

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

WEDNESDAY, FEBRUARY 2, 1994

SESSION OF 1994

178TH OF THE GENERAL ASSEMBLY

No. 9

### HOUSE OF REPRESENTATIVES

The House convened at 11:10 a.m., e.s.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:

Lord, we thank You for the wildlife that adorn our beautiful Commonwealth. You have been so gracious in giving us wildcats and skunks and opossums and weasels and muskrats and beavers and deer and rabbits, squirrels and bear. You have given us toads and lizards, copperheads and rattlesnakes. You have given us quail and ring-necked pheasants, partridges, wild turkeys, herons and swans, ducks, geese, brants, and woodcocks. You have given us robins to announce the springtime and blue jays, catbirds, Baltimore orioles, cardinals, and other birds too numerous to enumerate.

We confess, O God, that we have not been as vigilant as we ought, for some of our wildlife is extinct.

Today we especially thank You for Punxsutawney Phil, whom You especially gave us to announce a shorter or longer winter. Whether he is right or wrong, we thank You for him, for it is in Your dear name we pray. Amen.

#### PLEDGE OF ALLEGIANCE

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

#### JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, the approval of the Journal for Tuesday, February 1, 1994, will be postponed until printed. The Chair hears no objections.

I want to congratulate Reverend Roach on the wonderful prayer this morning.

### JOURNAL APPROVED

The SPEAKER pro tempore. The Journal of Monday, September 27, 1993, is in print and, without objection, will be approved.

#### ACTUARIAL NOTE

The SPEAKER pro tempore. The Chair acknowledges the receipt of the actuarial note for HB 2121, PN 2608.

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

#### LEAVES OF ABSENCE

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

Mr. STEIGHNER. Thank you, Mr. Speaker.

Mr. Speaker, I would ask for leave for today only for the gentlelady from Philadelphia, Representative WASHINGTON.

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

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

Mr. PERZEL. Thank you, Mr. Speaker.

We would request a leave of absence for the day for the gentleman from Wyoming, Mr. LEE.

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

#### MASTER ROLL CALL

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

(A roll-call vote was taken, but due to a malfunction the vote was not recorded. See later roll call.)

#### CALENDAR

#### BILLS ON SECOND CONSIDERATION

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

HB 2495, PN 3163; and SB 1404, PN 1700.

**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 2147, PN 2640**, entitled:

An Act amending the act of July 9, 1976 (P.L.919, No.170), entitled "An act providing for the approval or disapproval of applications for a permit relating to the construction or maintenance of improvements to real estate," further providing for fees for building permits.

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

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

The question is, shall the bill pass finally?

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

**YEAS—197**

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

Durham	Lederer	Rooney	
Egolf	Leh	Rublely	DeWeese,
Evans	Lescovitz	Ryan	Speaker
Fairchild	Levdansky	Santoni	

NAYS—1

Rudy

NOT VOTING—0

EXCUSED—3

Bush	Lee	Washington
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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.

**GROUNDHOG DAY REMARKS**

The **SPEAKER** pro tempore. The Chair recognizes the gentleman, Mr. Smith. For what purpose does the gentleman rise?

Mr. S. H. SMITH. To make an announcement, Mr. Speaker, while we have a little break in the action here.

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

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

The **SPEAKER** pro tempore. I cannot wait for this.

Mr. S. H. SMITH. The lady from Chester said she will wait for this announcement. It is very important.

As you all know, Mr. Speaker, this is February 2, Groundhog Day, known in ancient European history as Candlemas Day. As a resident of Punxsutawney and a member of this legislature, I have a certain responsibility, and that is to report to this House and to the Commonwealth of Pennsylvania the official notification and prognostication that came from Gobbler's Knob in Punxsutawney, the Punxsutawney Phil.

The **SPEAKER** pro tempore. Will the gentleman please suspend.

We have got to have some order for this. It is a very important announcement, and I would appreciate everybody giving the gentleman their attention.

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

Next year the cookies will be a little bigger, even though I do not think my father ever brought the Speaker cookies.

Back to the announcement, Mr. Speaker. As you know, the ancient European legend reads, "For as the sun shines on Candlemas Day, So far will the snow swirl til May." Many people may be aware that the sun was out bright and crisp this morning. The temperature in Punxsutawney was nearly 10 below, and at 7:28 and 52 seconds, Punxsutawney Phil rose from his burrow, looked around and said, "When I looked around, my shadow I found. Therefore, we will have 6 more weeks of winter."

Those cookies did not do as much good as I thought. They were supposed to sweeten you people up a little bit.

The president of the Groundhog Club was pleading to the folks back home, as it was carried live on a local radio station here in the Harrisburg area, and I think that was a very noteworthy event on their part, being that we are in the heart of central Pennsylvania where there is something in the vicinity, a Quarryville wannabe, who often tries to take some credit in this area. I am sure that the gentleman from Lancaster will try to make his remarks in a minute as to what that stuffed rodent has to say, but let it be known today that the Punxsutawney Phil, the one and only real groundhog in Pennsylvania and in the world, the prognosticating groundhog, predicts, regrettably, 6 more weeks of winter. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Perhaps he will inform the gentleman that we no longer punish the messenger that brings messages of bad news.

The Chair recognizes the gentleman, Mr. Barley.

Mr. BARLEY. Well, thank you very much, Mr. Speaker.

I will be very kind. I will not become as scurrilous as the previous speaker and attack his groundhog as he attempted to attack mine.

But now I want to deliver the message from Octorara Orphie. Let me tell you that at 2:37 a.m., groundhog standard time, he popped out and he did not see his shadow, and that has been reported to me by the Honorable Hibernating Governor, Jim Pennington, of the Groundhog Lodge. This information — that he did not see his shadow at 2:37 a.m., groundhog standard time — was transmitted to me by way of the groundhog fax line, so there is no question about it. I got it very promptly, and that message at 2:37 a.m. was 4 more weeks of winter weather.

However, at 7:06, eastern standard time—and note that is a full 12 minutes or more earlier than this guy out in the other part of Pennsylvania in Punxsutawney—nevertheless, Orphie did reappear at 7:06, eastern standard time. At that time he regrettably saw his shadow, and so at that point he had a dilemma, but what he was able to emphatically say was that for the next 6 weeks we will have winter, but we will have warmer temperatures and certainly the days will be longer.

Now, Mr. Speaker, in closing, I want to just refer to something that took place here on the floor yesterday, and I am referring to those funny-looking cookies that were distributed. Someone thought they looked like a groundhog, I guess. But anyhow, we found them on our desks. Well, now, what I would like to do today, I would like to invite my colleagues to join me for real groundhog food. I am going to have a signup sheet for anybody that wants to join me, and I am going to be serving clover soup and alfalfa tea. So make your reservations early and we will enjoy. Thank you very much, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Nickol.

Mr. NICKOL. Mr. Speaker, I would like to note for the record that the York Slumbering Groundhog Lodge is

represented by Representative Stan Saylor, and Stan, much to my satisfaction and, I think, much to his credit, has not stood up to speak on this issue thereby raising the level of debate.

But I often notice the looks of my colleagues from the more cosmopolitan areas of the State as this debate proceeds each year. Philadelphia has its Phillies; Pittsburgh has the Pirates; Penn State has Penn State; Hershey has the Bears. You know, in Quarryville and Punxsutawney, this is as good as it gets. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and notices that there is no offer of food from the gentleman.

### LEAVE OF ABSENCE

The SPEAKER pro tempore. Without objection, the Chair returns to leaves of absence and puts Mrs. RUDY on leave for the day.

### FILMING PERMISSION

The SPEAKER pro tempore. The Chair wishes to advise the members that he has given permission to John Sanks of WPVI, channel 6, to film with audio on the floor of the House during the proceedings.

### ANNOUNCEMENT BY MR. GERLACH

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Gerlach, who makes the following announcement.

Mr. GERLACH. Thank you, Mr. Speaker.

I would like to announce that the House local tax reform caucus will hold a meeting on Monday morning at 11 o'clock in room 22 of the Capitol Annex. In light of the House Finance Committee recently reporting out some tax reform legislation, I would like to have the members attend that meeting, if possible. I would also like to invite any members of the House Finance Committee or any other members-at-large who would like to come and participate in that meeting. So that will be on Monday morning at 11 o'clock in room 22 of the Capitol Annex. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

### MASTER ROLL CALL RETAKEN

The SPEAKER pro tempore. Due to a malfunction of the switch, we are going to have to take the master roll call over again. The members will proceed to vote.

The following roll call was recorded:

#### PRESENT—197

Acosta	Fajt	Lloyd	Sather
Adolph	Fargo	Lucyk	Saurman
Allen	Farmer	Lynch	Saylor
Argall	Fee	Maitland	Scheetz
Armstrong	Fichter	Manderino	Schuler

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—4

Bush	Lee	Rudy	Washington
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HB 2147 RECONSIDERED

The SPEAKER pro tempore. The Chair is in receipt of a reconsideration motion filed by the gentleman, Mr. Steighner, who moves that the vote by which HB 2147, PN 2640, was passed on the 2d day of February be reconsidered.

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

The following roll call was recorded:

YEAS—197

Acosta	Fajt	Lloyd	Sather
Adolph	Fargo	Lucyk	Saurman

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

NAYS—0

NOT VOTING—0

EXCUSED—4

Bush	Lee	Rudy	Washington
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The question was determined in the affirmative, and the motion was agreed to.

On the question recurring,  
Shall the bill pass finally?

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

YEAS—197

Acosta	Fajt	Lloyd	Sather
Adolph	Fargo	Lucyk	Saurman
Allen	Farmer	Lynch	Saylor

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

NAYS—0

NOT VOTING—0

EXCUSED—4

Bush	Lee	Rudy	Washington
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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 CONCURRENCE  
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 906, PN 3105**, entitled:

An Act requiring timely payment to certain contractors and subcontractors; and providing remedies to contractors and subcontractors.

On the question,

Will the House concur in Senate amendments?

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

YEAS—197

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

NAYS—0

NOT VOTING—0

EXCUSED—4

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

Ordered, That the clerk inform the Senate accordingly.

### BILL ON FINAL PASSAGE POSTPONED

The House proceeded to consideration on final passage postponed of **HB 619, PN 2138**, entitled:

An Act amending the act of December 22, 1983 (P.L.306, No.84), known as the Board of Vehicles Act, providing for warranty and presale information.

On the question recurring,  
Shall the bill pass finally?

### DECISION OF CHAIR RESCINDED

The SPEAKER pro tempore. Without objection, the Chair rescinds its announcement that HB 619, PN 2138, has been agreed to on third consideration.

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

Mr. D. R. WRIGHT offered the following amendment No. A5052:

Amend Sec. 2 (Sec. 8.1), page 5, line 14, by striking out "**TEN**" and inserting

Amend Sec. 2 (<sup>five</sup>Sec. 8.1), page 6, line 2, by inserting after "**DEALER**"

Amend Sec. 2 (<sup>for five years</sup>Sec. 8.1), page 6, line 13, by striking out "**ASSISTING IN**"

Amend Sec. 2 (Sec. 8.1), page 6, line 17, by striking out "**ASSISTING IN**"

Amend Sec. 2 (Sec. 8.1), page 6, lines 21 through 30, by striking out all of lines 21 through 29 and "**(E)**" in line 30 and inserting

(d)

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

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

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

My amendment does four things. First of all, it changes the extended warranty provisions from 10 years to 5, because in fact mobile homes do move, and it imposes an unfair burden.

The second thing that it does, it adds a limit of 5 years in which a dealer must keep a waiver of an extended warranty. It matches the 5-year warranty period. The bill itself does not prescribe a time period for the dealer to retain the warranty waiver, and it is reasonable to do so.

The third thing that this amendment does is it deletes the language "assisting in," and it brings the language into conformity to HB 849. It clears up some ambiguity and vagueness in the bill.

The fourth thing it does, the amendment deletes section 8.1(d). This provision restricts a person's right to buy a home

and to place it wherever he or she chooses. It limits the liberty, the freedom, of a person who chooses to buy a manufactured house.

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

### PARLIAMENTARY INQUIRY

#### AMENDMENT DIVIDED

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman, Mr. Kukovich.

Mr. KUKOVICH. Thank you, Mr. Speaker.

Part of the amendment I could agree to. There are other amendments offered by Representative Wright that are all rolled into this amendment. I would like to agree to the part on the warranty provision, changing it from 10 years to 5 years. I would go along with that as a compromise.

I would request that either we divide this amendment or consider the other amendments, which then I could agree to. I guess I would ask if the amendment was divisible after line 2 on page 6 that deals with 5 years. I would like to support the 5-year provision, but I have problems with the other language in the amendment.

The SPEAKER pro tempore. As we understand it, you want to divide the amendment where it ends "for five years" and have the second division start with "Amend Sec. 2 (Sec. 8.1), page 6, line 13...." Is that correct?

Mr. KUKOVICH. That is correct.

The SPEAKER pro tempore. The amendment is so divisible.

On the amendment, we will vote first on the first part of the amendment, starting with "Amend Sec. 2 (Sec. 8.1), page 5, line 14, by striking out 'TEN' and inserting: five" and going all the way down to "for five years."

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

The SPEAKER pro tempore. On that portion of the amendment, the Chair recognizes the gentleman, Mr. Kukovich.

Mr. KUKOVICH. Mr. Speaker, I would agree to this language. I think this is one that is not that controversial. I would ask for a "yes" vote.

The SPEAKER pro tempore. The Chair recognizes the lady, Mrs. Harley.

Mrs. HARLEY. Thank you very much.

Mr. Speaker, let me just say that in terms of changing this from 10 years to 5 years, I want everybody to be clear here.

First of all, understand that we passed this whole thing December 13. So we have already passed it as it is, and this has now come back with all these amendments.

The more important issue is, I am on the National Commission on Manufactured Housing at the Federal level, and at the Federal level, we have spent the past year looking at this very issue. At the Federal level, the Federal Government and the industry throughout the country, everyone is in agreement that this is going to be 10 years at the Federal level.

So what we here in Pennsylvania are doing or are thinking about doing is taking a provision that we will look like we are in compliance nationally and that we are on the forefront actually of something that the Congress will pass next year, that we have already done it. We are going to take a step back now, because this is going to happen nationally. The 10-year warranty will happen nationally, probably next year. So understand, it is already in there, and we sort of look like, you know, we are on the forefront of this, what the National Government is doing and that the industry has agreed to nationally, and we are taking a step back. So please understand that when you cast your vote.

The SPEAKER pro tempore. The Chair thanks the lady.

Mr. D. R. WRIGHT. Mr. Speaker, I would support the amendment.

Those of you who believe that the National Government is right in things would of course want to support the opposition, but I would ask for your affirmative vote on this amendment.

On the question recurring,

Will the House agree to part 1 of the amendment?

The following roll call was recorded:

YEAS—177

Acosta	Evans	Lynch	Saylor
Adolph	Fairchild	Maitland	Scheetz
Armstrong	Fajt	Manderino	Schuler
Baker	Fargo	Markosek	Scrimanti
Barley	Fee	Marsico	Serafini
Battisto	Fichter	Masland	Smith, B.
Bebko-Jones	Fleagle	Mayernik	Smith, S. H.
Belardi	Flick	McCall	Staback
Belfanti	Freeman	McGeehan	Stairs
Birmelin	Gamble	McNally	Steelman
Bishop	Gannon	Melio	Steighner
Blaum	Geist	Michlovic	Steil
Boyes	George	Micozzie	Stern
Bunt	Gigliotti	Mihalich	Stetler
Butkovitz	Gordner	Miller	Stish
Buxton	Gruitza	Mundy	Strittmatter
Caltagirone	Gruppo	Nailor	Surra
Cappabianca	Haluska	Nickol	Tangretti
Cam	Hanna	O'Brien	Taylor, E. Z.
Carone	Hasay	Olasz	Taylor, J.
Cawley	Herman	Oliver	Thomas
Cessar	Hess	Perzel	Tigue
Chadwick	Hughes	Pesci	Tomlinson
Civera	Hutchinson	Petrarca	Trello
Clark	Itkin	Petrone	Trich
Clymer	Jadlowiec	Phillips	True
Cohen, L. I.	James	Piccola	Tulli
Cohen, M.	Jarolin	Pistella	Uliana
Colafrilla	Josephs	Pitts	Vance
Colaizzo	Kaiser	Preston	Van Horne
Conti	Kasunic	Raymond	Veon
Cornell	Keller	Reber	Vitali
Corrigan	Kenney	Reinard	Waugh
Cowell	Kirkland	Richardson	Williams
Coy	Krebs	Rieger	Wogan
Curry	Kukovich	Ritter	Wozniak
Daley	LaGrotta	Roberts	Wright, D. R.
DeLuca	Laub	Robinson	Wright, M. N.
Dempsey	Laughlin	Roebuck	Yandrisevits
Dent	Lawless	Rohrer	Yeweic
Dermody	Lederer	Rooney	Zug

Donatucci	Leh	Ryan	
Druce	Lescovitz	Santoni	DeWeese,
Durham	Lloyd	Sather	Speaker
Egolf	Lucyk	Saurman	

NAYS—20

Allen	Gladeck	King	Platts
Argall	Godshall	Levdansky	Rubley
Brown	Harley	Merry	Semmel
Farmer	Hennessey	Nyce	Snyder, D. W.
Gerlach	Hershey	Pettit	Sturla

NOT VOTING—0

EXCUSED—4

Bush	Lee	Rudy	Washington
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The question was determined in the affirmative, and part 1 of the amendment was agreed to.

On the question,

Will the House agree to part 2 of the amendment?

The SPEAKER pro tempore. On the second portion of the amendment, the Chair recognizes the gentleman, Mr. Wright.

Mr. D. R. WRIGHT. Mr. Speaker, I would urge the adoption of the remainder of the amendment.

If you look at the amendment, it simply says that the amendment deletes the language that says, quote, "assisting in," unquote. That brings this language in conformity with HB 849, which we passed and which has come out of a Senate committee and which there is a good possibility will come back to us for concurrence.

There is clearly ambiguity and vagueness in this statement. What does it mean for a dealer to assist in arranging? I ask you, what does that mean — to assist in arranging? Does it simply mean that they are making a suggestion and therefore are liable? Does it mean that they are making a recommendation? It seems to me that the language of HB 849 where it says "actually arranging" is clearer, and we ought to adopt that part of the amendment.

The second part of the amendment, which we now have before us, the bill itself has a provision—you need to listen to this—the bill itself, as it is before us right at this moment, has a provision that restricts a person's right to buy a home and to place that home wherever he or she chooses. Before you can sign a sales agreement under the existing bill as the gentleman has presented it, before you can even sign a sales agreement for a home, you would have to be an approved resident of a community. You would have to have a lease. You would have to have a copy of the rules and the regulations. You would have to have a copy of the fees and the charges and any proposed changes that were likely to be made. You cannot even sign a sales agreement. Unless you have done all of those things, you cannot purchase a home. I think that is a radical restriction of a person's right to buy a manufactured home. The dealers should not be allowed to pass judgment on the location of a home that a person wants to buy.

Mr. Speaker, this is an important amendment, and I urge the adoption of it.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the amendment, the Chair recognizes Mr. Kukovich.

Mr. KUKOVICH. Thank you, Mr. Speaker.

I was willing to be reasonable on limiting the warranty, but this amendment is a very—

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

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

Mr. D. R. WRIGHT. The gentleman's altruism and unselfishness are not at issue here. What is at issue here is not his reasonableness and spirit of compromise; what is at issue is these two amendments.

The SPEAKER pro tempore. The gentleman, Mr. Kukovich, may proceed.

Mr. KUKOVICH. —but this amendment is insidious at best.

What we are doing by adopting this amendment, and I would remind the members, they have already voted 187 to 8 to accept this bill as is. But the statements of the maker of the amendment are extremely misleading.

It is the homeowners themselves who support this language and want this language in, and the reason this language is drafted this way is thus: Number one, on the "assisting in" language that the maker of the amendment would want to take out, that will not have any effect on the legitimate dealer. What it will do will aid those fly-by-night outfits or those dealers who have illegally had tie-ins so they can insure that they can strike a sweetheart deal with a park owner, et cetera. This would make sure that the homeowner would be protected from that kind of invasion of their rights.

The latter part that strikes out the community provision is done for a number of reasons. First of all, too often homeowners will sign a lease and not be fully cognizant of very arbitrary and unreasonable rules and regulations that will be forced upon them. This simply says that before they sign the lease, they will be made aware of these rules. It will be a modicum of protection. It will not be enough protection, in my mind, but the bill as drafted provides some protection. The amendment will strip that right of gaining that information away.

And the other part about knowing about whether or not you will have a spot once you sign the lease. What has been happening is not a restriction of anybody's liberty to get into a park. What has been happening is that some of these dealers have been selling homes. We are talking about people who might buy a \$50,000 home and, without this provision in the bill, might not have a place to put it. So what we are talking about are a series of ways to protect homeowners already in the park, but more importantly, protect people who have purchased a home, have not been advised of their rights, have not been advised of the location of where they will actually get a site.

This does not do anything to adversely impact on the legitimate dealer, but it does go a long way in trying to prevent

some of the unfair advantages that dealers have had over the years.

I think HB 619 without this amendment is somewhat of a help; not enough, but it is somewhat of a help. If you allow an amendment like this to go in, once again you will be slapping in the face those people in this Commonwealth who need help from this General Assembly to protect their rights once they buy a manufactured home.

I would ask for a "no" vote.

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

The SPEAKER. The gentlelady from Montgomery, Mrs. Harley, is recognized on the Wright amendment.

Mrs. HARLEY. Thank you, Mr. Speaker.

I hope everyone in this room is paying attention, because we all talk about protecting people in this Commonwealth, and we have a really good chance to do just that. We have a chance to protect the people in this Commonwealth.

Please remember that this bill was passed on December 18 just as it is right now, and what we are doing now is we are turning our backs on about 600,000 people, most of whom are senior citizens, in this Commonwealth by passing this amendment.

We have had plenty of time to take a look at this. The maker of the amendment had years and years and years to look at this. He is bringing this back because he thinks you are asleep, and I hope you are not asleep this morning.

Please do not support this amendment.

The SPEAKER. The gentleman, Mr. Nyce, is recognized on the Wright amendment.

Mr. NYCE. Thank you, Mr. Speaker.

Mr. Speaker, I would urge all the members of the House to seriously consider what is being proposed before you right now in the form of this amendment.

Each of you who has ever processed through the mortgage application program knows that the information that the lender must provide to you and the time that it takes to process those applications can extend up to 2 or 3 months, during which time the purchaser is not only well informed of his rights, he also is well aware of the total estimated costs in closing, the kinds of taxes he will have to pay on the property, the amount of the mortgage payment and the interest rate. Yet when you buy a manufactured home, you do not get afforded those same protections, because these loans are treated as consumer loans, not mortgages.

This protection will help the residents of manufactured housing developments by providing them some protection from those who would try to get them to move into a housing purchase without full knowledge of all the implications, including the park rules, the lease arrangements, the cost of the rent, and the utilities in the park. That is the only thing that is being done here.

I urge all the members to support this legislation. It is absolutely necessary. Thank you.

The SPEAKER. The Chair thanks the gentleman.



Mr. Fargo is recognized on the amendment.

Mr. FARGO. Thank you, Mr. Speaker.

I am really not certain just whether we should be voting for this or not, but it concerns me that we are putting on the seller a lot of requirements here that he is going to have a major problem at some later date defending. It even goes so far in this particular amendment to say if he does not have the bylaws of the park that have any proposed changes.

Now, I do not know how far you go in determining what proposed changes we are talking about, but gosh, it seems to me that we could be having proposed changes of any kind, and at some later date the purchaser of this mobile home can come back and for whatever reason that he wants to null and void this particular sale, he can say, I did not know that there was a change coming up.

As far as the idea is concerned here, I do not have a major problem with it. I believe that this has been very poorly written, and it leaves an awful lot of discrepancy or possibilities of future problems for a seller of a mobile home. I just question whether a seller should be put in that position, and it seems to me that that is what we are doing here. We are once more saying to our retail people that we have got to jump through a lot of hoops before we are able to do anything in the way of sales.

I think it ought to be looked at a lot more carefully. We should have a better written bill in this particular part of the bill before we approve this legislation. Thank you.

The SPEAKER. The gentleman, Mr. Fairchild, is recognized on the amendment.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

Would Representative Kukovich stand for a brief interrogation, please?

The SPEAKER. The gentleman, Mr. Kukovich, is making his way to the microphone, and the gentleman may proceed with the interrogation.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

I have some of the same concerns that Representative Fargo had. I think I understand, clearly understand, the intent, but I have some, I guess, problems with the language, and I would like to ask you, as it is now written, a person, prior to signing an agreement of sale, would have to be in possession of a lease. Is that correct?

Mr. KUKOVICH. That is correct.

Mr. FAIRCHILD. If I were going to purchase a manufactured home housing unit and I went to my dealer and I said, I would like to purchase XYZ model, and he or she would say, that is fine; we will order that for you; it will probably be a 6-month delivery, according to the language that is now contained in the bill, would I have to have a lease in my possession when I agreed to the agreement of sale to purchase that unit which may be delivered in 6 months or sometime down the road?

Mr. KUKOVICH. No. You would only need to have the lease prior to the actual signing, not ordering.

Again, the whole purpose is that too often in this Commonwealth, people have been locked into spending a lot

of their money, and then they find out they have got no place to go.

Mr. FAIRCHILD. Yes; I understand that, but is it not a reality that if I am going to order a unit and I go to the dealer, he is not going to order it and say, well, thank you very much; he is going to say, yes, here is the agreement of sale, the same way we purchase any vehicle through a dealer.

Mr. KUKOVICH. The reality is that if this would pass, no longer in this Commonwealth would these kinds of inequities occur, and somebody who purchases a manufactured home will realize that they have got to be protected before they sign that agreement and get locked in and become liable legally. They would be able to get the lease, buy the home, and have their site without losing money.

It is very simple. Pragmatically it will work out. Other States do it, and Pennsylvania should also.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

May I make some brief comments on the bill?

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

Mr. FAIRCHILD. Mr. Speaker, again, I think I fully agree with the intent of Representative Kukovich's language in the bill. However, we have to realize that we do have a very viable and a very large industry in Pennsylvania of manufactured homes. What I am extremely concerned about, the reverse may happen from what he is intending, and let me explain why.

The nature of the industry is that you either go and purchase off a lot, a dealer showroom if you may, or you go to that dealer and you order a unit, which I suspect happens very, very frequently. Now, if you read the provisions in the bill, you have got to have in possession, prior to the signing of that agreement of sale, you have to have a lease from a manufactured home park. Well now, can you imagine what this may do to the very accessibility that we are talking about?

If I am a small owner or a large owner, I may have only X amount of unit capacity. I am not in any control of when that unit comes off the assembly line from the factory, et cetera. But by the provisions of this bill, you are asking me, telling me basically, that I have to have a bona fide lease for 6 months or 9 months or whatever. Now, who is going to pay for the lease while I wait for my unit to be delivered from the factory? I think by having a bona fide lease, certainly any of us would realize that we cannot afford to have five or six leased, empty spaces waiting. I know in my community we have a problem trying to find homes for manufactured units, and why should we exacerbate the problem?

I agree with Representative Kukovich's language, and I also agree with Representative Fargo. There is a better way to do it than what the bill says, and I urge members in this particular case to vote for the Wright amendment. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Nyce, is recognized on the amendment for the second time.

Mr. NYCE. Thank you, Mr. Speaker.

Apparently I did not make myself clear when I was at the microphone the last time, and I would like to make sure that the members understand my position opposing the amendment.

It is absolutely necessary, for the very reasons that the prior speaker mentioned, that someone knows where this house is to be placed at the time they take possession. It is not unreasonable for a park owner to know who the tenant will be and hold that space under lease with an open date to be indicated when the unit is put in place, and it is absolutely necessary that the consumer be well informed as to the costs and the rules and these other issues specifically addressed in HB 619.

Therefore, again, I urge the members to vote against this amendment and ultimately for the legislation. Thank you.

*The SPEAKER. Does the gentleman, Mr. Hennessey, desire to speak on the amendment?* The gentleman indicates he does and is recognized on the Wright amendment.

Mr. HENNESSEY. Thank you, Mr. Speaker.

Mr. Speaker, the goal of HB 619 as it presently exists, as it was passed by this House in December, is to have an informed purchaser before people commit a substantial amount of their savings for an agreement of sale for a manufactured house.

The problems that have been mentioned that might crop up for a retailer pale in comparison to the significant problem that a person has when they commit all or substantially all of their savings for the purchase of a manufactured home, only to find out later they have no place to put it.

A retailer has a vested interest in selling the manufactured house and leaving to the ultimate consumer the problem of finding a location for it. The fact of the matter is, once these people have made that commitment and committed all their funds, they are powerless to work within the system. What the existing language of the bill as we passed it back in December does is inform the purchaser of this hurdle and makes sure that they are aware of that problem and deal with it before they commit what in many cases is all of their assets.

I suggest to you that stripping that protection out of the bill essentially moves away from the concept of an informed purchaser and leaves us in a situation where people will commit their funds and find themselves faced with a major obstacle. We should not let that happen. We should inform the purchaser of the problem, and by voting in favor of the amendment, we would be taking a step backward.

I suggest to you that we should defeat the amendment and leave the existing language as it is. Thank you.

*The SPEAKER. The gentleman, Mr. Wright, is recognized on the amendment.*

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

Let me see if I can clarify some things here.

I agree with the Representative, Mr. Nyce, who says that we ought to have the goal of an informed consumer. There is nothing in the amendment that I am proposing today that would do anything other than make a person informed.

The language that he seems to object to is simply an editorial change. It takes out the words "assisting in" and

leaves in "arranging." It leaves in the language which he believes ought to be there: "All finance charges, including principal amount to be borrowed, rate of interest, length of loan and total principal and interest to be paid back during entire term of loan, when the dealer is arranging financing of the home for the prospective purchaser." It seems to me that that meets the requirements of the gentleman.

Now, nobody wants to support fly-by-night dealers. This legislation that we are dealing with today does not exist in a vacuum. This House spent a good deal of time with HB 850, and HB 850 remedies many of the concerns that have been presented today.

But what about this language? It has been said that I have misrepresented. Let me just read, not my language, I will read the language of the bill. You tell me: "...the prospective purchaser shall have first been approved as a resident..."—if you want to buy a home, you have to be approved as a resident of the community where the home is to be located—"and in addition shall have in his possession a lease for that community signed by the owners of the community and a copy of the community's current rules and regulations, fees and charges, as well as any"—as Representative Fargo aptly pointed out—"proposed changes to same, prior to an agreement of sale being executed for the new home." Now, Mr. Speaker, that is not my language; that is the language of the bill.

Now, those of you who live in rural areas, let me ask you this question: Do you want to make it impossible for somebody to buy a home, who wants to put it on his grandfather's 10-acre lot, because he does not have a lease, he does not have all of the information, cannot have all of the information that is provided in this package? HB 850 resolves many of the issues that have been raised.

We do a lot of talking in this Commonwealth about helping business. If you believe that big government should hover over every little business, then you will want to support HB 619 as it is now. If you think that consumers are adequately protected in HB 850, and even in some of the provisions of HB 619, but you do not want to put an additional burden on people who are trying to make a living in this Commonwealth, I urge you to vote for the Wright amendment.

*The SPEAKER. The gentleman, Mr. Kukovich, is recognized on the amendment for the second time.*

Mr. KUKOVICH. Thank you, Mr. Speaker.

I did not want to speak again, but I need to clarify something here.

The reason for that language is because people will go out, buy a home; they will not have a lease; maybe they will get a lease. It is possible under existing law that they will not be approved and then be stuck. They will be paying for that place and have nowhere to put it.

This is a basic consumer protection that people who own these homes and people who purchase these homes want to have. It is a protection that exists almost everywhere else in America, but not here.

I would also suggest that if somebody has their own property or has some other property and it is not a park, they do not need the lease in advance; they do not need any of these other things. This is only where there is a park involved, and that language is specific, to provide information and to protect consumers. It has nothing to do with government playing any role whatsoever. We are talking about a basic consumer protection. We are talking about people who have been getting the shaft for too long. It is very simple language, a very simple bill.

I would ask for a "no" vote on the amendment and move ahead with this legislation.

The SPEAKER. Mr. Fargo is recognized for the second time on the Wright amendment.

Mr. FARGO. Would Representative Kukovich answer a question for me on this?

The SPEAKER. The gentleman, Mr. Kukovich, indicates he will stand for interrogation. Mr. Fargo may proceed.

Mr. FARGO. Thank you.

The paragraph that is in the bill presently having to do with the requirements that the purchaser have a lease in his possession and so forth, is there any requirement that the seller makes sure that this happens? Is this something that the purchaser has to do or is this something that the seller has some responsibility as far as that particular paragraph is concerned?

Mr. KUKOVICH. The burden is on the purchaser.

Mr. FARGO. If then later the purchaser wants to get out of the lease under the null-and-void penalty part of it and he says, gee, I never had that information, can he go back and say then I want out of this because I never had it?

Mr. KUKOVICH. No.

Mr. FARGO. Could I make a statement then?

The SPEAKER. The gentleman is recognized.

Mr. FARGO. Thank you.

With that explanation, I guess my first statements were incorrect in that this particular paragraph was putting some kind of an onus on the seller. It apparently does not. As long as this particular paragraph, and it is clear that it is up to the purchaser to get this information, then I would say that we should defeat this amendment. Thank you.

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

The SPEAKER. The gentleman has already spoken twice on the amendment.

Mr. D. R. WRIGHT. I ask unanimous consent to respond to the gentleman's comment.

The SPEAKER. Hearing no negative reaction, the gentleman is recognized.

Mr. D. R. WRIGHT. Mr. Speaker, it seems to me that there is a need for some straightforwardness here. It is a responsibility of the dealer. The provision, section (e): "Contract null and void.—Any violation of the provisions of this section by a dealer"—by a dealer—"shall render null and void any contract for the purchase of a new manufactured home previously entered into by the affected party." If that

does not put the responsibility on the dealer, then I cannot read English.

The SPEAKER. Mrs. Harley, for the second time, is recognized.

Mrs. HARLEY. Thank you, Mr. Speaker.

I would just once again urge all the members to please pay attention to this. We did pass this December 13 as it is. We passed it with some very simple consumer protections. Remember that over 600,000 people live in these homes, most of whom are senior citizens and first-time home buyers, and what we are doing is providing for some very, very simple, basic protections for these people.

Please understand that much of this is being done all over the country, and once again, Pennsylvania is falling far behind.

Please, I urge you to defeat this amendment and protect those people all over the Commonwealth who are senior citizens and first-time home buyers. Thank you.

The SPEAKER. On part 2 of the Wright amendment, the yeas and nays will now be taken.

On the question recurring,

Will the House agree to part 2 of the amendment?

The following roll call was recorded:

YEAS—42

Belardi	Fairchild	McCall	Stish
Belfanti	Fee	Olasz	Tulli
Birmelin	Fleagle	Oliver	Van Home
Caltagirone	Haluska	Perzel	Veon
Cohen, L. I.	Itkin	Pesci	Waugh
Cohen, M.	Kaiser	Robinson	Williams
Coy	Lawless	Rooney	Wogan
Daley	Lederer	Ryan	Wright, D. R.
Dermody	Lescovitz	Smith, S. H.	
Durham	Markosek	Staback	DeWeese,
Evans	Mayernik	Steighner	Speaker

NAYS—154

Acosta	Fargo	Levdansky	Rohrer
Adolph	Farmer	Lloyd	Rubley
Allen	Fichter	Lucyk	Santoni
Argall	Flick	Lynch	Sather
Armstrong	Freeman	Maitland	Saurman
Baker	Gamble	Manderino	Saylor
Barley	Gannon	Marsico	Scheetz
Battisto	Geist	Masland	Schuler
Bebko-Jones	George	McGeehan	Scrimenti
Bishop	Gerlach	McNally	Semmel
Blaum	Gigliotti	Melio	Serafini
Boyes	Gladeck	Merry	Smith, B.
Brown	Godshall	Michlovic	Snyder, D. W.
Bunt	Gordner	Micozzie	Stairs
Butkovitz	Gruitza	Mihalich	Steelman
Buxton	Gruppo	Miller	Steil
Cappabianca	Hanna	Mundy	Stern
Carn	Harley	Nailor	Stetler
Carone	Hasay	Nickol	Strittmatter
Cawley	Hennessey	Nyce	Sturla
Cessar	Herman	O'Brien	Surra
Chadwick	Hershey	Petrarca	Tangretti
Civera	Hess	Petrone	Taylor, E. Z.
Clark	Hutchinson	Pettit	Taylor, J.
Clymer	Jadlowiec	Phillips	Thomas
Colafella	James	Piccola	Tigue

Colaizzo	Jarolin	Pistella	Tomlinson
Conti	Josephs	Pitts	Trello
Cornell	Kasunic	Platts	Trich
Corrigan	Keller	Preston	True
Cowell	Kenney	Raymond	Uliana
Curry	King	Reber	Vance
DeLuca	Kirkland	Reinard	Vitali
Dempsey	Krebs	Richardson	Wozniak
Dent	Kukovich	Rieger	Wright, M. N.
Donatucci	LaGrotta	Ritter	Yandrisevits
Druce	Laub	Roberts	Yewcic
Egolf	Laughlin	Roebuck	Zug
Fajt	Leh		

NOT VOTING—1

Hughes

EXCUSED—4

Bush Lee Rudy Washington

The question was determined in the negative, and part 2 of the amendment was not 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—197

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

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

NAYS—0

NOT VOTING—0

EXCUSED—4

Bush Lee Rudy Washington

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.

**BILLS ON THIRD CONSIDERATION CONTINUED**

The House proceeded to third consideration of **SB 1384, PN 1801**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for damages for conversion of timber.

On the question,

Will the House agree to the bill on third consideration?

Mr. EGOLF offered the following amendment No. A0358:

Amend Title, page 1, line 2, by inserting after "providing" for liability for certain costs and  
Amend Sec. 1, page 1, line 7, by striking out "a section" and inserting  
sections

Amend Sec. 1, page 1, by inserting between lines 7 and 8 § 6358. Liability for certain costs.

All costs incurred for property damage or other loss of property sustained by any property owner which was caused by a child who escapes while under court-ordered commitment to an open or secure youth development center operated by the Department of Public Welfare or under contract with the Commonwealth shall be borne by the Commonwealth.

On the question,

Will the House agree to the amendment?

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

Mr. EGOLF. I would like to speak to the reason for this amendment.

We have Loysville Youth Development Center in my district, which is an open center for juveniles who have committed, in many cases, minor crimes, and it was considered by the State to be in their interests for rehabilitation not to have a fence around the facility. It has been there for over 20 years, and through those years, just about every other week we had residents walking off the premises and, in many cases, would go to the nearest home or the nearest car dealer and break into cars to steal them to get out of the area.

When an individual that had the car broken into or stolen, or in the case of one of the local car dealers who stopped counting at about 30 cars that were broken into, when they would go to get reimbursement for the damages caused by these juveniles who escaped, the State, by law, could not reimburse those people for the damages. If they went to their insurance companies, most times if they had insurance, there was a deductible, and this one car dealer, for instance, had like a \$500 deductible and he had over 30 cars. He said he stopped counting at that point. You can see how this cost would add up. There have been individuals also who did not have insurance that would cover this sort of thing, so they had to pay all of the damages.

It finally came to a head this past summer in July when three individuals broke out, broke into a home and took weapons in there, shot up the house, threw paint around, and just did terrific damages, and again, the owners of the home could not get any reimbursement from the State.

This amendment to this bill would provide that if these residents of institutions around the State break out and cause damage to local property, then the State would be liable for that, and the idea is, if the State feels that this is the way to keep these residents and take responsibility for them, then the State should be responsible for damages when they break out.

I might add, however, that since that time, Loysville Youth Development Center has had a security fence put around it, and I believe it is the last institution in the State to have been an open institution. Now I think they are all enclosed by fences.

This should cut down on these escapes tremendously, but this bill, hopefully, if there are escapes in the future and there is damage, this will take care of that. Put the responsibility where it should be. Thank you.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, Mr. Cohen, from Philadelphia on the Egolf amendment.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I oppose this amendment because it goes too far. It may be that the current law does not go far enough in order to reimburse people in the situation that Mr. Egolf described. Until the 1970's, it was impossible to sue the State for any purpose until the Supreme Court changed it, and then we passed a law basically codifying the Supreme Court decision. However, where the State can be sued under our current law, there is a test of whether the State acted

reasonably, and therefore, we can show a defense when we the State are sued that we acted reasonably.

Under Mr. Egolf's amendment, there is no defense for reasonableness. Mr. Egolf's amendment is known as strict liability, and that means that any injury, whether it is our fault or not, whether we acted reasonably or not, the State has to pay. The cost of this can potentially be enormous. There are child development centers all over the State. It does not just affect Perry County; it affects all over the State. This could cost many millions of dollars.

I could support a much narrower amendment, which I think other people could support, which would impose the same standard on child development centers as applies for other things, but this goes too far. The child development centers are going to be the easiest thing to sue if this amendment goes through, and that basically means that all taxpayers are going to have to pay, and there will be no defense. I therefore urge the defeat of this amendment.

I would also say that this amendment amends a bill defending timber owners, and the fundamental purpose of this bill is to prevent timber owners from having the timber stolen and giving timber owners the chance to sue for damages.

I am sure Governor Casey will sign SB 1384 if it is the way it is now. If there is a large cost in the millions of dollars to the Commonwealth of Pennsylvania, then the fiscal implications will force the veto of this bill on behalf of timber owners. So for that reason, too, I urge that this amendment be defeated.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Berks County, Tom Caltagirone.

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

I, too, would urge the members to defeat the amendment. It is a good idea, but it is drafted much too broadly. This amendment would subject the State to unlimited liability.

This bill itself, dealing with the theft of timber, has been over 3 years in the making. If the gentleman would like to, we would certainly sit down and work with him in trying to draft legislation which would address his concerns, but at this time, on this amendment, I would urge the members to vote "no." Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Vitali, from Delaware County.

Mr. VITALI. Mr. Speaker, I also rise in opposition to the amendment. I think it is another example of trying to solve a local problem with statewide legislation, and as a result, there is going to be a lot of unintended consequences.

I think Representative Cohen made the key point here in that the amendment does not require a finding of fault to have the Commonwealth liable. I think it is very basic to our civil system of awarding civil damages that someone must be at fault for them to have to pay damages, and because this does not require a finding of fault on the part of the Commonwealth, I think the amendment is fatally flawed.

I think that it shifts proper responsibility away from the parents of the juvenile and the juvenile himself who does the

damage. Again, it is a measure that perhaps is just going to serve to raise all of our taxes, because it is going to cause more expense to the Commonwealth.

I urge a "no" vote. Thank you.

The SPEAKER. The gentleman from Somerset, Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, would the gentleman, Mr. Egolf, consent to interrogation?

The SPEAKER. The gentleman, Mr. Egolf, indicates he will stand for interrogation.

Mr. LLOYD. Mr. Speaker, do you know if there is a similar requirement for the State to cover property damage losses if someone escapes from a State correctional institution?

Mr. EGOLF. No. For adult correctional institutions, you are talking about?

Mr. LLOYD. Yes.

Mr. EGOLF. No, not that I am aware of.

Mr. LLOYD. Do you know if there is a similar requirement for the State to reimburse if an individual walks away from a State mental hospital?

Mr. EGOLF. I have no idea if there is or not.

Mr. LLOYD. Mr. Speaker, on the amendment.

The SPEAKER. The gentleman is in order.

Mr. LLOYD. Mr. Speaker, about 15 years ago we had an ongoing problem at the Somerset State Hospital with people who walked away, and some of them found their way to the turnpike; some of them had other problems. My recollection is that a couple people might have been seriously injured or killed.

If we are going to address this issue of people getting out of facilities where they are supposed to be kept, we ought to be addressing that for all of the institutions — State hospitals, State prisons, as well as youth development centers. The standard should be the same, and we should have a clear understanding of what the potential liability of the Commonwealth might be.

I think that it is not desirable and not, frankly, fair to those of us who have mental institutions and prisons that we do not have any protection and we are going to give protection to people who happen to live in communities where there are youth development centers. If there is a need to address this issue, it should be addressed across the board.

The final point I would make, Mr. Speaker, is that the timber industry is an important industry in my part of the State. I believe that this amendment will kill this bill or the Senate will simply take out the amendment and send it back to us. I do not think that we ought to cost the timber industry the chance to finally get this legislation enacted into law by dealing with an amendment which we all know is not going to go anywhere.

So, Mr. Speaker, I would suggest that we defeat this amendment and that if it reappears as an amendment to another bill, that we try to work in a way that would have it apply to all of the institutions where this problem could arise and to develop standards that are predictable and put the responsibility

for the damages where they properly lie. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman from Bedford, Mr. Hess.

Mr. HESS. Thank you, Mr. Speaker.

Mr. Speaker, I stand to rise to support the Egolf amendment.

I just want to correct one of the statements that Mr. Egolf made, that not all of the youth development centers or forestry camps have been fenced. I have one in my district, a youth development camp, and it is in Huntingdon County, Todd Township, and we have had a number of problems over the last couple years by walkaways. A number of the people have been damaged, have been hurt, by those walking away. Cars have been stolen, houses have been broken into, and they have no way of recouping their loss. Not only have the cars been stolen, a lot of them have been damaged; they were unable to get them, and they had no way of recouping those funds.

So I ask the House to support this amendment.

The SPEAKER. The Chair thanks the gentleman from Bedford and recognizes the gentleman from Dauphin, Representative Piccola.

Mr. PICCOLA. Thank you, Mr. Speaker.

I rise to support the Egolf amendment.

The reason the Egolf amendment is not addressed to the issue of mental institutions or correctional institutions, as the gentleman from Somerset suggested that it should be, is because the Department of Corrections and the Department of Welfare, with respect to the operation of mental institutions, are doing an adequate job in seeing to it that those people confined there are kept there. In addition, the people that are confined there and get out do not, for whatever reason, commit the kind of mayhem that juveniles in our society are now doing.

The reason this amendment is being offered is partially a reflection of the explosion of juvenile crime in this State and across the country and not only in terms of numbers but in terms of the nature of juvenile crime. These kids are really bad kids. They commit mayhem for no apparent reason. Mr. Egolf, I am sure, can show you photographs, if you ask him, of some of the homes that were destroyed in Perry County as a result of so-called children walking away from Loysville. They are absolutely despicable, and the damage, both monetary and emotional, that was done to the people of that part of Perry County has to be compensated and it should be compensated, because the other reason this is being offered is because the do-gooders over in the Department of Welfare are still operating under the misguided notion that we can somehow treat and rehabilitate some of these so-called youngsters.

These kids should be put away, locked up, and fenced in someplace, and in order to motivate the State of Pennsylvania into doing that, we have to offer on the floor of the House an amendment like this.

If you want to do something to get DPW off its behind and really address juvenile crime in this State, vote for the Egolf

amendment. It is a small step, but it is a step in the right direction.

The SPEAKER. The gentleman, Mr. Strittmatter, is recognized on the Egolf amendment.

Mr. STRITTMATTER. Thank you.

I also rise to support the amendment.

To answer some of the other charges that were raised, one, I do not believe that we have to worry about what the Governor is going to do or what the Senate is not going to do. I think that is conjecture. I think we have a problem here that has been presented. It is a statewide problem because these youthful offenders are from throughout the State. They might be located in somebody else's county, but they are coming from everywhere across the State and they are causing the problems.

The reason there is a problem is because the State is not doing a good job. We should step up to the plate and pay for the damages that our departments are causing by not doing the job they are supposed to. It is ridiculous to come up with these arguments about the fact, well, it is going to cost us money, as if it is our money that we are protecting ourselves from. The government is responsible for not doing a good job; the government is responsible for what these youthful offenders do. These youthful offenders from throughout the State are at these camps not for missing choir practice but for causing problems, and they are violent in many cases. It is ridiculous to think that we are not going to step up and pay for the damages that we caused by not doing a good job.

We should support this amendment, and I hope that we will. Thank you.

The SPEAKER. The gentleman, Mr. Battisto, from Monroe County is recognized on the Egolf amendment.

Mr. BATTISTO. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the Egolf amendment. The problem with the amendment is this: It assumes that the State is always at fault. Sometimes it might be at fault.

I think there is a certain problem here, and I sympathize with Mr. Egolf's problem and other places around the State where these institutions are located. However, I think it requires a little more information and a little more study, simply because to enact this amendment would simply place the responsibility on the State all the time, and I think that is a little ludicrous.

The Representative from Dauphin County said, these kids are bad. He is absolutely right. I know six that are scattered throughout this State because they perpetrated 200,000 dollars' worth of damage on buildings in my district. They deserve to be punished.

The fact of the matter is, to put the onus on the State and to assume that the State is always at fault is wrong. Therefore, we should defeat this amendment and look at the matter more closely and come up with a more intelligent solution.

Thank you. Defeat this amendment though.

The SPEAKER. The Chair thanks the gentleman from Monroe and recognizes the gentlelady from Delaware.

Mrs. DURHAM. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support this amendment.

I have one of these facilities not in my legislative district but in the neighboring legislative district, and if I were to take you on a drive through the country and I took you past this institution, you would think that you were passing a private high school or a private college. There are literally no bars; there are no gates. There is absolutely nothing to stop these children who are there because they have misbehaved, not because they are honor students, to leave the facility.

What we are saying is, yes, we want the children to be responsible, but what we are also saying is, we want the institutions where these children are placed and where the State contracts to do a better job in the selection and to pick institutions where there is some restriction.

If I were to take you past this institution, you would freely see young boys wandering around. If you lived in my neighborhood, you could have been the victim of one of their crimes where they have caused serious financial damage as well as felonies.

I think we should support this amendment and we should send a message to say that when we the State contract with these institutions, we make sure that they are going to have means by which they keep these juvenile delinquents in the institution.

I strongly urge you to support the Egolf amendment. Thank you.

The SPEAKER. The Chair thanks the gentlelady.

The gentleman, Mr. Fleagle, from Franklin is recognized.

Mr. FLEAGLE. Thank you, Mr. Speaker.

Mr. Speaker, as I listened to the opposition to this amendment, I am even more convinced of the need for it.

You have heard it said by the opposition to this amendment that potentially this amendment could cost the State millions of dollars. Well, who do you think is paying that now? Your constituents.

Now, be honest about it, and think about this: If one of your constituents had a car stolen by one of these kids or their home was damaged and they came to you, and maybe you do not have one of these institutions in your district, but if you did, and one of those people came to you, what would you say? Oh, we cannot do anything about that. No, you would not say that. You would say, I will see what we can do; maybe we can get some legislation on that; we will try to help you out.

Now is the time to do something about helping them out, and I urge passage of this amendment. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Surra, from Elk County is recognized on the Egolf amendment.

Mr. SURRA. Thank you, Mr. Speaker.

Mr. Speaker, this is a timber theft bill. As chairman of the timber caucus and the many members of the timber caucus in this chamber, I urge you to defeat the Egolf amendment. The merits of the Egolf amendment aside, this amendment will kill this bill.

This piece of legislation has been worked on for many, many years. It has the support of all the organizations in the

hardwood and timber industries. If you are concerned about jobs and about the timber industries in your area, I urge you to vote against the Egolf amendment. It does not belong in this. This will kill this bill. If you are a member of the timber caucus, I cannot stress how important this piece of legislation is to the people that we represent.

I urge the defeat of the Egolf amendment. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Kukovich, from Westmoreland.

Mr. KUKOVICH. Thank you, Mr. Speaker.

I would ask for a "no" vote.

I understand the intention, and I guess that is well-placed, but I have got a couple problems.

One, on the face of it, it seems to me that this language would actually absolve the perpetrator of any financial responsibility.

Secondly and even a bigger problem to me is, and I did not notice this at first but the last couple lines where they talk about being "under contract with the Commonwealth." What that means to me in essence is that if any privatization has taken place or there is a private entity running such an institution—it has nothing to do with the State except there is a contract—and they are liable, they have made a mistake, a juvenile has fled from those premises, then the Commonwealth is going to be financially liable for a mistake made by a private industry. I think that is a terrible precedent to set. I think it creates potential for tremendous financial burden to the Commonwealth without the Commonwealth doing anything wrong.

I would suggest that we vote "no" and allow this issue to be revisited in a more reasonable way sometime in the future.

The SPEAKER. The gentleman from Lancaster, Mr. Sturla.

Mr. STURLA. Mr. Speaker, will the maker of the amendment rise for a brief interrogation?

The SPEAKER. The gentleman indicates that he will.

Mr. STURLA. Mr. Speaker, currently are any of the institutions that we are talking about required to carry liability insurance?

Mr. EGOLF. Now, this may go back to the— Somebody pointed out about the private institutions. The private institutions may have insurance, but beyond that point, the private institutions are doing essentially the same thing as, for instance, the Loysville Youth Development Center. Some of the private institutions, such as VisionQuest, however, are instructed and directed as to how they set up their facility. In other words, if the State tells them they cannot have fences and security guards, then that is the way they have got to comply. So again, the State is determining how these kids should be treated. It is not up to VisionQuest. They have to go according to specifications.

Now, whether they have their own insurance, I cannot answer that, but they are under the directives of the State. So again, the State is setting the requirements, so the State should be responsible.

Mr. STURLA. Mr. Speaker, one other question.

I do not see it here, but are there any provisions in this amendment that have the children that are referred to, that they accept any of the liability for their actions?

Mr. EGOLF. That has been a problem, and that is what the State has said in the past, that any of the people who have their cars stolen or destroyed or whatever, they have to seek redress from the individual, from the children or their parents, and that is essentially useless. I have had many stories of people in my district who have tried that and have given up, first of all, because generally— I mean, I do not have the actual figures, but in most cases these are kids that their families are probably on welfare anyway, and you know, you cannot get blood out of a turnip. That is what generally happens; then they have given up. I am not talking about one or two individuals trying to get redress on this. This is many in my district, and they do not do it anymore because it costs them more in legal fees than they are ever going to get back.

Mr. STURLA. Mr. Speaker, on the amendment.

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

Mr. STURLA. Mr. Speaker, I urge defeat of this amendment as it is currently written. While I agree with the general premise of what the maker of the amendment is trying to do, I think it sends the wrong message. There are no attempts in the amendment to have the institutions take any of the responsibility or liability, and additionally, there is no initiative in this amendment to have the children take any of the responsibility for their actions. I think that sends the wrong message. What it says is that businesses do not have responsibility, we as individuals do not have responsibility; let us just put the responsibility on the State.

So for that reason I urge defeat of the amendment. Thank you.

The SPEAKER. The chairman of the Judiciary Committee, Mr. Caltagirone.

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

For members of the House Judiciary Committee that were present at the hearing that was held dealing with this very issue, this bill, I would like to echo the words, sentiments, of Representative Surra.

One of the top industries in this State is the lumber industry. They testified at our hearing that they have worked on this piece of legislation to get it to the point where it is. It is a multimillion-dollar-a-year industry employing thousands of people.

This particular issue—and I think people want to be perfectly honest about the liability and the exposure of the State—a kid could escape and 3 years later cause damages; would the State still be liable? Also, would you be able to collect double payments from private insurance as well as the State?

These are issues that are not addressed in this amendment. I would insist and urge you again to consider that we draft separate legislation dealing with this issue. We would be able, clearly and concisely, to define many of these vague areas that are not being addressed in this amendment.



Again I would urge the members to defeat this amendment. Thank you.

The SPEAKER. The gentleman from Lancaster, Mr. Strittmatter.

Mr. STRITTMATTER. Thank you.

I rise again to point out and show the House, we are talking about victims of crime. All I hear is, the opponents of this amendment are worried about the State, the State, the State. The State is going to be liable for some money damages by these criminals. We are talking about victims of crime. How are you going to get these criminals to pay when we have had crime victim compensation boards set up before? We know that we do not get— We have had probation officers supposedly paid by these criminals. The criminals do not pay; they are not going to pay.

All I hear is all this defense about, oh, our budget cannot stand it. There did not seem to be any trouble from that other side when we were a billion dollars in the red in this State to increase spending by 12 1/2 percent and put through a \$3 1/2-billion tax increase. Where were you worrying about the taxpayers at that time?

Let us worry about victims of crime and pass this amendment.

The SPEAKER. The gentleman, Mr. Egolf, on the amendment.

Mr. EGOLF. I would just like to answer a few of the questions, I guess, you had and/or accusations on this before we actually vote.

It was said earlier that this should then include all prisons and other institutions. There is a big, big difference here. There are no security guards at these institutions, and as I mentioned, there have been fences put up on some; others there have not been. So there is a big difference.

They can still even go over the fences. In fact, Loysville Youth Development Center is still considered an open center, even though it has a fence around it, and the administration at Loysville was very adamant that it still be considered an open facility so that judges would not send the hardened criminals there, since there is a fence, because there is a big difference. And there are no security guards placed around that fence. There is staff that drive around it occasionally, just to see that it is still intact, but there are no security guards, so essentially, it is still an open institution.

Also, it was mentioned that we should put the responsibility on parents. Well, I think I may have referred to that earlier. That is exactly where it should be, but unfortunately, the people here that have their property damaged cannot get anything from the parents. Let the State go after the parents. Let the State reimburse the people that have damaged property and then the State go after the parents, and if they can get money, fine. If they cannot, then it is the State's problem, because the State has decided, this is the way these institutions should be constructed and run.

Also, staff just answered one of the questions about, is there insurance for the private institutions? The State can set regulations requiring them to have insurance, but again, let us

let the State reimburse the property owners and then go after the insurance company to get reimbursed. Let the State take on the onus of getting the money back. Do not put it on— The people that have had property damaged have already been traumatized and lost money. Do not make them hire an attorney to try to get this money from either the parents or the insurance companies or whatever. Let us take care of them.

Now, also, we talked about jobs and about workers. I can tell you here truthfully that Loysville was on the verge of being shut down, because we had a town meeting right after this last incident happened, and we had over 500 people, irate people, out there, and there were over 1,000 signatures on a petition to close the Loysville facility. I have never seen the State work so fast, but the Department of Welfare had a fence up there in record time, because they wanted to appease the local residents and show them that the Department of Welfare was concerned and was doing something, and they put this fence up in record time. That cost, by the way, was around \$700,000, so you are talking about cost. The next step would be to get security guards in there, at what cost?

So let us take on this cost, and I think we will be saving bigger costs at a later time. But do not compare these types of institutions with prisons. They are not the same thing, and there is a different problem here.

Let us take care of the citizens. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

#### YEAS—96

Adolph	Fargo	Maitland	Saylor
Allen	Farmer	Marsico	Scheetz
Argall	Fee	Masland	Schuler
Armstrong	Fichter	Merry	Semmel
Baker	Fleagle	Micozzie	Serafini
Barley	Flick	Miller	Smith, B.
Boyes	Gannon	Nailor	Smith, S. H.
Brown	Geist	Nickol	Snyder, D. W.
Bunt	Gerlach	Nyce	Stairs
Buxton	Gladeck	O'Brien	Steil
Carone	Godshall	Petzel	Stern
Cessar	Gruppo	Pettit	Strittmatter
Chadwick	Harley	Phillips	Taylor, E. Z.
Civera	Hennessey	Piccola	Taylor, J.
Clark	Herman	Pitts	Tigue
Clymer	Hershey	Platts	Tomlinson
Cohen, L. I.	Hess	Raymond	True
Conti	Jadlowiec	Reber	Uliana
Cornell	Kenney	Reinard	Vance
Dent	King	Rohrer	Waugh
Druce	Krebs	Rubley	Wogan
Durham	LaGrotta	Ryan	Wright, M. N.
Egolf	Laub	Sather	Yandrisevits
Fairchild	Lawless	Sautman	Zug

#### NAYS—100

Acosta	Fajt	Lloyd	Roebuck
Battisto	Freeman	Lucyk	Rooney
Bebko-Jones	Gamble	Lynch	Santoni
Belardi	George	Manderino	Scrimenti
Belfanti	Gigliotti	Markosek	Staback

Birmelin	Gordner	Mayernik	Steelman
Bishop	Gnuitza	McCall	Steighner
Blaum	Haluska	McGeehan	Stetler
Butkovitz	Hanna	McNally	Stish
Caltagirone	Hasay	Melio	Sturla
Cappabianca	Hughes	Michlovic	Surra
Carn	Hutchinson	Mihalich	Tangretti
Cawley	Itkin	Mundy	Thomas
Cohen, M.	James	Olasz	Trello
Colaifella	Jarolin	Oliver	Trich
Colaizzo	Josephs	Pesci	Van Horne
Corrigan	Kaiser	Petrarca	Veon
Cowell	Kasunic	Petrone	Vitali
Coy	Keller	Pistella	Williams
Curry	Kirkland	Preston	Wozniak
Daley	Kukovich	Richardson	Wright, D. R.
DeLuca	Laughlin	Rieger	Yewcic
Dempsey	Lederer	Ritter	
Dermody	Leh	Roberts	DeWeese,
Donatucci	Lescovitz	Robinson	Speaker
Evans	Levdansky		

NOT VOTING—1

Tulli

EXCUSED—4

Bush Lee Rudy Washington

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

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

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

The question is, shall the bill pass finally?

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

YEAS—196

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

Chadwick	Hershey	Perzel	Thomas
Civera	Hess	Pesci	Tigue
Clark	Hughes	Petrarca	Tombinson
Clymer	Hutchinson	Petrone	Trello
Cohen, L. I.	Itkin	Pettit	Trich
Cohen, M.	Jadlowiec	Phillips	True
Colaifella	James	Piccola	Tulli
Colaizzo	Jarolin	Pistella	Uliana
Conti	Josephs	Pitts	Vance
Connell	Kaiser	Platts	Van Horne
Corrigan	Kasunic	Preston	Veon
Cowell	Keller	Raymond	Vitali
Coy	Kenney	Reber	Waugh
Curry	King	Reinard	Williams
Daley	Kirkland	Richardson	Wogan
DeLuca	Krebs	Rieger	Wozniak
Dempsey	Kukovich	Ritter	Wright, D. R.
Dent	LaGrotta	Roberts	Wright, M. N.
Dermody	Laub	Robinson	Yandrisevits
Donatucci	Laughlin	Roebuck	Yewcic
Druce	Lawless	Rooney	Zug
Durham	Lederer	Rublely	
Egolf	Leh	Ryan	DeWeese,
Evans	Lescovitz	Santoni	Speaker
Fairchild	Levdansky		

NAYS—0

NOT VOTING—1

Rohrer

EXCUSED—4

Bush Lee Rudy Washington

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.

RULES SUSPENDED

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

Mr. ITKIN. Mr. Speaker, I move that the House rules be temporarily suspended for the consideration of HR 243.

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

The following roll call was recorded:

YEAS—194

Acosta	Fairchild	Levdansky	Santoni
Adolph	Fajt	Lloyd	Sather
Allen	Fargo	Lucyk	Saurman
Argall	Farmer	Lynch	Saylor
Armstrong	Fee	Maitland	Scheetz
Baker	Fichter	Manderino	Schuler
Barley	Fleagle	Markosek	Scrimenti
Battisto	Flick	Marsico	Semmel
Bebko-Jones	Freeman	Masland	Serafini
Belardi	Gamble	Mayernik	Smith, B.
Belfanti	Gannon	McCall	Smith, S. H.

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

NAYS—0

NOT VOTING—3

Hughes	Petrarca	Vitali
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EXCUSED—4

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

RESOLUTION

The SPEAKER. The gentleman, Mr. Cessar, from Allegheny County calls up HR 243.

The following resolution was read:

House Resolution No. 243

A CONCURRENT RESOLUTION

Calling for the withdrawal of the Commonwealth from the Ozone Transport Commission.

WHEREAS, The Pennsylvania General Assembly is of the opinion that Congress under the Constitution of the United States cannot usurp states' rights; and

WHEREAS, The Ozone Transport Commission (OTC) is a commission established by Congress under the Clean Air Act (Public Law 95-95, 42 U.S.C. § 7401 et seq.); and

WHEREAS, The Ozone Transport Commission is pre-empting State authority and making decisions that are the responsibility of state legislatures; and

WHEREAS, Congress has exempted the Ozone Transport Commission from public accountability; and

WHEREAS, Authority without accountability is unacceptable; and

WHEREAS, The Ozone Transport Commission has not done a credible cost-benefit analysis of the factors involved in cleaning up the air; and

WHEREAS, The Ozone Transport Commission's primary strategy for implementing ozone correction strategies is a misguided attempt to mandate the use of the so-called "California Car," or Low Emission Vehicle; and

WHEREAS, A successful "California Car" has not yet been developed; and

WHEREAS, No one can know the cost or success rates of a car that has not yet been invented; and

WHEREAS, The Ozone Transport Commission is trying to force the adoption of the so-called "California Car" upon states which are unwilling to act with imprudent haste; and

WHEREAS, "California Car" proponents have obscured the fact that starting this year (1994) new cars and trucks are subject to much stricter pollution controls under the Clean Air Act and will be much cleaner than any earlier vehicles; and

WHEREAS, This new regulation and anticipated improvements will help make the so-called "California Car" obsolete; and

WHEREAS, The Pennsylvania General Assembly believe the Ozone Transport Commission's plan to petition the Environmental Protection Agency for the "California Car's" adoption in all states to be poorly conceived and lacking justification; and

WHEREAS, The Pennsylvania General Assembly believe that Pennsylvanians, not a Federal bureaucracy, are best positioned to lead this Commonwealth to triumph in cleaning up our air and will use pollution control strategies based on sound scientific data and reasonable economic principles; and

WHEREAS, It is the objective of the Pennsylvania General Assembly to comply with the Clean Air Act in every practical way while not burdening Pennsylvanians with unnecessary expenses and inconveniences which do not result in significant improvement of air quality; and

WHEREAS, The Pennsylvania General Assembly strongly object to any action on the part of the Ozone Transport Commission to mandate the "California Car"; and

WHEREAS, The Pennsylvania General Assembly strongly object to the usurpation of states' rights and the enforcement of impractical, expensive and useless regulations; therefore be it

RESOLVED (the Senate concurring), That the General Assembly of the Commonwealth of Pennsylvania, direct the Governor to officially withdraw the Commonwealth from the Northeast Ozone Transport Commission if the commission proceeds with its action to petition the Environmental Protection Agency to mandate the "California Car."

Richard J. Cessar  
Joseph A. Petrarca  
Larry O. Sather  
Thomas A. Tangretti  
Victor John Lescovitz

On the question,  
Will the House adopt the resolution?

The SPEAKER. For what purpose does the distinguished gentleman from the Lehigh Valley rise?

Mr. FREEMAN. If the gentleman, Mr. Cessar, would stand for a brief period of interrogation, Mr. Speaker?

The SPEAKER. The gentleman will momentarily yield.

On HR 243, the gentleman, Mr. Cessar, indicates that he will stand for interrogation, and the gentleman, Mr. Freeman, may proceed.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, I understand that the resolution you are putting forward deals with the issue of the California car concept. Is that correct?

Mr. CESSAR. Just a minute, Mr. Speaker. I cannot hear you.

The SPEAKER. The House will please come to order so that the interrogation can be heard.

The gentleman, Mr. Freeman, should probably restate the question momentarily. The House will please come to order.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, if I may, I understand your resolution deals with the so-called California car proposal. Is that correct?

Mr. CESSAR. That is correct, Mr. Speaker.

Mr. FREEMAN. I realize this is a relatively new proposal that will come before all of us, I guess, in terms of pollution control. It is my understanding, and correct me if I am wrong, that the Secretary of DER (Department of Environmental Resources), Art Davis, is currently studying this whole proposal, is he not?

Mr. CESSAR. That is not correct, Mr. Speaker.

Mr. FREEMAN. Could you inform the chamber as to what action was taken then?

Mr. CESSAR. Thank you, Mr. Speaker. I certainly would like to do that.

Let me say this to you, that this House of Representatives, with the Senate concurring, did vote for HR 147 instructing the Secretary of DER to not support the California LEV (low-emission vehicle) car. Now, we had a couple of hearings in Pennsylvania and a hearing in Mystic, Connecticut, which we attended, urging him not to do that.

Here yesterday in Washington, DC, the Northeast Ozone Transport Commission did meet, and Secretary Davis, to my sorrow, did support the California LEV car, and it did pass. So consequently, what has happened now is that with the petition that was adopted at the Northeast Ozone Transport Commission meeting in Washington, DC, the EPA (Environmental Protection Agency) will now study whether or not Pennsylvania and all the States in the Northeast Ozone Transport Commission will be required to adopt the California low-emission vehicle.

Mr. FREEMAN. So it is my understanding, Mr. Speaker, that the Secretary is on record as supporting that study?

Mr. CESSAR. That is correct.

Mr. FREEMAN. I see.

I understand there are some concerns with the California car concept, and I appreciate those that are raised in the resolution.

Given the fact, though, that a study is going to be going forward regarding the issue, is it appropriate for us at this time to take a stand, as your resolution does, as opposed to waiting

for the outcome of the study, seeing what the implications of that are?

Mr. CESSAR. Mr. Speaker, it is my desire to make sure that Secretary Davis listens and understands that this General Assembly, in both chambers, has resolutely said that we are not in favor of California, 3,000 miles to the west, being the State that will dictate to us in Pennsylvania what our standards should be for automobile emissions.

Mr. FREEMAN. Mr. Speaker, I am sorry; I am a bit confused. Has the Secretary actually said he is endorsing the proposal or merely endorsing the study?

Mr. CESSAR. Mr. Speaker, let me say this to you: We did have a study conducted here when we passed HB 2751, which in effect said—and there are other members that will address this issue—in effect said that a 13-member study commission from the General Assembly will be conducted and a resolution to their thoughts will be presented to the Secretary, and of course, as I said, the other members are willing to speak to that.

Mr. FREEMAN. To return to the point of question, Mr. Speaker, is the Secretary merely endorsing the study of the issue or endorsing the concept itself?

Mr. CESSAR. Mr. Speaker, he has voted to endorse the concept; he has voted for the California LEV car. Very emphatically, as the chairman of the Northeast Ozone Transport Commission, it is my belief that he brought other States with him to vote against what this General Assembly did in HR 147.

Mr. FREEMAN. I thank the gentleman.

### THE SPEAKER PRO TEMPORE (PHYLLIS MUNDY) PRESIDING

Mr. FREEMAN. Madam Speaker, if I may continue my dialogue.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. FREEMAN. I have concluded my interrogation.

I appreciate many of the points raised in the gentleman's resolution, and I may very well in fact vote for it if it were to come to a vote. However, I think it is premature for us to at this time be making these kinds of policy statements when it is abundantly clear that there is a study on the issue going forth.

I do not in any way wish to undermine the gentleman—

If I could be at ease for a second, Madam Speaker.

If I may proceed, Madam Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. FREEMAN. I think this is something that we need to study. I again understand the concerns of the gentleman. I think that we might come back here a month later and decide that, yes, in fact we should vote this resolution, but I think an issue of this complexity, just for us to state an opinion when the issue is not well known by many of the rank-and-file members, is not appropriate.

**MOTION TO TABLE**

Mr. FREEMAN. I would therefore urge that we temporarily table the resolution at least until Monday when we all have a greater time to look at this issue, to understand the implications, and perhaps contact the Department of Environmental Resources to see what their concerns are and why the Secretary took the action he did.

I do not want this to be obstructionist in any way, but I think this is a resolution with as far-reaching an implication that it deserves further study. I am not asking that it be recommitted; I am not asking that we vote it down. I am merely asking that we table this until Monday's calendar. I therefore make the motion that we table this resolution until Monday when it should be placed on the active calendar.

The SPEAKER pro tempore. The Chair thanks the gentleman.

**FILMING PERMISSION**

The SPEAKER pro tempore. The Chair wishes to advise members that she has given permission to John McGrail and John Smythe of the U.S. Information Agency to take still photographs of Dwight Evans on the floor of the House during the proceedings.

**CONSIDERATION OF HR 243 CONTINUED**

The SPEAKER pro tempore. The gentleman is in order.

The gentleman has moved that we place HR 243 on the table until Monday.

This is not a debatable motion.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

**YEAS—27**

Acosta	Freeman	Levdansky	Steelman
Bebko-Jones	James	Manderino	Stetler
Blaum	Jarolin	McGeehan	Sturla
Butkovitz	Josephs	Richardson	Surra
Cawley	Keller	Rieger	Thomas
Cohen, M.	Kirkland	Roebuck	Vitali
Curry	Lawless	Santoni	

**NAYS—170**

Adolph	Fajt	Lucyk	Sather
Allen	Fargo	Lynch	Saurman
Argall	Farmer	Maitland	Saylor
Armstrong	Fee	Markosek	Scheetz
Baker	Fichter	Marsico	Schuler
Barley	Fleagle	Masland	Scrimenti
Battisto	Flick	Mayernik	Semmel
Belardi	Gamble	McCall	Serafini
Belfanti	Gannon	McNally	Smith, B.
Birmelin	Geist	Melio	Smith, S. H.
Bishop	George	Merry	Snyder, D. W.
Boyes	Gerlach	Michlovic	Staback
Brown	Gigliotti	Micozzie	Stairs
Bunt	Gladeck	Mihalich	Steighner
Buxton	Godshall	Miller	Steil

Caltagirone	Gordner	Mundy	Stern
Cappabianca	Gruitza	Nailor	Stish
Carn	Gruppo	Nickol	Strittmatter
Carone	Haluska	Nyce	Tangretti
Cessar	Hanna	O'Brien	Taylor, E. Z.
Chadwick	Harley	Olasz	Taylor, J.
Civera	Hasay	Oliver	Tigue
Clark	Hennessey	Perzel	Tomlinson
Clymer	Herman	Pesci	Trello
Cohen, L. I.	Hershey	Petrarca	Trich
Colafella	Hess	Petrone	True
Colaizzo	Hughes	Pettit	Tulli
Conti	Hutchinson	Phillips	Uliana
Cornell	Itkin	Piccola	Vance
Corrigan	Jadlowiec	Pistella	Van Horne
Cowell	Kaiser	Pitts	Veon
Coy	Kasunic	Platts	Waugh
Daley	Kenney	Preston	Williams
DeLuca	King	Raymond	Wogan
Dempsey	Krebs	Reber	Wozniak
Dent	Kukovich	Reinard	Wright, D. R.
Dermody	LaGrotta	Ritter	Wright, M. N.
Donatucci	Laub	Roberts	Yandrisevits
Druce	Laughlin	Robinson	Yewcic
Durham	Lederer	Rohrer	Zug
Egolf	Leh	Rooney	
Evans	Lescovitz	Rublely	DeWeese,
Fairchild	Lloyd	Ryan	Speaker

**NOT VOTING—0**

**EXCUSED—4**

Bush	Lee	Rudy	Washington
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The question was determined in the negative, and the motion was not agreed to.

On the question recurring,

Will the House adopt the resolution?

The SPEAKER pro tempore. The Chair recognizes Mr. Petrarca.

Mr. PETRARCA. Thank you, Madam Speaker.

This emissions control crap has been going on for years. Fifteen of us went to court, the State Supreme Court, and we won. They know if we go to court, it is a given; we are winners, because we are on the side of the people. It is not a Republican or a Democratic bill; it is a people's bill. If you fellows think you are going to run for reelection and vote for this crap, you will never make it.

You had Congress of the United States, former bureaucrats up in the Northeast, and what did these fellows do? They do not have the vote and confidence of the people like we do; they are not elected, but they mandated us to accept the California car.

Now, the commission came out against the California car, but did Art Davis listen to the commission? No. The House in toto and so did the Senate, they unanimously voted to oppose the California car - \$1,400 more to buy a new car; 27 cents more on a gallon of gasoline. We have a better way. So we sent Art Davis to Washington, DC, just yesterday, and he was supposed to vote "no." But what did he do? He not only voted

“yes”; he was a cheerleader. He is like when Caesar was stabbed — et tu Brute.

As far as I am concerned, if we have to go back to court, whatever we have to do to this resolution, I support Cessar's resolution. Thank you.

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

Mr. GEORGE. Madam Speaker, very simply put, what the Secretary of Environmental Resources did this morning in “accomplishment”—and I use that word for lack of a better word—was that he endorsed what the Ozone Commission had suggested and that will go to the EPA. Undoubtedly, the EPA will accept that endorsement, and in 1999 every automobile coming into Pennsylvania will have to abide by the California emissions law.

I believe that it is this General Assembly that should be able to manifest our own regulations and our own laws. I think it is improper to need to abide by California laws, and I ask you to adopt this resolution.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Carbon County, Mr. McCall.

Mr. McCALL. Thank you, Madam Speaker.

Madam Speaker, just for the information of the members, I was the prime sponsor of HB 2751 which put in place the enhanced I/M (inspection and maintenance) program here in the Commonwealth.

I rise in support of the Cessar resolution. However, I really do not know what effect the resolution will have, other than sending a message to Secretary Davis.

The commission, the Ozone Transport Commission, was formed by Federal law, by virtue of the Federal Clean Air Act amendments, and gave the Ozone Transport Commission standing.

We passed an enhanced emission and inspection program here in the Commonwealth, and it was our opinion that with the passage of that program, we would significantly reduce emissions, especially among automobiles, in this Commonwealth. In addition to that, we formed the LEV Commission. The LEV Commission was empowered to study the issue of air pollution and pollution controls and pollution strategies and whether or not we should enact legislation that would implement a low-emission vehicle.

The commission determined and made a recommendation that we not adopt a low-emission vehicle program in this Commonwealth until adequate air modeling data is available to the members so we can make an informed decision. That data is not available as I speak at this microphone today. I think in all fairness that that data has to be available to us so we can make an informed decision.

Our concern—and you heard the concern mentioned by Representative Cessar—our concern is that with Secretary Davis petitioning the EPA to implement the California low-emission vehicle, that the California Air Resources Board, or CARB, will now be in a position to dictate air quality policy to this

Commonwealth. Anytime CARB makes a decision to change their emission standards, the Commonwealth of Pennsylvania and all States that come under the Ozone Transport Commission or of the northeast ozone transport region will have to comply with the dictates of CARB. I do not think that is right. I do not think that an outside agency located in California should be dictating air quality policy to the Commonwealth of Pennsylvania.

I think in all fairness to Secretary Davis, we have to understand one thing, that when we get to the year 2010 and to the year 2015, the number of vehicle miles traveled in this Commonwealth as well as the number of automobiles in this Commonwealth are going to increase. I think that Secretary Davis, as a long-term strategy, was petitioning the EPA to implement the low-emission vehicle or the California car in an effort to bring the automobile manufacturers to the table for them to implement a tier 2 car, which would be a nationwide car, that could help to significantly reduce auto emissions.

I think it is a long-term strategy. However, I think we have to support the Cessar amendment to insure that CARB does not dictate air policy or air quality policy to this Commonwealth. I would ask for the adoption of the resolution.

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

Mr. TRELLO. Madam Speaker, growing up in western Pennsylvania, I can remember when the beautiful white snow fell and shortly after that it turned black with the soot and smoke from all of the steel mills in western Pennsylvania. Well, we have no more steel mills in western Pennsylvania. There are no large smokestacks pouring out tons of smoke and soot to make our white shirts black and the beautiful white snow black.

I do not believe in western Pennsylvania we need any emission controls at all, let alone what the Secretary dictates, and for that reason I urge the support of the Rick Cessar amendment. I do not think California should dictate what Pennsylvania should have, and we should give this resolution the attention it deserves and all vote “yes.”

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Huntingdon County, Mr. Sather.

Mr. SATHER. Thank you, Madam Speaker.

I stand in support of this resolution.

As a member of the Low-Emission Vehicle Commission, I would like to make a few remarks for the record of this House in regard to this House resolution.

The LEV Commission, which included representatives from the Department of Environmental Resources, the Department of Transportation, adopted a motion offered by Representative Keith McCall by unanimous vote—and I repeat, unanimous vote—after rejection of a minority motion. The motion that was approved was as follows:

Implementation of the mandatory and discretionary control strategies adopted by the Commonwealth for VOC's (volatile

organic compounds) and NO<sub>x</sub> (nitrogen oxide) will result in substantial reductions in these ozone precursors.

These control strategies may result in attainment, in attainment of the national ambient air quality standard for ozone throughout the Commonwealth.

The available data regarding the emissions reductions and the cost effectiveness of such reductions attributable to LEV are inconclusive.

Therefore, the commission recommends to the Governor and the General Assembly that no department, board, or commission shall propose or adopt a California LEV program for Pennsylvania before January 1, 1995. The Department of Transportation and the Department of Environmental Resources shall prepare a report to the Senate Transportation Committee, Senate Environmental Resources and Energy Committee, House Transportation Committee, and House Conservation Committee containing information regarding the Commonwealth's attainment status for ozone. The report shall include but not be limited to the most current ozone inventory data, results of urban air modeling, and status of the Commonwealth's participation in the Ozone Transport Commission. End of motion.

Madam Speaker, in my opinion, the bureaucratic members of the OTC, who were nominated, repeat, who were nominated by their respective States, not elected by the citizens, once again made decisions for you and me. This action is wrong and must stop. Our voting member, the Secretary of DER, voted in support of the OTC proposal, which would force, force, the California car on Pennsylvania.

I believe that the administration turned its back on the original resolution adopted by the General Assembly and the vote of the LEV Commission. We were appointed to make such recommendations.

Madam Speaker, I would ask that you support this resolution. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and apologizes for mispronouncing Mr. Sather's name.

The Chair recognizes Representative Hasay from Luzerne County.

Mr. HASAY. Thank you, Speaker Mundy.

Madam Speaker, as a former member and minority chairman of the House Conservation Committee and having served as a member of the Environmental Quality Board for several years, I bring to the attention of the membership of the House that within the last 2 years, all of our oil refineries in Pennsylvania, because of a regulation by DER, had spent millions and millions of dollars on our oil refineries for us Pennsylvanians to burn oxidized gasoline, which is a cleaner fuel. We are now burning oxidized gasoline. We have cleaner cars with cleaner emissions now. Also, the Department of Environmental Resources has also required in severe air quality areas vapor recovery systems on all of our gas stations, which we now have.

I rise to support this resolution. It is very important, and the additional fact in this, what it will do to the American

automobile is raise the price of that car anywhere from \$1,000 to \$1,400, and with all these other air quality requirements we have made in the last couple of years, I am asking every member to support this resolution. Thank you, Speaker Mundy.

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

Mr. VITALI. I rise in opposition to the Cessar amendment, and I think that many of those who have spoken today are speaking to the wrong issue. The real issue is whether it is prudent for the Commonwealth to withdraw from the Ozone Transport Commission.

Now, the net effect of withdrawing from the Ozone Transport Commission would be to remove Pennsylvania's voice in making recommendations to the Environmental Protection Agency. What we do not want to do is take away our voice. Now, Representative George spoke out about how we do not want others dictating to us. Well, if we withdraw from the Ozone Transport Commission, we have no voice in this regard to the Environmental Protection Agency when they make their information.

So let us vote the resolution on its substance, let us take a close look at what it is trying to do, and let us vote to have Pennsylvania retain its voice on the Ozone Transport Commission.

I think that a lot of misinformation has been spread with regard to the low-emissions vehicle program. This is in part, in my view, driven by the highly funded automotive industry whose costs will increase if this is protected. It is unfortunate that the environmental movement is not as well funded as the automotive industry to combat these deliberate, in my view, misstatements. There is absolutely no requirement that we use more expensive gasoline. The figures cited with regard to California gasoline, the 27 cents extra, simply are not part of the Pennsylvania program.

With regard to the statements that the price of a vehicle would increase \$1,400, \$1,500 — blatantly false. That is dated information purposely perpetrated by the auto industry. The fact remains that there are cars today— It is my understanding that a Ford Escort is on the road today, with low-emission vehicles, whose price has only increased \$100. I think we have a moral responsibility to our children and future generations that if we want to drive cars, we cannot pollute the air. We must leave this planet in the same condition we found it, and if there is a cost involved in the clean environment, we have a moral responsibility to pay it.

I think we just have to step back. We have to take a look at the big picture. We have to take a look at the fact that 40 percent of our water in the streams and waters of this country is now unfishable, unswimmable. The air is polluted. We have to start doing something for it. We cannot just borrow and borrow and mortgage our future and take away from our children and grandchildren. We have to start acting responsibly. We have to start paying the price for our actions. Let us start today. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes Representative Saurman.

Mr. SAURMAN. Thank you, Madam Speaker.

Madam Speaker, I chair the task force on energy, natural resources, and the environment for the American Legislative Exchange Council. We have done a great deal of study in this regard and we have talked to scientists all over this Nation.

The remarks that you just heard, Madam Speaker, are remarks that we hear frequently. It is rather ironic that in 1940, life expectancy in this country was about 48 years. Now it is up to 75, and we have over 2,000 people who are already 100 years old and more. We are not really doing all that people think we are doing that is so bad for the environment.

The study that was made on acid rain indicated that the challenge that everyone thought existed was nonexistent, but after Congress had spent over millions of dollars for that study, they went ahead and acted in contradiction to what the results were.

Madam Speaker, thirteen colonies over two centuries ago came together and said we need to have a united body; we need an agent acting in our behalf. Somehow that whole concept has been turned around, and now the tail is wagging the dog, and we, as States, are losing our sovereignty. This is not just a vote for a resolution dealing with this particular situation. I would hope it is the beginning of our taking a very firm stand against those people who would take away our rights to control our destiny.

As States we have sovereign rights; the Constitution guarantees it, although the 10th Amendment has been almost whitewashed so that it is no longer effective. But we have to begin to take control. We have to stand up to these kinds of top-down controls where we are being told what we have to do.

There is no justification, there is no evidence, there is no proof; there is only speculation as to what this particular model of automobile or the level of regulations that they are suggesting is going to perform. It will affect, at best, a fraction of a percent, and in the meantime, there are going to be other environmental issues that we cannot control — earthquakes, volcanoes, natural things that put emissions into the air — and they will affect the studies that EPA takes and makes in determining whether what has been done up to this time with the employer trip reduction, the enhanced emission program, whether they have been successful or not. They cannot separate those things out, and so when the results show that we have not made the progress that they think we should have, they are going to tighten the screws more. They are going to make it tougher for our mobile units to exist, for our stationary businesses to continue to function, and all on data that has not been confirmed.

Let us take the first step right now and say, no, sir; we are not going to participate in that kind of a program. Let us get out of the thing that is causing the problem in this instance, but let us let it just be the beginning, firing the first shot, throwing the tea into the Boston harbor. Let us stand up and take back our States and our States' rights. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes Dr. King from Mercer County.

Mr. KING. Thank you, Madam Speaker.

I would just like to speak to the issue of our Secretary of DER and the apology that was made in his behalf, thinking that in terms of his decision, we should be fair to him, and I think that as we look to any possible long-term planning by the Secretary of DER or any Secretary of any of our Cabinet posts, that we should send a message today that they should not take the long-term strategy of ignoring this body.

We each individually stand for election every other year, and the people speak; the people that we represent speak to this issue through us. We have made our concerns known to the Secretary, and let the record speak that he has chosen to ignore those people who have put us here.

Let us think as we go forward from here today in terms of those future Secretaries and that we send a clear and strong message to them that this body is getting sick and darned tired of being ignored by the people who are appointed for their own self-serving interests. Thank you, Madam Speaker.

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

Mr. JAROLIN. Thank you, Madam Speaker.

I do not know why, but I have not heard any mention here about the previous actions of the Federal Government back in 1974.

In 1974 they mandated that each and every automobile in the United States have what they classify as a "catalytic converter." At that particular time, the arguments were out there, yeah, the catalytic converter is not going to cost any more than 25 or 30 bucks over the price of a muffler. Today, a catalytic converter, which has an average lifespan of approximately 5 years, costs in the vicinity of \$275 to \$575, depending on where you are putting it in. On the same token, the air quality has not changed since every automobile was converted over to catalytic converters.

I think it is about time that the President of the United States intercede in situations like this, evaluate what the air quality is in each and every State, or else get ahold of somebody like Chairman Bud George and send him down to Washington. Maybe we can wring their necks. Thank you.

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

Mr. CESSAR. Thank you, Madam Speaker.

Rather quickly. One of the previous speakers said that we need a voice on the OTC, and I submit to you, Madam Speaker, we do not have a voice on the OTC and that is why we are offering this resolution today.

And I might further add, Madam Speaker, that the same gentleman said that it was an illusion that we could be paying 27 cents a gallon more for gasoline. Well, I am here to tell you, Madam Speaker and each and every member in this General Assembly, that in 1998 you can rest assured we will be under, under, the CARB ruling that we will have to have the California fuel.

Right now, Judge McAvoy from the State of New York has ruled and said that there will be a trial to ascertain and to



establish the fact that if you adopt the California low-emission vehicle, you must use the California fuel. Now, what does that do here to us in the southeast especially? We have two refineries, three refineries, in the southeastern part of the State, Marcus Hook and the former Atlantic facility that was bought by Sunoco. For them to retrofit, for them to retrofit to manufacture and to produce the gasoline that California would require, would cost \$750 million. Do you have that kind of money? I do not think so, Madam Speaker.

And we must also look at the underlying fact that here in this country today, today, from a high of 300 refineries in the United States of America, we now have 185, and they are going down each year. And where are we getting our fuel? We are getting it from Venezuela and other foreign countries, and if we continue in this manner, Madam Speaker, I can assure you, whenever we turn the 21st century, that this country could be suffering from not having enough refineries to refine the fuel that we need. I make that prediction, and I say to you, Madam Speaker and everybody here, it is important that we as members of this General Assembly send a message to Secretary Davis, to the members of Congress, so that they can inform the members of the EPA that we in Pennsylvania are not satisfied with what occurred with the decision that was recently reached in Washington, DC.

Madam Speaker, I think that is all I have to say, but I thank you, and I urge everyone to vote for this resolution.

#### REMARKS SUBMITTED FOR THE RECORD

Mr. CESSAR. I have some remarks I want to submit from some of the testimony I gave. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

REMARKS OF  
 REPRESENTATIVE RICHARD J. CESSAR  
 REPUBLICAN CHAIRMAN  
 PA HOUSE TRANSPORTATION COMMITTEE  
 TO THE OZONE TRANSPORT COMMISSION  
 AUGUST 31, 1993  
 PHILADELPHIA, PA

I am here today speaking for the members of the Pennsylvania House of Representatives—both Republicans and Democrats that voted in favor of House Resolution 147 on June 24 of this year. This resolution was passed on a unanimous 195-0 vote and carries with it 49 co-sponsors.

I sponsored H.R. 147 primarily to inform Pennsylvania's delegates to the Ozone Transport Commission that the issue of California Low Emissions Vehicles was considered by our General Assembly and that Pennsylvania should make the decisions that will affect Pennsylvanians and their pocketbook. My Democrat counterpart, Rep. Joseph Petrarca and the House appointees to the Pennsylvania Low Emission Vehicle Commission, Representatives Keith McCall and Larry Sather were co-sponsors with me on this resolution. I am attaching with my written testimony a copy of the resolution for the record.

Pennsylvania has been in the forefront of developing plans to comply with the Clean Air Act Amendments of 1990 and it hasn't been an easy job to find a consensus on all methods. Much political capital was spent on both sides of the aisle to get an

enhanced emissions inspection program instituted in the Commonwealth despite being required to by the Clean Air Act. We have also struggled with stationary source controls as much as my colleagues in the other states that make up the OTC. But isn't that the way our system is designed to work? We don't think that Congress meant for the General Assemblies of our states to be circumvented because a few unelected bureaucrats feel that it would be more convenient or perhaps more expedient to adopt a California LEV region-wide.

The California LEV was fully explored and rejected in Pennsylvania by the 13-member Low Emissions Vehicle Commission as formed by Act 166 of 1992, the same act which established our Enhanced Emissions Inspection Program. State officials, Legislators, interest groups and industry representatives sat on the panel which studied the need and economic impact of California LEV for much of this spring and summer. The Mid-Atlantic Universities Transportation Center (MAUTC), an affiliate of Penn State and other prominent universities, was selected by the Commission as consultant and advisor. MAUTC's final report could show no compelling reason to adopt California LEV at this time. Based on MAUTC findings and testimony from expert witnesses at several public hearings, the Commission rejected a selected county LEV program and a statewide program. They also urged the state to get comparative air quality data and voted to allow for a revisit of California LEV in 1995 after Enhanced I/M takes effect and better data will be available.

In the opinion of the Pennsylvania House of Representatives, we respectfully suggest that you are putting the cart before the horse when it comes to California LEV. The Clean Air Act Amendments section 176A spells out the duties of Interstate Transport Commissions. The primary charge of these commissions as I read the Act, is to study the assess control strategies. Letter (b) paragraph 2 of the section states, "The transport commission shall assess the degree of interstate transport of the pollutant or precursors to the pollutant throughout the transport region, assess strategies for mitigating the interstate pollution, and recommend to the Administrator such measures...." This is your mission. My questions to you as commissioners are, have you completed these studies as a commission? Are you bringing to the table an agenda that is expedient and perhaps tailored for a single state or two? And are there some commissioners looking to end-run their elected representatives through what they might view as a loop-hole in the Clean Air Act?

Looking further into your mission, I read with interest the petition of Maine, Massachusetts and Maryland. Paragraph two mentions Section 184(c) of the Clean Air Act Amendments as justification for the petition. I have also read this section. It states that the OTC may Petition EPA for additional control measures only "if the commission determines such measures are necessary to bring any area in such region into attainment...." Once again we would like to know on what facts or study does the OTC petitioners base their petition? We've studied the California LEV in Pennsylvania and found that we cannot justify the potential negative economic impact that this program would bring. Our study in Pennsylvania conducted by Mid-Atlantic Universities Transportation Center (MAUTC) found that California LEV was not a good option for reaching attainment. The study found California LEV was better suited as an option to maintain attainment, albeit an expensive option.

I am attaching to my testimony a copy of an article from the August 23rd edition of "Newsweek" entitled "Winning the War on Smog." This article shows that despite this year's hot spell in the northeast which compares to the 90 degree plus heat of 1988 when ozone advisories were extremely high. This year, the ozone advisories have diminished considerably. The Philadelphia region, which got a severe rating due to 23 such advisories in 1988, was down to just seven this year. This is without any of the measures such as enhanced I/M, the new Federal Tier I car and federal reformulated fuel, which have yet to be instituted. With figures such as these, shouldn't we be careful not to go overboard with other controls?

One of the main reasons for Legislative opposition of the California LEV in Pennsylvania is its all or nothing mandate in

the Clean Air Act. Pennsylvania is not California. We do not have the topography, meteorology, and vehicle miles traveled as this state 3,000 miles to our west.

The Clean Air Act says we are required to take the entire program as approved by the California Air Resources Board (CARB). CARB future rulings on changes to the program would also have to be adhered to by Pennsylvania and any other state which adopts the program.

As a legislator, I feel it is necessary to have oversight of the bureaucrats and their rulemaking. We have this in our regulatory process in Pennsylvania. Who knows what future ruling CARB could come up with, that could have a detrimental effect on our constituents. I am sure CARB won't be concerned at the effect they would have on Pennsylvania or the states in the OTC when they make regulation changes. They are a creature of the state of California. They owe no care or duty to our states. This, in effect would have unelected Californians making laws in our states. We as elected officials have a duty to insure that our constituents are not victimized by proposed changes which they have no control over.

This Commission has a job to do. We in the Pennsylvania House of Representatives would like you to do as we have—study the problem before making any recommendations. My colleagues and I, both Republican and Democrat implore you to withdraw this request. Let the Legislative process go forth in our states. This process has worked for over 200 years — don't try to change it. Thank you.

(For article, see Appendix.)

TESTIMONY OF  
REP. RICHARD J. CESSAR  
REPUBLICAN CHAIRMAN  
PA HOUSE TRANSPORTATION COMMITTEE  
TO PENNSYLVANIA'S DELEGATES TO THE  
OZONE TRANSPORT COMMISSION  
REGARDING THE OZONE TRANSPORT COMMISSION'S  
PROPOSAL TO DEVELOP A RECOMMENDATION  
TO EPA FOR REGIONAL ADOPTION  
OF AN LEV PROGRAM IN PENNSYLVANIA  
PUBLIC HEARING  
HARRISBURG, PA  
DECEMBER 14, 1993

Good morning. The testimony I bring this morning is on behalf of the members of the Pennsylvania House—members from both parties that unanimously voted to support House Resolution 147, asking that you not endorse the Ozone Transport Commission's CAL-LEV petition. I can assure you that, in the intervening months since the resolution was passed, the House has not weakened in its resolve.

Republicans and Democrats alike testified before the OTC in Philadelphia, traveled to the October OTC meeting in Connecticut, met with our legislative counterparts from other OTC states, and, more recently, met with Pennsylvania's Congressional delegation regarding the power play of the OTC to force states—against the will of the people—to take a costly unfunded mandate.

Since my testimony in August before the OTC Subcommittee in Philadelphia, some things have changed which make it even more imperative that Pennsylvania's representatives to the OTC not only vote no—but work hard to convince our neighbors in OTC states to reject the petition, as well.

While we are here today, across the state in Pittsburgh and in Reading, a hearing is being conducted by DER on reclassifying much of the Commonwealth as gaining attainment in air quality standards for ozone, even before any of the mandatory provisions of the Federal Clean Air Act amendments of 1990, such as enhanced emissions testing, have been placed into operation.

DER submitted documents to EPA on Nov. 12 asking for the redesignation of eight counties, previously listed as moderate ozone polluters. These counties are now counted as hitting their 1996 Clear Air Act target in 1991 — five years early. This leaves

just five of 67 counties in the state as non-attainment. These counties in the Philadelphia region have until between 2005 and 2007 to reach attainment.

This trend continues in all of the states. According to the EPA, in the last 20 years, all major emissions pollutants have dropped by substantial amounts. Ozone advisories are down to the single digits in the summer months in Pennsylvania and many northeast OTC states, and CAL-LEV offers too little, too late at too much cost.

Act 166 of 1992 established a statewide commission with 13 members from government, industry and interest groups to study LEV. The transportation research arm of Penn State and several other leading universities gave a thorough analysis of the effectiveness of CAL-LEV as an option to control ozone in the Commonwealth. Just as in earlier studies in Virginia, Texas and Illinois, and the preliminary numbers from New Jersey's study, the CAL-LEV is not a cost-effective or a rational control measure to get to attainment. As a member of the study commission, Sec. Davis, representing DER, agreed to wait until 1995 to reconsider CAL-LEV. I ask that, in the spirit of that vote, you will do the same at the OTC's voting meeting.

California—to which members of Congress have given the authority to address mobile source emissions nationally through bureaucratic means—has the responsibility to formulate the CAL-LEV program. It is ridiculous for Pennsylvania to follow the lead of California, the state which has failed to adopt an enhanced emissions inspection program, as required by the federal Clean Air Act amendments of 1990.

There is turmoil in leadership of the California Air Resources Board (CARB), which has led to the resignation of its Chairman. CARB has been under fire from industry due to unwise and reckless adoption of a reformulated diesel fuel regulation—a regulation that caused the California Governor to state that both the CARB and EPA “inadequately researched the effect which these fuels would have, once introduced. This failure,” the Governor continued, “represents an arrogant regulatory indifference to the marketplace and to people's livelihoods.” Parallels to the establishment of CAL-LEV can be easily drawn from the Governor's remarks.

California's air, while improving, remains, far and away, the worst in the nation. In fact, according to the New York Times, the L.A. Basin fails to meet federal health standards for air quality on more days than New York, Pittsburgh, Chicago, Houston and Denver combined. This area of the country has no equal in the Northeast in its pollution problem, and CARB, 3,000 miles to our west, is not going to be concerned with OTC states when making changes to the CAL-LEV program to suit California.

The most dramatic recent happening is the major announcement of the auto manufacturers of a FED-LEV program to introduce an LEV nationwide. How can we ignore an offer which will clean the air across the nation and not put Pennsylvania at a competitive disadvantage with neighboring Ohio and West Virginia?

FED-LEV will create a car which will be almost 99% clean, without even a possibility of needing California Reformulated Fuel, and will not require the OTC to adopt electric cars before they are ready for the mass market.

FED-LEV was first offered to the OTC at the Mystic, Connecticut, meeting in October by General Motors representatives. Since that date, Detroit's Big Three have refined the proposal enough to make it a solid contender for a low-cost, low-emissions vehicle in comparison to CAL-LEV.

I can't stress enough the issue of California Reformulated Fuel and it being a necessary and costly part of the CAL-LEV program. The OTC has consistently said that it would not petition the EPA to require California Fuel with its CAL-LEV petition, but they may have no choice in the matter. The fuel is needed to get the results to meet the targets for emissions reductions. Failure to use the fuel, that cost as much as 27¢ more per gallon, could activate a manufacturer recall to retrofit the cars, which will drive up our costs even further—discouraging new car sales.

It's clear that a CAL-LEV on regular fuel and a CAL-LEV on California Fuel will perform differently. A court ruling in New

York or Massachusetts next year will decide if California Fuel is required. Even if not required by law, the fuel may be required for performance.

This is something that would affect all Pennsylvanians—not just the ones who would buy a new car. Gasoline companies will not have the capacity to make both California Fuel for CAL-LEV and federal fuel for the older cars. This would drive up costs to every consumer, and no matter how you explain it, Pennsylvanians will see this as a tax increase by as much as 27¢ per gallon. Western Pennsylvanians will drive to Ohio and West Virginia to get their fuel.

California Fuel could also drive refineries out of the state or put them on the ropes. Industry officials estimate that it would cost \$700 million just to retool the Marcus Hook and Philadelphia refineries. This is additional money from other Clear Air Act requirements, such as oxygenated fuels, stationary source controls, vapor recovery and employee trip reduction in the Southeast.

A New York Times article on November 29 talked about some of the problems our refineries are having with the Clean Air Act. It talked about a recently completed study at Amoco's Yorktown, Virginia, facility. It seems Amoco was forced by the act to spend \$31 million to fine-tune its wastewater treatment plants to stop benzene from evaporating, while the major source of benzene pollution at the marine terminal could have been fixed for just \$6 million. This remains unchecked, since the Clean Air Act looked to micro manage the problem.

A July 1993 article in Science Magazine, by four renowned air pollution experts, concluded "Our overall message is that government needs to focus on those actions that will make a difference in our ongoing efforts to achieve acceptable air quality and pause to consider the use of strategies of which the benefits are less clear and the potential costs are high."

If we are forced by a vote of the OTC's nonelected board to adopt a CAL-LEV mandate, states will be giving up what we in the General Assembly see as our constitutional right to represent our constituents. The debate on this matter could take us well into the next century. I can only hope that, in light of the FED-LEV proposal, the court cases in New York and Massachusetts, and, most importantly, the reclassification of the former marginal areas of the state to attainment, our Pennsylvania OTC members will lead the charge to kill the CAL-LEV proposal for the Northeast.

Thank you.

The SPEAKER pro tempore. The Chair recognizes Mr. Vitali for the second time.

Mr. VITALI. Madam Speaker, some of us are attorneys, and it is well known in a court of law that in evaluating the truthfulness of a witness, it is proper to look at what they have to gain and lose by their testimony. I think the problem here with a lot of the speakers is they are getting their information from the auto industry, and let us consider what the auto industry has to lose or gain from the testimony they are giving these members. The problem is that it is just another example of a vested interest who is going to have to do something to make their cars cleaner and they do not want to do it, and that is the problem with some of the information we are having.

There is absolutely no existing requirement for Pennsylvania to use any reformulated fuels. If any one of you thinks that we do not have an air pollution problem, who feels comfortable with the air his children breathe, I would invite you to come down to Philadelphia and drive around on a hot summer day, and you tell me if we have a problem.

It is clear, it is intuitive, it is common sense, despite what the auto industry tells you, that we have a problem. There is a serious environmental problem, and the air is just part of it.

With regard to the arguments of some of these speakers that California is dictating our law, again, that is misinformation. California's regulations have to meet Federal approval before they are passed, so therefore, it is the Federal Government that must approve. So like so many other aspects of any other citizen of Pennsylvania, it is ultimately up to the Federal Government to approve this.

That is all I am going to say on the substance of this. I just want to leave you with one final note.

Think about what you are voting for today. You are not voting for whether you want the LEV car or not, you are voting for whether you want Pennsylvania to continue to have a voice in a body that is going to have an effect over it, and I say let us keep Pennsylvania's voice on the OTC and let us vote "no" on the Cessar amendment. Thank you.

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

Mr. MICHLOVIC. Thank you, Madam Speaker.

Remember, under the Clean Air Act, we are going to have to meet certain ozone standards. Whether that pollution comes from a car or whether that pollution comes from a steel mill in your factory, it is going to have to be lowered the same way. Or as Freddie said, what steel mill? But whatever factory you have in your district, it is going to have to meet that standard. If we do not meet those standards in the mobile vehicles, in the cars, we are going to have to meet them in stationary sources. And what are the stationary sources? They are your factories; they are your cleaners, your local drycleaners; they are the utility companies, the coal utilities that are pumping a lot of those impurities into the air and building into the ozone layer. If you do not remove those mobile sources, those stationary sources are going to have to change.

And Mr. Cessar talked about the \$750-million investment for the refineries. You start thinking about the investment that those stationary sources, those factories, are going to have to do, because we do not have the guts to apply the standards to the mobile sources. This should have been done in the first place.

And with the Ozone Transport Commission, you have some of the biggest States in the country. If those States adopt the standards for the automotive industry, it is not going to be economically advantageous for that automotive industry to build two sets of cars. They have 44 million people in California. They probably have a quarter of the Nation's population in those seven or nine States in this commission. It would not make any sense for them to build two different types of cars. They would build one standard car nationally, and there would not be any price difference buying a car from one State to the next State.

Do not be so quick, do not be so anxious to vote for this amendment and shoot down this commission. We have to start thinking about the industries that are already in our districts. And that Clean Air Act keeps ratcheting down. It started higher in the early nineties and it keeps ratcheting down through the late nineties, and we are going to have to remove some of those sources from that ozone layer one way or

another. If we do not do it with cars, then I suggest to you it is going to come out of your factories. So I urge a "no" vote on HR 243. Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Does the gentleman, Mr. Sturla, seek recognition? The gentleman may proceed.

Mr. STURLA. Madam Speaker, will the maker of the resolution stand for interrogation?

The SPEAKER pro tempore. The gentleman indicates that he will.

Mr. STURLA. Madam Speaker, the resolution as it is drafted, with the removal of Pennsylvania from the commission, would that have any impact on the funding that the State may receive from the Federal Government in any way, shape, or form related to transportation dollars or clean air dollars or anything like that?

Mr. CESSAR. I do not think so.

Mr. STURLA. Is that a no or a yes?

Mr. CESSAR. The elimination of the funding stream was predicated on us adopting the I/M enhanced inspection/maintenance program. We have done that.

Mr. STURLA. Okay. So this would not have any impact on any Federal money?

Mr. CESSAR. It is my understanding it would not, Madam Speaker.

Mr. STURLA. Okay. One further question.

Madam Speaker, along the lines of what Representative Vitali has raised is the question of whether we have representation, and I understand you are upset with the way our current representation votes. Would it not be more appropriate then to say that we pass a resolution that changes our representation as opposed to eliminates our representation?

Mr. CESSAR. Madam Speaker, I think what we are saying to the Secretary, and I hope he is listening right now, is that this body, or most of us, is dissatisfied with his representation of us after we pass resolutions giving him our viewpoints and our thoughts on the issue.

Now, it just seems to me, Madam Speaker, that if I were the individual who was there in a position to represent this Commonwealth and represent the elected officials of the people, I certainly would have adhered to what they wanted. I do not believe that a nameless, faceless bureaucrat should be dictating over and above the wishes of elected officials.

Mr. STURLA. On the resolution, Madam Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. STURLA. Madam Speaker, I have a tendency to agree with what Mr. Cessar says about this, but I believe that his resolution does not accomplish that. What his resolution accomplishes is Pennsylvania having no representation of the members of the House on this commission. If in fact we believe that the current representative is not doing our job, then I suggest we pass a resolution that says we get somebody who does, not that we eliminate our ability to have representation whatsoever. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The gentleman, Mr. Cessar, is recognized.

Mr. CESSAR. Just one thing, Madam Speaker. If anybody wants to get on the resolution, just sign the paper up here.

On the question recurring,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—169

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

NAYS—28

Acosta	Freeman	Michlovic	Stetler
Blaum	James	Mundy	Sturla
Caltagirone	Josephs	Richardson	Surra
Cappabianca	Kirkland	Rieger	Thomas
Carn	Levdansky	Roebuck	Tigue
Cawley	Lloyd	Santoni	Vitali
Donatucci	Manderino	Steelman	Williams

NOT VOTING—0

EXCUSED—4

Bush Lee Rudy Washington

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

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

RULES SUSPENDED

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

Mr. RYAN. Thank you, Madam Speaker.

I would at this time move to suspend the rules to permit me to have HR 242 immediately considered.

This is the resolution, Madam Speaker, that I made reference to yesterday regarding a concurrent resolution establishing a select committee to investigate the use of assault weapons in crime and to make recommendations, if any, in connection with regulating them.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—197

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

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

NAYS—0

NOT VOTING—0

EXCUSED—4

Bush Lee Rudy Washington

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 clerk will read HR 242.

The following resolution was read:

House Resolution No. 242

A CONCURRENT RESOLUTION

Establishing a select committee of the General Assembly to investigate the use of certain automatic and semiautomatic weapons.

WHEREAS, The General Assembly finds that the use of certain automatic and semiautomatic weapons in the commission of crimes in this Commonwealth is of concern to the people in this Commonwealth; and

WHEREAS, It is the intent of the General Assembly to provide additional punishment for those persons who use firearms with a high capacity for firepower in the commission or attempted commission of crime; and

WHEREAS, It is not the intent of the General Assembly to place restrictions on law-abiding persons who own and lawfully use firearms for hunting, target shooting, self-defense or other legitimate sporting or recreational activities; therefore be it

RESOLVED (the Senate concurring), That a select committee be created to investigate the use of automatic and semiautomatic rifles and shotguns and the following named firearms, as used in the commission of crimes in this Commonwealth:

- Algimec AGM 1 type
- Armalite AR-180 carbine
- Australian SAR
- Avtomat Kalashnikov (AK) series
- Beretta AR-70 (SC-70)
- Beretta BM59
- Bushmaster Assault Rifle (armgun)
- Calico M-900 type
- CETME 63
- Chartered Industries SR-88 type
- Colt AR-15 series
- Colt CAR-15 series
- Daewoo AR-100 type
- Daewoo K-1

Daewoo K-2  
 Daewoo Max 1  
 Daewoo Max 2  
 Demro TAC-1 carbine type  
 Encom MP-9 carbine type  
 Encom MP-45 carbine type  
 Fabrique Nationale FN/FAL  
 Fabrique Nationale FN/LAR  
 Fabrique Nationale FNC  
 FAMAS MAS223  
 G3SA type  
 Galil type  
 Heckler and Koch MK-91  
 Heckler and Koch MK-93  
 Heckler and Koch MK-94  
 Heckler and Koch MP-5  
 Heckler and Koch PSG-1  
 M-14S  
 M-16 type (selective fire)  
 PJK M-68 carbine  
 Plainfield Machine Company carbine  
 Ruger K-Mini-14/5F  
 Ruger K-Mini-14/5RF  
 SKS with detachable magazine  
 SIG AMT  
 SIG 500 series  
 SIG PE-57  
 Springfield Armory BM59  
 Springfield Armory SAR-48  
 Sterling MK-6  
 Sterling SAR  
 Steyr AUG  
 Valmet M62 semiautomatic  
 Valmet M71S semiautomatic  
 Valmet M76 semiautomatic  
 Valmet M78 semiautomatic  
 Uzi  
 Weaver Arms Nighthawk  
 Calico M-900  
 Mac 10  
 Mac 11  
 Intratec TEC-9  
 Intratec TEC-22  
 Mitchell Arms Spectre Auto  
 Sterling MK-7  
 Encom CM-55  
 Franchi SPAS 12  
 Franchi LAW 12  
 Gilbert Equipment Company Striker 12  
 Gilbert Equipment Company Street Sweeper  
 USAS 12 semiautomatic type; and be it further

RESOLVED, That the committee make recommendations, if any, for regulation; and be it further

RESOLVED, That the committee consist of the following members, whose appointing authorities agree to participate in this inquiry:

(1) four members of the General Assembly, one of whom appointed by the Majority Leader of the House of Representatives, one of whom appointed by the Minority Leader of the House of Representatives, one of whom appointed by the Majority Leader of the Senate and one of whom appointed by the Minority Leader of the Senate;

(2) a designee of the Fraternal Order of Police;

(3) a designee of the Attorney General;

(4) a designee of the Local Government Commission;

(5) a designee of the Pennsylvania District Attorney's Association;

(6) a designee of the Governor representing the Pennsylvania State Police;

(7) a designee of the Federation of Sportsmen Clubs;

(8) a designee of the Unified Sportsmen of Pennsylvania;

(9) a designee of the National Rifle Association;

(10) a designee of Handgun Control, Inc.;

(11) a designee of the Keystone Citizens for the Preservation of Rights; and

(12) A designee of the Pennsylvania Game Commission; and be it further

RESOLVED, That the committee elect a chairman from its membership; and be it further

RESOLVED, That the committee may hold hearings, take testimony and make its investigations at such places as it deems necessary in this Commonwealth; and be it further

RESOLVED, That each member of the committee have power to administer oaths and affirmations to witnesses appearing before the committee; and be it further

RESOLVED, That the committee make a report of its findings and of any recommendations by June 30, 1994; and be it further

RESOLVED, That the committee extend the investigation for an additional time it deems necessary to complete its investigation, but not beyond November 30, 1994; and be it further

RESOLVED, That the members of the committee serve without compensation but be reimbursed for all necessary and actual expenses incurred in the performance of their duties; and be it further

RESOLVED, That the actual expenses incurred by the committee be equally divided between the House of Representatives and the Senate.

Matthew J. Ryan  
 David J. Mayernik  
 John M. Perzel  
 Joseph R. Pitts  
 Merle H. Phillips  
 Robert W. Godshall  
 Richard A. Geist  
 Jim Gerlach  
 Richard J. Cessar  
 Robert D. Reber, Jr.  
 Russ Fairchild  
 John A. Lawless  
 Nicholas A. Micozzie  
 William F. Adolph, Jr.  
 Jere L. Strittmatter  
 Elinor Z. Taylor  
 Jere W. Schuler  
 John E. Barley  
 Patricia Carone  
 Stanley E. Saylor  
 Larry O. Sather  
 Mario J. Civera, Jr.  
 Thomas P. Gannon  
 Jerry L. Nailor  
 Matthew N. Wright  
 Paul I. Clymer  
 Joe Conti  
 Lynn B. Herman  
 Dick L. Hess  
 Albert W. Pettit  
 Elaine F. Farmer  
 Robert J. Flick  
 Katie True  
 Dennis M. O'Brien  
 Chris R. Wogan  
 Thomas E. Armstrong  
 John W. Fichter  
 Todd R. Platts  
 Michael L. Waugh  
 Steven R. Nickol  
 Robert E. Nyce  
 Karl W. Boyes  
 Albert H. Masland  
 Ronald S. Marsico  
 Anthony L. Colaizzo  
 John J. Taylor  
 Patricia H. Vance

Bruce Smith  
 Joseph M. Uliana  
 Charles W. Dent  
 Martin L. Laub  
 Joseph M. Gladeck, Jr.  
 Roy W. Cornell  
 Jess M. Stairs  
 David J. Steil  
 George T. Kenney, Jr.  
 Paul W. Semmel  
 David G. Argall  
 Bob Allen  
 James R. Merry  
 Peter J. Zug  
 Kathrynann W. Durham  
 Thomas C. Corrigan, Sr.  
 Frank J. Gigliotti  
 Herman Mihalich  
 Anthony M. DeLuca  
 Richard D. Olasz  
 W. Curtis Thomas  
 Lita Indzel Cohen  
 Carole A. Rubley

On the question,  
 Will the House adopt the resolution?  
 Mr. ITKIN offered the following amendment No. A0399:

Amend Seventh Resolve Clause, page 5, line 12, by striking out "June" and inserting  
 May  
 Amend Eighth Resolve Clause, page 5, lines 13 through 16, by striking out all of said lines

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

The SPEAKER pro tempore. On the amendment, the Chair recognizes Mr. Itkin.

**PARLIAMENTARY INQUIRY**  
**AMENDMENT DIVIDED**

Mr. RYAN. A point of parliamentary inquiry.  
 The SPEAKER pro tempore. The gentleman will state his point.

Mr. RYAN. Madam Speaker, the majority leader and I had a conversation prior to his offering this amendment. I was preparing an amendment to change a date which had been inserted into this resolution. I was looking for the committee to make a report by June 1, and because the Reference Bureau would need a little bit of time to get that down and the gentleman, Mr. Itkin, has an amendment that shows a report by the committee by May 30, we agreed that—subject, of course, to your approval—that I would move to divide this amendment, and at this time I would ask that the amendment be divided.

I am sure the Parliamentarian would have no objections to this, because it is the type amendment that he just loves to divide.

The SPEAKER pro tempore. Where would you like to divide the amendment, Mr. Ryan?

Mr. RYAN. It would be divided so that we would be— Well, it would be divided so that "May," above "May" and below "May."

The SPEAKER pro tempore. The amendment is divisible in that fashion and will be divided.

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

The SPEAKER pro tempore. On the first portion of the amendment, the Chair recognizes Mr. Itkin.

Mr. ITKIN. Madam Speaker, I do not think there is any—  
 Mr. RYAN. Pardon me. Pardon me. Will the gentleman yield.

I was wrong; that it is below "May," not above "May."  
 The SPEAKER pro tempore. That was our understanding.  
 Mr. RYAN. The effect of it, Madam Speaker, is to change the date in the bill to May 30, whatever that requires.  
 The SPEAKER pro tempore. Correct.

Mr. Itkin.  
 Mr. ITKIN. Madam Speaker, I do not think there is any objection on the part of the sponsor of the resolution to the first part of the amendment, and I move for its adoption.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the first part of the Itkin amendment, those in favor will vote "aye"; those opposed, "no."

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

The following roll call was recorded:

**YEAS—197**

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

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

NAYS—0

NOT VOTING—0

EXCUSED—4

Bush                      Lee                      Rudy                      Washington

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

On the question,

Will the House agree to part 2 of the amendment?

The SPEAKER pro tempore. On the second portion of the Itkin amendment, beginning "Amend Eighth Resolve Clause," the gentleman, Mr. Itkin, is recognized.

Mr. ITKIN. Madam Speaker, I think the crux of our disagreement probably comes to a "resolve" clause that appears in the original resolution which says that in the event that the committee should need additional time, it can take until November 30, 1994, to make its recommendations. That is an interesting date, November 30, 1994, because that is the date which this House sine dies, and therefore, any recommendation falls on nobody. We cannot act on the recommendation until the next General Assembly might choose to act.

It seems that the whole concern about guns and their causing problems in our society today is to whether we should act or we should study. Now, many of us on this side of the aisle feel that the time has come to take forceful action on dealing with the crime problem that prevails throughout this Commonwealth. There are not hours that do not go by when we know, the statistics tell us, that within a few hours someone is going to be murdered, murdered with a firearm, and that within a day many people are injured through the commission of a firearm. Yet the minority leader thinks it is appropriate now to study this issue, and if the committee members should care to procrastinate and not be timely in their investigation, they can take until the end of our session to deal with it. I ask the people of Pennsylvania, is that what they want of their General Assembly, is that what they want of this House of

Representatives — to wait until November 30 of this year to act on the problems of crime?

We have taken the initiative, I would like to point out, by creating a task force, a joint committee of committees, to deal with the problems of violence in our communities, and that particular group of legislators is now working on that task. It seems to me that this is a very, very thin veil to cover up the actions that took place yesterday, when instead of responding to the people's needs of invoking a ban on assault weapons, we decided, we decided — this House decided — that what we were going to do was to repeal those minimum, partial bans in Philadelphia and Pittsburgh and we were going to choose to study this issue further until we could come to a resolution.

I do not think the people of Pennsylvania want us to wait. They want us to act. I have initiated actions today and in the previous weeks to bring groups together, to come up with a crime package that we can present to the General Assembly, and I would like to do that now and I would like to do that soon. I do not want to wait until November 30. I honestly do not even want to wait until May 30. I want to act within the next few weeks of being able to put together a crime package.

There are people on both sides of the gun issue that are also similarly interested in doing something quickly, to deal with the issue now, not later. I think that this resolution, as a matter of fact, will just create further delay, further procrastination, and will actually end up with this General Assembly doing nothing about what the people perceive as the single most important issue in this Commonwealth today.

Madam Speaker, I would move at least to deal with this amendment before we deal with final passage; to at least accept my amendment, which says that the committee shall only have until May 30 to make its recommendations, only until May 30, and it must make a report by that time. The reason I do that is so at least we will have the month of June to take the committee's recommendations if we adopt this resolution and finally deal with a crime package for Pennsylvania before we adjourn for the summer recess.

So I would move at this point in time that we agree to the second half of my amendment to HR 242.

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

Mr. RYAN. Boy, that was a lengthy speech, Madam Speaker. Part of the problem when you are reading a speech, as the majority leader was doing—and I have had the problem myself from time to time—is you have trouble acclimating yourself to the changing tides. I think what the majority leader was unable to, you know, bend his canned speech to cover was the fact that since 1982 he has been the majority party. He was talking all about all the wonderful things that he and his party have done in connection with controlling the operation of illegal firearms or guns—I forget just how he termed it—here in the Commonwealth. They have not done a thing, not one single thing. Everyone in this hall, including the press, knows that the only reason we had anything over here now is because Senator Vince Fumo over in the Senate decided to take a House bill that was sitting over there for some other reason



and amend it. That is how this all started. There was nothing that happened here in the House. Nothing came out of the majority committee dealing with gun control. A Senator from Philadelphia put an amendment in the bill. That is how it happened. Where have you been for 12 years, Mr. Majority Leader? While you are pounding your chest telling us all you are doing and trying to send us on a guilt trip, you are not sending me on a guilt trip, fearful that something is going to happen.

Right now, as we sit here, as we stand here, the laws that you are worried about are still in operation. They are still operative. We did not repeal them today. The Governor has to sign that bill. He has indicated which way he is going. I do not know what he is going to do. But we did not do it today, so those bills are still in operation.

What this resolution is all about is a concurrent resolution, and with a concurrent resolution, we need the concurrence of the Senate before we can do anything, and with a concurrent resolution, particularly the way the Senate has been acting as of late, when they have been out of Harrisburg, for instance, for a period of 5 months earlier this year—and if something goes wrong, I guess they could disappear for another 2 or 3 months—I do not think we can adjust schedules. I think this commission and any other commissions that are formed that require both Houses to act should give that commission the time to extend its own life. I do not think you can depend on the Senate staying in, for their own good reasons. I am not quarreling with their reasons; I am quarreling with their presence. They were not here. What would have happened for the 5 months from last July until December, or whenever it was when the Senate came back, if time ran out and we had to put a resolution in to keep something alive so that work could continue?

This resolution simply says that something must happen by May 30, and if not and they need a little extra time, they can extend their own life, but it must happen before—as the majority leader very properly points out—it must happen before our term expires, of course, because at that point our authority to create a commission ends. We have no authority to create a commission that extends beyond our term, I do not think, and I would have to think that one through before I would go beyond it, but we are not intending to have it extend beyond our term.

I heard—and I was really surprised, and maybe I missed something—I heard this, “I’ve initiated actions to bring people together, to put a package together, in connection with the crime package,” and I hear this at the same time that I am being criticized for asking that this matter go ahead. We have not heard anything about—we have not been invited in, at least, but that does not come as a big surprise—what this crime package is all about. Maybe, who knows, maybe after 12 years someone is going to address the question of the illegal activities with firearms by people in the Commonwealth.

I just had a very useful conversation, in my opinion, with Representative Hughes down here on the floor of the House, and I believe it was a useful conversation, at least I believed

it was. I think there is room to get things done in this area of the law. I think the day has come where we have to do a number of things. That includes looking into mental health records before guns are sold to people or permits are issued or guns are registered, and there are bills in for all these things, but we have not looked at them; they have not come out of the Judiciary Committee.

I think we have got to have juveniles’ records extending beyond their juvenile age, so that when they become of age, you can look back to see if they used guns during their minority and their records were not just buried as they hit their majority and you cannot look at them again. How does a gunsmith or a gun dealer, whatever— The salesperson of a gun shop calls up and he is trying to find out whether this young man should be permitted to buy a gun. He gets a criminal check on a man, a young man or young lady, and the State Police come back with a fine record on this individual, no prior convictions of any kind, and unknown to the State Police, because it is a juvenile record that has been buried, it has been embargoed, the young man may have been in all sorts of trouble of a serious nature, but it has been embargoed because of the fact that it is a juvenile record. I think that has to be addressed.

That is where the problems are that we should be addressing ourselves, and on and on and on, and I think these are the things that a committee such as this can take a look at.

I have wasted too much time. I think we should just follow the lead of this resolution, let the experts get together, and then impact on their recommendations and adopt something at that time.

I would ask that we vote down the Itkin amendment, we adopt the resolution, and get about our business. Thank you.

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

Mr. BELFANTI. Thank you, Madam Speaker.

Madam Speaker, while the majority leader and I are on diametrically opposed positions on the issue that we debated yesterday, I rise to support part 2 of the Itkin amendment to this resolution.

I believe that the facts and figures that we want to investigate are already readily available, and I believe to allow the commission to delay this ruling unilaterally through November and, as Mr. Itkin puts it, allow them to take a snail’s pace to bring this issue to resolution does a disservice to this House and to our constituents.

I believe that May 30 is ample time for the facts and figures and statistics that will bear out that the two-thirds of us yesterday who spoke loudly and clearly that we are not interested in primacy in counties and in districts and we are interested in voting on facts as opposed to voting on knee-jerk reactions, that that study can be completed by the end of May and, I believe, will vindicate the positions that most of us took here yesterday. I know I am not standing here and about to change any minds of people that are on both sides of this issue, but I do believe that if we allow the May deadline to appear in the resolution, it does give the commission ample

opportunity to come back to us with a report, and if for some reason they believe the report would be 1 week or 2 or maybe 3 weeks late, we as a House can then again take this issue up and very easily, by resolution, extend their deadline another 30 days. I do not believe extending it through the sine die period is of service to this chamber or to our constituents.

So I support part 2 of the Itkin amendment. I think we ought to get on with the issue and come back and let us vote on the facts as presented to us by the commission, which, again, I believe will bear out the wiseness of our actions yesterday. Thank you.

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

The SPEAKER. Mr. Godshall on the Itkin amendment, part 2.

Mr. GODSHALL. Thank you, Mr. Speaker.

What this resolution does is it establishes a select committee, meaning select committee, a blue-ribbon committee, and what we are asking them to do is make a study and we are asking them to study a very important issue.

I do not think there is anything wrong in the resolution as it stands. By May, hopefully, they can come through with a recommendation, but I doubt if they can gather the information of what is happening out there in the streets of Pittsburgh, Philadelphia, and every place in between in the next 2 or 3 or 4 months. If they can, fine, but if not, you know, they may need the extra time. If we are going to have a first-class study done by a group of first-class individuals, let us give them the time to do it.

I ask for a negative vote on the Itkin amendment. Thank you.

On the question recurring,  
Will the House agree to part 2 of the amendment?

The following roll call was recorded:

**YEAS—82**

Acosta	Donatucci	Lescovitz	Robinson
Battisto	Evans	Levdansky	Roebuck
Bebko-Jones	Fajt	Lucyk	Rooney
Belfanti	Freeman	Manderino	Santoni
Bishop	Gigliotti	Markosek	Steelman
Blaum	Haluska	Mayernik	Steil
Butkovitz	Harley	McGeehan	Stetler
Buxton	Hennessey	McNally	Sturla
Caltagirone	Hughes	Melio	Thomas
Cappabianca	Itkin	Michlovic	Tigue
Carn	James	Mihalich	Trello
Carone	Jarolin	Mundy	Trich
Cawley	Josephs	Olasz	Van Horne
Cohen, L. I.	Kaiser	Oliver	Veon
Cohen, M.	Keller	Petrarca	Vitali
Colafella	Kirkland	Petrone	Williams
Cowell	Krebs	Pistella	Wozniak
Curry	Kukovich	Preston	Yandrisevits
DeLuca	Laub	Richardson	
Dent	Laughlin	Rieger	DeWeese,
Dermody	Lederer	Ritter	Speaker

**NAYS—112**

Adolph	Farmer	Lynch	Saylor
Allen	Fee	Maitland	Scheetz
Argall	Fichter	Marsico	Schuler
Armstrong	Fleagle	Masland	Scrimenti
Baker	Flick	McCall	Semmel
Barley	Gamble	Merry	Serafini
Belardi	Gannon	Micozzie	Smith, B.
Birmelin	Geist	Miller	Smith, S. H.
Boyes	George	Nailor	Snyder, D. W.
Brown	Gerlach	Nickol	Staback
Bunt	Gladeck	Nyce	Steighner
Cessar	Godshall	O'Brien	Stern
Chadwick	Gordner	Perzel	Stish
Civera	Gruitza	Pesci	Strittmatter
Clark	Gruppo	Pettit	Surra
Clymer	Hanna	Phillips	Tangretti
Colaizzo	Hasay	Piccola	Taylor, E. Z.
Conti	Herman	Pitts	Taylor, J.
Cornell	Hershey	Platts	Tomlinson
Corrigan	Hess	Raymond	True
Coy	Hutchinson	Reber	Tulli
Daley	Jadlowiec	Reinard	Uliana
Dempsey	Kasunic	Roberts	Waugh
Druce	Kenney	Rohrer	Wogan
Durham	King	Rubley	Wright, D. R.
Egolf	Lawless	Ryan	Wright, M. N.
Fairchild	Leh	Sather	Yewcic
Fargo	Lloyd	Saurman	Zug

**NOT VOTING—3**

LaGrotta	Stairs	Vance
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**EXCUSED—4**

Bush	Lee	Rudy	Washington
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The question was determined in the negative, and part 2 of the amendment was not agreed to.

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

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

Mr. ITKIN. I regret the intrusion of having to speak. We have not even had lunch today, and it is a Wednesday, and normally I get the membership out by this time. I apologize for the lateness of the hour.

The SPEAKER. If the gentleman will yield momentarily, the gentleman should be aware and the membership should be aware that the cafeteria is remaining open.

Mr. ITKIN. The cafeteria will remain open until 3 o'clock for the membership, not that I want to go that long, but I do want to be able to deal with this very, very important issue. We had a couple of important issues, one dealing with automobile emissions today, and this one, I believe, is even more paramount.

Let me say this: I guess by the House's rejection of my reasonable amendment to force this commission, if the resolution is adopted, to act in a timely fashion without procrastination, the House's action has allowed me more strongly to oppose the adoption of the resolution.

I want to just refresh the House's memory in terms of what this House has already done with respect to dealing with the issue of violence. You know, you may remember that on November 23, many months ago, this House did pass the Pennsylvania Antiviolence Education initiative known as PAVE and has created a select committee to examine the problems of violence in our society in Pennsylvania and what to do about it. This House in fact told PAVE that it expected its report due by March 31, and so we do have a formalized House committee now investigating the violence and coming back to the House by March 31.

In fact, there have been four meetings scheduled for PAVE. In fact, one is going to occur tomorrow night at the city council chambers in Lancaster, and of course, all House members are invited to the meeting as the committee starts to conduct its hearing process. There will be a hearing on February 3, a hearing on February 10, a hearing on February 14, a hearing on March 2, and a report issued by March 31.

It would seem to me that it would be foolish for this commission, as presented by the Ryan resolution, to fail to meet this deadline and to provide input toward PAVE and deal with the March 31 deadline. I think it could do it. I do not understand why the House would choose to reject early consideration of this issue.

In fact, this particular committee is meeting and being bipartisan. I mean, I would just like members of the House to know who is on this committee from both sides of the aisle. Representative Barley is on the committee, Representative Blaum, Representative Caltagirone, Representative Cowell, Representative DeWeese; Representative Evans chairs the committee; Representative Gruppo, Representative Piccola, Representative Pitts, Representative Richardson, Representative Stairs; Representative Elinor Taylor serves as the vice chairman of the committee; and Representative Veon also serves on the committee.

This committee of the House that we adopted in November is supposed to give us a report on what to do about violence, and if you think that this particular resolution should go and allow this highly blue-ribbon committee to report after the joint committee has made its recommendations, I think it is really a foolish endeavor.

Consequently, I really do not see what this resolution does. All it does is say to the House, let us delay consideration, let us think about this, let us think about this at least until May 30, and if the committee, because it procrastinates, is unable to come to a determination of a recommendation, we can wait, we can wait until November 30, because we have got plenty of time to wait; we do not have to act on this; the people are not in harm's way. I tell you that that is an absolute mistake. That would be a serious, serious mistake made by individual members of this House to adopt a resolution that allows us to procrastinate on this extremely important issue.

Mr. Speaker, I cannot speak more strongly that this resolution, however well intentioned, is ill conceived and is going to produce more problems for this House and for the people we represent, and I urge its rejection.

The SPEAKER. Ms. Ritter is recognized on the Ryan resolution.

Ms. RITTER. Thank you, Mr. Speaker.

I am very surprised, I have to say, because how many times have we sat here and listened to the Republican floor leader and other members of the Republican Caucus talk about how government is too inefficient, it costs too much, we waste too much money, we spend too much time, and yet here today they are willing to spend more money to have a select committee to study an issue on which we have heard very loudly and clearly from our constituents. We know what our constituents are feeling on this issue, and we do not need some select committee, where we have 4 members out of 15 representing the General Assembly, to not only sit around a table and talk about the issue—and I would not have a problem if that were the point of this, to say that the members of these various organizations should get together and sit down and talk about this issue and how best to resolve it—but to talk about having a select committee which is going to go out across the State and hold hearings and have stenographers and have advertisements and all the costs and expenses associated with those types of activities when we do not need to do that.

We can sit here, as Representative Itkin said, and use the committees that we already have in place in the House, and we can call in the representatives of all these groups who are listed here and have discussions about this issue, if that is what we want to do, but the fact remains that this is an issue that needs to be taken up by this General Assembly. We did take it up yesterday. I believe that we violated the wishes of our constituents and we will rely on the Governor now to protect the people of this State by vetoing that bill. So if that is the case, if that is what the House has spoken on this issue, why do we need to study it again? Why do we need to spend the taxpayers' money to study something if we are not going to listen to what our constituents want us to do anyway?

I would suggest that the members that are listed on this resolution as wanting to be involved in this discussion should be included on the violence task force that has already been established. This issue is within the scope of that select committee and would not cost the taxpayers additional dollars for representatives of these various groups to come in and present us with their input. I personally have had discussions with many of these groups, and many other members of this legislature have already done that as well, but if we feel we need to continue to do it, we have other ways of doing it within the framework already established in this House which will not further burden the taxpayers and end up not representing their interests in the end result anyway. Thank you, Mr. Speaker.

The SPEAKER. The gentleman from Philadelphia, Mr. Williams, is recognized on the Ryan resolution.

Mr. WILLIAMS. Thank you, Mr. Speaker.

Mr. Speaker, I would like to ask the maker of the resolution to stand for a brief period of interrogation.

The SPEAKER. Will Mr. Ryan consent to interrogation on his resolution? The gentleman indicates that he will, and Mr. Williams should proceed.

Mr. WILLIAMS. Thank you, Mr. Speaker.

The previous point was raised, and I thought the prior speaker was going to bring up the issue, and that is the cost of this activity. While it may be noteworthy, I would like to know, does the maker of the resolution have any idea of what the cost would be?

Mr. RYAN. No.

Mr. WILLIAMS. Has the maker of the resolution asked for a fiscal note on this issue?

Mr. RYAN. No.

### PARLIAMENTARY INQUIRY

Mr. WILLIAMS. I would like to ask from the Speaker if it is necessary in fact for a fiscal note to be attached to this resolution.

The SPEAKER. Will the gentleman yield momentarily.

Mr. WILLIAMS. Thank you.

The SPEAKER. The Parliamentarian advises that under rule 19(a), no fiscal note would be required under these circumstances.

Mr. WILLIAMS. Well, it is my understanding, Mr. Speaker, that the maker of the resolution, in previous discussion, had in fact outlined a cost limitation of these activities. If I am not correct or incorrect, he can certainly advise me of that, but I would like to know if he is following that same mandate of cost.

Mr. RYAN. Mr. Speaker, I do not know what he said.

Mr. WILLIAMS. I have said to you quite clearly that under prior resolutions when there was a cost incurred, you had suggested to us that there be a limit on that cost.

Mr. RYAN. Sometimes, Mr. Speaker, that is a good idea.

Mr. WILLIAMS. Is it a good idea now, Mr. Speaker?

Mr. RYAN. No.

Mr. WILLIAMS. So you do not think that we should limit the cost in terms of this particular activity?

Mr. RYAN. Mr. Speaker, this resolution is a concurrent resolution, the cost of which is to be shared in by the Senate. There are no salaries to be paid. There are no bells and whistles attached to it. The only costs associated with something like this would be the cost of moving people from place to place to have the hearings; to transcribe, perhaps. There would be no salaries. The staff people would be staff people, presumably, from your caucus, our caucus. The State Police, if they want to put someone into it, would put someone into it at their own expense.

The information I have, of the associations I have talked to, is that they would be most pleased to serve on a distinguished group such as this and would serve without compensation, as I believe most of us expect we would if we were not in the General Assembly at this time. To say anything different, I think, is foolish. I just do not think that it is really relevant to the outcome of this.

You know, the part that is bothering me, really, about all of this is, if you are so sincere about getting, quote, "gun control" passed, where have you been for 12 years?

Mr. WILLIAMS. I was not elected 12 years ago, Mr. Speaker, so I am not quite clear if that is directed at me or the entire body, but—

Mr. RYAN. It is rhetorical. I am sorry, Mr. Speaker. I withdraw my comment.

Mr. WILLIAMS. But I would like to know, Mr. Speaker, on the issue of the interpretation of the rule, the prior— The maker of the resolution has indicated that the cost of this is minimal, but quite frankly, his comments have articulated several items that are quite expensive, and I would also like to know if per diems are going to be paid for this particular activity. Are per diems included in the expense of this activity? If members are going to serve, are they going to collect per diems?

Mr. RYAN. Mr. Speaker, a member of this House— And we have all seen what the members— It has been published in the newspapers, I suspect. I probably have yours. You have mine. I know I have all of yours.

Mr. WILLIAMS. I have all of yours, too.

Mr. RYAN. I know how much you all have claimed in per diems. You know what we have all claimed in per diems.

Mr. WILLIAMS. I would just like an answer to the question, Mr. Speaker.

Mr. RYAN. The Inquirer publishes it all the time.

Mr. WILLIAMS. I would just like an answer to the question.

Mr. RYAN. So, yeah, you are entitled to a per diem, so—

Mr. WILLIAMS. Okay. That is an answer to my question.

Mr. RYAN. —this is legitimate legislative business.

Mr. WILLIAMS. Absolutely right. I just wanted to make sure the taxpayers know how legitimate an expense it is going to be, because I can name— If we are talking about per diems, a stenographer is a salary, the State Police is a salary, as well as the cost of transcribing and printing out all that information; that certainly is an expense, and I do not think it is a minimal expense when we have hearings around here, because certainly you have articulated that point and we have been quite sensitive and responsive to it. I just wanted to make sure everybody is quite clear of what you are putting on us in terms of moving this process along.

Mr. RYAN. Mr. Speaker, was that a question or is interrogation finished?

Mr. WILLIAMS. No, the interrogation is not finished.

Mr. Speaker, I also want—

Mr. RYAN. Well, in response to your question, if you do not care to put in for a per diem or for mileage, I certainly would have no problem with that.

Mr. WILLIAMS. Well, I have not been selected because this has not been passed.

### PARLIAMENTARY INQUIRY

Mr. WILLIAMS. Mr. Speaker, in terms of the rule — the ruling that this does not require a fiscal note under rule 19 — my knowledge of those rules are not that — I am not that aware of what the rules are. I just need to understand why certain items require a fiscal note and why this one does not. The issue of rule 19 does not explain it to me.

The SPEAKER. Rule 19(a), for the information of the gentleman from Philadelphia and the membership, only concerns itself, vis-a-vis fiscal notes, with bills and amendments and conference reports and reports on concurrence. There is nothing in rule 19(a) which deals with fiscal notes that says anything at all about resolutions.

Mr. WILLIAMS. So, Mr. Speaker, I am not quite — I do not remember if we are under suspension of the rules or not, but at what point do we amend that rule and how do we amend that rule and is it appropriate to amend that rule now to include resolutions?

The SPEAKER. The gentleman would have to suspend the rules of the House temporarily to offer an amendment, to make an oral amendment, to rule 19(a).

### MOTION TO SUSPEND RULES

Mr. WILLIAMS. Well, Mr. Speaker, I would ask that we suspend the rules specifically so that we can be accountable to the taxpayers of Pennsylvania and that any expense which is incurred legitimately or nonlegitimately be recognized in an official manner so that certain things are not off the books and certain things are on the books.

So I would ask that members be quite clear of why I am asking for a suspension of the rules — so I can offer an oral amendment so that we can be accountable to the taxpayers of Pennsylvania.

The SPEAKER. The gentleman has moved that the rules be temporarily suspended in order to make an oral amendment to our House rules.

This is not debatable except by the floor leaders.

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

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Ryan.

Mr. RYAN. Mr. Speaker, do I understand that we are going to entertain oral amendments?

The SPEAKER. If the House rules are suspended for that measure, the Chair cannot intercede in the negative and stop it. It can only be halted by a vote of the Assembly.

Mr. RYAN. And what would this oral amendment be?

The SPEAKER. He has not specified it at this juncture.

Mr. RYAN. Well, all right, and nor do I want —

Mr. Speaker, just as a legislator, forgetting that I am a proponent, an advocate, an opponent of this measure, you know, you have got to stop somewhere, and I would oppose the idea of an oral amendment to this or any other measure

that is before the House and accordingly would oppose the suspension of the rules to permit such a thing.

The SPEAKER. The gentleman from Allegheny County, Mr. Itkin, is recognized.

Mr. ITKIN. Mr. Speaker, in order to deal with this problem and get a fiscal impact of what this might cost, I move at this time to have HR 242 reported to the Appropriations Committee for the explicit purpose, Mr. Ryan, of a fiscal note and then to report the resolution back to the House floor as soon as possible.

The SPEAKER. The gentleman, Mr. Itkin, with all due respect, was only recognized for a comment upon the suspension of the rules which was before the House at that time. However, if the gentleman will yield momentarily, the Chair will advise of any other flexibility that might be forthcoming.

The House will stand at ease for 2 minutes.

The Chair recognizes the gentleman from Philadelphia.

Mr. WILLIAMS. I would be happy to yield for the amendment of the majority leader.

The SPEAKER. The gentleman did not have the floor specifically. The gentleman would be in order to withdraw your motion to call for a temporary suspension of the rules in order to offer an oral amendment, and then the gentleman, Mr. Itkin, can have flexibility.

Mr. WILLIAMS. You articulated it much more effectively than I could, so whatever you said, I agree with.

The SPEAKER. The Chair thanks the gentleman.

### MOTION WITHDRAWN

The SPEAKER. The gentleman from Philadelphia, Mr. Williams, withdraws his motion that the rules of the House be temporarily suspended for the consideration of an oral amendment which would impact rule 19(a) regarding fiscal notes on resolutions.

With that being the case, the business before the House right now is the Ryan resolution.

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

### RESOLUTION RECOMMITTED

The SPEAKER. On the Ryan resolution, the Chair recognizes the gentleman, Mr. Itkin.

Mr. ITKIN. Mr. Speaker, I would like to make a motion. I am not trying to delay the action of the House but just trying to resolve this potential impasse.

I would like to make a motion to recommit HR 242 to the Appropriations Committee for the explicit purpose of providing a fiscal note, with directions to the Appropriations Committee to report the resolution out next Monday.

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

The SPEAKER. On the motion to commit, the gentleman, Mr. Evans, is recognized.

Mr. EVANS. I would support the position of the majority leader, and I would vote the resolution out of committee come Monday.

The SPEAKER. The Chair thanks the gentleman.

The gentleman from Delaware is recognized.

Mr. RYAN. Mr. Speaker, I will accept the motion and support the motion with one further amendment — that there be no amendments; in other words, that it be recommitted to the Committee on Appropriations for the sole purpose of receiving a fiscal note and not further changes. If we cannot get an agreement that it comes out the way it goes in with a fiscal note attached, then I would amend this and simply ask that it be laid on the table until Monday and the Appropriations Committee can do its work and give us the bill back and the Speaker will agree that it will be called up on Monday. But every now and again, things happen in the Appropriations Committee.

Mr. EVANS. I am glad you said every now and then.

Mr. RYAN. Yeah, like every time they meet.

Mr. EVANS. Mr. Pitts and I are usually together when we meet.

Mr. RYAN. But not on what happens.

Mr. EVANS. I would agree with the gentleman on the other side of the aisle, and I would assume that my members on the Appropriations Committee would not mind me binding them from offering any amendments. I assume they want to do that since we have a very democratized type of a committee. So I will make sure that the members of the Appropriations Committee will not offer any amendments. Am I right, Keith? You will not offer any amendments? Keith McCall says he is not going to offer any amendments, so we can do it. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair was very flexible in that exchange but feels it was appropriate to be so.

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

The following roll call was recorded:

YEAS—190

Acosta	Fajt	Levdansky	Santoni
Adolph	Fargo	Lloyd	Saurman
Allen	Farmer	Lucyk	Scheetz
Argall	Fee	Lynch	Schuler
Armstrong	Fichter	Maitland	Scrimenti
Baker	Fleagle	Manderino	Semmel
Barley	Flick	Markosek	Serafini
Battisto	Freeman	Marsico	Smith, B.
Bebko-Jones	Gamble	Masland	Smith, S. H.
Belardi	Gannon	Mayernik	Snyder, D. W.
Belfanti	Geist	McCall	Staback
Birmelin	George	McGeehan	Stairs
Bishop	Gerlach	McNally	Steelman
Blaum	Gigliotti	Melio	Steighner
Boyes	Gladeck	Merry	Steil
Brown	Godshall	Michlovic	Stern
Bunt	Gordner	Micozzie	Stetler

Butkovitz	Gruitza	Mihalich	Stish
Buxton	Gruppo	Miller	Stritmatter
Caltagirone	Haluska	Mundy	Sturla
Cappabianca	Hanna	Nickol	Surra
Carn	Harley	Nyce	Tangretti
Carone	Hasay	O'Brien	Taylor, E. Z.
Cawley	Hennessey	Olasz	Taylor, J.
Cessar	Herman	Oliver	Thomas
Chadwick	Hershey	Perzel	Tigue
Civera	Hughes	Pesci	Tomlinson
Clymer	Hutchinson	Petrarca	Trello
Cohen, L. I.	Itkin	Petrone	Trich
Cohen, M.	Jadlowiec	Petit	True
Colafratta	James	Piccola	Tulli
Colaizzo	Jarolin	Pistella	Uliana
Conti	Josephs	Pitts	Vance
Cornell	Kaiser	Platts	Van Horne
Corrigan	Kasunic	Preston	Veon
Cowell	Keller	Raymond	Vitali
Coy	Kenney	Reber	Waugh
Curry	King	Reinard	Williams
Daley	Kirkland	Richardson	Wogan
DeLuca	Krebs	Rieger	Wozniak
Dempsey	Kukovich	Ritter	Wright, D. R.
Dent	LaGrotta	Roberts	Wright, M. N.
Dermodity	Laub	Robinson	Yandrisevits
Donatucci	Laughlin	Roebuck	Yewcic
Druce	Lawless	Rohrer	Zug
Durham	Lederer	Rooney	
Egolf	Leh	Rubley	DeWeese, Speaker
Evans	Lescovitz	Ryan	

NAYS—7

Clark	Hess	Phillips	Saylor
Fairchild	Nailor	Sather	

NOT VOTING—0

EXCUSED—4

Bush	Lee	Rudy	Washington
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The question was determined in the affirmative, and the motion was agreed to.

HEALTH AND WELFARE  
COMMITTEE MEETING

The SPEAKER. David Richardson of Philadelphia is recognized for the purpose of a committee announcement.

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

Mr. Speaker, there will be an immediate meeting of the House Health and Welfare Committee in the back of the House. I ask that you keep the desk open for reports of committee.

The SPEAKER. The Chair will keep the desk open.

The Health and Welfare Committee, Mr. Richardson's committee, will meet immediately at the back of the hall of the House.

VOTE CORRECTION

The SPEAKER. The Chair recognizes the gentleman from Westmoreland.

Mr. MIHALICH. To correct the record, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. MIHALICH. On the final concurrence vote on HB 185 yesterday, I was called off the floor. I came back a little bit too late to cast a vote. Had I been able to do so, I would have voted in the negative.

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

### HOUSE BILLS INTRODUCED AND REFERRED

**No. 2510** By Representatives LYNCH, PITTS, CESSAR, BARLEY, KREBS, SERAFINI, HUTCHINSON, TRELLO, S. H. SMITH, SAYLOR, HANNA, STERN, PETTIT, HERSHEY, ROHRER, CLARK and LEE

An Act requiring the Department of Environmental Resources to conduct a study and issue a report on its tree harvesting practices in State forests.

Referred to Committee on CONSERVATION, February 2, 1994.

**No. 2511** By Representatives ROBERTS, COY, GEIST and MIHALICH

An Act amending the act of July 6, 1989 (P.L.169, No.32), known as the Storage Tank and Spill Prevention Act, permitting certain bulk plant operators to use aboveground storage tanks.

Referred to Committee on CONSERVATION, February 2, 1994.

**No. 2512** By Representatives GAMBLE, LAUGHLIN, FICHTER, BELARDI, MIHALICH, CLYMER, D. R. WRIGHT, BOYES, MARKOSEK, HENNESSEY, BISHOP, MELIO, E. Z. TAYLOR, CESSAR, STABACK, DERMODY, DeLUCA, GEIST, TANGRETTI, YEWIC, SERAFINI and KAISER

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 disposition of public utility realty tax proceeds to local taxing authorities.

Referred to Committee on FINANCE, February 2, 1994.

**No. 2513** By Representatives LUCYK, CHADWICK, NICKOL, MIHALICH, CESSAR, GEIST, M. N. WRIGHT, HENNESSEY, VEON, KAISER, MARKOSEK, WOZNIAK, KUKOVICH, PRESTON, PISTELLA, WILLIAMS, TRELLO, VAN HORNE, BELFANTI, B. SMITH, McCALL, ROONEY, LAUGHLIN, TIGUE, PETRARCA and STABACK

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for special occasion permits.

Referred to Committee on LIQUOR CONTROL, February 2, 1994.

**No. 2514** By Representative HERMAN

A Supplement to the act of June 28, 1993 (P.L.134, No.31), known as the Capital Budget Act of 1993-1994, itemizing public improvement projects and furniture and equipment projects to be constructed or acquired or assisted by the Department of General Services together with their estimated financial costs; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed or acquired by the Department of General Services; stating the estimated useful life of the projects; and making appropriations.

Referred to Committee on APPROPRIATIONS, February 2, 1994.

**No. 2515** By Representatives HANNA, JAROLIN, COWELL, MUNDY, DALEY, PESCI, SAYLOR, FAIRCHILD, KREBS, FLEAGLE, STURLA, M. N. WRIGHT, HENNESSEY, FAJT, SATHER, CARONE, CONTI, PLATTS, PISTELLA, PRESTON, MERRY, B. SMITH, STERN, DRUCE, GERLACH, STEELMAN, CURRY, ARGALL and BELFANTI

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing exclusion from sales tax for governmental construction projects.

Referred to Committee on FINANCE, February 2, 1994.

**No. 2516** By Representatives BUXTON, COY, MUNDY, CAPPABIANCA, DeWEESE, M. COHEN, TIGUE, LAUGHLIN, KING, NAILOR, LEH, M. N. WRIGHT, CESSAR, BELFANTI, ALLEN, STETLER and BEBKO-JONES

An Act providing for the cancellation of contracts for the sales of crypts in mausoleums and niches in columbariums under certain conditions.

Referred to Committee on CONSUMER AFFAIRS, February 2, 1994.

**No. 2517** By Representatives GORDNER, DENT, FAJT, MARSICO, PLATTS, WAUGH, GERLACH, LAUGHLIN, MAITLAND, MELIO, LAUB, HERSHEY, PISTELLA, EGOLF, L. I. COHEN, E. Z. TAYLOR, STURLA, LEDERER, STABACK, TANGRETTI, BAKER, MASLAND, KREBS and MILLER

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for persons ineligible for licensing, for revocation or suspension of operating privilege, and for driving under the influence of alcohol or controlled substance.

Referred to Committee on TRANSPORTATION, February 2, 1994.

**No. 2518** By Representative GAMBLE

An Act amending the act of October 23, 1988 (P.L.1059, No.122), entitled "An act amending the act of April 9, 1929 (P.L.177, No.175), entitled 'An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers

thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined, requiring the Auditor General to periodically audit the affairs of the Pennsylvania Turnpike Commission; further providing for powers and duties of the Department of Agriculture relative to the manufacture and use of ethyl alcohol and the transportation of poultry, and for leases of lands and offices by nonprofit corporations to the Commonwealth; making an editorial change; providing for the exemption from taxes of the lease upon the Eastern Pennsylvania Psychiatric Institute; authorizing and directing The General State Authority and the Department of General Services to remove all restrictions or encumbrances on certain land situate in Philadelphia; authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Environmental Resources, to convey certain easements and parcels of land situate in the Borough of New Hope, Bucks County, Pennsylvania, to the River Road Development Corporation, and to accept the conveyance to the Commonwealth of certain parcels of land in the same borough; authorizing the Department of Environmental Resources to accept the conveyance of an easement in the same borough; authorizing and directing the Department of General Services, with the approval of the Governor, to sell and convey a tract of land situate in East Allen Township, Northampton County, Pennsylvania; authorizing and directing the Department of General Services, with the approval of the Governor and the Secretary of Environmental Resources, to sell and convey a certain parcel of land in Erie County, Pennsylvania; authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Transportation, to convey to the county commissioners of Lackawanna County a tract of land situate in the Borough of Moosic, Lackawanna County, Pennsylvania; authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Public Welfare, to convey to Kirwan Heights Volunteer Fire Department a tract of land situate in Collier Township, Allegheny County, Pennsylvania; authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Public Welfare, to convey a tract of land situate in the City of Pittsburgh, Allegheny County, Pennsylvania; authorizing and directing the Department of General Services, with the approval of the Governor, to convey to the Canon-McMillan School District 3.109 acres of land, more or less, situate in the Borough of Canonsburg, Washington County, Pennsylvania; and making a repeal," further providing for a conveyance of land to the Kirwan Heights Volunteer Fire Department located in Collier Township, Allegheny County.

Referred to Committee on STATE GOVERNMENT, February 2, 1994.

**No. 2519** By Representatives M. COHEN, KENNEY, GORDNER, KREBS, MIHALICH, SAURMAN, TIGUE, M. N. WRIGHT, MELIO, MASLAND, JOSEPHS, HARLEY, LEE, CLARK, MERRY and L. I. COHEN

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for appeals from Commonwealth Court, for allowance of appeals from

Superior and Commonwealth Courts and for original jurisdiction.

Referred to Committee on JUDICIARY, February 2, 1994.

**No. 2520** By Representatives COLAIZZO, B. SMITH, LLOYD, SANTONI, PESCI, TRICH, GORDNER, YEWIC, MILLER, HERSHEY and MAITLAND

An Act amending the act of June 30, 1981 (P.L.128, No.43), known as the Agricultural Area Security Law, providing for agricultural security areas and for installment purchase programs; and further authorizing investment of State money.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, February 2, 1994.

**No. 2521** By Representatives LLOYD, B. SMITH, COLAIZZO, SANTONI, PESCI, TRICH, GORDNER, YEWIC, MILLER, HERSHEY and MAITLAND

An Act amending the act of June 30, 1981 (P.L.128, No.43), known as the Agricultural Area Security Law, providing standards, criteria and requirements for the purchasing of agricultural conservation easements; providing for review of county programs; imposing duties on the State Agricultural Land Preservation Board and county boards; and further providing for subdivision of land and change of ownership.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, February 2, 1994.

**No. 2522** By Representatives MARKOSEK, YANDRISEVITS, LEVDANSKY, GIGLIOTTI, NYCE, CESSAR, FARMER, TRELLO, LAUB, PISTELLA, MERRY, McCALL, HENNESSEY, SAURMAN, COY, L. I. COHEN, KING, BISHOP, ROEBUCK, CLARK, STABACK and WOZNIAC

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 exclusions from sales and use tax.

Referred to Committee on FINANCE, February 2, 1994.

**No. 2523** By Representatives GEORGE, SURRA, MIHALICH, VEON, MELIO, FREEMAN, BLAUM, CESSAR, BUXTON, VAN HORNE, OLASZ, COY, STERN, FAIRCHILD, MUNDY, STABACK, SATHER, PISTELLA, CLARK, McCALL, CAPPABIANCA, LAUGHLIN, MERRY, GORDNER, LAUB, THOMAS, KING, WILLIAMS, PETRARCA, ROONEY, HANNA and CURRY

An Act amending the act of July 13, 1988 (P.L.530, No.94), known as the Environmental Hearing Board Act, providing for the Office of Citizen Advocate for the Environment; and making an appropriation.

Referred to Committee on CONSERVATION, February 2, 1994.

**No. 2524** By Representatives REINARD, LAWLESS, CONTI, DEMPSEY, SATHER, FLEAGLE, LEVDANSKY, LYNCH, FARMER, TIGUE, LAUB, TRUE, ZUG,



JADŁOWIEC, FAIRCHILD, ALLEN, SCHULER, ARGALL, GEIST, PETTIT, HENNESSEY, M. N. WRIGHT, FICHTER, HESS, SEMMEL, L. I. COHEN, SAURMAN, REBER, E. Z. TAYLOR, KING, ADOLPH, CLYMER, PLATTS, LaGROTTA, CORRIGAN, HALUSKA, ARMSTRONG, FAJT, HUTCHINSON, TULLI, CLARK, MARSICO, STEIL, CESSAR, HANNA, BUNT, RAYMOND, GERLACH, MILLER and SERAFINI

An Act providing for mandatory funding of local mandates by State government; providing for definitions; establishing the Office of Local Mandates; providing review requirements; requiring appropriations; establishing the Local Government Mandate Appeals Board; and providing compensation.

Referred to Committee on APPROPRIATIONS, February 2, 1994.

**No. 2525** By Representatives STAIRS, TRELLO, MERRY, HENNESSEY and E. Z. TAYLOR

An Act amending the act of July 9, 1959 (P.L.510, No.137), known as the Pennsylvania Public Lands Act, providing for appraisal fees.

Referred to Committee on STATE GOVERNMENT, February 2, 1994.

**No. 2526** By Representatives NAILOR, EGOLF, VANCE, MASLAND, PICCOLA, GORDNER, SATHER, CESSAR, WAUGH, MAITLAND, FARMER, MUNDY, FARGO, FAIRCHILD, MELIO, LAUB, ARMSTRONG, GEIST, STETLER, HENNESSEY, SAYLOR, L. I. COHEN, E. Z. TAYLOR, KING, S. H. SMITH, PLATTS, FAJT, HUTCHINSON, TULLI, RUBLEY, STERN, GERLACH, MARSICO, MILLER and BATTISTO

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for revocation or suspension of operating privilege and for driving under the influence of alcohol or controlled substance.

Referred to Committee on TRANSPORTATION, February 2, 1994.

**No. 2527** By Representatives VANCE, EGOLF, MASLAND, NAILOR, PICCOLA, SATHER, CESSAR, MAITLAND, FARMER, FARGO, MELIO, LAUB, ARMSTRONG, GEIST, SAYLOR, L. I. COHEN, ULIANA, E. Z. TAYLOR, KING, PLATTS, FAJT, HUTCHINSON, TULLI, RUBLEY, STERN, MARSICO, GERLACH and MILLER

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for driving under the influence.

Referred to Committee on TRANSPORTATION, February 2, 1994.

**No. 2528** By Representatives MASLAND, EGOLF, NAILOR, VANCE, PICCOLA, SATHER, CESSAR, WAUGH, MAITLAND, FARMER, FAIRCHILD, MELIO, LAUB, ARMSTRONG, GEIST, HENNESSEY, SAYLOR, L. I. COHEN, ULIANA, E. Z. TAYLOR, KING, S. H. SMITH, FAJT, HUTCHINSON, TULLI, STERN, MARSICO, GERLACH, MILLER and RUBLEY

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for driving while operating privilege is suspended or revoked.

Referred to Committee on TRANSPORTATION, February 2, 1994.

**No. 2529** By Representatives LLOYD, ROHRER, COY, CAPPABIANCA, HERSHEY, HERMAN, MELIO, JAROLIN, JOSEPHS, PISTELLA, PETRARCA, ARGALL, PRESTON, KUKOVICH, MERRY, TANGRETTI, FAJT, VEON, STEELMAN, LAUGHLIN, McCALL and CLARK

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, further providing for Energy Development Authority indebtedness.

Referred to Committee on APPROPRIATIONS, February 2, 1994.

**No. 2530** By Representatives FREEMAN, SAYLOR, MIHALICH, COWELL, GEIST, TIGUE, NICKOL, SURRA, KUKOVICH, DEMPSEY, NAILOR, BARLEY, HESS, MASLAND, WAUGH, LEH, KREBS, CARONE, B. SMITH, LAWLESS, TRELLO, CESSAR, MAITLAND, CURRY, FARMER, MELIO, ZUG, MERRY, LAUB, EGOLF, KELLER, HENNESSEY, SAURMAN, COY, L. I. COHEN, VAN HORNE, BAKER, STABACK, TANGRETTI, BISHOP, RUBLEY, LEE and BELFANTI

An Act amending the act of May 13, 1915 (P.L.286, No.177), known as the Child Labor Law, further providing for the hours of activity of minor members of certain volunteer organizations.

Referred to Committee on LABOR RELATIONS, February 2, 1994.

**No. 2531** By Representatives ALLEN, LUCYK, ARGALL, NYCE, ULIANA, SEMMEL, DENT, D. W. SNYDER, PHILLIPS and FAIRCHILD

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the expungement of certain arrest records relating to sexual offenses.

Referred to Committee on JUDICIARY, February 2, 1994.

**No. 2533** By Representatives CURRY, WAUGH, DENT, NICKOL, SAYLOR, CARN, STEIGHNER, ROBERTS, MARKOSEK, TRELLO, FAIRCHILD, NAILOR, BEBKO-JONES, STEIL, RUBLEY, LYNCH, MARSICO, BUNT, LEDERER, HERSHEY, LAUGHLIN, LAUB, STEELMAN and ROEBUCK

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for terms of members of the General Assembly.

Referred to Committee on STATE GOVERNMENT, February 2, 1994.

**No. 2535** By Representatives GRITZA and COLAFELLA

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, further providing for the payment of certain fire loss claims.

Referred to Committee on INSURANCE, February 2, 1994.

### HOUSE RESOLUTIONS INTRODUCED AND REFERRED

**No. 234** By Representatives LYNCH, GEIST, FARMER, SAURMAN, STEIL, DeLUCA, BUNT, EGOLF, RUBLEY, SERAFINI, REINARD, SATHER and LEE

A Resolution amending House Rule 76.

Referred to Committee on RULES, February 2, 1994.

**No. 235** By Representatives LYNCH, BARLEY, ARMSTRONG, SERAFINI, RUBLEY, FARMER, HERSHEY, LEH, LAUB, TRELLO, ADOLPH, ARGALL and STEIL

A Resolution establishing a committee to review the annual schedule for the House of Representatives and make recommendations.

Referred to Committee on RULES, February 2, 1994.

**No. 236** By Representatives LYNCH, GEIST, JADLOWIEC, CESSAR, PITTS, WAUGH, ZUG, HERSHEY, HUTCHINSON, BARLEY, MERRY, HANNA, SAURMAN, HENNESSEY, ROHRER, BAKER and CLYMER

A Resolution establishing a committee to investigate the tree harvesting practices of the Department of Environmental Resources in State forests.

Referred to Committee on RULES, February 2, 1994.

**No. 237** By Representatives BISHOP, FICHTER, GORDNER, OLIVER, RUBLEY, HERSHEY, CESSAR, FAJT, VEON, ROONEY, D. R. WRIGHT, ROBINSON, MELIO, DeLUCA and STABACK

A Resolution directing the Aging and Youth Committee to study problems of abuse of mental patients.

Referred to Committee on RULES, February 2, 1994.

**No. 238** By Representatives BISHOP, FICHTER, BEBKO-JONES, OLIVER, SANTONI, HERSHEY, COY, FAJT, VEON, ROONEY, ROBINSON, ROBERTS and JOSEPHS

A Resolution committing State government to the reduction of violence.

Referred to Committee on RULES, February 2, 1994.

**No. 239** By Representatives FICHTER, LAUB, BAKER, GLADECK, JAROLIN, BEBKO-JONES, ALLEN and MILLER

A Resolution proclaiming the week of February 7 through 11, 1994, as "School Counseling Week" in Pennsylvania.

Referred to Committee on RULES, February 2, 1994.

**No. 240** By Representatives CLYMER, FICHTER, BAKER, M. COHEN, GAMBLE, MELIO, HERSHEY, TRUE, FARGO, ARMSTRONG, PITTS, REBER, ROHRER, WASHINGTON and BATTISTO

A Resolution memorializing Congress to form a national commission to study compulsive gambling.

Referred to Committee on FEDERAL-STATE RELATIONS, February 2, 1994.

**No. 241** By Representatives CLYMER, BAKER, BELARDI, GORDNER, SANTONI, SATHER, NYCE, TIGUE, LYNCH, MUNDY, FARMER, FARGO, NAILOR, PETRARCA, DeLUCA, MELIO, LAUB, DENT, ROONEY, ROHRER, TRUE, SCHULER, ARMSTRONG, ARGALL, McCALL, HENNESSEY, SAYLOR, SEMMEL, L. I. COHEN, RUBLEY, BISHOP, E. Z. TAYLOR, KING, ADOLPH, PLATTS, FAJT, CORRIGAN, LUCYK, OLASZ, TANGRETTI, STABACK, HASAY, PISTELLA, WASHINGTON, GODSHALL and MILLER

A Resolution memorializing Congress to investigate mysterious medical symptoms of veterans of Operation Desert Storm.

Referred to Committee on MILITARY AND VETERANS AFFAIRS, February 2, 1994.

### BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

**HB 2187, PN 2716**

By Rep. COWELL

An Act amending the act of June 20, 1947 (P.L.745, No.320) entitled, as amended, "An act to provide revenue for school districts of the first class A by imposing a temporary mercantile license tax on persons engaging in certain occupations and businesses therein; providing for its levy and collection; for the issuance of mercantile licenses upon the payment of fees therefor; conferring and imposing powers and duties on boards of public education, receivers of school taxes and school treasurers in such districts; saving certain ordinances of council of certain cities, and providing compensation for certain officers, and employes and imposing penalties," further providing for license fees.

EDUCATION.

**BILL SIGNED BY SPEAKER**

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

**HB 906, PN 3105**

An Act requiring timely payment to certain contractors and subcontractors; and providing remedies to contractors and subcontractors.

**BILL REPORTED AND REREFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE****HB 2171, PN 2680** By Rep. RICHARDSON

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.

**HEALTH AND WELFARE.****THE SPEAKER PRO TEMPORE (PHYLLIS MUNDY) PRESIDING****ANNOUNCEMENT BY MR. VITALI**

The SPEAKER pro tempore. The Chair recognizes Mr. Vitali.

Mr. VITALI. Madam Speaker, I would like to announce a brief meeting, an organizational meeting, of the Delaware County Democratic Caucus at the rear of the House now.

The SPEAKER pro tempore. The Chair thanks the gentleman.

**BILLS REMOVED FROM TABLE**

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

Mr. ITKIN. Madam Speaker, I move that the following bills be taken off the table and placed on the active calendar:

HB 1109;  
HB 1519;  
HB 1520;  
HB 1521;  
HB 1701;  
HB 2193;  
HB 2379;  
HB 2398;  
HB 2453; and  
SB 1103.

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

**BILLS RECOMMITTED**

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

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

HB 1109;  
HB 1519;  
HB 1701;  
HB 2379; and  
SB 1103.

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

**BILLS ON SECOND CONSIDERATION**

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

**HB 1520, PN 3142; HB 1521, PN 3143; HB 2193, PN 3144; HB 2398, PN 3013; and HB 2453, PN 3145.**

**RECESS**

The SPEAKER pro tempore. 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.

**THE SPEAKER PRO TEMPORE (LOUISE WILLIAMS BISHOP) PRESIDING****HOUSE RESOLUTION INTRODUCED AND REFERRED**

**No. 244** By Representatives M. COHEN, PITTS, VEON, DENT, BELARDI, KENNEY, CAPPABIANCA, RUBLEY, OLASZ, NYCE, PESCI, BAKER, GIGLIOTTI, FAJT, SERAFINI, STABACK, KING, SANTONI, O'BRIEN, BISHOP, MARSICO, CURRY, PICCOLA, MIHALICH, SCHULER, YANDRISEVITS, ADOLPH, TIGUE, CLARK, BATTISTO, HUTCHINSON, DALEY, HERMAN, LAUGHLIN, HENNESSEY, ROONEY, HARLEY, DeLUCA, CESSAR, WILLIAMS, GAMBLE, SCRIMENTI, PISTELLA, GRUTZTA, KASUNIC, L. I. COHEN and LEDERER

A Resolution memorializing the Senate Foreign Relations Committee and the House Foreign Affairs Committee in Congress to hold open general hearings regarding the plight of the men, women and children caught in the war in Bosnia, Hercegovina.

Referred to Committee on RULES, February 2, 1994.

**BILLS AND RESOLUTIONS PASSED OVER**

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

**ADJOURNMENT**

The SPEAKER pro tempore. The Chair recognizes Allan Egolf of Perry.

Mr. EGOLF. Thank you, Madam Speaker.

Madam Speaker, I move that this House do now adjourn until Monday, February 7, 1994, at 1 p.m., e.s.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 10:59 p.m., e.s.t., the House adjourned.