, M. N.
Druce	Laughlin	Roberts	Yandrisevits
Durham	Lawless	Robinson	Yewcic
Egolf	Lederer	Roebuck	Zug
Evans	Lee	Rooney	
Fairchild	Leh	Rubley	DeWeese,
Fajt	Lescovitz	Rudy	Speaker
Fargo	Lloyd	Ryan	

NAYS—0

NOT VOTING—2

Stetler Sturla

EXCUSED—6

Bush Corrigan O'Donnell Rohrer
Civera Levdansky

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS-195

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

NAYS-0

NOT VOTING-0

EXCUSED-6

Bush	Corrigan	O'Donnell	Rohrer
Civera	Levdansky		

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.

BILL ON THIRD
CONSIDERATION POSTPONED

The House proceeded to **HB 956, PN 2642**, on third consideration postponed, entitled:

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

On the question recurring,

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

The clerk read the following amendments No. A3920, part 1, offered by Mr. LEE on September 29, 1993:

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, 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 recurring,

Will the House agree to part 1 of the amendments?

The SPEAKER. On the amendment, the Chair recognizes the gentleman, Mr. Lee.

Mr. LEE. Mr. Speaker, this amendment, I believe, is being offered because there was a technical problem with the way we reconsidered this bill.

Representative Veon has an amendment which would amend the bill with my amendment already included, and therefore, in order for his amendment to be in order, we would have to reinsert my amendment, and then we will get on to the substantive debate about Representative Veon's amendment.

So I would urge an affirmative vote.

The SPEAKER. The Chair recognizes the majority policy chairman, Mr. Veon.

Mr. VEON. Thank you, Mr. Speaker.

I join my colleague, Representative Lee, in asking for an affirmative vote to put this in a position to vote on.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to part 1 of the amendments?

The following roll call was recorded:

YEAS—194

Acosta	Farmer	Lucyk	Santoni
Adolph	Fee	Lynch	Sather
Allen	Fichter	Maitland	Saurman
Argall	Fleagle	Manderino	Saylor

Armstrong	Flick	Markosek	Scheetz
Baker	Freeman	Marsico	Schuler
Barley	Gamble	Masland	Scrimenti
Battisto	Gannon	Mayernik	Sennel
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	Stetler
Caltagirone	Harley	Nailor	Stish
Cappabianca	Hasay	Nickol	Strittmatter
Carn	Hennessey	Nyce	Sturla
Carone	Herman	O'Brien	Surra
Cawley	Hershey	Olasz	Tangretti
Cessar	Hess	Oliver	Taylor, E. Z.
Chadwick	Hughes	Perzel	Taylor, J.
Clark	Hutchinson	Pesci	Thomas
Clymer	Itkin	Petrarca	Tigue
Cohen, L. I.	Jadlowiec	Petrone	Tomlinson
Cohen, M.	James	Pettit	Trello
Colafella	Jarolin	Phillips	Trich
Colaizzo	Josephs	Piccola	True
Cornell	Kaiser	Pistella	Tulli
Cowell	Kasunic	Pitts	Uliana
Coy	Keller	Platts	Vance
Curry	Kenney	Preston	Van Home
Daley	King	Raymond	Veon
DeLuca	Kirkland	Reber	Waugh
Dempsey	Krebs	Reinard	Williams
Dent	Kukovich	Richardson	Wogan
Dermody	LaGrotta	Rieger	Wozniak
Donatucci	Laub	Ritter	Wright, D. R.
Druce	Laughlin	Roberts	Wright, M. N.
Durham	Lawless	Robinson	Yandrisevits
Egolf	Lederer	Roebuck	Yewcic
Evans	Lee	Rooney	Zug
Fairchild	Leh	Rubley	
Fajt	Lescovitz	Rudy	DeWeese,
Fargo	Lloyd	Ryan	Speaker

NAYS—0

NOT VOTING—1

Vitali

EXCUSED—6

Bush	Corrigan	O'Donnell	Rohrer
Civera	Levdansky		

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

On the question recurring,

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

Mr. VEON offered the following amendments No. A4211:

Amend Sec. 1, page 2, line 3, by striking out "broaden" and inserting clarify

Amend Sec. 2, page 2, lines 9 through 14, by striking out all of said lines and inserting

“Lawful products.” Any tangible item not prohibited by law.
 “Lawful use.” Any use of a lawful product not prohibited by law.

Amend Sec. 3, page 2, lines 27 through 30; page 3, lines 1 through 27, by striking out all of said lines on said pages and inserting

(b) Exception.—This section does not apply to any of the following:

(1) Any employer that, as one of its primary purposes or objectives, discourages the use of one or more lawful products by the general public.

(2) Any employer that is a religious corporation, association or society nor to a school operated by a religious corporation, association or society.

(3) Those job requirements which limit any use during nonworking hours of lawful products by an employee that would impair an employee's ability to perform the employee's assigned duties or that would threaten the safety of any person, including those job requirements adopted pursuant to the requirements or standards of any Federal, State or local government or their agencies and requirements included in an agreement between the employer and a bargaining unit or organization representing an employee.

(4) An employer's wellness program designed to improve the health of employees, such as any employee benefit which promotes healthy lifestyles through incentives.

(5) An employer that offers, and an employee that participates, in a program designed to assist the employee in limiting or discontinuing the use of lawful products.

(6) 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.

This section does not apply to an employer wellness program designed to improve health of employees.

Amend Sec. 4, page 3, line 28, by inserting after “enforcement”

and civil remedy

Amend Sec. 4, page 3, line 29, by inserting before “Any”

(a) Complaint.—

Amend Sec. 4, page 4, by inserting between lines 4 and 5

(b) Complaint not to be foreclosed.—If a person files a complaint with the Department of Labor and Industry, that person's right of action in the courts of this Commonwealth shall not be foreclosed. If within one year after the filing of the complaint, the Department of Labor and Industry has dismissed the complaint or has not concluded its proceedings, the Department of Labor and Industry shall notify the aggrieved person. On receipt of the notice, the aggrieved person shall be able to bring action in the court of common pleas of this Commonwealth. If the employer is an agency or political subdivision of the Commonwealth, then the civil action shall be filed in Commonwealth Court.

Amend Sec. 5, page 4, line 20, by inserting after “any”
 civil action or

Amend Sec. 5, page 4, line 22, by inserting after “Industry”
 or a court

Amend Sec. 5, page 4, line 24, by inserting after “Industry”
 or court

Amend Sec. 5, page 4, by inserting after line 30

(3) Any employer that violates any provision of this act may also be liable to the injured party in the amount of \$100 for each day the violation occurs. The maximum penalty imposed under this paragraph shall not exceed \$5,000.

(4) A prevailing injured party may be awarded a reasonable attorney fee as part of costs, in addition to any relief awarded. Any Commonwealth agency or political

subdivision shall be liable for costs the same as a private person.

Amend Sec. 6, page 5, lines 24 through 27, by striking out “THIS ACT SHALL NOT BE CONSTRUED SO” in line 24 and all of lines 25 through 27

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, the gentleman from Beaver County is recognized.

The gentleman, Mr. Veon, yields to the gentleman also from Beaver County, Mr. Lescovitz. Mr. Lescovitz is recognized.

Mr. LESCOVITZ. Thank you, Mr. Speaker.

Last week when this legislation was before us, I opposed the legislation for many reasons. Now I have looked at Representative Veon's amendment, 4211, and I believe it takes care of the concerns I had on the legislation last week, and I would appreciate support of this amendment.

The SPEAKER. The gentleman from Washington County, Leo Trich.

Mr. TRICH. Thank you, Mr. Speaker.

Like my colleague who spoke before me, Representative Lescovitz, I, too, was in opposition to this bill, HB 956, last week when we discussed it. I have to indicate to you, however, that under the amendment being proposed that we are now discussing, virtually all the concerns that I previously had have been dealt with, and I therefore applaud Representative Veon for doing so.

We are not restricting companies certainly from having wellness programs, we are not restricting companies from trying to discourage the overuse of certain items like tobacco and alcohol, nor are we taking away incentive programs that they could have in dealing with health-care costs, a subject that is important to me.

I do not take this vote lightly today, realizing full well that the American Cancer Society has portrayed this bill as a smokers' rights bill. My family has been touched by cancer, and therefore, my vote today will not be taken lightly.

I would merely remind the members that this bill is not a smokers' rights bill but rather it merely protects the rights of all Pennsylvanians not to be challenged by their employers or anyone else for that matter on what they do on their own time. Therefore, I would suggest and would support an affirmative vote for this amendment and the bill itself.

The SPEAKER. The gentleman, Mr. Smith.

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

I also rise in support of the Veon amendment.

As a cosponsor of this bill, when it was debated a week or so ago, I recognized at that time that there were some legitimate concerns. I believe that we more or less admitted those concerns at some point in time, and I believe that the Veon amendment at this point does address those concerns. I think it still keeps the bill within its original intent and purpose, consistent with some of the comments previously made, and I would urge an affirmative vote on the Veon amendment. Thank you, Mr. Speaker.

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

Mr. LEE. Thank you, Mr. Speaker.

I rise to oppose this amendment.

As I stated last week, the reason I offered an amendment to this bill, which I basically oppose the whole philosophy under this bill, but the reason I offered an amendment to it last week instead of simply voting against the bill was because if we are going to have this bill, we at least should have it make sense and make it be enforceable and not too onerous on the business community. And, Mr. Speaker, the devil in these types of things is in the details, and I do not want to go into all the details of this amendment, but I just want to point out an example of what could happen legitimately under this bill.

Suppose I am a car salesman—okay?—and I hire a salesman to sell cars, and one of the provisions, I tell him, well, if you are going to sell cars for me—and I am a Chevrolet dealer—I expect you to drive a Chevrolet off the work premises, because, you know, I do not want people seeing you driving around town in a Ford or a Nissan, because people are going to think, well, gee, he does not even believe in the product his employer is selling. So I do that; I hire a person on that condition, and lo and behold, the employee says, to heck with it; I am going to drive that Nissan around town. I say, well, sorry, if you are going to drive a Nissan, you can no longer work here; that was a condition of coming to work here, and he says, okay, fine. Well, he goes home, sits on it for a couple months, and says, you know, that was not fair under this law and I am going to challenge it. He takes it to the Department of Labor and Industry and has a hearing, and under Representative Veon's amendment, even if he loses in that hearing, he would be able to go right to a court of law, a common pleas, and have an entirely new trial within a year—at least he has to file it *within a year; it could take 6 months*. So about a year and a half down the road, this court of common pleas is going to decide on that case, and do you know how they are going to decide in that case? They are going to decide against the employer in that case, because what that employee was doing was using a lawful product—and under Representative Veon's definition it is not just tobacco and alcohol; it is any lawful product—and he was using it lawfully outside the place of employment.

Furthermore, under my amendment there was an economic well-being clause in there, so if the employer could show that it was hurting his economic well-being what his employee was doing off the premises, then he could discipline an employee. Representative Veon's amendment takes that out so I can no longer say that. So what would happen is, that court is going to rule for that employee, and if it takes a year and a half to decide that case, then that employee is going to get a year and a half of back-wages, is going to get reinstated to the job, and furthermore under this bill, he is entitled now, under Representative Veon's amendment, to attorney's fees, and I just do not think that if we are going to have this piece of legislation that that type of action is what is intended to be dealt with by this General Assembly.

The devil is in the details of this amendment. That is why the Chamber of Commerce supports my position, came to me with the suggestions regarding how we can make a bad bill better, and that is why I oppose the Veon amendment. Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

Mr. Barley seeks recognition. The gentleman from Lancaster is so recognized.

Mr. BARLEY. Thank you, Mr. Speaker.

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

The SPEAKER. The gentleman is in order and may proceed. The gentleman, Mr. Veon, indicates he will accede to interrogation.

Mr. BARLEY. Mr. Speaker, on your amendment, a few questions, points of clarification. I apologize for not having the time to really look into some of these details, but let me present what I believe could be a scenario under this bill and I would like to know how your amendment would affect this.

As an employer, and, for instance, say I am in the retail business, own a men's clothing store, and I have a clerk that is working in the store and at lunchtime, on their own, they go out and they have two drinks at lunch; you know, legally, on their own time. They come back in, and again, being in the retail business, they are waiting on customers, and suppose I have customers that object to that because they do not like the alcohol that would be on the breath of the sales clerk. As the employer, manager, owner of the store, whatever, they come up to me, my customers, and raise that objection, and I discipline my employee. Do I have the right to do that, and what effect would your amendment have on my right as an employer to be able to do that?

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, I think that is a very good question and I believe that we deal with that very specifically and very directly on page 1 of the amendment under exception number (3). If I could just have the House bear with me for a moment: "Those job requirements which limit any use during nonworking hours of lawful products by an employee that would impair an employee's ability to perform the employee's assigned duties..." et cetera, et cetera. Mr. Speaker, that is my intention and I believe that that exception provision in this amendment does exactly that.

Mr. BARLEY. So it is your interpretation or your intention by the word "impairment" that— Again, I guess on this particular issue I think it is pretty critical, because I do not necessarily know that the employee would be impaired. I mean, it is just that the customers, again using the example of a retail business, would object to—you know, it is offensive to some customers, possibly—alcohol on the breath, not necessarily that it impairs the employee's ability to perform his work. So I guess maybe I am splitting hairs, but I think it is important, because technically, I am not certain he is impaired, but it is driving business away from my establishment because my customers have a choice to go elsewhere to buy their clothing or whatever the retail establishment serves.

So in your interpretation of "impairment," you are saying complaints by customers would be adequate or sufficient to be considered impairment on that person's ability to do their job.

Mr. VEON. Absolutely, Mr. Speaker.

Again, I think it is an important issue, I think it is a good question, and I want to make it clear that my intention is to say exactly that, that it would "impair an employee's ability to perform the employee's assigned duties." I think that is a point well taken. I have no intention to allow that person to go drink and come back and perform in some way that the employer is not happy with. That is clearly what I intend to do here. We tried to draft it with that in mind, and hopefully it accomplishes that.

Mr. BARLEY. Thank you, Mr. Speaker.

I guess maybe just one other question, clarification.

In the policy that we have, basically employment at will that we have pretty well established, I guess, by the courts as much as any other procedure here in Pennsylvania, as an employer I discharge someone for just cause, at least what I believe is just cause, and that employee happens to be a smoker. Now, I have not discharged them for necessarily the fact that smoking is a problem. I have good reason. What safeguards as an employer do I have that that employee will not haul me in—and I am not sure what the enforcement agency is on this bill, whether it is the Human Relations Commission or, you know, a labor board or whatever—but what safeguards as an employer do I have to avoid these what I believe could be frivolous suits or frivolous charges just simply because an employee may be a smoker and he uses that as an excuse under this bill to haul me in? I mean, what kinds of safeguards do you feel are in here so that that is not going to happen to employers?

Mr. VEON. Mr. Speaker, there certainly are no specific safeguards in this bill that would in any way, shape, or form by definition say that an employee could not do that, and in my opinion, it would just be like any other activity that the State regulates. The employee has to prove by a preponderance of evidence that they have a claim, and, you know, I think it is very difficult to do any kind of law where we can say we can guarantee to the employer that the employee will not in fact file some kind of a claim, and I do not want to mislead the House to say that somehow this bill, by definition, would absolutely protect an employer from that ever happening.

Mr. BARLEY. I think I understand you very clearly. You are saying that you do believe by passage of this bill it is possible that employers could be subject to additional lawsuits beyond what they are today. That potential is there.

Mr. VEON. I would say, Mr. Speaker, that without a doubt, someday, somewhere in Pennsylvania, some employee of some employer will try to use this as an excuse. I think we all understand that. That happens with a number of other laws that we deal with. In my opinion, that is not a good reason not to pass this bill.

Mr. BARLEY. Thank you, Mr. Speaker.

I would like to make a brief statement on the amendment.

The SPEAKER. The gentleman is recognized for that purpose.

Mr. BARLEY. Mr. Speaker, I do not believe that this amendment adequately addresses the concerns. I think it clearly weakens the amendment that Representative Lee placed in the bill, and by the admission of the sponsor, both of the amendment and the bill, I believe that what we are doing here is we are opening the businesses up in Pennsylvania to potentially even more what I term to be "frivolous" lawsuits, something that they are already inundated with. I think we are just opening the door for more of that with this bill, and I do not think that this amendment remedies that or helps that one bit.

So I at this point would recommend a "no" vote on the amendment, and I will also be voting "no" on the bill. Thank you, Mr. Speaker.

The SPEAKER. Mr. Veon.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, finally, I believe that as the gentlemen, Representative Trich and Representative Lescovitz, pointed out, there were some concerns expressed on the House floor the last time we dealt with this. We took great pains, spent a lot of time and effort with a number of members of the House on both sides of the aisle to try to come up with an amendment that was better than what we had last time. I believe that this amendment is such an amendment and would ask for an affirmative vote.

The SPEAKER. The Chair thanks the gentleman.

The gentleman from Washington County, Mr. Daley.

Mr. DALEY. Would the maker of the amendment stand for a brief interrogation?

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

Mr. DALEY. Thank you, Mr. Speaker.

Mr. Speaker, it is my understanding that there have been discussions, that there have been people throughout the Commonwealth that have been discriminated against due to actions by employers regarding the instances that you are trying to direct this amendment to. Can you give us any names of any specific employees that actually were discriminated against?

Mr. VEON. Mr. Speaker, I do have some very specific instances; I do not have them on the floor of the House. I would be glad to provide them to the gentleman from Washington County after, hopefully, we pass this bill.

Mr. DALEY. Could you tell me if these particular cases were adjudicated by these individuals and how they were adjudicated?

Mr. VEON. Mr. Speaker, in all the cases that I have, the cases were not adjudicated. The employees did not sue anyone in any court.

Mr. DALEY. Were these employees dismissed?

Mr. VEON. Yes, Mr. Speaker.

Mr. DALEY. Did they file an action against their employer?

Mr. VEON. None of them filed any action in civil court, no.

Mr. DALEY. There has been concern among many that this bill will in essence elevate smokers to a protected class. Is that the intention of this amendment?

Mr. VEON. No, Mr. Speaker. I think that is a good question. That clearly is not the intention of the maker of this amendment and I do not believe that this amendment does that, Mr. Speaker.

Mr. DALEY. Mr. Speaker, can I make a few comments on the amendment?

The SPEAKER. The gentleman may proceed.

Mr. DALEY. Thank you, Mr. Speaker.

I have to disagree with Mr. Veon, because I really quite honestly believe there is no need for this legislation. We do have a number of civil rights laws that are in effect that protect individuals. If these individuals were so concerned about their job for unjust termination, they in essence simply should have brought action against their employer. I think this is unnecessary.

I unfortunately do disagree with Mr. Veon that this does elevate smokers into a protected class under the Constitution, those equal with race, alienage, and nationality. I think that that elevation is undeserved, and I think that this amendment is not necessary and this bill should be voted down. Thank you, Mr. Speaker.

The SPEAKER. Mr. Gerlach for the second time.

Mr. GERLACH. No, actually the first time, Mr. Speaker, on this legislation.

The SPEAKER. That is right. The first one was on your own.

Mr. GERLACH. Right.

May I interrogate the maker of the amendment?

The SPEAKER. Yes.

Mr. GERLACH. With regard to the second page of the amendment, specifically the section dealing with reasonable attorney's fees, "A prevailing injured party may be awarded a reasonable attorney fee as part of costs...." Is it your intent that a "prevailing injured party" may include the employer who is made part of any litigation or a part of defending any action brought by an employee, where it is determined then that the action did not have any basis in law or in fact, that therefore the employer should be able to collect attorney's fees if that is the prevailing party?

Mr. VEON. Mr. Speaker, I apologize. I heard the first half of the question and was not able to hear the second half of the question.

Mr. GERLACH. Okay.

I am referring specifically to subsection (4) at the bottom of page 2 of the amendment. It states that "A prevailing injured party may be awarded a reasonable attorney fee as part of costs...." I did not find a definition of "injured party" in any other portion of the bill, so my question is, could a "prevailing injured party" also be an employer who is made part of an action brought by an employee where the action is found to be without merit, to be without basis of law or fact; can an employer therefore be a "prevailing injured party" and receive costs back for having to defend that action?

Mr. VEON. Mr. Speaker, my intention under this amendment is to say that a "prevailing injured party" is the party bringing action.

Mr. GERLACH. Okay. So that only an employee can collect attorney's fees if they are the prevailing party in an action under this legislation, but if a prevailing party is the employer, the employer is not to collect attorney's fees. Is that what your intent is?

Mr. VEON. I guess, Mr. Speaker, if the employer were to bring action, they could potentially be the "prevailing injured party."

Mr. GERLACH. Is there language in this legislation that would permit an employer to bring an action under this same act for the use of a lawful product off work premises?

Mr. VEON. I do not believe so. No, Mr. Speaker.

Mr. GERLACH. Thank you, Mr. Speaker.

The SPEAKER. Does Mr. Gannon seek recognition?

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, the debate on this amendment has, I believe, raised two very important issues and two scenarios, and those of us who worked in the automobile industry, I believe, could appreciate the dangers that are created by this amendment.

The first instance, of course, was the automobile salesman. The automobile dealer sells that fine American car, the Chevrolet, and as part of his employment requirements he says to his employees, I would like you to drive Chevrolets; we are in the business of selling them to the American public. But his employee elects to buy one of those Japanese cars, the Toyota, and drive around in that, and when a potential customer says, you know, you are trying to sell me a Chevrolet but let me ask you a question, what are you driving, and he says, well, I am driving one of those Japanese cars, those fine Toyotas, I do not think that is going to have a good impact on the marketing of that car, and the impact on the customer, I believe, is going to be negative.

The other issue that I believe is important to consider when looking at this amendment is the automobile mechanic who during his lunch hour goes out and has two nice martinis. Now, he does a legal activity and he is of age and it was perfectly legal for him to do that, and then he comes back to the workplace and he is telling a customer he is going to put new brakes on his car, and the customer smells the odor of alcohol on his breath. Now, that employer today may tell his employees, because of the very sensitive nature of your job, I really do not want my employees coming back from lunch with the odor of alcohol because we are going to lose customers, because we are putting their safety in our hands, and I know personally if I went to an automobile mechanic and I smelled the odor of alcohol on his breath and he was telling me he was going to put new brakes on my car, I would say no thank you; the welfare of my family is too important to me to trust your judgment when I smell the odor of alcohol.

Mr. Speaker, if for only those reasons, we should reject the Veon amendment, take this bill back to its original form. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Fairchild.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

Mr. Speaker, I would like to say that I had intended to support the Veon amendment up until the last interrogation by Representative Gerlach. I think it is extremely important when you look at the small businesses and the cause and effect of that cause, or the answer given by Representative Veon. What you are going to do is have an employee be able to bring suit, and he has the chance of winning with the attorney's fees, but what about that small business out there, that gas-station owner, that small store, whatever? He is the one or she is the one who stands a very good chance of effectively being penalized by this bill. And who wins in that case? The employee could lose or the employee could win, but again, the *attorney is the only one that wins in this case.*

Let us not make any more make-work bills for attorneys. This legislation needs changed, and I would ask—and I am not going to make the motion because I think we have debated this again—but I would ask that Representative Veon seriously consider withdrawing this amendment and the bill and let us vote on it the next time we are back in session with a small change to that area. Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—116

Acosta	Gamble	Mayernik	Ryan
Battisto	George	McCall	Santoni
Bebko-Jones	Gigliotti	McGeehan	Scrimenti
Belardi	Gladeck	McNally	Smith, S. H.
Belfanti	Godshall	Melio	Staback
Bishop	Gruitza	Michlovic	Steelman
Blaum	Gruppo	Mihalich	Steighner
Bunt	Haluska	Mundy	Stetler
Buxton	Hanna	Murphy	Sush
Caltagirone	Hughes	O'Brien	Sturla
Cappabianca	Itkin	Olasz	Surra
Carn	Jadlowiec	Oliver	Tangretti
Carone	James	Perzel	Taylor, J.
Cawley	Jarolin	Pesci	Thomas
Cessar	Josephs	Petrarca	Trello
Cohen, M.	Kaiser	Petrone	Trich
Colafella	Kasunic	Piccola	Tulli
Cornell	Keller	Pistella	Van Horne
Cowell	Kenney	Preston	Veon
Coy	Kirkland	Reber	Vitali
Curry	Kukovich	Reinard	Williams
DeLuca	LaGrotta	Richardson	Wogan
Dermody	Laub	Rieger	Wozniak
Donatucci	Laughlin	Ritter	Wright, D. R.
Evans	Lawless	Roberts	Yandrisevits
Fajt	Lederer	Robinson	Yewcic
Fargo	Lescovitz	Roebuck	
Fee	Lucyk	Rooney	DeWeese,
Fichter	Markosek	Rudy	Speaker
Freeman	Marsico		

NAYS—77

Adolph	Fairchild	Lloyd	Saylor
Allen	Farmer	Lynch	Scheetz
Argall	Fleagle	Maitland	Schuler

Armstrong	Flick	Manderino	Semmel
Baker	Gannon	Masland	Serafini
Barley	Geist	Merry	Smith, B.
Birmelin	Gerlach	Micozzie	Snyder, D. W.
Boyes	Gordner	Miller	Stairs
Brown	Harley	Nailor	Steil
Chadwick	Hasay	Nickol	Stern
Clark	Hennessey	Nyce	Strittmatter
Clymer	Herman	Pettit	Taylor, E. Z.
Cohen, L. I.	Hershey	Phillips	Tigue
Colaizzo	Hess	Pitts	True
Daley	Hutchinson	Platts	Uliana
Dempsey	King	Raymond	Vance
Dent	Krebs	Rubley	Waugh
Druce	Lee	Sather	Wright, M. N.
Durham	Leh	Saurman	Zug
Egolf			

NOT VOTING—2

Butkovitz	Tomlinson
-----------	-----------

EXCUSED—6

Bush	Corrigan	O'Donnell	Rohrer
Civera	Levdansky		

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 amendment No. A4181:

Amend Sec. 4, page 4, line 4, by inserting after "agencies)." To prevail in the hearing, the complainant must prove, by a preponderance of the evidence, that the respondent violated section 1. It shall be a defense to an action under this section if the respondent establishes, by a preponderance of the evidence that the action forming the basis of the complaint occurred for separate and legitimate reasons, which are not merely pretextual.

On the question,

Will the House agree to the amendment?

The SPEAKER. On the amendment, the gentleman, Mr. Lee.

Mr. LEE. Thank you, Mr. Speaker.

This amendment simply puts forth a standard of evidence which an employer would have to show in order to win a cause of action under this case, and I believe it is agreed to, and I think that is all I need to say. Thank you.

The SPEAKER. The Chair thanks the gentleman.

Mr. Veon is recognized.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, I am somewhat skeptical of this amendment, but given the fact that the Phillies are on TV tonight and we have a lot of attorneys in the hall of the House who would be glad to debate this finer point of the law, I think it would be much wiser to accept this amendment and get on with the vote. Thank you, Mr. Speaker.

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—195

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Bush	Corrigan	O'Donnell	Rohrer
Civera	Levdansky		

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. 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 final passage of the bill, Mr. Lee is recognized.

Mr. LEE. Thank you, Mr. Speaker.

I am going to give four quick reasons why you should vote against this bill.

First, this undermines the employment-at-will doctrine, and a lot of people here will say, what about the freedom of the smokers and the drinkers out there? Well, what about the freedom of the employers of the State? Should they not have the freedom to hire whom they would like to hire?

Furthermore, Mr. Speaker, how are we going to get into the whole issue of judging why exactly an employer hired or fired somebody? We have a lot of difficulty in civil rights legislation doing this type of stuff. Why are we setting up a separate class in this particular circumstance to protect these employees?

As I said the other day on the House floor, I have had a lot of employees come to me as a Representative. Every employee who came to me who had been fired or disciplined never felt that they were fairly fired or disciplined. They always had said, well, it is the darn employer; he is doing something wrong against me. So immediately this is going to open up another avenue by which an employee can challenge his employer, saying, well, the reason he fired me was not because I was sleeping on the job; it was because I was smoking off the job or having a few drinks off the job. You are going to allow this employee to come in and have a cause of action.

Now, I understand that in some instances when you are talking about civil rights legislation and things like that, those problems also arise, but there is a huge difference here between a civil right and the right to smoke and drink. We should not make smoking and drinking a civil right in the United States.

Just one statistic provided by our own Department of Health here in Pennsylvania: The years of potential life and value of future productivity lost just by smoking in 1990, \$2,133,000,000; 268,000 years of worker productivity. If we are talking about a worker bill of rights, let us talk about the freedom to work and have productivity in this State. So that is my third argument. We should not be granting smoking a civil right.

Finally, I just think we are being hypocritical here saying the employers should not be able to discriminate against employees for smoking and drinking and now for all types of other activity, unrelated, because constantly we are dealing with issues right here on the House floor that do just that. Now, how many times have we passed additional taxes on cigarettes or alcohol? One of the reasons we do that is we are basically punishing those people for smoking and drinking. So we do it all the time. We are trying to set a public policy

precedent that people should not smoke and drink; it costs our society too much money. Now we turn around and tell employees, well, we can do it here in Harrisburg, but you better not do it back in your workplace.

I just think that is unfair, and I urge a negative vote against HB 956. Thank you.

The SPEAKER. On final passage of the bill, Mr. Barley is recognized.

Mr. BARLEY. Very quickly, Mr. Speaker.

If you want more lawsuits in Pennsylvania, vote "yes." If you think we already have enough lawsuits being filed in Pennsylvania, vote "no."

On the question recurring,
Shall the bill pass finally?

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

YEAS—111

Acosta	Gannon	Marsico	Scrimenti
Bebko-Jones	George	Mayernik	Smith, S. H.
Belardi	Gigliotti	McCall	Staback
Belfanti	Gladeck	McGeehan	Steelman
Bishop	Godshall	Melio	Steighner
Blaum	Gruitza	Mihalich	Stetler
Boyes	Gruppo	Murphy	Stish
Bunt	Haluska	O'Brien	Sturla
Buxton	Hanna	Olasz	Surra
Caltagirone	Hughes	Oliver	Tangretti
Cappabianca	Itkin	Perzel	Taylor, J.
Carn	Jadlowiec	Pesci	Tomlinson
Cawley	James	Petrarca	Trello
Cessar	Jarolin	Petrone	Trich
Cohen, M.	Josephs	Piccola	Tulli
Colafella	Kaiser	Pistella	Uliana
Cornell	Kasunic	Preston	Vance
Coy	Keller	Reber	Van Horne
Curry	Kenney	Reinard	Veon
DeLuca	Kirkland	Richardson	Williams
Dermoddy	Kukovich	Rieger	Wogan
Donatucci	LaGrotta	Ritter	Wozniak
Evans	Laub	Roberts	Wright, D. R.
Fajt	Laughlin	Roebuck	Yandrisevits
Farmer	Lawless	Rooney	Yewcic
Fee	Lederer	Rudy	
Fichter	Lescovitz	Ryan	DeWeese,
Freeman	Markosek	Santoni	Speaker
Gamble			

NAYS—83

Adolph	Egolf	Lynch	Saurman
Allen	Fairchild	Maitland	Saylor
Argall	Fargo	Manderino	Scheetz
Armstrong	Fleagle	Masland	Schuler
Baker	Flick	McNally	Semmel
Barley	Geist	Merry	Serafini
Battisto	Gerlach	Michlovic	Smith, B.
Birmelin	Gordner	Micozzie	Snyder, D. W.
Brown	Harley	Miller	Stairs
Butkovitz	Hasay	Mundy	Steil
Carone	Hennessey	Nailor	Stern
Chadwick	Herrnan	Nickol	Strittmatter
Clark	Hershey	Nyce	Taylor, E. Z.
Clymer	Hess	Pettit	Thomas
Cohen, L. I.	Hutchinson	Phillips	Tigue
Cowell	King	Pitts	True

Daley	Krebs	Platts	Vitali
Dempsey	Lee	Raymond	Waugh
Dent	Leh	Robinson	Wright, M. N.
Druce	Lloyd	Rubley	Zug
Durham	Lucyk	Sather	

NOT VOTING—1

Colaizzo

EXCUSED—6

Bush	Corrigan	O'Donnell	Rohrer
Civera	Levdansky		

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

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

RULES SUSPENDED

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

Mr. ITKIN. Mr. Speaker, I move for an immediate suspension of the rules in order that HR's 193 and 196 - HR 193, Mr. Rooney, and HR 196, Mr. Gerlach - may be voted on at this time.

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

The following roll call was recorded:

YEAS—195

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

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Bush	Corrigan	O'Donnell	Rohrer
Civera	Levdansky		

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

RESOLUTIONS

The SPEAKER. The gentleman, Mr. Rooney, calls up HR 193, which the clerk will read.

The following resolution was read:

House Resolution No. 193

A RESOLUTION

Congratulating the Borough of Fountain Hill on its 100th Anniversary.

WHEREAS, Fountain Hill was settled in 1743 and developed into a village through the subdivision of farms during the 19th century; and

WHEREAS, In 1850, a retired French-born Philadelphia merchant named Augustus Fiot purchased the land and enhanced and beautified it; and

WHEREAS, Fiot named his estate Fontainebleau after Fontainebleau, France, where he spent his boyhood days; and

WHEREAS, Upon the death of Fiot, his estate was sold to a Philadelphia lawyer and entrepreneur named Tinsley Jeter; and

WHEREAS, In 1866, Jeter named his real estate development Fountain Hill; and

WHEREAS, In 1893, the villagers of West Fountain Hill petitioned Lehigh County Court to let them incorporate as a borough, and the court agreed to this on November 13, 1893; and

WHEREAS, Fountain Hill is a small borough with a population of 4,637 located in the Lehigh Valley; and

WHEREAS, The Borough of Fountain Hill shares a sense of community and dedication to church, school and domesticity; and

WHEREAS, The official borough seal, divided into three equal parts, bears the images of a cross, the lamp of learning and a mother, father and child with a fountain in the center of the seal; and

WHEREAS, The unofficial slogan of Fountain Hill is "It's a Thrill to Live on the Hill"; therefore be it

RESOLVED, That the House of Representatives extend congratulations to the Borough of Fountain Hill on the 100th Anniversary of its incorporation.

- T. J. Rooney
- Karen A. Ritter
- Frank W. Yandrisevits
- Joseph M. Uliana
- Edward G. Staback
- Mario J. Civera, Jr.
- Frank J. Gigliotti
- Herman Mihalich
- Jim Lynch
- Dante Santoni, Jr.
- Larry O. Sather
- Mark B. Cohen
- Victor John Lescovitz
- Timothy L. Pesci
- Michael R. Veon
- Donald W. Snyder
- Peter J. Zug
- Kevin Blaum
- Fred A. Trello
- Robert M. Tomlinson

On the question,
Will the House adopt the resolution?

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. Does Mr. Rooney seek recognition? The gentleman is recognized for a moment.

Mr. ROONEY. Thank you, Mr. Speaker.

I would like to request that HR 193 be left open on the desk for additional cosponsors.

I would also like to submit a copy of my remarks for the record.

The SPEAKER. The gentleman is in order, and the brevity of his observation is appreciated.

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

In 1893, the villagers of West Fountain Hill, united by their common interest and dedication to church, school, and home, sought to establish an identity for the community where they lived. Petitioning Lehigh County court to let them incorporate as a borough, the people were granted their wish on November 13, 1893.

Now, 100 years later, despite the growth of the surrounding area, including the cities of Bethlehem and Allentown, Fountain Hill has retained its unique qualities, character and priorities.

This bedroom community now boasts a friendly population of 4,637.

But like the official borough seal, which is divided into three equal parts, showing a cross, the lamp of learning, and the image of a mother, father and child, the borough has maintained the strong ethical and family values and the flame for learning that was so evident in earlier years.

In fact, this former farmland community, named after the estate "Fontainebleau," claims all of the elements that make a community strong.

Conscientious, hardworking public officials tend to the concerns of the residents, keeping the borough operating efficiently. And, in turn, the residents respect their home and strive to improve upon its many amenities.

So, it is with these efforts, Fountain Hill residents can truly claim their unofficial slogan, "It's a thrill to live on the hill."

And as the State Representative serving this community, I am extremely proud and happy to commemorate the 100th anniversary of the borough's incorporation.

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

The following roll call was recorded:

YEAS—192

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

NAYS—0

NOT VOTING—3

Daley	Phillips	Williams
-------	----------	----------

EXCUSED—6

Bush	Corrigan	O'Donnell	Rohrer
Civera	Levdansky		

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

* * *

The SPEAKER. The Chair recognizes that the gentleman, Mr. Gerlach, has HR 196 up for a vote today. The clerk will read the resolution.

The following resolution was read:

House Resolution No. 196

A RESOLUTION

Urging the Department of Environmental Resources to postpone implementation of Employer Trip Reduction regulations and the Governor to review the feasibility, reasonableness and hardship of proposed regulations and additional data pertinent thereto, and to exercise his prerogative under section 107(d) of the Federal Clean Air Act of 1990 to petition the Environmental Protection Agency to reconsider the classification of a five-county area from a severe ozone nonattainment region to a lower classification.

WHEREAS, The Federal Clean Air Act of 1990 mandates that businesses in areas of severe nonattainment employing more than 100 people at a single site develop and implement Employer Trip Reduction plans to increase occupancy of the vehicles going to and from the workplace during rush hours; and

WHEREAS, The threshold for a severe nonattainment rating is .18 parts per million (ppm); and

WHEREAS, The Environmental Protection Agency (EPA) has determined that the Philadelphia Consolidated Metropolitan Statistical Area (PCMSA) had an ozone content value of .187 ppm for 1987-1989; and

WHEREAS, The PCMSA's ozone content value was based on the highest value of any of the fourth highest one-hour readings from any monitoring station from 1987-1989; and

WHEREAS, The .187 ozone content value for the PCMSA was based on one reading on September 11, 1989, at the Chester, Pennsylvania monitoring station; and

WHEREAS, According to a study conducted by Environmental Resources Management (ERM), the September 11, 1989, reading is an unreliable indicator of air quality in the PCMSA and, as a result, should not have been utilized for determining the ozone content value for the PCMSA; and

WHEREAS, The ERM study also concluded that a more proper measurement and analysis of air quality would have resulted in a nonattainment rating less stringent than "severe nonattainment"; and

WHEREAS, The accuracy and age of the data collected from such testing and utilized in determining the severe ozone nonattainment classification in question reasonably raises the issue of whether the region's current classification is warranted; and

WHEREAS, Proposed State regulations, 22 Pa.B. 4628 (September 12, 1992), providing for such plans, as currently drafted, would be costly to implement and, in many instances, impossible to achieve by the affected employers and employees; and

WHEREAS, The proposed regulations, as currently drafted, do not fully and satisfactorily address the concerns and problems expressed by such employers and employees, particularly with regard, but not limited, to reasonable and adequate work schedule adjustment, mass transit availability and impact on productivity and competitiveness; and

WHEREAS, Transportation infrastructure improvements made subsequent to 1988 have reduced congestion and subsequent idling and carbon dioxide emission from vehicle exhaust; and

WHEREAS, A full season's use of oxygenated fuels by motorists purchasing gasoline in the region was not and has not been taken into consideration of whether the region's current classification is warranted; and

WHEREAS, According to a study conducted by Systems Applications International (SAI), the maximum ozone concentrations in 1991 and 1993 (as of 8/31/93) are 17% and 24% respectively below the 1988 concentration level; and

WHEREAS, SAI concluded that the probability of the PCMSA attaining the required National Ambient Air Quality Standard (NAAQS) ozone level by 1999, rather than 2005, without the need for additional control measures, such as an employer trip reduction program, is 81%; and

WHEREAS, As a result of the above, issues of feasibility and reasonableness, together with economic and personal hardship on affected employers and employees, are created by further implementation of Employer Trip Reduction plans in accordance with the proposed regulations; therefore be it

RESOLVED, That in the best interests of this Commonwealth and of the employers and working citizens of this Commonwealth the Department of Environmental Resources and the Governor should fully review and consider the potential impact and effect of the proposed regulations on affected employers and employees in light of the regulations' feasibility, reasonableness and hardship and any additional data and information pertinent thereto; and be it further

RESOLVED, That the Department of Environmental Resources postpone implementation of the proposed regulations published at 22 Pa.B. 4628 (September 12, 1992), until such time as the affected employers and employees can more fully and formally respond thereto; and be it further

RESOLVED, That the Governor further exercise his prerogative under section 107(d) of the Federal Clean Air Act of 1990 to petition the Environmental Protection Agency to reconsider the classification of the five-county area consisting of Philadelphia, Bucks, Chester, Delaware and Montgomery Counties from a severe ozone nonattainment region to a lower classification.

- Jim Gerlach
- Anthony J. Melio
- Robert W. Godshall
- John W. Fichter
- Robert E. Nyce
- Arthur D. Hershey
- Richard D. Olasz
- Carole A. Rubley
- David J. Steil
- Michael R. Veon
- William F. Adolph, Jr.
- Patricia Carone
- Joseph R. Pitts
- William Russell Robinson
- C. Allan Egolf
- Ron Raymond
- George E. Saurman
- Elinor Z. Taylor
- Lita Indzel Cohen
- Lawrence H. Curry
- Thomas W. Druce
- Anthony Hardy Williams
- Roy Reinard
- Robert M. Tomlinson
- Martin L. Laub
- Timothy F. Hennessey
- Roy W. Cornell
- Matthew N. Wright
- John M. Perzel
- Paul I. Clymer
- Robert J. Flick
- John A. Lawless

On the question,
Will the House adopt the resolution?

The SPEAKER. On the resolution, the gentleman, Mr. Gerlach, from Chester.

Mr. GERLACH. Thank you, Mr. Speaker.

I would like to request that the resolution be held at the desk for any other members who would like to sign on as cosponsors to this. Thank you, sir.

The SPEAKER. The clerk will keep the resolution for additional sponsors.

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

The following roll call was recorded:

YEAS—194

Acosta	Farmer	Lucyk	Santoni
Adolph	Fee	Lynch	Sather
Allen	Fichter	Maitland	Saumman
Argall	Fleagle	Manderino	Saylor
Armstrong	Flick	Markosek	Scheetz
Baker	Freeman	Marsico	Schuler
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	Steil
Butkovitz	Haluska	Mundy	Stern
Buxton	Hanna	Murphy	Stetler
Caltagirone	Harley	Nailor	Stish
Cappabianca	Hasay	Nickol	Strittmatter
Carn	Hennessey	Nyce	Sturla
Carone	Herman	O'Brien	Surra
Cawley	Hershey	Olasz	Tangretti
Cessar	Hess	Oliver	Taylor, E. Z.
Chadwick	Hughes	Perzel	Taylor, J.
Clark	Hutchinson	Pesci	Thomas
Clymer	Itkin	Petrarca	Tigue
Cohen, L. I.	Jadlowiec	Petrone	Tomlinson
Cohen, M.	James	Pettit	Trello
Colaella	Jarolin	Phillips	Trich
Colaizzo	Josephs	Piccola	True
Cornell	Kaiser	Pistella	Tulli
Cowell	Kasunic	Pitts	Uliana
Coy	Keller	Platts	Vance
Curry	Kenney	Preston	Van Horne
Daley	King	Raymond	Veon
DeLuca	Kirkland	Reber	Waugh
Dempsey	Krebs	Reinard	Williams
Dent	Kukovich	Richardson	Wogan
Dermody	LaGrotta	Rieger	Wozniak
Donatucci	Laub	Ritter	Wright, D. R.
Druce	Laughlin	Roberts	Wright, M. N.
Durham	Lawless	Robinson	Yandrisevits
Egolf	Lederer	Roebuck	Yewcic
Evans	Lee	Rooney	Zug
Fairchild	Leh	Rubley	
Fajt	Lescovitz	Rudy	DeWeese,
Fargo	Lloyd	Ryan	Speaker

NAYS—0

NOT VOTING—1

Vitali

EXCUSED—6

Bush	Corrigan	O'Donnell	Rohrer
Civera	Levdansky		

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

BILLS ON THIRD CONSIDERATION CONTINUED

HB 587 PASSED OVER

The SPEAKER. The Chair asks the members to return to page 1 of today's calendar, HB 587, PN 638. Without objection, HB 587 will go over for the day.

Is the gentleman, Mr. Gannon, aware of the fact that we are going over HB 587?

Mr. GANNON. Tuesday, the 23d of November, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Gannon, requests that HB 587, PN 638, be called up for a vote on Tuesday, the—
Mr. GANNON. The 23d of November.

The SPEAKER. —23d of November. The Chair thanks the gentleman.

Mr. GANNON. I am sorry. Corrected, 23d of November.

The SPEAKER. The Chair thanks the gentleman from Delaware County.

Mr. GANNON. Thank you, Mr. Speaker.

ANNOUNCEMENT

The SPEAKER. Does the gentleman, Mr. Fajt, from Allegheny County seek recognition?

Mr. FAJT. Thank you, Mr. Speaker.

I would like to ask that Representative True please approach the microphone. She and I wanted to do a joint message to the chamber. We will keep this very, very brief though.

The SPEAKER. Does Mrs. True seek recognition?

Mrs. TRUE. Yes, Mr. Speaker.

The SPEAKER. The lady is recognized.

Mrs. TRUE. Thank you, Mr. Speaker.

I just would like to take a moment. If you all found a blue folder on your desk, I would like to encourage you to read through that. It is to invite you to participate in a World Drug Prevention Conference that is being held in Philadelphia March 2 through 5.

This is an excellent opportunity for you to involve your districts in the war against drugs. If you take a look at—I hope it will be looked at as a bipartisan issue—if you look at the steering committee, we have put this together the last 2 years, and the Governor's Office, the Attorney General's Office, and

everybody else that you could possibly think of is on board on this. I would be very proud to have the members of the House as well as the Senate support this and have a good showing.

Thank you for your attention.

The SPEAKER. The Chair thanks Representative True for that announcement and recognizes the gentleman from Pittsburgh, Greg Fajt.

Mr. FAJT. Thank you, Mr. Speaker.

I would also just like to quickly add that Representative True is probably the most renowned expert in the House, really, on drug and alcohol issues. She comes from a very extensive background in that area.

I think that it is important that all of us realize that 80 percent of the people that come in contact with the criminal justice system are there because of the drug and alcohol problems in this country, and I gave the same speech the other day in the caucus, but I think it is extremely important that we realize that we cannot continue to fund programs like medical assistance, fund programs like the prisons in this State; that they are the two quickest growing costs in our State budget, and those costs are growing because of the underlying drug and alcohol problem in this society.

I would like to ask all members to seriously consider attending this tremendous conference that is going to be held in the spring, and I think that we all need to tune in to this issue, and I am willing to work with anybody that is interested in it. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair corrects himself; the gentleman is from Mount Lebanon.

ANNOUNCEMENT BY MR. COWELL

The SPEAKER. The Chair recognizes the gentleman, Mr. Cowell, who asks for a moment of unanimous consent. Without any objection that the Chair can hear, the gentleman is recognized.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I want to announce introduction of a resolution which will bear the number HR 192 and invite cosponsors to that resolution.

Members will recall that back in June this House approved HR 139, and in that resolution the House directed the Education Committee to look at the issue of violence in schools and to report back within 6 months after the adoption of that resolution. We quickly learned as we began our work—and what we learned was emphasized, I think, in part through yesterday's debate on the guns-in-school legislation—we quickly learned that the problem really is not a problem that is correctly characterized as violence in schools; it really is a problem of violence in our communities, violence in our society, that often is reflected through violence in schools. But the problem is much more large in scope. We also learned that no single piece of legislation and certainly no single disciplinary approach or approach by a single committee can adequately deal with these complex issues.

As a result and reflecting those lessons that I think we have learned and the discussion that has occurred during the past several months and yesterday, we are introducing HR 192, which really is an expansion of HR 139. HR 192 will create a select committee that will include the Speaker of the House and then the Republican and Democratic chairs of six current standing committees — the Policy Committee, the Education Committee, the Health and Welfare Committee, the Appropriations Committee, the Judiciary Committee, and the Aging and Youth Committee. The resolution will direct those members of that select committee to look at the broad issues of violence in our communities, including violence in the schools, but look at the broad issues of violence in the community and use the resources of these several committees and all the advice and all the opinion and all the various viewpoints that we can tap to bring back recommendations about that broader issue to this General Assembly by next spring.

Although we are introducing the resolution today and I would hope that it will be reported out by the Rules Committee in a timely fashion, in fact we will not have an opportunity to actually vote on that resolution until we return in November. But it is our intention—those on this side of the aisle, and I hope we will be joined enthusiastically by the chairs on the other side of the aisle—it is our intention to commence our work in a collaborative way immediately so that we can begin to examine these issues and begin to develop thoughtful, comprehensive approaches to this very perplexing, very complex, and very dangerous problem.

So, Mr. Speaker, I would ask that the desk be left open so other members may sign on to HR 192, if they wish.

Finally, Mr. Speaker, I would, in the way of advising members of another conference that is occurring on this subject, alert members, really remind members, that the Department of Education, beginning this evening and then continuing tomorrow and Friday, will be hosting a Safe Schools/Safe Communities Conference that will focus on partnerships to prevent violence. It is being held at the Harrisburg Hilton, and again, there would still be an opportunity for members or staff who wish to participate in that to sign up, but it begins with a banquet this evening, and I would urge those who are interested to be alert to that and take part in or take advantage of that opportunity. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

HB 956 RECONSIDERED

The SPEAKER. The Chair is in receipt of a reconsideration motion from the gentleman, Mr. King, and the gentleman, Mr. Nyce, regarding the vote on HB 956, PN 2642, and the fact that it was passed on the 13th day of October 1993.

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

The following roll call was recorded:

YEAS—193

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

NAYS—0

NOT VOTING—2

LaGrotta
Wright, D. R.

EXCUSED—6

Bush
Civera
Corrigan
Levdansky
O'Donnell
Rohrer

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

On the question recurring,
Shall the bill pass finally?

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

YEAS—117

Acosta	Gannon	Mayernik	Scrimenti
Bebko-Jones	George	McCall	Semmel
Belardi	Gigliotti	McGeehan	Serafini
Belfanti	Godshall	Melio	Smith, S. H.
Bishop	Gruitza	Mihalich	Staback
Blaum	Gruppo	Murphy	Steighner
Boyes	Haluska	Nyce	Stetler
Bunt	Hanna	O'Brien	Stish
Buxton	Herman	Olasz	Sturla
Caltagirone	Hughes	Oliver	Surra
Cappabianca	Itkin	Perzel	Tangretti
Carn	Jadlowiec	Pesci	Taylor, J.
Cawley	James	Petrarca	Tomlinson
Cessar	Jarolin	Petrone	Trello
Cohen, M.	Josephs	Piccola	Trich
Colafella	Kaiser	Pistella	Tulli
Cornell	Kastunic	Preston	Uliana
Cowell	Keller	Reber	Vance
Coy	Kenney	Reinard	Van Horne
Curry	King	Richardson	Veon
DeLuca	Kirkland	Rieger	Williams
Dermody	Kukovich	Ritter	Wogan
Donatucci	LaGrotta	Roberts	Wozniak
Evans	Laub	Robinson	Wright, D. R.
Fajt	Laughlin	Roebuck	Yandrisevits
Farmer	Lawless	Rooney	Yewcic
Fcc	Lederer	Rudy	
Fichter	Lescovitz	Ryan	DeWeese,
Freeman	Markosck	Santoni	Speaker
Gamble	Marsico	Saurman	

NAYS—78

Adolph	Durham	Lucyk	Sather
Allen	Egolf	Lynch	Saylor
Argall	Fairchild	Maitland	Scheetz
Armstrong	Fargo	Manderino	Schuler
Baker	Fleagle	Masland	Smith, B.
Barley	Flick	McNally	Snyder, D. W.
Battisto	Geist	Merry	Stairs
Birmelin	Gerlach	Michlovic	Steelman
Brown	Gladeck	Micozzie	Steil
Butkovitz	Gordner	Miller	Stern
Carone	Harley	Mundy	Strittmatter
Chadwick	Hasay	Nailor	Taylor, E. Z.
Clark	Hennessey	Nickol	Thomas
Clymer	Hershey	Pettit	Tigue
Cohen, L. I.	Hess	Phillips	True
Colaizzo	Hutchinson	Pitts	Vitali
Daley	Krebs	Platts	Waugh
Dempsey	Lee	Raymond	Wright, M. N.
Dent	Leh	Rubley	Zug
Druce	Lloyd		

NOT VOTING—0

EXCUSED—6

Bush	Corrigan	O'Donnell	Rohrer
Civera	Levdansky		

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

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

The SPEAKER. The Chair would like to announce that there will be no further votes for the afternoon.

VOTE CORRECTIONS

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

Mr. RICHARDSON. Thank you very much, Mr. Speaker. Mr. Speaker, I would like to correct the record.

On amendment A4142 to HR 157, my switch was inoperative. I would like to have my vote recorded in the affirmative.

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

The gentleman from Washington County, Mr. Daley, is recognized.

Mr. DALEY. Thank you, Mr. Speaker.

I rise to correct the record.

On HR 193 my finger malfunctioned. I wish to be voted in the affirmative.

The SPEAKER. The Chair thanks the gentleman.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 1811, PN 2104**, entitled:

An Act providing for financial institutions' security; establishing the Banking Resolution Fund and providing for its administration; providing for stock savings associations and for structural changes of financial institutions; conferring powers and duties on the Secretary of Banking, the Department of Banking and the board of directors of the Pennsylvania Savings Association Insurance Corporation; and making repeals.

On the question,

Will the House agree to the bill on third consideration?

BILL TABLED

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

Mr. ITKIN. Mr. Speaker, I move that HB 1811, PN 2104, be tabled.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader. Mr. ITKIN. Mr. Speaker, I move that HB 1811, PN 2104, be removed from the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

**HOUSE BILLS
INTRODUCED AND REFERRED**

No. 2166 By Representatives HASAY, RYAN and PERZEL

An Act providing a safe harbor from liability for certain lenders and fiduciaries for environmental liability and remediation relating to releases which were not caused by such entities.

Referred to Committee on BUSINESS AND ECONOMIC DEVELOPMENT, October 13, 1993.

No. 2167 By Representatives REINARD, FARGO, B. SMITH, KENNEY, WAUGH, TRELLO, FICHTER, FLICK, BROWN, COY, KASUNIC, MARSICO, MILLER, KING, ROONEY, LAUB, HENNESSEY, DRUCE, CLYMER, SCHULER, COLAIZZO, STABACK, ARGALL, E. Z. TAYLOR, HUTCHINSON and GEIST

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for water service supplied by municipal corporations to volunteer fire companies.

Referred to Committee on CONSUMER AFFAIRS, October 13, 1993.

No. 2169 By Representatives COWELL and TULLI

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 investment of school district funds.

Referred to Committee on EDUCATION, October 13, 1993.

No. 2170 By Representatives GANNON, BROWN, GRUPPO, CIVERA, CLYMER, JAMES, MICHLOVIC and JOSEPHS

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for customary charges for treatment.

Referred to Committee on INSURANCE, October 13, 1993.

No. 2171 By Representatives GANNON, GRUPPO and RAYMOND

An Act amending the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, providing for services rendered by athletic trainers.

Referred to Committee on HEALTH AND WELFARE, October 13, 1993.

No. 2172 By Representatives SCRIMENTI, ROBINSON, STEELMAN, TIGUE and TRELLO

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing payment for substitute teachers.

Referred to Committee on EDUCATION, October 13, 1993.

No. 2173 By Representatives ROHRER, FICHTER, TRELLO, OLASZ, SATHER, LYNCH, MILLER, TRUE, STERN, HERSHEY, SCHULER, SAURMAN, ARMSTRONG, CLYMER, YEWIC, LEH, BARLEY, EGOLF and PITTS

An Act providing for disclosure to parents and other affected individuals of the content and effect of certain school curriculum, testing methods and behavior modification techniques; and providing penalties.

Referred to Committee on EDUCATION, October 13, 1993.

No. 2174 By Representatives LLOYD, VANCE, GORDNER, GIGLIOTTI, STISH, SCRIMENTI, CARONE, FARMER, M. COHEN, DeWEESE, VEON, PESCI, ROONEY, LAUGHLIN, FICHTER, HERMAN, NICKOL, JADLOWIEC, TRELLO, FARGO, KUKOVICH, CAPPABIANCA, GERLACH, FAIRCHILD, BAKER, KASUNIC, HASAY, HANNA, NYCE, TANGRETTI, PISTELLA and MELIO

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

Referred to Committee on TRANSPORTATION, October 13, 1993.

No. 2175 By Representatives GEIST, GERLACH, DENT, FICHTER, CLARK, FARGO, L. I. COHEN, PHILLIPS, SATHER, HENNESSEY, HESS, NYCE, GAMBLE, OLASZ, CORRIGAN, BUXTON, MIHALICH, MARKOSEK, O'DONNELL, DALEY, SAYLOR, MILLER, FARMER, HERSHEY, STERN, ARMSTRONG, LAUB, YEWIC, COLAIZZO, ARGALL, M. N. WRIGHT, STEELMAN, WOGAN, DRUCE, LEE, MERRY, HUGHES, HUTCHINSON, FLICK, PETTIT, ZUG, DEMPSEY, STABACK and KELLER

An Act providing for the establishment of pilot educational boot camp programs; and making an appropriation.

Referred to Committee on EDUCATION, October 13, 1993.

No. 2176 By Representatives SAURMAN, GODSHALL, TULLI, CAWLEY, L. I. COHEN, STEELMAN, GERLACH, FLICK, HENNESSEY, GEIST and LAUB

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for a tax credit for taxpayers who use public transit as their source of transportation to their place of employment.

Referred to Committee on FINANCE, October 13, 1993.

No. 2178 By Representatives FEE, STABACK, HALUSKA, FARMER, JAROLIN, GRUTIZA, TIGUE, SEMMEL, GAMBLE, MIHALICH, HASAY, COLAIZZO,

TRICH, FAJT, CAWLEY, GERLACH, COLAFELLA, LAUGHLIN, TRELLO and MELIO

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting the possession of firearms by persons found to be delinquent; prohibiting the possession by or the sale of a handgun to any person under 18 years of age; and providing exceptions.

Referred to Committee on JUDICIARY, October 13, 1993.

No. 2183 By Representatives NYCE, STABACK, SCHEETZ, LAUB, KING, EGOLF, MERRY, HENNESSEY, CORRIGAN, BUNT, WOZNIAK, WAUGH, GEIST, BROWN and CAWLEY

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for prohibited offensive weapons.

Referred to Committee on JUDICIARY, October 13, 1993.

No. 2184 By Representatives VEON, STEELMAN, KUKOVICH, BEBKO-JONES, BISHOP, GORDNER, BLAUM, VAN HORNE, FEE, COY, PRESTON, TRELLO, DeLUCA, JOSEPHS, TANGRETTI, MELIO, BUXTON, PESCI, GIGLIOTTI, KIRKLAND, LAUGHLIN, WILLIAMS, BELARDI, HUGHES, McNALLY, RUDY and MANDERINO

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, providing for unemployment compensation eligibility due to sexual harassment.

Referred to Committee on LABOR RELATIONS, October 13, 1993.

No. 2185 By Representatives VEON, STEELMAN, KUKOVICH, BEBKO-JONES, BISHOP, GORDNER, BLAUM, VAN HORNE, FEE, COY, PRESTON, TRELLO, DeLUCA, PISTELLA, STURLA, JOSEPHS, TANGRETTI, KASUNIC, GIGLIOTTI, KIRKLAND, MELIO, BUXTON, PESCI, CURRY, LAUGHLIN, WILLIAMS, BELARDI, HUGHES, McNALLY, RUDY and MANDERINO

An Act amending the act of October 27, 1955 (P.L.744, No.222), known as the Pennsylvania Human Relations Act, providing for unlawful discriminatory practices relating to harassment and sexual harassment.

Referred to Committee on STATE GOVERNMENT, October 13, 1993.

No. 2186 By Representatives BLAUM, GRUPPO, BELARDI, THOMAS, DeWEESE, D. R. WRIGHT, TIGUE, HALUSKA, TRELLO, BUSH, PHILLIPS, M. N. WRIGHT, MUNDY, LESCOVITZ, JAROLIN, E. Z. TAYLOR, WOGAN, COLAFELLA, PISTELLA, PESCI, PETRARCA, ROONEY, GEIST, STETLER, OLASZ, LYNCH, GORDNER, DeLUCA, FREEMAN, FLICK, HERMAN, SAYLOR, BATTISTO, ARGALL, DALEY, SCRIMENTI, GIGLIOTTI, KIRKLAND,

YANDRISEVITS, FAJT, BELFANTI, D. W. SNYDER, RITTER, TOMLINSON, KENNEY, STISH, WOZNIAK, LAUGHLIN, KASUNIC, VEON, WILLIAMS, COLAIZZO, RICHARDSON, TRICH, J. TAYLOR, COY and STURLA

An Act providing criminal and civil penalties for the mistreatment of care-dependent persons by caretakers; requiring reports; and imposing additional duties on the Office of Attorney General and the district attorneys.

Referred to Committee on AGING AND YOUTH, October 13, 1993.

No. 2189 By Representatives LAUB, FAJT, FICHTER, BUNT, CORNELL, GODSHALL, REBER, HARLEY, SAURMAN, GLADECK, L. I. COHEN, DeWEESE, BAKER, YANDRISEVITS, M. N. WRIGHT, HENNESSEY, HERSHEY, SATHER, MELIO, RAYMOND, JADLOWIEC, HALUSKA, MIHALICH, TULLI, CAWLEY, HUTCHINSON, MERRY, D. W. SNYDER, ALLEN, RYAN, HERMAN, FEE, MILLER, PESCI, KING, DEMPSEY, B. SMITH, IANNA, STEELMAN, GERLACH, PHILLIPS, PETTIT, CESSAR, FLICK, RUBLEY, COLAIZZO, GEIST, ROBINSON, DENT, LEDERER, FLEAGLE, STAIRS, GAMBLE, PERZEL, HESS, LEH, McCALL, CLYMER, SCHULER, FARGO, BELFANTI, GRUPPO, KENNEY, KREBS, LAUGHLIN, REINARD, RITTER, PLATTS, PITTS, STEIL, E. Z. TAYLOR, FREEMAN, ARGALL, STERN and MAITLAND

An Act amending the act of May 28, 1993 (P.L. , No.1A), known as the General Appropriation Act of 1993, further providing additional State funds for library access.

Referred to Committee on APPROPRIATIONS, October 13, 1993.

No. 2192 By Representatives STETLER, BUXTON, ROONEY, DEMPSEY, STURLA, VAN HORNE, WOZNIAK, TIGUE, CAPPABIANCA, MICHLOVIC, NICKOL, JAROLIN, GORDNER, M. COHEN, VEON, MIHALICH, STURLA, TRELLO, PISTELLA, MELIO, PLATTS and MUNDY

An Act amending the act of July 7, 1947 (P.L.1368, No.542), known as the Real Estate Tax Sale Law, further providing for the notice of filing returns and entry of claim, for the period for discharge, for notice of sale, for removal of sale, for judicial sales and for qualifications of purchaser.

Referred to Committee on URBAN AFFAIRS, October 13, 1993.

No. 2193 By Representatives ROBERTS, DeWEESE, STABACK, FAJT, PISTELLA, GIGLIOTTI, MIHALICH, TRELLO, STETLER, LAUB, KASUNIC, LESCOVITZ, ALLEN, BEBKO-JONES and MELIO

An Act authorizing transmission lines for cable television in the Ohiopyle State Park.

Referred to Committee on CONSUMER AFFAIRS,
October 13, 1993.

No. 2195 By Representatives ARGALL, MASLAND,
KREBS, TOMLINSON, CAPPABIANCA, HANNA,
GERLACH and SCHEETZ

A Joint Resolution proposing amendments to the Constitution of the Commonwealth of Pennsylvania, limiting terms of members; and providing for a referendum on reelection of members.

Referred to Committee on STATE GOVERNMENT,
October 13, 1993.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 191 By Representatives SAURMAN, MARSICO,
MERRY, CLYMER, HUTCHINSON, ROHRER, HARLEY,
M. N. WRIGHT, SATHER, FICHTER, LAUB and BAKER

A Resolution memorializing the President of the United States and the United States Congress to refrain from acting unilaterally and without regard to provisions of the Constitution of the United States for the admission of new states to the Union with attempts to admit the District of Columbia and the territory of Puerto Rico as states.

Referred to Committee on RULES, October 13, 1993.

No. 192 By Representatives COWELL, EVANS,
BLAUM, RICHARDSON, CALTAGIRONE, DeWEESE,
ITKIN, VEON, CESSAR, KENNEY, O'BRIEN, FAJT,
RUDY, ROONEY, ROEBUCK, HALUSKA, McCALL,
M. COHEN, BELARDI and BATTISTO

A Resolution designating a House Select Committee to investigate the issue of violence in our communities and to issue a report on its findings and recommendations.

Referred to Committee on RULES, October 13, 1993.

No. 194 By Representatives SAURMAN, DENT,
HERSHEY, CAPPABIANCA, SERAFINI and
HENNESSEY

A Resolution requesting a voluntary, one-year moratorium on the breeding of dogs and cats.

Referred to Committee on RULES, October 13, 1993.

No. 195 By Representatives LESCOVITZ, ROONEY,
GEORGE, COY, BELFANTI, CLARK, HASAY, BAKER,
SAYLOR, B. SMITH, BEBKO-JONES, BATTISTO,
VAN HORNE, LaGROTTA, MELIO, ROBINSON,
JOSEPHS, KASUNIC, STEELMAN, DeLUCA and
SANTONI

A Concurrent Resolution memorializing the President and Congress to take action to help ease the burden that increased lumber prices have placed on homebuilders and homebuyers.

Referred to Committee on RULES, October 13, 1993.

VOTE CORRECTION

The SPEAKER. Mr. Saurman.

Mr. SAURMAN. Thank you.

To correct the record.

The SPEAKER. The gentleman is in order.

Mr. SAURMAN. My switch malfunctioned on that reconsidered vote for HB 956, and I would like to be considered in the negative.

The SPEAKER. The Chair thanks the gentleman.

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 Representative Lederer of Philadelphia.

Mrs. LEDERER. Mr. Speaker, I move that this House do now adjourn until Monday, November 22, 1993, at 1 p.m., e.s.t., unless sooner recalled by the Speaker.

The SPEAKER. The Chair thanks the lady from Philadelphia.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 3:16 p.m., e.d.t., the House adjourned.