COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, MARCH 22, 1994

SESSION OF 1994 178TH OF THE GENERAL ASSEMBLY No. 20

HOUSE OF REPRESENTATIVES

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

THE SPEAKER PRO TEMPORE (PHYLLIS MUNDY) PRESIDING

PRAYER

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

Let us pray:

Father, this is a day that You have made. We shall rejoice and be glad in it. We cannot boast about tomorrow because we do not know what a day will bring, but we can take full advantage of this day and hour to do Your will.

You told us in the words of Goethe:

> When indecision brings its own delays
> And days are lost lamenting o'er lost days,
>
> Are you in earnest? Seize this very minute.
> What you can do – or dream you can – begin it.
>
> Courage has genius, power, and magic in it.
> Only engage and then the mind grow heated.
>
> Begin it and the work will be completed.

Dear God, whatever good we can do this day, let us neither neglect nor defer it, for we pass this way but once.

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 of Monday, March 21, 1994, will be postponed until printed. The Chair hears no objection.

JOURNAL APPROVED

The SPEAKER pro tempore. The Journal for Wednesday, October 6, 1993, is in print and will be approved unless the Chair hears an objection.

GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair welcomes to the hall of the House guests of our member, Peter Zug – Pastor Penrose Hoover of Salem Lutheran Church in Lebanon, and with him visiting from Germany are Pastor and Mrs. Geezen, Mr. and Mrs. Schmering, and Mr. and Mrs. Kroos and children. Welcome.

The Chair welcomes the guests of Representative Patricia Vance and Representative Jerry Nailor from the Cumberland Valley Youth in Government – Jonathan Burks, Minal Singh, Joel Hock, and Benjamin Lentz. Welcome.

The Chair welcomes exchange students from Poland, the guests of the Blair County delegation, seated to the left of the Speaker's rostrum. Welcome them, please.

LEAVES OF ABSENCE

The SPEAKER pro tempore. Are there requests for leaves of absence?

Representative Steighner.

Mr. STEIGHNER. Thank you, Madam Speaker.

Madam Speaker, I would ask for leave for today only for the gentleman from Philadelphia, Mr. BUTKOVITZ; the gentleman from Mercer, Mr. GRUITZA; the gentleman from Philadelphia, Mr. HUGHES; and the gentleman from Westmoreland, Mr. PETRARCA.

The SPEAKER pro tempore. Without objection, leaves of absence are granted.

There are no leaves on the Republican side.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT–196

Acosta	Fargo	Lynch	Saurman
Adolph	Farmer	Maitland	Saylor
Allen	Fee	Manderino	Scheetz

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—6

Boyes	Butkovitz	Hughes	Petrarca
Bush	Gruitza		

LEAVES ADDED—2

McNally	Platts

LEAVES CANCELED—1

Platts

GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair welcomes Charles Malloy, director of safety for the Lower Bucks County Hospital, who is the guest of Representatives Melio and Corrigan. He is located to the left of the Speaker.

The Chair welcomes a guest page, Brian Schopter, a fourth grade student at Holy Name of Jesus School in Lower Paxton Township, who is the guest of Representative Marsico.

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 2624, PN 3369; HB 2625, PN 3370; and **HB 2626, PN 3371.**

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1264, PN 3248**, entitled:

An Act regulating the production, storage, distribution and sale of maple products; providing for additional duties of the Department of Agriculture; and providing penalties.

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—195

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

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

NAYS—0

NOT VOTING—1

Acosta

EXCUSED—6

Boyes	Butkovitz	Hughes	Petrarca
Bush	Gruitza		

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

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

* * *

The House proceeded to third consideration of **HB 2561, PN 3288**, entitled:

An Act amending the act of September 2, 1965 (P.L.490, No.249), referred to as the Money Transmission Business Licensing Law, further providing for exemptions, for qualifications for a license, for fee, financial statement and security and for authority of the Department of Banking.

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—195

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

NAYS—0

NOT VOTING—1

Acosta

EXCUSED—6

Boyes	Butkovitz	Hughes	Petrarca
Bush	Gruitza		

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

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

* * *

The House proceeded to third consideration of **HB 2563, PN 3289**, entitled:

An Act amending Title 17 (Credit Unions) of the Pennsylvania Consolidated Statutes, further providing for definitions, for bylaws, for powers, for regulation by Department of Banking, for

Daley	Kukovich	Rieger	Waugh
DeLuca	LaGrotta	Ritter	Williams
Dempsey	Laub	Roberts	Wogan
Dent	Laughlin	Robinson	Wozniak
Dermody	Lawless	Roebuck	Wright, D. R.
Donatucci	Lederer	Rohrer	Wright, M. N.
Druce	Lee	Rooney	Yandrisevits
Durham	Leh	Rubley	Yewcic
Egolf	Lescovitz	Rudy	Zug
Evans	Levdansky	Ryan	
Fairchild	Lloyd	Santoni	DeWeese,
Fajt	Lucyk	Sather	Speaker
Fargo			

NAYS–0

NOT VOTING–1

Acosta

EXCUSED–6

Boyes	Butkovitz	Hughes	Petrarca
Bush	Gruitza		

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 353, PN 2964**, entitled:

An Act amending the act of April 9, 1929 (P. L. 343, No. 176), known as The Fiscal Code, further providing for penalties for failure to make certain payments by electronic transfer and for failure to file returns or documents or for filing false or fraudulent returns or documents; adding and amending certain definitions; regulating activities regarding uncashed Commonwealth checks and abandoned and unclaimed property; providing for the revival and priority of tax liens; providing for the timely filing of petitions for resettlement, redetermination, reassessment or similar petitions; adding provisions relating to political subdivision procurement interest payments; transferring certain powers from the Governor to the Secretary of the Commonwealth; and making editorial changes.

On the question,
Will the House concur in Senate amendments?

BILL TABLED

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

Mr. ITKIN. Madam Speaker, I move that HB 353, PN 2964, be placed on the table.

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

BILL REMOVED FROM TABLE

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

Mr. ITKIN. Madam Speaker, I move that HB 353 be taken off the table.

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

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **SB 1103, PN 1259**, entitled:

An Act mandating health insurance coverage of annual gynecological examinations and routine pap smears; and making repeals.

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

Mr. GANNON offered the following amendment No. A0498:

Amend Sec. 3, page 2, line 16, by striking out "Any" and inserting

Except for specified disease policies, any

Amend Sec. 4, page 3, by inserting between lines 11 and 12

(3) Any follow-up gynecological examination and pap smear for symptomatic women when the initial examination and pap smear prove inconclusive.

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

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

Mr. GANNON. Thank you, Madam Speaker.

Madam Speaker, this Senate bill provides for the payment of an annual gynecological examination and Pap smear for women who are at risk of cervical cancer, and this is good. However, there is a problem with the bill as written.

When a woman goes to her doctor for her examination and Pap smear, one of three things can happen. The first is that she is given a clean bill of health and told that the results of the examination and test are negative. The second and perhaps the most unfortunate is that the results are positive—well, not unfortunate if it is detected early—but the results of the test are positive and she then would have to undertake treatment to cure the cancer that has been detected. The third scenario is perhaps the most fearful and perhaps the most dreaded, and that is that the results of the examination and test are inconclusive. In that instance, that woman is going to have to come back to the doctor for a followup examination and test within several weeks or perhaps a few months. The problem that we have is that that followup examination will not be covered, and my concern is that that woman would defer having the needed followup examination and test because there is no insurance to pay for that examination and Pap smear.

What my amendment says is, where a woman is found to be symptomatic and the results are inconclusive and the physician needs that followup examination and test, that this would be covered by that woman's health insurance. I just think probably the most important group that we would want to reach out to are those women who are symptomatic, where the test is inconclusive, and the physician wants to see them one more time. I think it is so important that we make certain, of all those who would have the necessary insurance coverage, that that group have that insurance coverage. My amendment says, yes, you do not have to worry; the insurance will pay for that second examination and test.

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

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

Ms. MANDERINO. Thank you, Madam Speaker.

Madam Speaker, I rise in opposition to the Gannon amendment, 0498.

It is my understanding that the Gannon amendment does a lot more from a substantive level to what is trying to be accomplished in SB 1103 than was just explained. It is my understanding, as a matter of fact, that amendment 0498 would have the practical implication of gutting the whole notion behind SB 1103, and I would like to explain that.

Right now what the amendment, as Mr. Gannon explained it, would do is in fact what happens now; meaning, if a woman goes to the gynecologist and the first time has the office visit and exam and test at her own expense and then it comes up as inconclusive requiring the second testing, right now it is now classified as something that is then medically necessary and so therefore already covered. What SB 1103 is attempting to do is to say that we recognize that the need for an examination and a Pap smear as a first-step, initial preventative measure is very important to the physical health of the woman and therefore we want it to be covered at the first instance.

Everything has shown in medical science that cervical cancer is preventable. The biggest and most effective way to prevent it is to detect it at the onset and to detect it through initial and regular Pap smears and exams. If we do not allow the initial Pap smear, both office visit and exam, to be covered, it will be a significant financial barrier to women getting the preventative care we need. That is the whole notion behind what SB 1103 is attempting to do.

I ask you to please not, not get rid of the intent of SB 1103 by passing the Gannon amendment. I ask you to please vote against the Gannon amendment and allow this initial preventative protection, which is so necessary for women's health, to get passed today. Thank you.

THE SPEAKER (H. WILLIAM DeWEESE) PRESIDING

The SPEAKER. The gentlelady, Ms. Ritter, is recognized.

Ms. RITTER. Thank you, Mr. Speaker.

I rise also to oppose the Gannon amendment.

While I am sure the women of Pennsylvania appreciate the gentleman, Mr. Gannon's experience in this area, I will tell you that we have letters from Blue Shield and from U.S. Healthcare which points out exactly what the lady, Ms. Manderino, just said. If the first diagnostic Pap smear is inconclusive or has a positive reading, the next Pap smear would be prescribed by a physician and therefore would be considered a medically necessary procedure, which is already covered under existing insurance policies and would be required to be covered under SB 4. The only purpose for this amendment is to delay the passage of this legislation.

So if you want to actually accomplish something for the women of Pennsylvania, you need to vote against this amendment because it is designed only to delay the bill. There is no purpose for this amendment except for that, because the language is already covered sufficiently in current law and in the bill, and I would ask the members to vote against it.

The SPEAKER. The gentleman from Beaver, Mr. Colafella, is recognized on the Gannon amendment.

Mr. COLAFELLA. Thank you, Mr. Speaker.

I also rise to oppose the Gannon amendment.

Quite frankly, his amendment is not necessary, because as Representative Manderino clearly illustrated, if they find out the problem at the initial evaluation, any followup examination is taken care of.

I would appreciate a negative vote on the Gannon amendment.

The SPEAKER. The gentleman from Washington County, Mr. Trich, is recognized on the Gannon amendment.

Mr. TRICH. Thank you, Mr. Speaker.

I also rise in opposition to this amendment.

I would merely remind members on both sides of the aisle that this is only the beginning part of what undoubtedly will be a long year of debates on health care and health care cost-related issues.

If we would forget about all the debate up to this point and merely look at it from a cost-savings element, something that I think all of us can agree to, whether you are supportive of the Governor's health care plan or not, whether you are supportive of the Clinton administration's health care plan or not, there is one thing we all must agree upon, and that is finding ways to reduce health care costs. This bill in its present form, without the Gannon amendment, will do just that. The only argument involved in cost containment on these types of measures is whether or not we will see a savings of $10 for every dollar spent on prevention or 14 dollars' worth of savings for every dollar of prevention.

Therefore, let us begin the health care issue on the right foot, and the right foot would be to defeat the Gannon amendment and to pass the Senate bill as it arrived here. Thank you.

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, as those of us who have been around here for some time know, what the legislative process is best at is killing bills.

This is a somewhat complicated amendment. This bill is a relatively simple bill which has the support of the majority of the State Senate. It is not at all clear that the Gannon amendment will have a majority of the State Senate.

This bill, as now stated, is something that can pass, become law in a very, very short period of time. The women of Pennsylvania need very, very prompt action. Passing this bill in the form the Senate gave us this bill gives us assurances of prompt action.

I strongly urge the defeat of the Gannon amendment.

The SPEAKER. The gentleman from Delaware, Mr. Gannon, for the second time on the amendment.

Mr. GANNON. Mr. Speaker, I would like to interrogate Representative Cohen.

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

Mr. GANNON. Mr. Speaker, you seem to feel that this is complicated. Let me walk you through it a step at a time to help you understand this amendment.

Now, SB 1103 provides for an annual gynecological– Excuse me. Let me ask the question.

Mr. COHEN. Mr. Speaker, let me explain to you what I mean, the meaning of it. I do not–

Mr. GANNON. Excuse me; excuse me. Let me ask a question, okay?

Mr. COHEN. Mr. Speaker, I decline to answer questions in that case.

(Additional remarks by Mr. Gannon at this point were voluntarily stricken from the record.)

The SPEAKER. The gentleman, Mr. Gannon, has just made an ad hominem attack.

Mr. GANNON. Strike those remarks, Mr. Speaker.

The SPEAKER. Those remarks will be struck from the official record.

The gentleman, Mr. Colafella, is recognized for the second time. The gentleman indicates he does not seek recognition on the Gannon amendment.

On the Gannon amendment, further debate. No further debate?

Mr. GANNON. Mr. Speaker?

The SPEAKER. The gentleman has already–

Mr. GANNON. That was for interrogation, Mr. Speaker, which he declined.

The SPEAKER. The Chair is going to show his usual magnanimity. The gentleman may proceed.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, this is not a complex amendment, and I am shocked and amazed that these young women would get up on the floor and say, forget about those women who have been told that this is asymptomatic and they have to be seen again. First of all, Mr. Speaker, this is not covered under existing insurance. Now, it is true, maybe the test will be covered, but that is the least costly part of this process. The examination is the expensive part, and that is not covered.

What I am simply saying is, let us give those women some hope. Let us show them that we have compassion and we care. When that test comes back asymptomatic, let us say, yes, we are willing to ask those insurance companies to pay not only for that test but also for that second examination that will be needed, and you do not have to be fearful of going back for that second visit and not being covered by insurance.

This is a relatively simple amendment. It is very simple. It is much needed. It is much needed for those women that go in and are told the results are inconclusive. That is probably the most fearful thing that they could hear, and they will not have an answer for several weeks or perhaps several months. At least we can give them the compassion of saying, you do not have to be worried about coming back for that second examination; it will be covered, that second test will be covered, and hopefully those test results will be negative.

Mr. Speaker, I ask for a "yes" vote on this amendment. Let us give the women of Pennsylvania a real chance.

The SPEAKER. On the Gannon amendment, Mr. Colafella from Beaver.

Mr. COLAFELLA. Mr. Speaker, we will give the women of Pennsylvania an opportunity to have a free gynecological examination with the passage of this bill without this amendment. This amendment is simply an attempt to delay the passage of this particular piece of legislation.

The legislation that we have before us has been evaluated by the Health Care Cost Containment Council, which may be an increase of 22 cents per Blue Shield subscriber. We feel it is very necessary that we have this done for the women of Pennsylvania. A vote against the Gannon amendment, quite frankly, is a vote for the women of Pennsylvania, so I urge you to vote against this amendment.

The SPEAKER. The gentleman from Franklin, Mr. Coy, on the Gannon amendment.

Mr. COY. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to the amendment.

The bottom line seems to be, no matter how many other good efforts we want to seek to make, other interests that need to be covered or may need to be covered, the bottom line in the current legislative situation that we find ourselves is that the best way to provide the protection for women that the original bill provides for is to pass this bill unamended and send it directly to the Governor. To do that, the key word is obviously "unamended."

No matter how many other good causes we come up with, how many other good ideas, the bottom line is if you really want to help now, if you want to help the cause for which this bill was written, it must be unamended and it must go right to the Governor. That in and of itself is reason enough for opposition to the amendment and I think makes sense.

I ask for opposition to the amendment so we can get on with the bill, on with final passage, and get the measure to the Governor, which bill awaits his signature. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—38

Adolph	Durham	Leh	Rubley
Allen	Fichter	Lynch	Saurman
Argall	Gannon	Micozzie	Semmel
Birmelin	Gerlach	Nyce	Smith, S. H.
Brown	Harley	Perzel	Snyder, D. W.
Bunt	Hasay	Pitts	Stairs
Civera	Hennessey	Raymond	Uliana
Cohen, L. I.	Hershey	Reber	Wright, M. N.
Cornell	Jadlowiec	Rohrer	Zug
Dent	Lawless		

NAYS—155

Armstrong	Fleagle	Markosek	Scheetz
Baker	Flick	Marsico	Schuler
Barley	Freeman	Masland	Scrimenti
Battisto	Gamble	Mayernik	Serafini
Bebko-Jones	Geist	McCall	Smith, B.
Belardi	George	McGeehan	Staback
Belfanti	Gigliotti	McNally	Steelman
Bishop	Gladeck	Melio	Steighner
Blaum	Godshall	Merry	Steil
Burns	Gordner	Michlovic	Stern
Buxton	Gruppo	Mihalich	Stetler
Caltagirone	Haluska	Miller	Stish
Cappabianca	Hanna	Mundy	Strittmatter
Carn	Herman	Nailor	Sturla
Carone	Hess	Nickol	Surra
Cawley	Hutchinson	O'Brien	Tangretti
Chadwick	Itkin	Olasz	Taylor, E. Z.
Clark	James	Oliver	Taylor, J.
Clymer	Jarolin	Pesci	Thomas
Cohen, M.	Josephs	Petrone	Tigue
Colafella	Kaiser	Pettit	Tomlinson
Colaizzo	Kasunic	Phillips	Trello
Conti	Keller	Piccola	Trich
Corrigan	Kenney	Pistella	True
Cowell	King	Platts	Tulli
Coy	Kirkland	Preston	Vance
Curry	Krebs	Reinard	Van Horne
Daley	Kukovich	Richardson	Veon
DeLuca	LaGrotta	Rieger	Washington
Dempsey	Laub	Ritter	Waugh
Dermody	Laughlin	Roberts	Williams
Donatucci	Lederer	Robinson	Wogan
Druce	Lee	Roebuck	Wozniak
Egolf	Lescovitz	Rooney	Wright, D. R.
Evans	Levdansky	Rudy	Yandrisevits
Fairchild	Lloyd	Ryan	Yewcic
Fajt	Lucyk	Santoni	
Fargo	Maitland	Sather	DeWeese,
Farmer	Manderino	Saylor	Speaker
Fee			

NOT VOTING—3

Acosta	Cessar	Vitali

EXCUSED—6

Boyes	Butkovitz	Hughes	Petrarca
Bush	Gruitza		

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?

Mr. GANNON offered the following amendment No. A1132:

Amend Title, page 1, line 2, by striking out "and" where it appears the first time and inserting a comma
Amend Title, page 1, line 2, by inserting after "smears" and periodic tests for prostate cancer
Amend Sec. 1, page 1, line 6, by inserting after "Women's" and Men's
Amend Sec. 2, page 1, line 12, by inserting after "women" and men
Amend Sec. 2, page 1, line 13, by inserting after "women" and men
Amend Sec. 2, page 2, by inserting between lines 11 and 12
(8) Prostate cancer is the second highest cause of death for men over 50 years of age.
(9) Very few men have prostate specific antigen tests on an annual basis.
Amend Sec. 4, page 3, by inserting between lines 12 and 13
(3) Annual prostate examination for men 50 years of age and older and for men 40 years of age or older who are at high risk and those with a family history of prostate cancer.
(4) Routine prostate specific antigen tests for men 50 years of age and older and for men 40 years of age or older who are at high risk and those with a family history of prostate cancer.

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

The SPEAKER. On the amendment, the gentleman, Mr. Gannon, is recognized.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, this amendment addresses the second highest cause of death among men over 50 years of age. The bill provides for annual gynecological examinations and tests, Pap-smear tests, for women. What this amendment provides is an annual examination and test, these annual tests for prostate cancer, for men.

Now, it is a very simple test, and it is not covered by any insurance – not covered by any insurance. It is a prostate antigen test, and it is a simple test that requires 48 hours for a man, predominantly in the high-risk areas of men over 50 and those men over 40 who are at high risk and who have a family history of prostate cancer. And interestingly enough, Mr. Speaker, the men over 40 who are at the highest risk are black men. They have the highest risk of prostate cancer over 40. But this covers those individuals over 40 who are at high risk and have a family history of prostate cancer, and the amendment provides coverage for the test for men 50 years of age or older.

Mr. Speaker, this is the second highest killer of men over 50 in the United States. Here is an opportunity to clear the way for insurance coverage for this test, which is not currently covered by insurance, runs around $40 or $50, to encourage men over 50 and those men who are at high risk over 40 to have this examination and this test conducted to catch that prostate cancer early, have it detected, and have it taken care of, and eliminate this as being the second highest cause of death among men over 50 in the United States.

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

The SPEAKER. The gentleman, Mr. Lee, is recognized on the Gannon amendment.

Mr. GANNON. This does not gut the bill.

The SPEAKER. Mr. Lee.

Mr. LEE. Thank you, Mr. Speaker.

I rise to oppose the Gannon amendment, I guess for slightly different reasons than some of the other speakers that may be rising.

I rise to oppose the Gannon amendment not because I am opposed to people who are of the age who might have prostate cancer. In fact, I am going to oppose this bill not because I am against women. And I did not oppose other mandatory benefits, for instance on psychological services, because I do not support people with psychological illnesses. I did not oppose our efforts or our mandates on drug and alcohol because I am against people who might have drug or alcohol addictions. I am not against women because I opposed mandatory health insurance for mammograms. I am opposing this amendment and this bill because I am fundamentally opposed to the idea of government mandating a whole Chinese laundry list of services under health insurance policies. These are private contracts between private citizens and private entities, and I believe that I as a person, as an individual, should be able to enter into whatever contract with my insurance company I would like to for whatever services I would like.

Time and time and time and time again I hear from my constituents. They are not complaining about what services so much are covered by their health insurance policies; they are complaining because they cannot afford a health insurance policy at all, and like it or not, this is going to once again add to the cost of health insurance policies in Pennsylvania.

The question I have here is, if I am a man who is going to have a prostate cancer test, would I rather pay my doctor directly for that or do I want to pay $50 extra in insurance costs so therefore my insurance company pays for that? I think I should have the ability to choose which way I should go, the ability to contract with my insurance company in the way I want to, and therefore, I oppose this amendment and any other government mandate on health insurance policies. Thank you very much.

The SPEAKER. The gentleman, Mr. Cohen, is recognized on the Gannon amendment.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, there is a distinct lack of enthusiasm in the business community and in the insurance industry for new legislative mandates. We all know that. In order to get a new legislative mandate through both Houses of the General Assembly and signed by the Governor requires extensive deliberation at a committee level in order to build up the necessary level of consensus for a bill to become law. Mr. Gannon's attempt to end-run this process will merely overload this bill and make it extremely unlikely that SB 1103 will become law in this legislative session.

SB 1103 is a worthwhile bill in itself. It has gone through the hurdles that are necessary to become law. I strongly urge that SB 1103 be preserved as it is and this Gannon amendment be defeated. At some later time we can look at the issue of prostate examinations that are raised by Mr. Gannon's amendment and we can try to build up the necessary consensus on this addition, but as for right now, today, this amendment ought to be defeated. I urge everyone to vote to do that.

The SPEAKER. The Chair thanks the gentleman and recognizes the lady from Lehigh, Ms. Ritter.

Ms. RITTER. Thank you, Mr. Speaker.

I wonder if the gentleman, Mr. Gannon, might stand for interrogation?

The SPEAKER. The gentleman indicates he will, and the lady may proceed.

Ms. RITTER. Thank you, Mr. Speaker.

You seem to be very passionate about this subject, and I am wondering, was there a bill that you might have introduced in this session or a previous session on this subject of annual prostate exams?

Mr. GANNON. No, and that is a good question, because I only recently found out that this was not covered and I only just found out last week how important this test is insofar as the early detection of prostate cancer is concerned.

Ms. RITTER. All right. Well, thank you--

Mr. GANNON. This only came to my attention last week and that is why I introduced this as an amendment--

Ms. RITTER. Thank you, Mr. Speaker. That concludes my interrogation, Mr. Speaker.

Mr. GANNON --because we are also very much concerned about the early detection--

Ms. RITTER. Mr. Speaker, that concludes my interrogation.

Mr. GANNON. --and the treatment of cancer, particularly in men and women.

The SPEAKER. The gentleman will yield. The gentleman will yield momentarily.

Mr. GANNON. Well, I was answering the question. I apologize.

The SPEAKER. For what purpose does the lady rise?

Ms. RITTER. Because I have concluded my interrogation. He has answered my question, Mr. Speaker. Thank you.

The SPEAKER. The Chair thanks the lady and the gentleman.

The lady may proceed.

Ms. RITTER. Thank you, Mr. Speaker.

I am sure that Mr. Gannon's interest in this subject is coincidental in that it comes at a time when an amendment to this bill will require it to go back to the Senate where it will lie and die a natural death on November 30 unless the Democrats come back in control before that. So I would suggest that if Mr. Gannon wants to offer this particular amendment for annual prostate exams as a separate piece of legislation, I am sure that it will be taken up very quickly by the Insurance Committee. I will cosponsor it, as I am sure will many of my colleagues, since he has developed a newfound

interest in health care for men. Those of us who have been working for some time on making sure that health care for women is accessible in this Commonwealth want to see this bill pass and pass now so that it can go right to the Governor.

I would suggest, again, that this amendment is designed only to delay this bill, and I would ask the members to vote against this amendment and then cosponsor Mr. Gannon's bill, which I am sure he will offer very quickly. Thank you.

The SPEAKER. The Chair thanks the lady.

The gentleman, Mr. Kukovich, is recognized on the Gannon amendment.

Mr. KUKOVICH. Thank you, Mr. Speaker.

I would ask the maker of the amendment please not to stand for interrogation. Thank you.

Mr. GANNON. Be happy to.

Mr. KUKOVICH. Mr. Speaker, I have a slightly different argument.

It was brought to my attention, the Department of Health study done between 1987 and 1991 on cancer--I think it was delivered to all our offices recently--on page 132 of that study they deal with the issue of prostate cancer. The reason I preface that is that there are some serious clinical problems, I think, with proceeding substantively with the language this way. If we are going to begin to move into this area, we had better know what we are doing.

I would mention a couple of points. The antigen test that is mentioned in this amendment, the effectiveness of those tests in this study done by our own Department of Health question seriously the effectiveness of those tests dealing with mortality relating to prostate. Also, the amendment is silent on a couple of other treatments, like ultrasound and a few others that are too sensitive to mention on the floor of the House. If we are going to get into this, we should probably deal with some of those tests also. Finally, even as we speak, the Pittsburgh Cancer Institute is evaluating the benefits of screening for this disease and different tests involved.

As Representative Ritter mentioned and I am sure the chair of the Insurance Committee will mention, they will be glad to take this up and do so in a more proper setting where we can have all the information and move on that issue separate and apart from this important issue which we can get to the Governor today.

All that being said, I would ask very strenuously for a "no" vote on this amendment.

The SPEAKER. The Chair thanks the gentleman and recognizes Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, I rise also to oppose the amendment.

If this amendment were about prostate cancer, I think we could all support it, but I have absolutely no confidence, Mr. Speaker, none, that if this amendment is included, that this bill will see the light of day in the Pennsylvania Senate.

So I ask the members that we vote down this amendment and say to the gentleman, Mr. Gannon, that if indeed he is sincere and if the prospects for this kind of legislation are good in the other chamber, that we should move on an individual bill and accomplish that as well. But to put this amendment into a bill which is just a few short feet away from the Governor's desk is the definition of gridlock. We have a chance to accomplish something here in Pennsylvania and provide vital coverage for a majority of Pennsylvania citizens. To include this amendment under the pretense that we are doing something even more, only to accomplish nothing, is the whole idea of what frustrates the people of Pennsylvania with their government.

I ask the members of the House today to vote for this kind of coverage in the future when we have assurances from the other chamber that they will move the bill, but today vote "no" on this amendment so that we can send this legislation to the Governor and accomplish something very real for the people of Pennsylvania. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Colafella, on the Gannon amendment.

Mr. COLAFELLA. Thank you, Mr. Speaker.

Today we have an opportunity to do something for the women of Pennsylvania. What this legislation does today, it provides that all health insurance policies would be required to include coverage for annual gynecological examinations, routine Pap smears, pelvic examinations, and clinical breast examinations.

Mr. Gannon's amendment today is simply an attempt to delay the passage of this bill. The cost of this amendment should be determined by the Health Care Cost Containment Council. This amendment has not been reviewed by the Health Care Cost Containment Council, it would delay the passage of this bill, and so for the women of Pennsylvania, let us vote "no" on the Gannon amendment and let us vote for SB 1103. Thank you.

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

Mr. COY. Mr. Speaker, much reflecting upon my remarks on the earlier amendment, I join with the chairman of the Committee on Insurance in asking for a "no" vote.

Once again, there are a lot of good causes. There are causes that we could all come up with that we feel ought to be covered. Today is the opportunity to vote for the cause that was originally sponsored in this legislation, a cause which has obviously become a very large concern to women in Pennsylvania and a cause which gives us this opportunity in the House of Representatives to respond affirmatively to. If you are truly interested in that cause, you will not attempt to dilute it with other causes, and the way to do that is to vote "no" on the amendment and "yes" on the bill and get it to the Governor for his signature.

Thank you, Mr. Speaker.

The SPEAKER. Mr. Gannon, for the second time, is recognized.

The gentleman, Mr. Gannon, yields. Mrs. Taylor is recognized for the first time.

Mrs. TAYLOR. Thank you very much, Mr. Speaker.

I would like to interrogate Representative Ritter.

The SPEAKER. The lady from Lehigh seems willing, and the gentlelady from Chester may commence her interrogation.

Mrs. TAYLOR. Mr. Speaker, I was very concerned that perhaps I heard the Representative incorrectly, that she was very worried about not the substance of the Gannon amendment but she was very worried about the fact that this might be returned to the Senate, and she said, and then under the Republican leadership, it would then be defeated.

Mr. Speaker, I would like to know her source of that comment.

Ms. RITTER. Thank you, Mr. Speaker.

I did not say the bill would be defeated. I said it would die a natural death, because it is my opinion that it would not be brought up for a vote.

Mrs. TAYLOR. And I am asking, is that just your opinion? You did not get that on any authority, I suppose.

Ms. RITTER. No; that is my opinion though.

Mrs. TAYLOR. Well, thank you very much.

I would like to remind the members of the House that—

The SPEAKER. The lady is recognized on the amendment.

Mrs. TAYLOR. Thank you.

I would like to remind the members of the House that the vote in the Senate was not along party lines. The vote in the Senate was 40 to 7, which would lead me to believe that both the members of the Senate and the members of the House would want to pass legislation that was good legislation for the women of Pennsylvania and not pass it just for the sake of passing it rather than looking at the substance of the amendment and then saying, we can make this better for the women of Pennsylvania. We do not have to pass something just because we want to pass it unamended. My gracious, I should think that we would want to pass legislation that was meaningful, legislation that would have a positive impact upon the men and women of this Commonwealth.

I would suggest that I have confidence in the members of the other body that if we return to them a bill that has been amended to make it a better piece of legislation, that it will not be delayed, that it will be looked at, and that it will pass as a better piece of legislation. Thank you very much.

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

Mr. GANNON. Mr. Speaker, the debate that has been going on in this chamber for the past 45 minutes has two of the high elements of drama – both pathos and tragedy. The pathos because we have got people on the other side standing up saying, do not vote for the Gannon amendment, not because it is a bad amendment but because this bill will have to go back to the Senate and the Senate will have to consider the amendment. Two amendments were offered, and that was the same argument on both amendments. That is high pathos.

And where is the tragedy? The tragedy is not in this room, Mr. Speaker, it is out in every county of this Commonwealth. When you have women who have been told by their doctor, your test is inconclusive and you have to come back for an exam but you do not have any insurance to cover it, that is tragic.

And we have the second highest cause of death in this Commonwealth for men over 50 and for young men 40 and over who are at high risk, and we are telling them, no, we are not going to provide any help for you; you are on your own; you are on your own. That is the tragedy. And why? Not because it is a bad amendment, not because it does not help the people of the Commonwealth— But I have got to yell; they are talking. Well, that quieted them down.

The reason given was because if this goes back to the Senate, for some strange reason it will never see the light of day, and we know that is not true, Mr. Speaker. As Representative Taylor just pointed out, this bill passed overwhelmingly in the Senate, and we know in our hearts that if the Senate saw these amendments in that bill, it would once again pass overwhelmingly. They would have no trouble with these amendments, particularly with the first amendment, Mr. Speaker. I was absolutely shocked when I heard the debate against that, absolutely shocked when I heard, oh, the reason we cannot help out women is because this will go back to the Senate. We should be ashamed of ourselves for that kind of debate. Debate the substance—

The SPEAKER. The gentleman will maintain focus on the amendment.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, as I started in my opening remarks, this amendment provides insurance coverage where there is none today, and that is for a simple test for men over 50 and men at high risk who are over 40, the prostate specific antigen test which gives very quick results to determine whether or not there are any indications of prostate cancer.

We can help the men of Pennsylvania. We could have helped the women a little bit more, but we can now help the men of Pennsylvania by giving this amendment a "yes" vote. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Cohen, for the second time on the Gannon amendment.

The gentleman indicates he does not need to speak, and the Gannon amendment will now be voted.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—82

Adolph	Durham	Lawless	Sather
Allen	Egolf	Lynch	Saurman
Argall	Fairchild	Maitland	Scheetz
Armstrong	Farmer	Marsico	Schuler
Baker	Fichter	Masland	Semmel
Barley	Fleagle	Merry	Serafini
Birmelin	Flick	Micozzie	Smith, S. H.
Brown	Gannon	Nickol	Snyder, D. W.
Bunt	Geist	Nyce	Stairs
Carone	Gerlach	O'Brien	Steil
Cawley	Gladeck	Perzel	Stern
Cessar	Gruppo	Pettit	Strittmatter
Chadwick	Harley	Phillips	Taylor, E. Z.
Civera	Hasay	Piccola	Taylor, J.
Clark	Hennessey	Pitts	True
Clymer	Hershey	Platts	Uliana
Cohen, L. I.	Hess	Raymond	Waugh
Conti	Jadlowiec	Reber	Wogan

Cornell	Kenney	Rubley	Wright, M. N.
Dent	King	Ryan	Zug
Druce	Laub		

NAYS—114

Acosta	Gamble	Markosek	Scrimenti
Battisto	George	Mayernik	Smith, B.
Bebko-Jones	Gigliotti	McCall	Staback
Belardi	Godshall	McGeehan	Steelman
Belfanti	Gordner	McNally	Steighner
Bishop	Haluska	Melio	Stetler
Blaum	Hanna	Michlovic	Stish
Burns	Herman	Mihalich	Sturla
Buxton	Hutchinson	Miller	Surra
Caltagirone	Itkin	Mundy	Tangretti
Cappabianca	James	Nailor	Thomas
Carn	Jarolin	Olasz	Tigue
Cohen, M.	Josephs	Oliver	Tomlinson
Colafella	Kaiser	Pesci	Trello
Colaizzo	Kasunic	Petrone	Trich
Corrigan	Keller	Pistella	Tulli
Cowell	Kirkland	Preston	Vance
Coy	Krebs	Reinard	Van Horne
Curry	Kukovich	Richardson	Veon
Daley	LaGrotta	Rieger	Vitali
DeLuca	Laughlin	Ritter	Washington
Dempsey	Lederer	Roberts	Williams
Dermody	Lee	Robinson	Wozniak
Donatucci	Leh	Roebuck	Wright, D. R.
Evans	Lescovitz	Rohrer	Yandrisevits
Fajt	Levdansky	Rooney	Yewcic
Fargo	Lloyd	Rudy	
Fee	Lucyk	Santoni	DeWeese,
Freeman	Manderino	Saylor	Speaker

NOT VOTING—0

EXCUSED—6

Boyes	Butkovitz	Hughes	Petrarca
Bush	Gruitza		

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—193

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

NAYS—3

Fargo	Lee	Leh

NOT VOTING—0

EXCUSED—6

Boyes	Butkovitz	Hughes	Petrarca
Bush	Gruitza		

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.

FILMING PERMISSION

The SPEAKER. Members will be aware that Mike Ross, Mike Ross of channel 27, is permitted to be on the floor during the remainder of our ceremonies.

RETIREMENT CEREMONY FOR HON. JOHN J. ZUBECK

The SPEAKER. Members will please take their seats. All members will please take their seats. We are going to honor

someone who has worked here with us for 35 years. I think it would be appreciated by all if members would please take their seats.

Sergeants at Arms will close the doors of the House. Members will please be seated.

John Zubeck started here as a page. He is retiring as Chief Clerk. For just a couple of minutes today, I think our membership should give John and our institution the respect that he has earned.

The Chair is proud and happy to invite Matthew Ryan, the Republican floor leader, to share a few observations about John. When Dr. Itkin arrives from the Governor's Office, he will also make a couple of comments, and then we have a presentation to make to John.

REMARKS BY MINORITY LEADER

The SPEAKER. The gentleman from Delaware County, Mr. Ryan, is recognized.

Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, I have known John Zubeck, of course, for quite awhile, and I just do not know, and it is something for me to say that I do not know what to say next, but really, I find myself in that position despite the fact that I have prepared notes, John.

I find that I am somewhat speechless, although I can make a comment to the effect that John is one of the only individuals who has called this place home longer than I. John loves boats; I love boats. He likes water and pasta; I like water and pasta. John has seen almost as many members come and go as I have. The ones that I have seen that he has not seen he did not see because he was downstairs attending to his business.

I wonder, however, and have wondered how he has been able to stay so fit and trim, sane and patient, after all these years of dealing with the unique personalities that we find here on the floor of the House and have found on the floor of this House over all these years, and as I think about it, I have got to think that it must be those long getaway weekends on Raystown Lake when John gets on his sailboat, the Margaret Jean, or the unforgettable hours, perhaps, in front of his television set that we hear about, managing the Pirates and coaching the Steelers. In fact, I hear that his next calling is to move from the official manager of legislative affairs to the unofficial manager of several well-known Pittsburgh sports teams. I do not know the truth of that, but if you cannot find that, you can look in the other direction and take a look at some of the Philadelphia teams.

Seriously, though, John, on behalf of my colleagues and our staff and really everyone on both sides of the aisle, I want to thank you for all that you have helped us become since you began your role as Chief Clerk, more than a decade ago. You have contributed to the development of a very professional, accountable, and first-class operation. You have assisted in shaping a very diversified bipartisan core, and I skip from my notes to recollect on a more personal basis that I was among the original legislators, I guess the only one left, who formed the Bipartisan Management Committee when this House changed over from the system we "enjoyed," end quote, for so many years, the spoils system. When the majority turned from Republican to Democrat, Democrat to Republican, everybody—and some of the folks here in the well of the House remember it—the people changed, too, and there was confusion and there was unrest and there was not professionalism, and that changed.

The first Chief Clerk that we had under this new operation, which incidentally was formed under a Republican majority, was when Jack Seltzer and I and Sam Hayes, as the three majority members of that group, and Leroy Irvis and Jim Manderino, as the two minority members of that group, selected John Zubeck as the Chief Clerk that we would recommend to this House, knowing at the time that his registration was not of our party but his ability and his heart was of this House, and that is all we asked of John Zubeck in those days, and that is all he has ever given us since. He has given us his heart, his talent, his time, his effort, and he has made this House something that we all, each and every member of us, can rightfully be proud of. So if I have participated in anything worthwhile in my years here, maybe one of the great moments that I had was that moment when, as a legislator back in the late seventies or early eighties—I forget just when it was—the five of us got together and decided John Zubeck should be the first bipartisan Chief Clerk of this House. It was probably the best thing that ever happened for the institution known as the House of Representatives.

John assisted in shaping this core of support staff, a competent floor team, who feel content and satisfied in their jobs, knowing that they are going to have their jobs despite the fact that Republicans win one term—not frequent enough—Democrats the next, and as long as they do their jobs, they are secure in the knowledge that they will keep their jobs and that it will not be a question of patronage and being turned out, the way it was so many years ago when we were really not operating the way government should have been operated.

John's undivided attention to day-to-day matters which allowed this body to operate successfully many times appeared to be unnoticed, but, John, I tell you, your efforts really were not unnoticed; your efforts were noticed. They were noticed in that they were unnoticed, if that makes sense. They were noticed because everything ran smoothly, things worked, and when they did not work, we could call on some member of the staff who would quickly get things in order, and again, to a great extent, because of you and your leadership. We have all recognized your remarkable managerial abilities, your unique sense of fairness and responsibility, and your devotion, which have allowed us to carry out our jobs as lawmakers more efficiently and conduct the business of the Commonwealth more professionally.

Yes, John, your constant friendly smile—and indeed, that is what we have had over all these years—your administrative expertise, which you have always done your very, very best to exercise, and your cooperation with both Democrats and Republicans will be sorely missed and very difficult to replace.

Just know that as you sail away from your many decades of loyal government service, you are leaving ashore many, many friends and countless contributions to the evolution of this grand institution that we–you and I, John–unabashedly love.

As you navigate ahead, I understand you will be engaging in some well-deserved R and R from the political scene, with your three children, grandchild-to-be, your wife, Peggy, and I understand you will finally fulfill your dream of becoming a full-time caregiver for your two golden retrievers, Buffy and Maggie, and your calico cat, Annie. And if you have time, I will tell you some cat stories.

Having said all of this, John, thank you, best of luck, and Godspeed.

Now, I am not an artist, and as I look at this etching, I am going to say that neither is this guy, but it is what is in your heart that counts. We have you, John, with your radio on–because I know how you love music–sitting in your sailboat, with what might be a dog, certainly is not a cat, could be a goat. Good luck.

The SPEAKER. The Chair thanks the gentleman. It was certainly from one institution to another, from Ryan to Zubeck.

REMARKS BY MAJORITY LEADER

The SPEAKER. The Chair recognizes the gentleman from Allegheny County, our majority leader, Ivan Itkin, for a few remarks on John Zubeck's retirement.

Mr. ITKIN. I am delighted to be here today for this very joyous occasion, honoring a very distinguished official of our chamber.

In 1981 the House of Representatives decided to try something new. The appointment of a bipartisan Chief Clerk was an experiment, something that never had been done before. Well, obviously, that experiment worked and it worked beautifully.

For 13 years John Zubeck faithfully carried out his duties, making sure this House of Representatives ran smoothly. For 13 years John Zubeck has kept this often chaotic place in order. The people who work here and every visitor we have ever had owe him a debt of gratitude, because he is the man who puts everything in its proper place. Since so many of us have a hard time simply doing that in our own offices, one can imagine how tough that must be for 203 members' offices and numerous other core offices.

John Zubeck is universally liked and is universally admired for the way he worked himself up from his job as a page and messenger. He moved through the ranks, becoming supervisor of the Calendar and Amendment Room before his ultimate election as the Chief Clerk, and now he is leaving us for a well-deserved retirement. John will be missed. But he also leaves behind a tradition of fairness and order that we will do well to emulate as we continue the business of running a legislature.

John, thank you for your many years of dedicated service, and good luck in your retirement. You will be missed by all of us. Thank you for the years of service, and best wishes in your next pursuit.

REMARKS BY PARLIAMENTARIAN

The SPEAKER. Our final commentary comes from another long-time steward of our institution, the venerable Parliamentarian himself, Mr. Myer, someone who has risen through the ranks and worked with John for many a year.

Mr. Myer.

Mr. MYER. Thank you, Mr. Speaker.

I have many fond memories of John. Many of them are humorous, and one I want to share with you today actually happened here on the floor of the House, although I am not sure many of you were aware of it at the time. We were in a late-night budget session, and I had handed the reading clerk a sunshine notice to read, and when he got to the end, he had some difficulty pronouncing John's name. Please listen carefully as we listen to this blooper.

(Tape replayed.)

Mr. MYER. John Zay Jubeck, we will miss you greatly.

REMARKS BY MR. ZUBECK

The SPEAKER. The Chair would like to welcome John to the microphone. Just like Benjamin Franklin was Chief Clerk of our House and took the microphone, or at least the equivalent thereof, from time to time, I think it is appropriate that you come and share a moment with the members and the staff that have been your friends over the years.

Welcome again to the podium.

Mr. ZUBECK. Thank you, Mr. Speaker.

I would just simply like to thank you and all those before you for just letting me be here for 35 years. You are the most wonderful people in the world, and I love you, and I want my staff to know that I love them, too. You are the greatest. Thank you, and goodbye.

PRESENTATION OF PORTRAIT

The SPEAKER. We have a presentation to make to John.

I think we ought to let our art critic describe it again. I know he wants to come up here and talk about all kinds of things.

We have a portrait of John, honoring his many years of service. It is substantial to think that I have been here 18 years and John had been here 18 years before I got here, so on behalf of all of us, and I want to say in my 30 seconds of conclusion, thanks again to the staff, the pages, where John Zubeck started, and at front rank and all the people along this bench, because I think all of us, especially myself, sometimes take it for granted, and I am sure that sometimes the rank and file take it for granted, but we are essentially an inoperative body without the fundamental undergirding that you provide, day in and day out. The John Zubecks of the world, in our chamber, in our institution, allow us to either shine or not to

shine, to have a good day or not a good day, but nevertheless, fundamental to our institution, we would be lost without you.

So for all those folks out there and along the bench, both benches, on behalf of John, on behalf of the leadership teams, on behalf of the institution, I want to thank you again. All of us, I think, by John's example, have a chance of working our way up through the ranks and getting a portrait after 35 years.

Anyway, welcome, John, and thanks very much.

(Portrait presented to Hon. John J. Zubeck.)

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

The SPEAKER. The gentleman from Clarion, Mr. Wright, is recognized by voice.

Mr. D. R. WRIGHT. Mr. Speaker, I did not want to interrupt the proceedings, but there is something that we ought to recognize about Mr. Zubeck, and that is his motto, which was "No reasonable request denied."

The SPEAKER. The Chair thanks the gentleman.

DEMOCRATIC CAUCUS

The SPEAKER. The gentleman, Mr. Coy, is recognized for the purpose of an announcement.

Mr. COY. Thank you, Mr. Speaker.

There will be a need for a very important Democratic caucus, which will take place at 1:15. It will give the members a chance to join in the luncheon honoring Mr. Zubeck and other events. A Democratic caucus at 1:15, and we hope to return to the floor by 2:15. Thank you, Mr. Speaker.

There will be votes then this afternoon at the 2:15 session. Thank you, Mr. Speaker.

The SPEAKER. Members will be aware that there is a reception for Mr. Zubeck right now, commencing right now, in the Annex building.

ANNOUNCEMENT BY MR. KASUNIC

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

Mr. KASUNIC. Mr. Speaker, I rise for the purpose of making an announcement.

I am going to introduce a resolution commemorating the American Legion of this Nation on their 75th anniversary. I am going to leave the resolution at the desk, and I would hope that all members interested in cosponsoring this legislation would stop by the desk and sign on. Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

FINANCE COMMITTEE MEETING

The SPEAKER. The Chair recognizes Mr. Trello from Allegheny County.

Mr. TRELLO. Mr. Speaker, I would like to make an announcement that the Finance Committee will have a meeting tomorrow at the call of the adjournment in room 40E; Finance Committee meeting tomorrow at the call of the adjournment.

Mr. COY. Mr. Speaker?

The SPEAKER. Mr. Coy.

Mr. COY. One followup announcement, Mr. Speaker, for all the members.

Mr. Speaker, I just want to clarify, there have been some questions as to whether or not there will be a voting session tomorrow; there will be. The House will be in a voting session tomorrow also. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

REPUBLICAN CAUCUS

The SPEAKER. Mr. Geist from Blair is recognized.

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

On this festive occasion, the Republicans will also caucus at 1:15, be back on the floor by 2:15. We will be discussing in caucus Mr. Zubeck's invitation for all of us to join him up at Raystown Lake, so we want everybody to be there.

The SPEAKER. The Chair thanks the gentleman.

RECESS

The SPEAKER. The House stands in recess until 2:15.

RECESS EXTENDED

The time of recess was extended until 3 p.m.

AFTER RECESS

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

LEAVE OF ABSENCE

The SPEAKER. The gentleman from Allegheny County, Mr. McNALLY's name will be added to the leave roll for the remainder of the afternoon.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 1805, PN 2156 By Rep. GAMBLE

An Act amending the act of May 17, 1956 (1955 P.L.1609, No.537), known as the Pennsylvania Industrial Development Authority Act, providing for travel and tourism projects.

TOURISM AND RECREATIONAL DEVELOPMENT.

HB 1945, PN 3387 (Amended) By Rep. GAMBLE

An Act amending the act of June 30, 1987 (P.L.157, No.15), known as the Rural Economic Development Program Act, further providing for rural tourism; and making an appropriation.

TOURISM AND RECREATIONAL DEVELOPMENT.

HB 2308, PN 3388 (Amended) By Rep. GAMBLE

An Act authorizing the imposition of a hotel occupancy tax by certain municipalities with the proceeds used to promote tourism.

TOURISM AND RECREATIONAL DEVELOPMENT.

HB 2415, PN 3389 (Amended)

By Rep. CALTAGIRONE

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, further providing for responsibilities of victims of crime under basic bill of rights; and exempting certain hospital projects from certificate of need provisions.

JUDICIARY.

LEAVE OF ABSENCE

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Perzel.

Mr. PERZEL. Mr. Speaker, could we return to leaves of absence?

The SPEAKER. The gentleman is in order.

Mr. PERZEL. We would like a leave of absence for the remainder of the day for the gentleman from York, Mr. PLATTS.

The SPEAKER. The gentleman from York, Mr. Platts, will also have his name added to the leave roll for the rest of today's session.

The Chair thanks the gentleman.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 1174, PN 1291 By Rep. RICHARDSON

An Act establishing a program to provide certain personal assistance services to adolescents; and further providing for the powers and duties of the Department of Public Welfare.

HEALTH AND WELFARE.

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 413, PN 3076**, entitled:

An Act requiring nursing homes to submit information annually to the Department of Health; providing for certain duties of the Department of Health and the Department of Aging; providing immunity for long-term care ombudsman and person reporting thereto; and providing for the licensure and regulation of personal care homes.

On the question,

Will the House agree to the bill on third consideration?

Mr. GRUPPO offered the following amendment No. A0909:

Amend Sec. 501, page 11, by inserting between lines 3 and 4

(d) Lottery funds.—No moneys from the State Lottery Fund shall be used to affect the transfer provided for in this section, nor shall any such moneys be used for any of the licensing or regulatory functions of the Department of Aging with respect to personal care homes.

On the question,

Will the House agree to the amendment?

The SPEAKER. On the amendment, Mr. Gruppo.

Mr. GRUPPO. Thank you, Mr. Speaker.

I realize we just came back to the floor, but if I could have your attention just for a minute.

The SPEAKER. We are about to take up this afternoon's calendar. The gentleman, Mr. Gruppo, would politely request the attention of the membership. Members will please take their seats so that Mr. Gruppo may commence his debate.

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

This amendment is very crucial to this bill. I have been working closely with Chairman Blaum and also Linda Rhodes, the Secretary of Aging. We discussed this amendment and reached an agreement to preserve the lottery funds and to effectively transfer to the Department of Aging the licensing of the personal care homes. I agreed to it, and the Secretary agreed to it, and I hope you all agree to it as well and support this amendment. Thank you.

The SPEAKER. The gentleman, Mr. Blaum, is recognized on the Gruppo amendment.

Mr. BLAUM. Thank you, Mr. Speaker.

I just rise to also support the Gruppo amendment.

The transfer that is contained in HB 413 to more efficiently govern these personal care homes and protect the elderly of Pennsylvania should not and does not have to use any lottery money, and this amendment guarantees that protection, and we support it. Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—193

Acosta	Fargo	Lucyk	Saylor
Adolph	Farmer	Lynch	Scheetz
Allen	Fee	Maitland	Schuler
Argall	Fichter	Manderino	Scrimenti
Armstrong	Fleagle	Markosek	Semmel
Baker	Flick	Marsico	Serafini
Barley	Freeman	Masland	Smith, B.
Battisto	Gamble	Mayernik	Smith, S. H.
Bebko-Jones	Gannon	McCall	Snyder, D. W.
Belardi	Geist	McGeehan	Staback
Belfanti	George	Melio	Stairs
Birmelin	Gerlach	Merry	Steelman
Bishop	Gigliotti	Michlovic	Steighner
Blaum	Gladeck	Micozzie	Steil
Brown	Godshall	Mihalich	Stern
Bunt	Gordner	Miller	Stetler
Burns	Gruppo	Mundy	Stish
Buxton	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	Hutchinson	Petrone	Tomlinson
Clymer	Itkin	Pettit	Trello
Cohen, L. I.	Jadlowiec	Phillips	Trich
Cohen, M.	James	Piccola	True

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

NAYS—1

Caltagirone

NOT VOTING—0

EXCUSED—8

Boyes	Butkovitz	Hughes	Petrarca
Bush	Gruitza	McNally	Platts

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

On the question,

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

Mrs. TAYLOR offered the following amendment No. A0933:

Amend Sec. 501, page 10, lines 20 through 30; page 11, lines 1 through 3, by striking out all of said lines on said pages and inserting

(a) Legislative intent.—The Department of Public Welfare shall continue to license and regulate those facilities that serve persons who are physically or mentally disabled and whose primary reason for needing personal care is not related to their age. The Department of Aging shall license and regulate personal care homes that serve populations of adults who are predominantly 60 years of age and older.

(b) Regulations.—The Department of Aging shall promulgate regulations regarding the licensure and regulation of personal care homes that serve populations of adults who are predominantly 60 years of age or older. Existing regulations for the licensing and regulation of facilities serving predominantly persons under 60 years of age who need personal care for reasons related to physical or mental disability shall remain in effect under the Department of Public Welfare.

(c) Interagency cooperation.—The Department of Aging shall coordinate with the Department of Public Welfare to facilitate the appropriate transfer of personnel, supplies and equipment and funds necessary to ensure that the Department of Aging can fulfill its responsibilities under this chapter while maintaining with the Department of Public Welfare the licensure of homes serving the physically or mentally disabled.

On the question,

Will the House agree to the amendment?

The SPEAKER. On the amendment, the lady from Chester, E. Z. Taylor, is recognized.

Mrs. TAYLOR. Thank you, Mr. Speaker.

I really ought to be more than ready, since we have been waiting around to have this opportunity for at least 2 or 3 session days.

I would like to start my remarks by saying that I have some concern, as the members should have, as to why the Governor and the Secretary of Aging are pushing so very hard at this moment in their careers to make a change that has not been asked for by the providers or by those who are being served in our personal care homes. Maybe you could think about that while I speak directly to my amendment.

There are approximately 34,000 residents in personal care homes in the Commonwealth. My amendment is going to speak—and those of you from Philadelphia will be interested in this—my amendment says that 55 percent of the residents in Philadelphia personal care homes are mentally or physically handicapped and are nonelderly; nonelderly and physically or mentally handicapped, 55 percent. It is thought that perhaps the figure statewide would be something like 40 percent. Where did I get these figures? These figures were from the DPW (Department of Public Welfare), a director of the southeast region, field supervisor.

Mr. Speaker, the Department of Aging is an advocate for senior citizens. They have done an excellent job in their role of advocacy. Regulatory licensure activities, in my opinion, will be a conflict of interest for the department. The ombudsman role of the department must not be compromised. We need to have the people who are in personal care homes who are nonelderly, who are in need of services that apply to their disabilities, we need to continue to have them monitored and their condition provided for by the Department of Public Welfare.

The Department of Public Welfare has done a good job. The providers are satisfied. Those provided for are satisfied. So why are we doing this today? You know the old saying, "If it ain't broken, don't fix it."

Mr. Speaker, my amendment is centered on those people who need to be served with quality service. We give that lip service. Here is an opportunity to put your vote where your conscience is to help these people in personal care homes.

I urge an affirmative vote on my amendment. Thank you very much.

The SPEAKER. The Chair thanks the lady and recognizes Mr. Blaum.

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

If I could just have the attention of the members for a second.

HB 413 sets up a consumer piece that will be made available to the people of Pennsylvania to assist them in selecting a nursing home when they find themselves between a rock and a hard place of having to find a nursing home for one of their loved ones.

That bill was amended to include a transfer of responsibility for licensing and monitoring personal care homes

from the Department of Public Welfare over to the Department of Aging. Let me repeat that: HB 413 was amended to effect a transfer of the responsibility for those who oversee personal care homes–

PARLIAMENTARY INQUIRY

Mrs. TAYLOR. Mr. Speaker, point of parliamentary inquiry.

The SPEAKER. The lady will please state her point.

Mrs. TAYLOR. I have been listening closely to my friend on the other side of the aisle. Was he speaking on my amendment?

The SPEAKER. The gentleman indicates that he is speaking to your amendment. The Chair will pay closer attention. The Chair apologizes. The gentleman indicates that he is.

Mrs. TAYLOR. Well, I will, too, and maybe he will get to that soon.

The SPEAKER. The gentleman may continue.

Mr. BLAUM. Thank you, Mr. Speaker.

Added to the bill, added to the bill was a transfer of responsibilities in monitoring personal care homes from the Department of Public Welfare to the Department of Aging. If there was ever, if there was ever a piece of legislation that was in the best interest of streamlining government and with no particular ax to grind, it is this piece of legislation.

This transfer has been requested by the Secretary of Welfare. They no longer want the responsibility. They do not believe they can do it as well as the Department of Aging. The Department of Aging wants that responsibility. Secretary Linda Rhodes believes that that is where it belongs, the responsibility for these personal care homes, in the Department of Aging. The Governor as well believes that in the future the people of Pennsylvania will be best served if this transfer is effected over to the Department of Aging. Let it be known that Secretary Snider of the Department of Public Welfare will not be here next year. Secretary Rhodes is not going to be here next year to oversee this transfer. These people believe that in the future, whoever is in charge of these departments, that the people of Pennsylvania are best served with this transfer which they have been trying to effectuate for many years.

Now, whether or not, whether or not you are in favor of that transfer, what this amendment does is split the responsibility. This amendment says that anybody over the age of 60, I believe, or 65, that those personal care homes will be licensed and monitored and the responsibility for the bureaucracy will rest with the Department of Aging. It says that those personal care homes where people are under the age of 65, the responsibility for licensing, monitoring, and so on will rest with the Department of Welfare. Yet there are some personal care homes that have residents who fit both categories.

The cost of this provision in this legislation is nothing because it transfers the responsibilities, the people, the hardware just from one department, the Department of Public Welfare, which has so much to do, over to the Department of Aging where hopefully these people are advocates for our senior citizens and the people in these personal care homes. This is a good-government, streamlining-cost type of transfer that is not in anybody's particular interest except the taxpayers and the people in the personal care homes of Pennsylvania, but this amendment divides that responsibility, maintains two offices, two systems of inspection, two systems of monitoring, and two bureaucracies.

Whether you are for or against the transfer, I hope that no one is for this amendment, because the responsibility should lie with the Department of Welfare or with the Department of Aging but certainly, certainly not with both.

I ask the members of the House to oppose this amendment.

Mrs. TAYLOR. Mr. Speaker?

The SPEAKER. The gentlelady from Chester for the second time on her amendment.

Mrs. TAYLOR. You are generous today in your latitude.

Finally, in the final statement he spoke to my amendment, but let me speak to a couple of his remarks.

My friend on the other side of the aisle says that this bill will streamline, we would streamline it if we allowed it to stay just where it is. In my book, that is streamlining.

He also says that this bill will permit the Office of Aging to be the advocate. I agree with that. You know, that is their role. Advocacy for the senior citizen is their role, not licensure. So that is to the bill, Mr. Speaker.

However, to this amendment, remember those figures that I gave you a few minutes ago? Fifty-five percent of all the residents in Philadelphia in the personal care home are nonelderly and fall into the category of mentally ill or mentally retarded. Let me also tell you that the Office of Personal Care Homes licensure wants this amendment because they want the best quality care for their constituents.

I strongly urge an affirmative vote on my amendment.

The SPEAKER. The gentleman, Mr. Blaum, from Luzerne for the second time on the amendment, on the amendment only.

The gentleman yields to Mr. Snyder initially.

Mr. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, I stand to support the amendment sponsored by Representative Taylor.

Mr. Speaker, first of all, I oppose the transfer of personal care homes to the Department of Aging, but if that transfer should take place, this amendment should at least be in the bill to protect the interests of those residents of personal care homes who require special care under the mental health programs.

Mr. Speaker, let me give you one example of an incident that happened in a personal care home in my district that is both a personal care home for the elderly as well as a licensed psychiatric partial hospital which deals with mental health residents.

Mr. Speaker, this particular home had a resident who was a former psychiatric hospital patient, who was a worker, I think previously a plumber, who went on disability because of

depression and psychiatric delusions. He was able to reside in the personal care home facility which took care to manage his personal funds and shield his moneys from relatives who wanted to spend it for their own needs. Mr. Speaker, it came to the point where the gentleman called the Department of Aging, through their area agency on aging, got the Advocate's Office, and explained that he was being kept at this home against his will and that the home was keeping his money. The Department of Aging, who has no background in mental health conditions, came to this home and, against the advice of the doctors and the caregivers, ordered this home to give this gentleman his money and allowed this gentleman to leave the home. They put him on a bus back to New York City to his home. Within 24 hours, Mr. Speaker, the home got a phone call from the police in the city of New York. This gentleman had gotten off the bus, was confused, was assaulted and robbed, and fortunately, he had the business card of the personal care home in his pocket so that they could call the home and make arrangements to have this gentleman returned back to the care.

Mr. Speaker, the Department of Aging has expressed to me that their concern is about long-term care for the elderly. Individuals who are under the auspices of the Department of Welfare and who are receiving benefits through the Office of Social Programs and the Office of Mental Health cannot have that line of authority broken for services. The Department of Aging is not prepared to serve the needs of these residents, and this is a growing area in the personal care home field.

Mr. Speaker, we need this amendment to at least protect the interests of those people under the auspices of the mental health programs, and we ask for support of this amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman from Lehigh and recognizes the gentleman from Montgomery, Mr. Saurman.

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support this amendment.

Earlier we heard that this is supposedly some kind of a financial asset because we will be transferring this system, this program, over to the Department of Aging.

Mr. Speaker, the needs of the physically and mentally handicapped individuals are special needs requiring special training which does not exist in the Department of Aging. What that means is that if this department is going to be properly qualified to deal with this population, they will have to hire new people. In the meantime, because this population will continue to exist in other facilities, the Department of Welfare will have to retain their personnel. So what we are talking about is an increase in population, an increase in personnel, in order to handle this situation if it is going to be handled properly.

Mr. Speaker, this is a dangerous, dangerous precedent. It would at least be better if this amendment of Mrs. Taylor's is introduced and adopted at this time, and I would urge your affirmative vote on this amendment. Thank you.

The SPEAKER. Does the gentleman, Mr. Veon, seek recognition? The gentleman indicates he does on the Taylor amendment.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, just very quickly.

I want to mention to the gentleman, Mr. Saurman, that I think it is important for the members here to understand that the Department of Aging will have the expertise. The entire staff now administering this program in the Department of Public Welfare will in fact be transferred to the Department of Aging.

To the gentlewoman, Mrs. Taylor, I know that she has perfectly and very good intentions in trying to construct this amendment. I personally think it is bad government; it is inefficient, and it ultimately will be ineffective to set up two processes, two procedures, when we in fact could have one effective way to do this.

I would ask for opposition to the Taylor amendment.

The SPEAKER. Mr. Saurman for the second time.

Mr. SAURMAN. Thank you.

Mr. Speaker, I wonder if the previous speaker would stand for interrogation?

The SPEAKER. Mr. Veon indicates that he will.

Mr. SAURMAN. What I understood was that there is a population in the Department of Welfare whose sole and only responsibility is to deal with the mentally and physically retarded persons currently in personal boarding homes, and they have no responsibility for any other population of mentally or physically retarded or handicapped individuals in the rest of the State. So you can transfer all of those people who currently are so limited in their responsibilities that they can go to the Department of Aging and not leave a void in the Department of Welfare in order to fulfill this requirement. Is that correct, Mr. Speaker?

Mr. VEON. Mr. Speaker, my understanding of the transfer of employees goes this way, that all of the Department of Public Welfare's staff presently dealing with the licensing of personal care homes, which particularly refers to the inspection staff at the Department of Public Welfare, would go to the Department of Aging for the purposes of licensing, for the purposes of running programs, which is presently DPW's responsibility, would continue to be DPW's responsibility, even under this transfer. The programmatic side of working with those mentally ill, mentally retarded clients at personal care homes would continue to be the responsibility and function of DPW. That is my understanding, Mr. Speaker, of the process.

Mr. SAURMAN. Thank you, Mr. Speaker.

May I make a comment?

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

Mr. SAURMAN. Thank you, Mr. Speaker.

I think that compounds the situation even more in that what we are going to be doing then is diffusing responsibilities – licensing in one place, providing services in another – instead of having a consistent operation whereby the licensing function and the service are in one area. Mr. Speaker, I think that this

leads to confusion or potential confusion. At the very least, I think that this amendment is necessary. Thank you, Mr. Speaker.

The SPEAKER. On the Taylor amendment, Mrs. Vance is recognized.

Mrs. VANCE. Thank you, Mr. Speaker.

I would just like to make one comment.

One of the best reasons that I believe that we should support Representative Taylor's amendment and should not disturb that was given as a reason to support it initially. The fact that both Secretary Rhodes and Secretary Snider have 6 months of service is a very good reason not to follow their recommendations. We will have new people in place in the coming year and I think that decision should be theirs. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

The lady from Chester has spoken twice.

Mrs. TAYLOR. May I interrogate Representative Blaum?

The SPEAKER. Not without unanimous consent. However, the mood of the chamber seems favorable. Does the lady request unanimous consent?

Mrs. TAYLOR. Yes, please.

The SPEAKER. Under unanimous consent, the lady is recognized. Mr. Blaum indicates he will yield to interrogation.

Mrs. TAYLOR. Mr. Speaker, we are appreciative of your efforts as the chairman of the Aging and Youth Committee, and I have been privileged to work with you and to know of your concerns and of your interests.

I am very puzzled to know why, if you support this move to Aging, why did you not offer this in committee as chairman of the committee? Both of us know that we work on the committee structure; we look to committee chairmen for leadership. Certainly the committee looked to you for leadership, and you stand before us today and say that you support this move, but if the members do not know it, I will tell them that that part of the bill was not put in by Representative Blaum's committee. It was put in by the Appropriations Committee. They are supposed to look at the fiscal notes. This was a substantive change.

My question to you is, why did you not do it when you had it in your committee?

Mr. BLAUM. Thank you, Mr. Speaker.

Because it was not my idea. This was brought to our attention by the administration as something that they would like to see done to streamline the monitoring of personal care homes.

Since 1989 we have had 330 personal care homes across Pennsylvania close for various reasons, and the fact is that many of these people, 85 percent, over 85 percent of people in personal care homes are elderly yet they are not under the auspices of the Department of Aging. They came to us. When they saw HB 413 moving, which has to do with nursing homes, they thought it was an appropriate vehicle for them to make this change, which is supported by 8 out of 10 personal care home organizations who I understand had previously not been enamored with the idea but have been reassured that what we are doing is just moving the office over to the department where it belongs.

I would say to the members once again, whether or not you favor or oppose the change, let us not vote for this amendment which creates two offices, two bureaucracies, two offices of inspection and monitoring for these personal care homes, which is not necessary.

This came to our attention. We suggested that the administration offer it as an amendment. The Department of Welfare does not want this responsibility, thinks it is better to have it in the Department of Aging. The Department of Aging feels the same way as does the Governor. This is not a Republican or a Democratic issue. This is an issue to put people who are in personal care homes underneath the department where they belong.

I ask the members to vote "no."

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—112

Adolph	Egolf	Lawless	Rudy
Allen	Fairchild	Lee	Ryan
Argall	Fargo	Leh	Saurman
Armstrong	Farmer	Lloyd	Saylor
Baker	Fee	Lynch	Scheetz
Barley	Fichter	Maitland	Semmel
Birmelin	Fleagle	Manderino	Serafini
Brown	Flick	Marsico	Smith, B.
Bunt	Freeman	Masland	Smith, S. H.
Buxton	Gannon	Merry	Snyder, D. W.
Caltagirone	George	Micozzie	Stairs
Carn	Gerlach	Miller	Steelman
Carone	Gladeck	Nailor	Steil
Cawley	Godshall	Nickol	Stetler
Cessar	Gruppo	Nyce	Strittmatter
Chadwick	Hanna	O'Brien	Taylor, E. Z.
Civera	Harley	Perzel	Taylor, J.
Clark	Hasay	Pesci	Tigue
Clymer	Hennessey	Pettit	Tomlinson
Cohen, L. I.	Herman	Phillips	True
Conti	Hershey	Piccola	Tulli
Cornell	Hutchinson	Pitts	Uliana
Corrigan	Jadlowiec	Raymond	Vance
Curry	Jarolin	Reber	Waugh
Dempsey	Kasunic	Reinard	Wogan
Dent	Kenney	Roberts	Wright, D. R.
Druce	King	Rohrer	Wright, M. N.
Durham	Laub	Rubley	Zug

NAYS—82

Acosta	Geist	McCall	Staback
Battisto	Gigliotti	McGeehan	Steighner
Bebko-Jones	Gordner	Melio	Stern
Belardi	Haluska	Michlovic	Stish
Belfanti	Hess	Mihalich	Sturla
Bishop	Itkin	Mundy	Surra
Blaum	James	Olasz	Tangretti
Burns	Josephs	Oliver	Thomas
Cappabianca	Kaiser	Petrone	Trello
Cohen, M.	Keller	Pistella	Trich
Colafella	Kirkland	Preston	Van Horne
Colaizzo	Krebs	Richardson	Veon
Cowell	Kukovich	Rieger	Vitali

Coy	LaGrotta	Ritter	Washington
Daley	Laughlin	Robinson	Williams
DeLuca	Lederer	Roebuck	Wozniak
Dermody	Lescovitz	Rooney	Yandrisevits
Donatucci	Levdansky	Santoni	Yewcic
Evans	Lucyk	Sather	
Fajt	Markosek	Schuler	DeWeese,
Gamble	Mayernik	Scrimenti	Speaker

NOT VOTING—0

EXCUSED—8

Boyes	Butkovitz	Hughes	Petrarca
Bush	Gruitza	McNally	Platts

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

On the question recurring,

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

Mr. SNYDER offered the following amendment No. A0505:

Amend Sec. 501, page 10, line 20, by striking out "ALL" and inserting

Except as provided in subsection (d), all

Amend Sec. 501, page 11, by inserting between lines 3 and 4

(d) Exception.—The transfer provided for in this section shall not apply to personal care homes which, on the effective date of this section, have more than one license issued by the Department of Public Welfare. These personal care homes shall remain under the jurisdiction of the Department of Public Welfare.

On the question,

Will the House agree to the amendment?

The SPEAKER. On the amendment, Mr. Snyder.

Mr. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, with the passage of the previous amendment, amendment No. 933, this amendment is now necessary in the legislation to address one of the concerns that were raised during the previous debate; that is, the personal care homes—and I do not think there are many—that are also licensed as a psychiatric partial hospital as well as a personal residential home for the elderly.

Mr. Speaker, by this amendment being approved by this body, it would allow a duly licensed personal care home to continue to be under the jurisdiction of the Department of Public Welfare so that there is not duplication of oversight.

I ask for your support.

The SPEAKER. On the Snyder amendment, Mr. Veon.

Mr. VEON. Mr. Speaker, I wonder if we could momentarily suspend?

The SPEAKER. The House will stand at ease momentarily.

(Conference held.)

AMENDMENT WITHDRAWN TEMPORARILY

The SPEAKER. Mr. Snyder.

Mr. SNYDER. Mr. Speaker, at this time I would like to temporarily withdraw amendment 505 with the opportunity to raise it at a later time.

The SPEAKER. The Chair thanks the gentleman, understands, and will accede to the request.

BILL PASSED OVER

The SPEAKER. The Chair will go over, go over HB 413, page 2, for the day, for the day.

MOTION TO SUSPEND RULES

The SPEAKER. Extracts from the Journal of the Senate on SB 974.

The gentleman, Mr. Ryan, is recognized.

Mr. RYAN. Mr. Speaker, I would move at this time that the rules of the House be suspended so that this bill, rather than being sent to the Rules Committee with its amendments that were put in in the Senate, go, rather, directly to the floor of the House. This bill, as you know, is the bill that provides for a cost-of-living increase for retired teachers, extends the Mellow window for retirement, and the 30-and-out provisions for our retired teachers.

Rather than send it to Rules, I would like it to go to the floor where it can be voted upon today rather than go to Rules where nothing may happen to it because the Senate is retiring, I am told, until April 11, and God knows what will happen between now and then the way things have been happening lately.

On the question,

Will the House agree to the motion?

The SPEAKER. The gentleman, Mr. Itkin.

Mr. ITKIN. Mr. Speaker, I rise to object to the gentleman's motion to suspend the rules.

The normal process for bills coming back from the Senate, House bills on concurrence in Senate amendments, is that they go to the Rules Committee. Those are the rules of the House. There is nothing extraordinary in our deliberations that require us to change our procedure. In fact, I am planning to call a meeting of the Rules Committee later this afternoon for the purpose of considering the bill which has been received from the Senate. I expect that the bill will be reported out of Rules today and will be available for a vote in tomorrow's session.

So for those reasons, I would request that the members not suspend the rules—it is not necessary—and allow the normal process to go forward. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman from Allegheny.

Only the floor leaders can appropriately address this subject.

On the question recurring,

Will the House agree to the motion?

(Members proceeded to vote.)

The SPEAKER. One hundred and two votes would be required.

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

The following roll call was recorded:

YEAS–97

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

NAYS–97

Acosta	Fajt	Manderino	Staback
Battisto	Fee	Markosek	Steelman
Bebko-Jones	Freeman	Mayernik	Steighner
Belardi	Gamble	McCall	Stetler
Belfanti	George	McGeehan	Stish
Bishop	Gigliotti	Melio	Sturla
Blaum	Gordner	Michlovic	Surra
Burns	Haluska	Mihalich	Tangretti
Buxton	Hanna	Mundy	Thomas
Caltagirone	Itkin	Olasz	Tigue
Cappabianca	James	Oliver	Trello
Carn	Jarolin	Pesci	Trich
Cawley	Josephs	Petrone	Van Horne
Cohen, M.	Kaiser	Pistella	Veon
Colafella	Kasunic	Preston	Vitali
Colaizzo	Keller	Richardson	Washington
Corrigan	Kirkland	Rieger	Williams
Cowell	Kukovich	Ritter	Wozniak
Coy	LaGrotta	Roberts	Wright, D. R.
Curry	Laughlin	Robinson	Yandrisevits
Daley	Lederer	Roebuck	Yewcic
DeLuca	Lescovitz	Rooney	
Dermody	Levdansky	Rudy	DeWeese,
Donatucci	Lloyd	Santoni	Speaker
Evans	Lucyk	Scrimenti	

NOT VOTING–0

EXCUSED–8

Boyes	Butkovitz	Hughes	Petrarca
Bush	Gruitza	McNally	Platts

Less than a majority of the members elected to the House having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives by amending said amendments to **SB 974, PN 1988**.

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

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 1760, PN 3130**, entitled:

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, further providing for enactment of zoning ordinance amendments.

On the question,
Will the House agree to the bill on third consideration?
Mr. SURRA offered the following amendment No. A0911:

Amend Title, page 1, line 20, by inserting after "acts," adding a definition of "forestry"; and

Amend Sec. 1, page 1, lines 24 through 26; page 2, line 1, by striking out all of said lines on said pages and inserting

Section 1. Section 107(a) of the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, reenacted and amended December 21, 1988 (P.L.1329, No.170), is amended by adding a definition to read:

Section 107. Definitions.–(a) The following words and phrases when used in this act shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

* * *

"Forestry," the management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.

* * *

Section 2. Section 609(b) of the act is amended to read:

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

3

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

The SPEAKER. On the amendment, the gentleman from Elk.

Mr. SURRA. Thank you, Mr. Speaker.

Mr. Speaker, all this does is replace "forestry" in the definition of the code. It was inadvertently amended out last

year when we put the timber practices language in the municipal code bill.

There is no opposition to the amendment, and I ask for an affirmative vote. Thank you, Mr. Speaker.

The SPEAKER. On the Surra amendment, the gentleman, Mr. Hanna, from Lock Haven.

Mr. HANNA. Thank you, Mr. Speaker.

The amendment is agreed to.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—194

Acosta	Fajt	Lloyd	Saurman
Adolph	Fargo	Lucyk	Saylor
Allen	Farmer	Lynch	Scheetz
Argall	Fee	Maitland	Schuler
Armstrong	Fichter	Manderino	Scrimenti
Baker	Fleagle	Markosek	Semmel
Barley	Flick	Marsico	Serafini
Battisto	Freeman	Masland	Smith, B.
Bebko-Jones	Gamble	Mayernik	Smith, S. H.
Belardi	Gannon	McCall	Snyder, D. W.
Belfanti	Geist	McGeehan	Staback
Birmelin	George	Melio	Stairs
Bishop	Gerlach	Merry	Steelman
Blaum	Gigliotti	Michlovic	Steighner
Brown	Gladeck	Micozzie	Steil
Bunt	Godshall	Mihalich	Stern
Burns	Gordner	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	Hutchinson	Petrone	Tomlinson
Clymer	Itkin	Pettit	Trello
Cohen, L. I.	Jadlowiec	Phillips	Trich
Cohen, M.	James	Piccola	True
Colafella	Jarolin	Pistella	Tulli
Colaizzo	Josephs	Pitts	Uliana
Conti	Kaiser	Preston	Vance
Cornell	Kasunic	Raymond	Van Horne
Corrigan	Keller	Reber	Veon
Cowell	Kenney	Reinard	Vitali
Coy	King	Richardson	Washington
Curry	Kirkland	Rieger	Waugh
Daley	Krebs	Ritter	Williams
DeLuca	Kukovich	Roberts	Wogan
Dempsey	LaGrotta	Robinson	Wozniak
Dent	Laub	Roebuck	Wright, D. R.
Dermody	Laughlin	Rohrer	Wright, M. N.
Donatucci	Lawless	Rooney	Yandrisevits
Druce	Lederer	Rubley	Yewcic
Durham	Lee	Rudy	Zug
Egolf	Leh	Ryan	
Evans	Lescovitz	Santoni	DeWeese,
Fairchild	Levdansky	Sather	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—8

Boyes	Butkovitz	Hughes	Petrarca
Bush	Gruitza	McNally	Platts

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—194

Acosta	Fajt	Lloyd	Saurman
Adolph	Fargo	Lucyk	Saylor
Allen	Farmer	Lynch	Scheetz
Argall	Fee	Maitland	Schuler
Armstrong	Fichter	Manderino	Scrimenti
Baker	Fleagle	Markosek	Semmel
Barley	Flick	Marsico	Serafini
Battisto	Freeman	Masland	Smith, B.
Bebko-Jones	Gamble	Mayernik	Smith, S. H.
Belardi	Gannon	McCall	Snyder, D. W.
Belfanti	Geist	McGeehan	Staback
Birmelin	George	Melio	Stairs
Bishop	Gerlach	Merry	Steelman
Blaum	Gigliotti	Michlovic	Steighner
Brown	Gladeck	Micozzie	Steil
Bunt	Godshall	Mihalich	Stern
Burns	Gordner	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	Hutchinson	Petrone	Tomlinson
Clymer	Itkin	Pettit	Trello
Cohen, L. I.	Jadlowiec	Phillips	Trich
Cohen, M.	James	Piccola	True
Colafella	Jarolin	Pistella	Tulli
Colaizzo	Josephs	Pitts	Uliana
Conti	Kaiser	Preston	Vance
Cornell	Kasunic	Raymond	Van Horne
Corrigan	Keller	Reber	Veon
Cowell	Kenney	Reinard	Vitali
Coy	King	Richardson	Washington
Curry	Kirkland	Rieger	Waugh
Daley	Krebs	Ritter	Williams
DeLuca	Kukovich	Roberts	Wogan
Dempsey	LaGrotta	Robinson	Wozniak
Dent	Laub	Roebuck	Wright, D. R.
Dermody	Laughlin	Rohrer	Wright, M. N.
Donatucci	Lawless	Rooney	Yandrisevits
Druce	Lederer	Rubley	Yewcic
Durham	Lee	Rudy	Zug

Egolf	Leh	Ryan	
Evans	Lescovitz	Santoni	DeWeese,
Fairchild	Levdansky	Sather	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—8

Boyes	Butkovitz	Hughes	Petrarca
Bush	Gruitza	McNally	Platts

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

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

* * *

The House proceeded to third consideration of **HB 1175, PN 1292**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for fines for parking violations relating to parking spaces which are reserved for people who have a qualifying handicap.

On the question,

Will the House agree to the bill on third consideration?

The SPEAKER. The gentleman, Mr. Hasay, had an amendment which the gentleman indicates he will withdraw.

The gentleman indicates he would like to be recognized on the bill.

The Chair recognizes the gentleman, Mr. Hasay.

Mr. HASAY. Thank you, Mr. Speaker.

Yes, I did have an amendment to this particular bill. Representative Lita Cohen and I had several amendments.

I would like to bring to your attention the fact that the wildlife license plate as of last week has sold in excess of 60,000 special plates.

We did have an amendment offered; we had some problems with the amendment, so we will hold off until next session. Therefore, Representative Cohen and I will withdraw our amendments to all of the Title 75 bills at this time, Mr. Speaker. Thank you.

The SPEAKER. The Chair thanks Mr. Hasay.

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—182

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

NAYS—11

Bunt	Gamble	Leh	Tigue
Carone	Lawless	Merry	Waugh
Fairchild	Lee	Snyder, D. W.	

NOT VOTING—1

Armstrong

EXCUSED—8

Boyes	Butkovitz	Hughes	Petrarca
Bush	Gruitza	McNally	Platts

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

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

* * *

The House proceeded to third consideration of **HB 1298, PN 2407**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, regulating source-separated recyclable materials transported within this Commonwealth.

On the question,

Will the House agree to the bill on third consideration?

Mr. TIGUE offered the following amendment No. A0820:

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

; and providing for a temporary tax for snow clearing and removal.

Amend Bill, page 2, by inserting between lines 14 and 15

Section 2. Title 75 is amended by adding a section to read:

§ 9511.2. Imposition of temporary tax.

(a) Subjects of tax.—In addition to the tax imposed upon liquid fuels and fuels by the act of May 21, 1931 (P.L.149, No.105), known as The Liquid Fuels Tax Act, the act of January 14, 1952 (1951 P.L.1965, No.550), known as the Fuel Use Tax Act, sections 1101-B and 1121-B of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, and the act of July 12, 1974 (P.L.458, No.161), referred to as the Liquid Fuels Additional Tax Act, an additional State tax in an amount of 2¢ per gallon, or fractional part thereof, is hereby imposed and assessed, except as provided in subsections (b) and (c) and except as otherwise provided by law, upon all:

(1) Liquid fuels used or sold and delivered by distributors within this Commonwealth except liquid fuels used as fuel in aircraft or aircraft engines taxable under The Liquid Fuels Tax Act.

(2) Fuels used by dealer-users within this Commonwealth except the use of fuel in aircraft or aircraft engines taxable under the Fuel Use Tax Act.

(b) Liquid fuels tax exceptions.—The tax imposed on liquid fuels by subsection (a) shall not be imposed upon liquid fuels delivered to the United States Government on presentation of a duly authorized United States Government exemption certificate or other evidence satisfactory to the department, and such liquid fuels used or sold and delivered as are not within the taxing power of this Commonwealth under the Commerce Clause of the Constitution of the United States and excepting liquid fuels delivered to the Commonwealth, every political subdivision, any volunteer fire company, any volunteer ambulance service, any volunteer rescue squad, any second class county port authority and nonpublic schools not operated for profit on presentation of evidence satisfactory to the department.

(c) Fuel use tax exceptions.—The tax imposed by subsection (a) shall not be imposed upon any fuel that is used by or sold and delivered to the United States Government, when such sales and deliveries are supported by documentary evidence satisfactory to the department, upon any fuel not in excess of 50 gallons brought into this Commonwealth in the fuel supply tanks or other fueling receptacles or devices of a motor vehicle, upon any fuel used by or sold or delivered for use in farm machinery or equipment, engaged in the production or harvesting of farm or agricultural products involving the use of the public highways within a ten-mile radius of the domicile of the owner of the machinery or equipment, when such sales and deliveries are supported by documentary evidence satisfactory to the department, or upon any fuel used by or sold or delivered to the Commonwealth of Pennsylvania, its political subdivisions, any volunteer fire company, any volunteer ambulance service, any volunteer rescue squad, any second class county port authority and any nonpublic schools not operated for profit, when such sales and deliveries are supported by documentary evidence satisfactory to the department.

(d) Distribution.—The temporary tax imposed under this section shall be paid into the Motor License Fund and distributed as follows:

(1) One-third to the department for use in or reimbursement of funds expended for removal or clearing of snow.

(2) Two-thirds to the municipalities of this Commonwealth, as defined in section 2 of the act of June 1, 1956 (1955 P.L.1944, No.655), referred to as the Liquid Fuels Tax Municipal Allocation Law, in the manner set forth in section 4 of that act, for use in or reimbursement of funds expended for removal or clearing of snow and the repair, replacement or purchase of equipment and materials used for snow removal. Any additional funds may be used for expenditures allowed by the Liquid Fuels Tax Municipal Allocation Law. The distribution shall occur every 60 days.

Section 3. Section 9511.2 of the act shall expire December 31, 1994.

Amend Sec. 2, page 2, line 15, by striking out all of said line and inserting

Section 4. This act shall take effect as follows:

(1) The amendment of 75 Pa.C.S. § 4903 shall take effect in 60 days.

(2) The addition of 75 Pa. C.S. § 9511.2 shall take effect in 15 days.

(3) The remainder of this act shall take effect immediately.

On the question,

Will the House agree to the amendment?

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

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, this amendment, what it would do, it would increase the gasoline tax 2 cents per gallon until the remainder of the year. It would go into effect, I think, 15 days after passage of the bill, and the money collected would be distributed on the following formula: one-third would go to PennDOT; two-thirds of the money collected would go to the municipalities, and that would be distributed based on the liquid fuels formula.

The reason why I am doing this is to aid municipalities in recovering the costs for their snow removal and repair and damage done to the roads. So in other words, this is for municipalities who have expended money which they have not budgeted.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the Tigue amendment, Mr. Strittmatter. Mr. Strittmatter is recognized on the Tigue amendment.

Mr. STRITTMATTER. Thank you, Mr. Speaker.

I would like to point out to the members that this is a tax increase I think given at the wrong time. I think if anything, we do not need to have more taxes.

For instance, I think before we vote for higher taxes, we should be looking at the construction program that was approved by the Secretary of Transportation. I believe the priorities have been misdirected, and I believe that we could find the funds to help our municipalities through some of those misguided priorities that have been set by the Secretary of Transportation thus far.

So I would ask for a "no" vote on this tax increase. Thank you.

The SPEAKER. The gentleman from Allegheny County, Mr. Cessar, on the Tigue amendment.

Mr. CESSAR. Thank you, Mr. Speaker.

Will the gentleman stand for a brief interrogation?

The SPEAKER. The gentleman from Luzerne indicates he will, and Mr. Cessar can proceed.

Mr. CESSAR. Thank you, Mr. Speaker.

Mr. Speaker, would this tax affect any money we would be getting from the Federal Government for emergency relief for snow removal?

Mr. TIGUE. I am sorry, Mr. Speaker. Could you repeat that?

Mr. CESSAR. Just recently we met with the administration and people from the Federal Government, and they discussed the possibility of Pennsylvania being eligible for $40 million in Federal grants for snow-removal costs for this past winter. My question to you, Mr. Speaker, is, if we would pass this additional tax for snow removal, would this have an adverse effect on that Federal funding?

Mr. TIGUE. Mr. Speaker, to answer your question quickly, the answer is no.

To clarify a little bit, in my discussions with PEMA (Pennsylvania Emergency Management Agency), their answer is that as long as the counties have been approved for Federal funds, it will have no effect on them what we do. So if we give them additional funds, that will not have any effect on the money coming from the Federal Government under the disaster declaration by the Governor and the President.

Mr. CESSAR. Mr. Speaker, another question.

How many counties would be eligible for the Federal funding?

Mr. TIGUE. My understanding, Mr. Speaker, is so far, there have been 28 counties approved and there are 39 counties which were not approved, but they may submit additional—They may have an appeal process, actually, until the 29th of March.

Mr. CESSAR. Okay. One further question, Mr. Speaker.

If we were to vote for this tax, do you have any assurances from the administration, specifically the Governor's Office, that he will not veto this proposal?

Mr. TIGUE. No, Mr. Speaker, I do not have any assurances that it will pass the Senate or the House or the Governor.

Mr. CESSAR. Thank you, Mr. Speaker.

The SPEAKER. The gentleman from Allegheny County, Mr. Markosek.

Mr. MARKOSEK. Thank you, Mr. Speaker.

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

The SPEAKER. The gentleman from Luzerne indicates he will stand for interrogation.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, I did not hear quite all the answer there to the previous questioner, but we are getting Federal funds, are we not?

Mr. TIGUE. Yes, Mr. Speaker, for those counties that have been approved by the Federal Government.

Mr. MARKOSEK. Which is how many counties out of the State?

Mr. TIGUE. Twenty-eight out of the 67 have been approved as of now for funding for Federal disaster money.

Mr. MARKOSEK. Okay.

I live in Allegheny and Westmoreland. Do you know if they are on that list or not?

Mr. TIGUE. I do not know, Mr. Speaker. I think they are. I am quite sure they are. I am told now that they are.

Mr. MARKOSEK. There is not a list? You have not seen a list or anything?

Mr. TIGUE. I have seen the list.

Mr. MARKOSEK. Okay.

And you also mentioned to the previous speaker that the funding would not be affected if we made any decisions here in the legislature regarding that.

Mr. TIGUE. That is what I have been told by PEMA. That is correct.

Mr. MARKOSEK. All right. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Mr. Uliana is recognized on the Tigue amendment.

Mr. ULIANA. Mr. Speaker, may I briefly interrogate the maker of the amendment?

The SPEAKER. The gentleman indicates he will stand. Go ahead.

Mr. ULIANA. Mr. Speaker, could you please review for us once more, just so we can get it clear, the funding formula by which these new tax revenues would be appropriated.

Mr. TIGUE. The funding formula would be the same as the distribution for the liquid fuels money, and that formula is based on population and lane miles.

Mr. ULIANA. Great. Thank you, Mr. Speaker.

May I speak to the amendment, please?

The SPEAKER. Mr. Uliana may proceed.

Mr. ULIANA. Thank you very much.

I rise, Mr. Speaker, to first of all compliment the gentleman, Mr. Tigue, for taking an interest in a question which has faced my community and communities throughout this State, but I think his solution today is the wrong solution. If we need to get money, we need to make a careful assessment of what communities have had the greatest impact, what communities have made and have been forced to expend the greatest amount of their municipal budgets to get removal of the snow and to restore public safety. This 2-cent-a-gallon tax now will not do that. All it will do is it will put money through the existing formula.

There has to be a better way to do things, and we have suggested and we have been working with the Appropriations Committee, working with the Governor's Office, and talking with Secretary Yerusalim. We have been fortunate enough to get help from the Federal Government. I think that this takes us off in the wrong direction. We need to focus our attention, our resources, in resolving in the budget of this year, after we have gotten full and complete data from all the municipalities, a plan to reimburse them for a portion, not all of the costs, not three-quarters, but a portion of those costs which were directly linked to the snow emergencies.

I urge each and every member of this General Assembly to vote against the Tigue amendment. Thank you very much, Mr. Speaker.

The SPEAKER. The gentleman from Allegheny, Mr. Olasz, on the Tigue amendment.

Mr. OLASZ. Would the maker stand for an interrogation, please?

The SPEAKER. The gentleman indicates in the affirmative. Mr. Olasz may proceed.

Mr. OLASZ. Mr. Speaker, if the counties fail to get the total amount, would a portion of this then revert back to that county? This proposed tax.

Mr. TIGUE. If I heard the question right, if the counties fail to get the full amount? Regardless of what the counties get, they will get their share out of this tax. Whether they are approved or not approved, they will get their fair share of the liquid fuels tax.

Mr. OLASZ. Mr. Speaker, is it safe to assume that if the money does not come through in its total proposed amount, that a portion of the moneys will then come out of the maintenance fund of the Department of Transportation?

Mr. TIGUE. Well, Mr. Speaker, all I can do is, like you, I can just visualize or try to think about what would happen.

Not only would it come out of the maintenance fund of PennDOT, it has to come out– You either have to do one of three things on a municipality. You either have to use the money for maintenance to pay for the bills that have already accrued, you may use some Federal money if you are lucky enough to be approved, or you can cut away your maintenance program completely. Or you can raise taxes, and if you raise taxes, most municipalities are going to be looking at a property tax, and the people who should be paying for the removal of snow are the same people who use the roads. They are the people who purchase liquid fuels.

Mr. OLASZ. Would the existence of this tax go out of existence as of midnight December 31 of 1994?

Mr. TIGUE. That is correct, Mr. Speaker. This tax would end 12/31/94, December 31 of 1994. It is an emergency tax of 2 cents for the remainder of this year.

Mr. OLASZ. Mr. Speaker, I would like to speak to the amendment, please.

The SPEAKER. The gentleman is in order.

Mr. OLASZ. Mr. Speaker, I heard the moans and groans from this House when my colleague stood and had enough nerve to propose this. It takes real courage in an election year to make such a proposal. But when you consider blowing a tire, which would cost you in the area of $75, bust a tie-rod, perhaps end up in a serious accident where no value can be placed on that, you think about blowing a couple of tires as opposed to making a responsible vote. The responsible vote today is to support this amendment, and then you will be able to face your constituents that I made a move to correct the roads that have suffered under the worst winter on record in the State of Pennsylvania.

We talk about all these inducements for business to come into the Commonwealth. Lower the corporate net income, do this, do that, but if you do not provide those people with the proper roads to do business in this Commonwealth, God help us all, because it is just blowing in the wind.

I congratulate my colleague, Mr. Tigue, for having enough courage, and those of us that will vote to support it, you can go back and tell your people you took actions that caused tires from being blown, tie-rods being bent. Go take that to your automobile repairman and ask him what the cost of that would be compared to perhaps 30 cents a tank every time you fill up.

Thank you very much, and you think about it the next time you hit that pothole and jar your kidneys.

The SPEAKER. The gentleman from Wayne County, Mr. Birmelin, is recognized on the Tigue amendment.

Mr. BIRMELIN. Thank you, Mr. Speaker.

I rise in support of the Tigue amendment.

Many of you perhaps have known that over the many years that I have been in the House of Representatives, I have rarely supported a tax increase, but on this occasion I think it is justified. And as I represent rural counties in Wayne and Pike, I am beginning to see even today, before we have a thaw, what is going to happen in the next month. With the severe cold that we have had, let alone the snow and the ice buildup, roads are going to self-destruct very quickly.

We know that PennDOT, in particular, and of course many of our municipalities have already far exceeded those budgeted amounts that they had for snow removal and the spreading of cinders, et cetera. When they begin to patch the potholes in April and May, there will be absolutely no money left to do any repaving, particularly in the rural counties, and in the rural counties such as I represent, which I believe are underfunded through the PennDOT formula, we will set our entire repaving program back at least a year if not more.

This is a temporary tax. It meets an unusual circumstance in an extraordinary year, and I think it is reasonable for us, even those like myself who perhaps would be accused of having knee-jerk reactions to tax increases, it is a reasonable proposal to meet the needs, in particular of rural Pennsylvanians, because our people depend on our roads more than anyone else, I believe, and without this help this year, we are going to be in trouble and we are going to be answering questions all summer long as to why they have not repaved roads that have been scheduled for 10 years to be repaved.

So I would urge my colleagues, especially those who like myself have rarely, if ever, supported a tax increase, to think seriously about doing what I consider to be the right thing and supporting the Tigue amendment. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Rooney, on the Tigue amendment.

Mr. ROONEY. Thank you, Mr. Speaker.

Would the maker of the amendment stand for interrogation?

Mr. Speaker, Pennsylvania applied for Federal disaster relief funding in five specific areas. Can you enumerate those areas for the membership?

Mr. TIGUE. I cannot hear you, Mr. Speaker. I heard you say they applied in five areas.

Mr. ROONEY. For five specific areas. Can you tell us what was granted? What relief has been granted relative to the five areas that we made application for assistance?

Mr. TIGUE. Excuse me. You will have to repeat that, Mr. Speaker. I cannot hear you.

Mr. ROONEY. Mr. Speaker, Pennsylvania applied for disaster relief from the Feds for five specific areas. Can you tell us what relief has been granted relative to the application?

Mr. TIGUE. I cannot tell you completely, Mr. Speaker. I can tell you that relief was granted in the various categories for the 28 counties that were approved. I cannot tell you specific numbers of what goes to what category in what counties, but they did approve in categories like 4 and 5, I believe. You know, that is all I can tell you.

Mr. ROONEY. Mr. Speaker, one of the greatest costs that was incurred by cities like Allentown, Bethlehem, and Easton was the cost to go out and hire independent contractors to plow their roads, to augment their efforts, after all the public resources had been committed. Will this Federal disaster relief funding cover the costs for these cities to go out and hire independent contractors?

Mr. TIGUE. That I do not know, but this tax would cover those costs.

Mr. ROONEY. And that is why I asked the question. I think it is important to determine whether or not we are going to get this Federal reimbursement.

It was suggested to me that we will in fact be reimbursed for those costs in area 3. I was wondering if you could shed some light or confirm that.

Mr. TIGUE. I cannot confirm that, but if you say it is so, I would say, yeah, then you must be getting approval for that contractor.

Mr. ROONEY. Mr. Speaker, on the amendment.

The SPEAKER. On the amendment.

Mr. ROONEY. Mr. Speaker, I have some very serious reservations about the disbursement using the liquid-fuels-tax formula.

One question that I would like to have answered before I cast this vote is whether or not we will be reimbursed from the Federal Government for the costs that local governments incurred to go out and hire independent contractors. I think that is central to the whole question or the whole argument. If in fact I can get that answer, if somebody is here from staff that would have the answer to that question, I think it would make all of our votes a lot easier.

Absent the fact that the liquid fuels tax is perhaps not the right way to go, but if that is what we are faced with, then I would begrudgingly support the amendment.

The SPEAKER. On the Tigue amendment, Mr. Cessar is recognized.

Mr. CESSAR. Thank you, Mr. Speaker.

I think I would like to impart to the members of this House some of the information which is relative to this proposal.

This year, PennDOT had appropriated $115 million for snow-removal costs. They spent an additional $17 million in additional costs for snow removal.

Now, if we are looking at this realistically and we are passing this bill for 1 year–it will not go into effect until after April 15, because the Senate is not going to be in session–all it can generate is about $70 million. And you must remember this, that one-third of all that money will go to PennDOT. So you are looking at approximately $43 or $45 million which will be distributed to your local governments.

So I think you really ought to have that in the back of your mind when you make a decision on what you want to do.

The SPEAKER. The chairman of the northeast delegation, Mr. McCall, is recognized.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the Tigue amendment, and just to buttress the remarks made by Representative Cessar, the Tigue amendment will raise about $80 million, and for every month that we do not pass this amendment, it decreases by about $10 million. So if we wait another month to pass this amendment, it will raise $70 million.

But I think the important thing that the members should realize is that the department does have a maintenance budget. That maintenance budget is deficient by about $20 million because of the storm of 1994, because of the winter weather of 1994. That $20 million has to be made up somewhere. They do not have the wherewithal to make that up unless we pass the Tigue amendment.

That $17- to $20-million deficiency affects us directly. It affects us because we are not going to be able to do road repair work. That $20 million would have gone to road repair plus road construction. So that is something that each and every one of us should remember when we are considering voting on the Tigue amendment, that that $20 million that we are deficient right now in the maintenance account goes directly into our districts to repair the roads and to do construction work on the roads within the Commonwealth of Pennsylvania.

Every one of the municipalities in my district spent 5 to 10 times more than they budgeted for snow removal. It is incumbent upon, I think, myself to vote for the Tigue amendment to make sure I can get the reimbursements into my local municipalities to pay for the lost money that they had to use for snow removal.

I would ask for an affirmative vote on the Tigue amendment.

The SPEAKER. The gentleman from Washington County, Mr. Daley, on the Tigue amendment.

Mr. DALEY. Thank you, Mr. Speaker.

Would the gentleman stand for a brief interrogation?

The SPEAKER. Mr. Tigue indicates he will.

Mr. DALEY. Mr. Speaker, one question that comes to mind–I do not know if any other speaker had asked you this–we know that in town this week or today FEMA, Federal Emergency Management Agency, officials are here meeting with the Department of Transportation, the Governor's Office, and PEMA concerning the Federal disaster declaration approved by President Clinton. Do you have any idea, by us taking these actions today, will this impact upon those

discussions or those deliberations in order to get Federal funds?

Mr. TIGUE. Okay; I thought I had answered that question earlier, Mr. Speaker, but to reiterate, what I have been told is that it will not have an impact, that the money approved by the Federal Government, this has no impact on it. So counties which will be approved prior to this ever becoming law, there is no problem with it.

The other thing is, the counties that did not receive Federal funds, those 38 counties have until March 29 to appeal or reapply, if you will, for the Federal funds. In that scenario, there is no way this would be law before that decision would be made.

So the answer is, there would be no effect.

Mr. DALEY. Okay.

I was told yesterday, Mr. Speaker, by individuals in the Governor's Office, I have a bill that presently is being considered by the Local Government Committee, and they asked me to put a hold on that bill because the bill basically provides for disaster assistance for those counties that were declared disasters, to reimburse those communities that had snow and emergency services and snow-removal problems, and I was asked to put a hold on that legislation, Mr. Speaker, basically because there was a fear that by pushing that legislation forward, that may send the wrong message to FEMA. Have you received any of those kinds of comments or–

Mr. TIGUE. In fact, this afternoon. Again, I am going to go over this one more time.

Again, I talked to PEMA this afternoon after someone else asked this question, and again, I was told that this will not have an effect on the money that is approved for the counties.

Mr. DALEY. Okay. You are saying those counties that have been declared disasters–

Mr. TIGUE. –or those counties that are reapplying, that have until March 29 to reapply. Anyone who would be granted anything, they would not be affected unless we had– And they are not even sure if it would be affected even if this were law. Obviously, this is not going to be law by March 29, because the Senate is not in session.

Mr. DALEY. Those counties that have been declared disasters under the emergency declaration of the Governor then would be dealt with specifically under the FEMA and PEMA arrangements, whatever they work out today or the next several weeks. Am I correct in that assumption?

Mr. TIGUE. Right.

Mr. DALEY. And in essence–

Mr. TIGUE. It is not my assumption; that is what I have been told.

Mr. DALEY. Okay.

Regardless of the fact, your legislation then will address all counties, including those counties in Pennsylvania, those 28 counties or whatever, those that were included in the disaster declaration.

Mr. TIGUE. That is correct.

Mr. DALEY. Okay. Thank you, Mr. Speaker.

On the amendment, Mr. Speaker.

The SPEAKER. On the amendment.

Mr. DALEY. Thank you.

I think it would be foolhardy of us to miss an opportunity here to take advantage of some legislation that, quite honestly, will place all our counties in a position to receive some money.

I was advised by the Governor's Office that if we would move forward my legislation that was for those 28 counties of emergency declaration, it may damage negotiations right now with FEMA. However, I think quite in all honesty and candor, if you read the language in this amendment, what Mr. Tigue is saying is quite readily apparent. So I think that we would be remiss if we did not move forward on this legislation.

We all know the tremendous impact that this winter has had on all our communities. In my legislative district, I know with the first disaster declaration we had 250,000 dollars' worth of snow removal in one week, and that is 23 communities. I am sure many of your communities are the same way.

Regardless of whatever we do with PEMA or FEMA, we need a mechanism, and I think what Representative Tigue is trying to do here is address that. I ask for an affirmative vote on the amendment, Mr. Speaker.

The SPEAKER. The Chair thanks Mr. Daley and recognizes the gentleman from Lancaster, Mr. Strittmatter.

Mr. STRITTMATTER. Thank you, Mr. Speaker.

I would like to interrogate Representative Tigue, please.

The SPEAKER. The gentleman is sturdy and still standing and will yield to interrogation.

Mr. STRITTMATTER. Great. Thanks.

Mr. Speaker, does the Secretary of Transportation support your amendment?

Mr. TIGUE. I do not know the answer to that question.

Mr. STRITTMATTER. Have you discussed with the Secretary of Transportation your amendment?

Mr. TIGUE. I have not discussed this with the Secretary. I discussed the prior bill that I had drafted, and at that point he said that publicly he could not take a position on it.

Mr. STRITTMATTER. All right. Then the next question would be, you purport this, you know, to be a temporary tax that the Secretary of Transportation cannot discuss in public–

Mr. TIGUE. That is not what I said.

Mr. STRITTMATTER. Okay.

Mr. TIGUE. I said that the Secretary, in response to your question–you asked me if he took a position on the bill–I said that he said he will not take a position publicly on the bill – on the bill. It does not mean he cannot; he can. Obviously he is free to do whatever he would choose.

Mr. STRITTMATTER. The question would be, you purport this to be a temporary tax. Is it not true that the temporary Johnstown flood tax of the 1930's is still in effect?

Mr. TIGUE. That is true, because the legislature has deemed it to stay in effect. My language says that it will end on 12/31/94. Now, can that go on forever? Of course it can, and that is if you want to override it.

Mr. STRITTMATTER. That will be all the questions. Thank you.

I would like to speak on the amendment, please.

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

Mr. STRITTMATTER. I believe that we have heard, you know, and we are being asked to approve a tax that the Secretary of Transportation has not taken a position on. It would be his department that would have to carry this out. I would think that before we vote for a tax increase of this magnitude, that we should be hearing from the Secretary of Transportation. I would also point out the fact that, you know, we do have temporary taxes from the 1930's that are still in effect.

I agree with Representative Olasz and the others that there are many problems and our roads need to be repaired, but instead of looking at the revenue side–and I think this is what we hear from our citizens and we should be responding to–instead of always looking at the problem and saying, oh, we need to throw more money out; we need to tax people more to do this, why do we not look at doing the job better?

We had an opportunity a couple of weeks ago to do that. We should be looking at reducing wasteful government spending rather than looking at tax increases at every drop of the hat. I speak in particular to prevailing-wage rates. The reason the roads are not being constructed and the reason that the money does not go so far is that we have outlandish prevailing-wage rates that do not really reflect the true prevailing wage.

We had over 115 members that did not vote with our citizens in order to correct this. If it costs twice as much to repair a road because of that, that is why we need to have more tax dollars and why our State is out of whack with the other States around us. I would suggest that we would go and look at the wasteful government spending practices, such as, let us bring up for reconsideration the prevailing-wage rates if we want to do something about this so that we can help our citizens.

Those prevailing-wage rates, the way we do contracts now–

Mr. TIGUE. Mr. Speaker, prevailing wage has nothing at all to do with this amendment.

Mr. STRITTMATTER. Mr. Speaker, I would contend that what we are talking about now is repairing our roads, that we have this extreme winter condition. I am saying that the way to do it is not by taxing our people but by reducing the government wasteful spending.

These government wasteful spending practices that we have instituted, that your amendment is trying to correct by adding more revenue to this wasteful spending machine, all we will do is attract – as it has – we will attract people from all over the country to come in here and try to repair our roads at outlandish rates.

Right now, we have roads being constructed in our State by firms from Georgia. Now, obviously there must be a lot of waste or our prevailing wages must be awfully high to afford to have companies coming from Georgia to take our tax dollars. You are going to raise more money for firms from out of our State to come and repair our roads. I think it would be a lot better to look at the wasteful government spending, put our working men and women back to work here in this State, rather than going and putting us at a bigger disadvantage by raising taxes again.

So I would ask for a defeat of this amendment. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Jefferson County, Mr. Smith, on the Tigue amendment.

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

Mr. Speaker, there is no question in my mind that the municipalities and even our PennDOT districts, at the district level and at the county level, have experienced a difficult time this winter in keeping their budgets in order. However, the problem that I have with this amendment, primarily, is not that we may need to try to pump some extra money into our counties and municipalities to make up for this loss, for this heavy winter, but my problem is how this money is primarily being driven out to the counties and to the municipalities. It is my understanding that the money would be driven out based on the standard liquid fuels formula and the standard formulas by which our counties receive money.

Well, in discussing this issue with some of my local municipalities and trying to determine just where the real need lies, it comes to me that these municipalities and our PennDOT county offices get X number of dollars. Let us say, for instance, they got $100, which will go into snow removal in the winter and into patching potholes and doing local road maintenance work in the summer. Whatever the county or the local municipalities use in the winter takes away from their summer budgets. If we have an easy winter, they have more money. If we have a bad winter, they have less.

But where this problem really gets sticky and what I do not like about this emergency fund as it is being proposed is that it does not necessarily drive the money into the municipalities and the counties that have a heavier need. For instance, some counties might have 20 percent or more of their actual budget that they are given to operate on, to do regular winter snow removal and summer maintenance, they may spend 20 percent of that budget on snow removal in a normal year. Another municipality or county may only spend 15 percent. That is where the problem is, once we hit this bad winter where these counties and municipalities exceeded their budgets by 100 percent or they doubled their costs.

I just think that if we are going to take a good look and debate the idea of putting some extra money in to help fix up that problem of the heavy winter so that we can fix our roads back up this summer, I think we need to take a look at where the need is and better examine that.

I sent a letter to the Secretary of Transportation, a letter asking for a more detailed breakdown to this effect, to the argument I have raised. I just sent it to him a week or so ago, so I am not complaining that he has not responded. I am sure that he will. But I do think that we should give a little more time to addressing this problem at the level that the need exists.

I would urge a "no" vote on this amendment.

The SPEAKER. Mr. Ryan is recognized.

Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, may I have some order, please?

The SPEAKER. The Republican leader is in order to request that our attention be focused upon the debate. This is a very important subject relative to our transportation network after the severe winter.

Sergeants at Arms will please clear the aisles. Members will please take their seats. The gentleman from Delaware deserves to be heard.

The gentleman may proceed.

Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, I asked if the House would be brought to order because, frankly, I could not hear some of this debate which was very important. As a matter of fact, I started to hear some of it when I was back here in the men's room. You could hear it better there than you can out here, but there is not enough room back there for everybody. That is why I suggested that maybe we could get the House in order.

I sat here next to my mate, Mr. Perzel, and we had a discussion trying to determine whether or not the Secretary of Transportation had made any statements on this subject. Neither one of us was able to make a determination, based on what we could hear on the floor, as to whether or not the Secretary had an opinion on the amendment. I found out when I went into the back room that, indeed, he did have an opinion, but he was not willing to share it with anyone. I believe that is what the answer was to this query that was asked of the gentleman, Mr. Tigue.

In any event, I am not afraid to vote for a tax. I have proven that over the years. But I do not think this is the time to do it on this one. I am not prepared to vote for a tax today when I do not know whether the Governor would sign it; I do not know whether the Secretary of Transportation wants it or needs it. I know our roads are awful, and it is not the Secretary's fault; it is the fault of Mother Nature. We all took a hard hit this winter. But he better than I, he better than Representative Tigue or any of the rest of us knows the condition of these roads; knows whether 2 cents a gallon, 1 cent a gallon, 50 cents a gallon, is necessary to put these roads back into the condition they should be in.

I do not think we should here today speculate as to what is necessary, particularly when we have not had an opportunity to talk to our brethren in the other chamber to see if a tax measure is going to meet with success over there, with some question as to whether or not the Secretary of Transportation is going to okay it and is the Governor going to sign it.

Now, I think we are acting foolish to send a tax bill out of here, frankly, without it being greased. I mean, you just do not do things like that. Do you? This is not like a regular bill; this is a tax bill. You do not pass them unless they are going to become law and unless they are necessary, and the person who is responsible for telling us that they are necessary has not told us, and I am not going to look into my crystal ball and say, it is time for me to hit that green button and create a tax. Thank you, Mr. Speaker.

The SPEAKER. Mr. Geist is recognized.

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

The winter has been especially harsh to roads all over Pennsylvania, especially roads in the city of Altoona. This is a good idea, but I agree with Representative Ryan and others that you do not wire one of these jobs up unless the Governor is going to throw the switch.

I would urge that you vote "no" on this issue until such a time that Governor Casey sends us the signal that, yeah, we can do it all and do it right. Thank you, Mr. Speaker.

The SPEAKER. On the Tigue amendment, Mr. Olasz for the second time.

Mr. OLASZ. Mr. Speaker, if my memory serves me correctly, on that orphans bill this morning, what was that that we voted to increase, or was that the fancy term of "fee" as opposed to "tax"? That was the orphans bill that we voted on this morning.

Think about that the next time you hit that pothole and break a spring. Thank you, Mr. Speaker.

The SPEAKER. The final speaker will be the author of the amendment, Representative Tigue.

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, I am not foolish enough to think that things done down here are based on what is right and what is wrong, what is responsible and what is irresponsible, but I do know that I have heard every excuse under the sun today. First of all, I understand, like everyone else here, this is an election year, and I have an opponent, but I also have a responsibility to my constituents.

Mr. Ryan says he thinks this is foolish. I think to not vote for it is gutless. The Secretary of Transportation, the Governor, and your municipalities in 67 counties have indicated that the money is necessary. That is why they asked the Federal Government for assistance. Look at the numbers. They asked for over $40 million, and that was only for the storms which occurred from January 4 to January 29. The money that the Federal Government has approved does nothing for municipalities or the State or the counties for any of the storms past January 29. More than half of our counties have been denied, at this point, any additional money.

Mr. Cessar says, be careful; it is only $45 to $50 million, and he is right on the numbers. You go back and you tell your municipalities they do not need the $45 or $50 million to reimburse them for the money they have spent this past winter. This past winter has not been a normal winter. We have come close and in many areas we have broken the record for snow, and all you have to do is drive the highways and the roads in this Commonwealth and you know the damage that has been done.

The Secretary of Transportation has said, in answer to the Senate Transportation Committee, the administration did not initiate this proposal; however, they could use the money. We all know sitting here today or standing that all these municipalities need money. Mr. Olasz had a good point. This morning we voted on a bill which increased the fees. I did not hear one complaint.

Mr. Strittmatter says, we should do something about *responsible spending and fiscal responsibility in government.* Then that should have been done when the municipalities asked for disaster aid and everyone or most people here were telling the Governor and telling PEMA and telling the President and the congressional delegation, we need money. It is interesting that fiscal conservatives, so-called fiscal conservatives, who support the Federal Government giving us the money do not support this. That is irresponsible, because the Federal Government got the money for the California earthquake, of which, the LIHEAP (Low-Income Home Energy Assistance Program), by increasing the deficit. So what you are telling me is, you are for increasing the deficit; you are not paying for bills as they are accrued and what is responsible.

Each one of us has to look himself in the face in the mirror. We have to do what is right once in a while. I did not schedule the snow. As Mr. Ryan says, the weather was the problem. That is correct. Your township supervisors, your city councils, and your borough mayors did not schedule it either, but they are left holding the bag once again. Forty-five million dollars to fifty million dollars divided to every single county is a significant amount of money. If we are talking about taking the money, as a previous speaker said, from the maintenance fund and using it for snow removal, where do you think they got the money for the maintenance fund? They got it from the liquid fuels tax, from their part of the distribution of the liquid fuels tax.

Mr. Hasay earlier stood up and said, we sold over 60,000 wildlife resource plates. That is wonderful. Now, you tell me how many of those people are concerned with 2 cents on a gallon, because if this goes into effect for 6 months, they would have to drive 35,000 miles in 6 months or 70,000 miles in a year to equal the money they paid for the wildlife resource plate.

So who is concerned about what? We can use this as a political ball back and forth and bat it back and forth, but let us see who has the guts to stand up and answer your municipalities who have asked, give us the money to fix the streets. Here is your chance. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The gentleman, Mr. Todd Platts, will have his name added to the master roll and will be voting on this amendment; Todd Platts, on the master roll.

CONSIDERATION OF HB 1298 CONTINUED

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

The following roll call was recorded:

YEAS–23

Battisto	Markosek	Rooney	Van Horne
Birmelin	McCall	Staback	Veon
Caltagirone	Michlovic	Steelman	Yandrisevits
Cappabianca	Mihalich	Stetler	
Cawley	Olasz	Tigue	DeWeese,
Lee	Pesci	Trello	Speaker
Lloyd			

NAYS–171

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

NOT VOTING–1

Bishop

EXCUSED–7

Boyes	Butkovitz	Hughes	Petrarca
Bush	Gruitza	McNally	

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?

The SPEAKER. The gentleman, Mr. Waugh, from York County is recognized on an amendment, which the clerk will read. The gentleman, Mr. Waugh, withdraws the amendment.

The gentleman from Philadelphia, Mr. Perzel, has an amendment, which the clerk will read. The gentleman also withdraws that amendment.

The gentleman from Montgomery, Mr. Lawless, ostensibly has an amendment, which the clerk will read.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. LAWLESS offered the following amendment No. A1178:

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

; and further providing for the fine for vehicle inspection violation.

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

Section 1. Section 4703(h) of Title 75 of the Pennsylvania Consolidated Statutes is amended to read:

§ 4703. Operation of vehicle without official certificate of inspection.

* * *

(h) Penalty.—Any person violating this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of [up to] $25.

Section 2. Section 4903(c.1) of Title 75 is amended and the section is amended by

Amend Sec. 2, page 2, line 15, by striking out "2" and inserting

3

On the question,

Will the House agree to the amendment?

The SPEAKER. On the amendment, Mr. Lawless.

Mr. Lawless indicates he will waive by waving.

Any debate on the Lawless amendment?

The Chair recognizes the gentleman, Mr. Preston, from Allegheny County on the Lawless amendment.

Mr. PRESTON. Mr. Speaker, I would ask the gentleman to at least explain to the members what the intent is and what his amendment does.

The SPEAKER. The Chair thanks the gentleman from Pittsburgh.

Mr. Lawless is recognized on an explanation of his amendment.

Mr. LAWLESS. Thank you, Mr. Speaker.

Mr. Speaker, two local district justices have requested we set a fine of $25 for an inspection violation rather than the current fine, which is set by the DJ at a later date than that which the offense occurred. With this legislation, the fine would be set by the police officer; thus the offender would be able to have a total of fine and costs at the time of the offense. Right now the current law states that it can be set by the DJ up to $25, and it is causing, I guess, administrative problems.

Mr. PRESTON. Mr. Speaker, can you tell me how this amendment would affect those districts who have set their fines but do not have district justices or anything like that? Does this mean the city of Pittsburgh, which has its own municipal court, would have to be subject to a $25 fine?

Mr. LAWLESS. Yes, Mr. Speaker; it would be subject to a $25 fine in lieu of the $1 to $25, as current law states right now.

The SPEAKER. On the Lawless amendment, Tony Williams of Philadelphia is recognized.

Mr. WILLIAMS. Thank you, Mr. Speaker.

I would like to ask the maker of the amendment to stand for a brief period of interrogation.

The SPEAKER. Mr. Lawless indicates he will stand for interrogation.

Mr. WILLIAMS. Mr. Speaker, I would like to know, the maker of the amendment, I assume, is attempting to correct a problem. I am not quite clear on what the problem is. Given that we do have a judicial system, it seems like it is removing the process from the judicial system and allows the police officer to enforce something specific. I am not quite clear on why the need.

Mr. LAWLESS. Mr. Speaker, once again, this is at the request of two different DJ's who have come to me and said that there is a problem administratively when someone receives a fine for inspection. The fine can be set at anywhere from $1 to $25. Currently the cost is like $89, but if you are the offender of not having the inspection sticker, at that time you would not know what the fine and the costs would be totally. What this does is set it at $25 so it is not a problem. The offender would not have to either call the DJ to find out what the fine is or come before the DJ to find out if it is between $1 and $25. It is really an administrative nightmare for the DJ's, and it is at their request that I am doing this.

Mr. WILLIAMS. If a municipality such as mine, which does not have DJ's and we have not– Maybe it is an administrative problem. I am not quite clear. I have not heard from anybody in our traffic court system about this issue. Has the maker of the amendment received any information from those counties that do not use DJ's that indicates that there is a problem there?

Mr. LAWLESS. No, I have not.

Mr. WILLIAMS. Well, is it possible– I mean, I would like to be supportive of the amendment to correct whatever is, you know, consistent with yours, and if it is the will of this body, we could suspend the rules and amend your particular item so that it can cover every place but my county, because I have not heard from my county, and there may be some others to that extent that would be willing to support yours, but frankly, I do not want to change the law in my county if I do not know that there is a problem, but I am more than willing to help you in your area.

Mr. LAWLESS. Are you suggesting that you would like to have first-class cities–

Mr. WILLIAMS. Exempted.

Mr. LAWLESS. It is fine with me.

Mr. WILLIAMS. Mr. Speaker?

The SPEAKER. Does the gentleman, Mr. Lawless, seek recognition on his own amendment?

Mr. LAWLESS. I yield to Representative Williams. He was speaking.

The SPEAKER. The gentleman, Mr. Williams, has concluded his interrogation and wishes to speak on the amendment?

Mr. WILLIAMS. Yes, Mr. Speaker.

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

Mr. WILLIAMS. Mr. Speaker, I think that the maker of the amendment has a problem that he would like to remedy, and I think that many of us would like to assist him with regard to that. I am just not clear that my particular county has that problem at this point, so I would like to change his amendment. I guess we would have to suspend the rules, according to the rules of the House—ask the Parliamentarian—but if that is the case, suspend the rules and adjust his amendment orally on the floor.

So I would make the motion that we suspend the rules so that we can adjust the amendment.

The SPEAKER. The gentleman would have to suspend the rules and then secondarily move for the adoption of a temporary rule. The gentleman is in order and may proceed along those lines, but the Parliamentarian advises that would be the requisite order to proceed in.

Mr. WILLIAMS. To first suspend the rules and then to—

The SPEAKER. Would the gentleman approach the podium momentarily.

The House will stand at ease for 1 minute.

(Conference held at Speaker's podium.)

AMENDMENT WITHDRAWN

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

Mr. LAWLESS. Thank you, Mr. Speaker.

Mr. Speaker, having spoken to the minority chairman, Representative Cessar, as well as Representative Williams, I withdraw this amendment, and we are going to work on it in committee.

The SPEAKER. The Chair thanks the gentleman for his cooperation. Mr. Williams no longer needs to suspend the rules.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. GEORGE offered the following amendment No. A4881:

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

; and providing for transportation of waste.

Amend Bill, page 2, by inserting between lines 14 and 15

Section 2. Title 75 is amended by adding a section to read:

§ 4910. Transportation of waste.

(a) General rule.—It shall be unlawful for any person who transports loose, nonbaled garbage, waste, refuse or rubbish to a facility permitted under the act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste Management Act, or the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act, to fail to carry the records defined by the regulation required by the above acts which shall include times, destinations, waste carried, capacity and location of the State and county where the waste was originally collected. This section shall apply only to those persons compensated for transportation of loose, nonbaled garbage, waste, refuse or rubbish.

(b) Criminal penalties.—

(1) Any person, other than a municipal official exercising his official duties, who violates this section or any regulation promulgated hereunder commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than $100 nor more than $1,000 and costs and, in default of the payment of such fine and costs, to undergo imprisonment for not more than 30 days.

(2) Any person, other than a municipal official exercising his official duties, who, within two years after a conviction under paragraph (1), violates this section or any regulation promulgated hereunder commits a misdemeanor of the third degree and shall, upon conviction, be sentenced to pay a fine of not less than $1,000 nor more than $10,000 per day for each violation or to imprisonment for a period of not more than one year, or both.

(3) Each violation for each separate day and each violation of this section or any regulation promulgated hereunder shall constitute a separate offense under paragraphs (1) and (2).

(c) Liens and fines.—

(1) All fines, fees, interest and penalties and any other assessments shall be collectible in any manner provided by law for the collection of debts. If the person liable to pay any amount neglects or refuses to pay the same after demand, the amount, together with interest and any costs that may accrue, shall be a judgment in favor of the Commonwealth upon the property of such person, but only after same has been entered and docketed of record by the prothonotary of the county where such property is situated. The Commonwealth may at any time transmit to the prothonotaries of the respective counties certified copies of all such judgments, and it shall be the duty of each prothonotary to enter and docket the same of record in his office, and to index the same as judgments are indexed, without requiring the payment of costs as a condition precedent to the entry thereof.

(2) Fifty percent of the fines collected under this section shall be paid into the Solid Waste Abatement Fund and 50% shall be paid to the municipality to which the loose, nonbaled garbage, waste, refuse or rubbish was being transported.

Amend Sec. 2, page 2, line 15, by striking out "2" and inserting

3

On the question,

Will the House agree to the amendment?

The SPEAKER. On the amendment, Camille George.

Mr. GEORGE. Mr. Speaker, I am hoping that this is an agreed-to amendment. This amendment just addresses Act 97 and where the law insists that those that are carrying trash back and forth across the State of Pennsylvania ought to have a manifest and the manifest ought to state where it was picked up, where it is taken to, what time it left, et cetera.

Mr. Speaker, I am happy to say for the first time that I read the other night where there are nine Republican Congressmen and five Democratic Congressmen who agree with all of us now that we have to put a lid on this material; we have an obligation to be able to handle our own trash, but we do not have an obligation to handle the trash from the Northeast extension.

So I ask that you accept this amendment.

The SPEAKER. The Chair thanks the gentleman.

On the George amendment, Mr. Cessar.

Mr. CESSAR. Did he withdraw that amendment, Mr. Speaker?

The SPEAKER. No.

Mr. CESSAR. Okay. Would the maker of the amendment stand for a very brief interrogation?

The SPEAKER. Mr. George indicates he will willingly stand for interrogation.

Mr. GEORGE. I believe, Mr. Speaker, that your concerns had been addressed. This does not in any way violate anyone who is not hauling for pay. It does not involve the individuals that are picking up the trash at the households or the curb. I think, sir, that it addresses every one of your concerns.

Mr. CESSAR. Did you take care of that?

Mr. Speaker, I guess the question I want to ask you is this: In section 4910, the third line from the bottom, "This section shall apply only to those persons compensated for transportation of loose, nonbaled garbage, waste, refuse or rubbish." Now, my question to you, Mr. Speaker, is that in the city of Harrisburg or in the city of Pittsburgh, if they had their own trucks to pick up the garbage, they do not fall under this?

Mr. GEORGE. No, Mr. Speaker. Again, it addresses your concern about somebody picking something up in a pickup, a tree falling over, a municipality involvement. It does not address that. It only addresses those that are bringing in from the weigh stations or out of State.

Mr. CESSAR. Thank you, Mr. Speaker.

The SPEAKER. Mr. Levdansky from Allegheny is recognized on the George amendment.

Mr. LEVDANSKY. Would the sponsor of the amendment agree to a brief interrogation?

The SPEAKER. Mr. George is approaching the microphone.

Mr. GEORGE. Yes, Mr. Speaker.

Mr. LEVDANSKY. Mr. Speaker, in essence, what this does is extends the manifest program which is presently required for hazardous and residual waste transportation. In essence, what you are doing, are you not, is extending the requirements of manifest to municipal waste?

Mr. GEORGE. I would like to address this, Mr. Speaker, and insist to you, this is not a manifest; in no way is it a manifest. If you have a truck in Pennsylvania and you are hauling across the State of Pennsylvania, under the PUC (Public Utility Commission) regulation, you have a bill of lading; you have something, an invoice. It is not a manifest.

Mr. LEVDANSKY. Mr. Speaker, how does the requirement for reporting this information differ from the manifest requirements for residual and hazardous waste?

Mr. GEORGE. Mr. Speaker, they have to be kept in the truck, and they have to be made available should anyone question the integrity of the load.

Mr. LEVDANSKY. Mr. Speaker, are there any requirements that these records be retained for a period of time or that they be submitted to the Department of Environmental Resources?

Mr. GEORGE. Under the current regulations, Mr. Speaker, they do for a period of 5 years.

Mr. LEVDANSKY. Mr. Speaker, do you have any idea of the additional cost, both to the hauler and to the department, to collect and to retain these records?

Mr. GEORGE. Mr. Speaker, anytime that a draying situation exists, I do not know how legitimate companies could send a load of anything anywhere without an invoice. You do not get anything at your home that is delivered by UPS (United Parcel Service) or anything else that does not have an invoice. There is no additional cost. The invoice simply has to be written out with the right kind of information that will protect your area, my area, and keep material from coming into Pennsylvania that does not meet Act 97.

Mr. LEVDANSKY. Okay. Thank you, Mr. Speaker.

Mr. Speaker, if I could briefly comment on the amendment.

The SPEAKER. Mr. Levdansky may proceed.

Mr. LEVDANSKY. Thank you, Mr. Speaker.

Mr. Speaker, presently, under the existing laws of the State, haulers must weigh in at the disposal site the volume of trash that they have for disposal, at any municipal or residual waste landfill in the Commonwealth of Pennsylvania. There are already detailed records that are kept at the site, in large part because our whole State recycling program is tied to the volume of trash that is disposed in the landfills across the State. In addition, that information is necessary to determine the reimbursement under the host municipality fee. Host municipalities receive commonly $1 a ton on the municipal waste that is disposed at municipal waste landfills across the State.

I largely see this requirement as really duplicating the existing reporting requirements under Act 101 and Act 97, and in large extent, I think that information is already provided, and I do not see any problem with the existing law. I think it is working fine.

I would ask for a negative vote.

The SPEAKER. The gentleman, Mr. Godshall, is recognized on the George amendment.

Mr. GODSHALL. Thank you, Mr. Speaker.

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

The SPEAKER. Mr. George indicates he will stand for interrogation.

Mr. GODSHALL. Thank you, Mr. Speaker.

The part of the amendment, "General rule," in section (a), where it says, "...fail to carry the records defined by the regulation required by the above acts which shall include times, destinations, waste carried, capacity and location of the State and county where the waste was originally collected." Now, I assume, Mr. Speaker, that what we are talking about here is, as I believe Representative George said, going from a transfer station, where you are taking a bulk truck with maybe a load of 21, 28, or whatever tons, to a landfill. Now, if a transfer station is collecting as many—I have two of them within a couple miles of my home—from maybe five, six counties, you know, I am not sure how they can follow the

rules and regulations as they are set up here, and maybe that could be explained. Thank you.

Mr. GEORGE. Mr. Speaker, the reason for the concern that has been mentioned is that no one can explain what goes into those transfer stations when they come from New York and Connecticut and New Jersey and all points. All we are saying is, when they pick up from that transfer station, it is not just good government, it is good moral thinking to protect the people in the Commonwealth so that we know what is on the truck, where the truck came from, what type of material will be deposited, when it left, so that just in that one time, Mr. Speaker, out of a million when a truck transcends the road and goes down and picks up 700 or 800 pounds of hazardous material and puts it in the backyard of one of those or one of us.

We are not doing anything that they do not do when they haul steel. We do not do anything that they do not have to do when they haul coal. But I would believe we should be more concerned about the waste that is going into our waste sites than we ought to be worried about steel and coal or any other commodity. We ought to be concerned.

I am very, very well willing to debate it, but I do not think we need to debate it. If you care about what is going on, then you will support the amendment.

Mr. GODSHALL. Mr. Speaker, you know, I am not debating the value of the amendment or not the value of the amendment. What I am trying to figure out is how you are going to designate when you are taking trash out of a transfer station to an individual landfill, how it can be determined, you know, what county that trash originated from. That was my question. It says in here specifically it requires the State and the county where the waste was originally collected.

As I said, I have a transfer station, two of them, within a couple miles of my home, and they are collecting from numerous counties around. There are small municipal trash trucks dumping in there. Then from there they go to a landfill. But to determine which county this load of trash comes from, I think, is almost an impossibility, and that was my question.

Mr. GEORGE. Mr. Speaker, if you want me to respond, I do so with all the respect that I can give to you or any other colleague. I only want to address it to tell you that not too long ago there was 17 tons of infectious material that came from a certain area without an invoice. I tell you, the invoice will tell us where that infectious material came.

Now, I agree that if it was generated in Pennsylvania, it ought to be handled in Pennsylvania, but if it was generated and brought in and pirated during the night into one of your weigh stations, then the least that you can do is let us know when we happen to recognize that that material there came from your weigh station and then let your weigh station operator, Mr. Speaker, tell us where it came from.

The SPEAKER. The lady from Chester, Representative Rubley, is recognized.

Mrs. RUBLEY. Mr. Speaker, would the maker of the amendment please submit to interrogation?

The SPEAKER. The gentleman, Mr. George, indicates he will be interrogated.

Mrs. RUBLEY. My question is, does your amendment do anything different than what is currently required under the existing municipal waste management laws - Acts 97 and 101?

Mr. GEORGE. Mr. Speaker, when DER had been contacted, they insisted it was being done. It is not being done and they are not enforcing it. They said they would like to see it. It just insists on a couple of conditions further than Act 97 - time, place, et cetera - nothing more; nothing more than what is in the law, but we are just trying to make the law so everybody understands it.

Mrs. RUBLEY. And in addition— I have a further question. So you are extending the current daily log that is required to add a couple of different items. Is it also your intention to extend the enforcement beyond DER to the Department of Transportation?

Mr. GEORGE. Mr. Speaker, as soon as we get our resolution out to look into matters of DER, you will be the first one to agree that there are a lot of problems that we have to attend to. This is one that we know now is in the best interest of the people. I do not know what we are going to do down the road. I hope altogether—

The matters that I mention today are not Republican, they are not Democrat; they are nothing but good, honest people with a legitimate concern. I do not understand what all of the concern is when everybody else in the world has an invoice under the law when they transport a load of anything, and we are just saying that this material is of such a nature that we need to know a little more about where it came from. That is all.

Mrs. RUBLEY. Thank you, Mr. Speaker.

The SPEAKER. The gentleman from Allegheny, Mr. Michlovic, is recognized.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Would the gentleman stand for interrogation, the maker of the amendment?

The SPEAKER. Mr. George, the gentleman, Mr. Michlovic, seeks to interrogate you.

Mr. MICHLOVIC. Mr. Speaker, under your amendment you are requiring people to include times, destinations, waste carried, capacity, and location, State and county, where the waste was originally collected. How specific is this information? Does it require a local garbage truck, for example, to indicate which municipalities it is collecting that waste in as it goes through those municipalities?

Mr. GEORGE. Mr. Speaker, if you read the amendment—

Mr. MICHLOVIC. I have read it.

Mr. GEORGE. Well, then you should not ask the question. It says transport waste. It does not say anything about anybody who is picking up garbage. It does not say anything about the individual that might be in your area, whatever the name of the big company is. It only says that when something comes into your area in that big landfill you have, that your operator ought to be concerned that he is not going to get nailed for some

hazardous material that came in without his knowledge. That is all it says.

Mr. MICHLOVIC. Mr. Speaker, I am reading what it says, and my local garbage collector–

I am done with the interrogation. I would like to make some comments.

The SPEAKER. The gentleman may proceed.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

The gentleman, Mr. George, has made the case that there are manifests required on all kinds of products – steel products, coal products, those kinds of products. The difference with what I am concerned about in this amendment is that the product is generated by every residential house, by every residence in the Commonwealth – garbage. There are trucks all through our streets going today picking up and dropping garbage off, and if we require the manifest and destinations of those trucks, we are adding a tremendous burden, a tremendous additional cost to that collection process.

I have not been able to decipher through the interrogation or through my reading of the amendment whether or not this amendment applies to every garbage truck that runs in the Commonwealth of Pennsylvania that is under a contract, and if that is the case, then I think we are adding a significant cost to garbage collection throughout the Commonwealth, and that is my concern.

I have not gotten an answer from the gentleman on that, and I am going to vote against the amendment until I can get a clarification on it.

The SPEAKER. The Chair thanks the gentleman.

On the George amendment, the gentleman, Mr. Baker, is recognized.

Mr. BAKER. Thank you, Mr. Speaker.

Will the maker of the amendment please stand for a brief moment of interrogation?

THE SPEAKER PRO TEMPORE (FRED A. TRELLO) PRESIDING

The SPEAKER pro tempore. The gentleman, Mr. George, states that he will stand for interrogation.

Mr. BAKER. Thank you, Mr. Speaker.

Mr. Speaker, I really have no problem with the basic tenets of this legislation. However, for purposes of clarification and legislative intent, I must ask a question of the maker of the amendment, and that is, in the language it says, "It shall be unlawful for any person...." Does that mean that an individual that has garbage in one's home, that has a broken-down refrigerator, stove, oven, whatever the case may be, is going to be subjected to this sort of regulation and administrative potential fiasco or are they exclusively exempted from this kind of legislation?

Mr. GEORGE. No, Mr. Speaker. It is evident it is very possible for those of us to misread, but if you read, it is talking about the person that is bringing that stuff down the road at 60 miles an hour with 15 or 20 tons. It is not saying anything about your household. That household can do anything they want with it as long as they put it in a legitimate place. They do not have to have an invoice.

Mr. BAKER. Mr. Speaker, the reason that I make that statement is that having only the amendment before me and not the overall act, it seems to be rather ambiguous. It does not exclude nor–

Mr. GEORGE. No, Mr. Speaker. It says compensated. Are you saying to me that if you have a refrigerator and you want to throw it out, that your giving it to someone means that they are compensated? Under Act 97, if you take that refrigerator and you throw it out in the woods, you ought to be fined.

Let me tell you something else. Any of us sit here and debate the protection of our children, and every day I hear the concern about these great environmentalists who care about what is in our water. I am embarrassed to hear this. I say, if you want to take care of the people in Pennsylvania, those that you tell and you will tell on May 10 how much you care about them, then you will vote "yes." If you do not give a darn about them, vote "no."

Mr. BAKER. I assume that for legislative purposes and legislative intent, the answer is, no, this does not affect the general household citizen, and for that I have no further questions. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Nyce.

Mr. NYCE. Thank you, Mr. Speaker.

Would the maker of the amendment please stand for interrogation?

The SPEAKER pro tempore. The gentleman agrees to stand for interrogation.

Mr. GEORGE. Mr. Speaker, in case he cannot read lips, no.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Mr. NYCE. Mr. Speaker, on the amendment. There are several issues that are brought to my attention because I have both a transfer station and a landfill in my district, and my question to the gentleman would have been, is the responsibility to determine where these records are on the receiver of the material or on the transporter? I ask that because I know the transfer station does receive material from multiple counties, and I think it would be impossible to identify it when it left the transfer station as to its original source. Therefore, I do not know whether or not this amendment does anything as it is intended to do, and I further would like to know if the landfill operator is responsible to check the records of the transporter.

I would urge the members to be cautious in voting on the amendment because I do not know that it accomplishes anything that it is intended to do. Thank you.

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

Mr. REBER. Thank you, Mr. Speaker pro tempore.

Mr. Speaker pro tempore, it is my concern that there has been quite a bit of hyperventilation going on on the floor of

the House today over the George amendment. I think it is important for the membership to call their attention to the Pennsylvania Code, Title 25, specifically section 285.217.

Under current regulations adopted by the Department of Environmental Resources flowing out of Act 97 and its progeny, persons who haul municipal waste are now currently by regulation required to maintain a logbook in the cab of the collection vehicle which documents, in the first instance, the county and State where the waste was originally collected; secondly, the name and address of the carrier; third, the name and location of any transfer facility that has received or will receive the waste; and fourthly, the name and location of the processing or disposal facility where the waste will ultimately be disposed of. The hauler is also required to keep additional records which record the total quantities of waste collected and the identity of the municipality served.

Mr. Speaker, with all deference to the esteemed chairman of the Conservation Committee, I think there has been a tremendous amount of trash talk here on the floor today, and I think to clear up the ambiguities, to clear up the rubbish that I have been hearing, we should all wholeheartedly support the chairman of the Conservation Committee, Representative George from Clearfield County, because this does nothing more than the regulations currently require.

Additionally, Mr. Speaker, it is my understanding from speaking to staff that those in the industry have been contacted by Representative George and his staff, have reviewed this particular amendment A4881, and are in agreement that there is no severity, there is no imposition that is not already required by regulation of the department relative to this issue.

So to hopefully bring closure to this debate, I would urge support, support, support of the George amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman for his superb dialogue.

The Chair recognizes the gentleman, Mr. Surra.

Mr. SURRA. Mr. Speaker, to be brief, I agree with Representative Reber, and I just cannot believe that we are standing here saying that it is not important that waste haulers do not have a manifest. Unfortunately, Mr. Speaker, individuals in the waste disposal industry do not always do the right thing, and I think it is incumbent on the members of the General Assembly to make sure that they do it to protect the health, safety, and welfare of the citizens of the Commonwealth, and I urge a "yes" vote. Thank you.

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

Mr. GAMBLE. Mr. Speaker, I certainly do not want to rise to irk the maker of the amendment any further, but would he agree to a brief interrogation or–

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

Mr. GAMBLE. I appreciate that.

Mr. GEORGE. Mr. Speaker, fire away, will you.

Mr. GAMBLE. I have a concern, I think, different than any that I have heard. I want to expand on what Representative Baker had said.

We have a gentleman in my hometown that has a 2 1/2-ton dump truck and he hauls rubbish. He hauls old drywall and old 2-by-4's and old appliances, and he does not have a manifest; he does not have anything. He pays about $50 to dump it at the landfill and we give him an extra $50, and that is the way that it works. Now, will this affect the little "mom and pop" with a little truck dumping rubbish for people in a small community? Is it going to make them keep a record and so forth?

Mr. GEORGE. Mr. Speaker, if that man is compensated and if he has 2 1/2 tons of something on there, and in that 2 1/2 tons, should he be the kind of an individual who would put a couple hundred pounds of bad stuff in there, then it is just as significant for him to be able to be accountable as it would the truck with 40 tons.

Now, knowing the area you represent and the people you represent, I know they would not do that, but I am also going to say that I do not believe that they would either do that or be against an amendment that would protect the lives of their children.

Mr. GAMBLE. I would like to make a comment.

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

Mr. GAMBLE. The maker of the amendment was very accurate that my people would not do something like that, but I am not talking about the bad stuff. I am just talking about building materials and old bricks and wood and stuff. What constitutes rubbish? This says rubbish. If that is rubbish, then my interpretation, Mr. Speaker, is that they would have to fill out a manifest, would have to have a record, or when they got pulled over in their little truck, they would have a $100 to $1,000 fine, and if that is the case, if that is the case, then I would have to oppose, reluctantly, the George amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS–176

Acosta	Fajt	Lynch	Saylor
Adolph	Farmer	Maitland	Scheetz
Allen	Fee	Manderino	Schuler
Argall	Fichter	Markosek	Scrimenti
Armstrong	Flick	Masland	Semmel
Baker	Freeman	Mayernik	Serafini
Barley	Gamble	McCall	Smith, B.
Battisto	Geist	McGeehan	Smith, S. H.
Bebko-Jones	George	Melio	Staback
Belardi	Gerlach	Merry	Stairs
Belfanti	Gigliotti	Michlovic	Steelman
Bishop	Gladeck	Micozzie	Steighner
Blaum	Godshall	Mihalich	Stern
Brown	Gordner	Mundy	Stetler
Bunt	Gruppo	Nailor	Stish

Burns	Haluska	Nickol	Strittmatter
Buxton	Hanna	Nyce	Sturla
Caltagirone	Harley	O'Brien	Surra
Cappabianca	Hassay	Olasz	Tangretti
Carn	Hennessey	Oliver	Taylor, J.
Carone	Herman	Perzel	Thomas
Cawley	Hershey	Pesci	Tigue
Cessar	Hess	Petrone	Tomlinson
Chadwick	Hutchinson	Phillips	Trello
Clark	Itkin	Piccola	Trich
Cohen, L. I.	Jadlowiec	Pistella	True
Cohen, M.	James	Pitts	Uliana
Colafella	Jarolin	Platts	Vance
Colaizzo	Josephs	Preston	Van Horne
Conti	Kaiser	Reber	Veon
Cornell	Kasunic	Reinard	Vitali
Corrigan	Keller	Richardson	Washington
Cowell	Kenney	Rieger	Waugh
Coy	Kirkland	Ritter	Williams
Curry	Kukovich	Roberts	Wogan
Daley	LaGrotta	Robinson	Wozniak
DeLuca	Laub	Roebuck	Wright, D. R.
Dent	Laughlin	Rohrer	Wright, M. N.
Dermody	Lawless	Rooney	Yandrisevits
Donatucci	Lederer	Rubley	Yewcic
Druce	Leh	Rudy	Zug
Durham	Lescovitz	Ryan	
Egolf	Levdansky	Santoni	DeWeese,
Evans	Lloyd	Sather	Speaker
Fairchild	Lucyk		

NAYS—19

Birmelin	Fleagle	Marsico	Snyder, D. W.
Civera	Gannon	Miller	Steil
Clymer	King	Pettit	Taylor, E. Z.
Dempsey	Krebs	Raymond	Tulli
Fargo	Lee	Saurman	

NOT VOTING—0

EXCUSED—7

Boyes	Butkovitz	Hughes	Petrarca
Bush	Gruitza	McNally	

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

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

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Lawless, who offers the following amendment, A1178, which we will return to.

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

Mr. LAWLESS reoffered the following amendment No. A1178:

Amend Title, page 1, line 3, by removing the period after "Commonwealth" and inserting
; and further providing for the fine for vehicle inspection violation.

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

Section 1. Section 4703(h) of Title 75 of the Pennsylvania Consolidated Statutes is amended to read:

§ 4703. Operation of vehicle without official certificate of inspection.

* * *

(h) Penalty.—Any person violating this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of [up to] $25.

Section 2. Section 4903(c.1) of Title 75 is amended and the section is amended by

Amend Sec. 2, page 2, line 15, by striking out "2" and inserting
3

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

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

Mr. LAWLESS. Thank you, Mr. Speaker.

Mr. Speaker, I believe that the problem that Mr. Williams and I had with this amendment has been cleared, and I urge the members to vote in the positive.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—187

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

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

NAYS–7

Coy	Hasay	Staback	Yandrisevits
Gladeck	Serafini	Tigue	

NOT VOTING–1

Reber

EXCUSED–7

Boyes	Butkovitz	Hughes	Petrarca
Bush	Gruitza	McNally	

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

On the question recurring,

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

Mr. SERAFINI offered the following amendment No. A1249:

Amend Title, page 1, line 2, by inserting after "Statutes," providing for requirements for certificate of salvage and for securing load of salvaged vehicles; and

Amend Bill, page 1, lines 6 through 8, by striking out all of said lines and inserting

Section 1. Section 1117 of Title 75 of the Pennsylvania Consolidated Statutes is amended by adding a subsection to read:

§ 1117. Vehicle destroyed, dismantled, salvaged or recycled.

* * *

(a.1) Requirements for certificate of salvage.–The department shall not issue a certificate of salvage to a person until all fluids have been drained from the vehicle and any interiors containing polychlorinated biphenyls have been removed and disposed of in a safe manner.

* * *

Section 2. Section 4903(c.1) of Title 75 is amended and the section is amended by adding subsections to read:

Amend Sec. 1 (Sec. 4903), page 2, by inserting between lines 10 and 11

(d.1) Load of salvaged vehicles.–Every vehicle transporting a load of five or more salvaged vehicles shall be enclosed on each side of the vehicle, trailer or semitrailer at least as high as the top of the load.

* * *

Amend Sec. 2, page 2, line 15, by striking out "2" and inserting

3

On the question,

Will the House agree to the amendment?

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

Mr. SERAFINI. Mr. Speaker, this amendment would require that all fluids be drained from vehicles and any PCB's (polychlorinated biphenyls) that are in the interiors of the vehicles be removed when a certificate of salvage is issued, and it would also require that–and this is a change in the initial amendment–that any salvaged vehicles being carried in a group of five or more would have to be protected from all sides so that parts do not fall off those vehicles onto the roadway.

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

Mr. SURRA. Thank you, Mr. Speaker.

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

Mr. SERAFINI. Yes.

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

Mr. SURRA. Thank you, Mr. Speaker.

Mr. Speaker, on the first part of your amendment, before we issue a certificate of salvage, we require that the facility or the person involved with the automobile drain all fluids from the vehicle, Mr. Speaker?

Mr. SERAFINI. Yes.

Mr. SURRA. How do you propose that the State enforce that, Mr. Speaker?

Mr. SERAFINI. Well, what they would do is sign a certificate, just as they do currently to get a certificate of salvage, that would certify to the fact that they had drained those fluids, and their signature would certify that statement.

Mr. SURRA. Mr. Speaker, to your knowledge, does the Department of Transportation currently have any statement, any form to that effect, Mr. Speaker?

Mr. SERAFINI. I am not certain what they do. I know it is done in a lot of other States to protect the environment. I am sure you would not want to have a salvaged vehicle sitting on the ground spewing hazardous or residual waste all over the environment.

Mr. SURRA. I agree, Mr. Speaker.

Mr. Speaker, how does this involve a vehicle that has been damaged but is what they call a rebuildable vehicle, that has to have a salvage certificate issued to it, and then it will be purchased by a local auto body shop to be rebuilt? Does that mean, Mr. Speaker, that they have to drain the antifreeze from the radiator, the crankcase, the transmission and the rear end, and the fuel tank, Mr. Speaker?

Mr. SERAFINI. If that is a salvaged vehicle, then that is what they would have to do.

Mr. SURRA. So in other words–

Mr. SERAFINI. In other words, a salvaged vehicle that could be reconditioned normally would not get a certificate of title. Normally they rebuild those with an R title and not from a salvaged vehicle. It depends on the amount of that vehicle that is being used in that reconstruction.

Mr. SURRA. Thank you, Mr. Speaker.

Mr. Speaker, may I comment on the amendment?

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

Mr. SURRA. Mr. Speaker, the Department of Transportation is opposed to this amendment, the State organization for autowreckers – PATSA (Pennsylvania Auto and Truck Salvage Association) – is opposed to this amendment for a number of good reasons, Mr. Speaker.

Currently, Mr. Speaker, vehicles that are dismantled are taken apart and the fluids are drained. Many vehicles, R-titled vehicles, must have a salvage certificate issued to them. This would require the draining of all the fluids from a vehicle before they go to a local repair shop to be repaired and then reissued a title, which would be a reconstructed title, Mr. Speaker. It causes an undue burden to the industry, and it is basically not needed because they are under stringent requirements already by the department.

Mr. Speaker, the second part of the amendment, which deals with placing sides on a trailer where they are hauling crushed vehicles, we dealt with this issue a while ago, Mr. Speaker. Mr. Speaker, there are already laws in this Commonwealth which require a load to be securely bound. If you do not follow the laws in this Commonwealth, Mr. Speaker, you are subject to fines. Mr. Speaker, I do not know if you have ever seen these types of trailers going down the road. They will take a vehicle and crush it to about 10 inches, and believe me, Mr. Speaker, the doors do not fall off, the bumpers cannot fall off. The entire load is bound down.

Mr. Speaker, because of those reasons, I urge a negative vote, and I remind you, if you have any autowreckers, any body shops, anybody involved in the auto recycling business in your district, they are adamantly opposed to this, Mr. Speaker, because it places an undue, unneeded burden on them operating in the Commonwealth. Thank you, Mr. Speaker.

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

Mr. KAISER. Mr. Speaker, I would like to interrogate the maker of the amendment.

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

Mr. KAISER. In your amendment you say all fluids. Does that include oil, transmission fluid, antifreeze, every fluid in an automobile?

Mr. SERAFINI. Those fluids that are contaminated materials. Do you know that many brake fluids contain hazardous materials, many crankcase fluids contain heavy amounts of lead, a residual waste from a transmission fluid would be considered a hazardous material; that many residual wastes, such as the fluid in an automobile crankcase, would be a residual waste? We are not talking about things that just appear to be water. We are talking about liquids that are hazardous materials, that if laid to rest for years could leak out into the ground and create a contaminated area.

This piece of legislation does far more to protect the environment than it would to harm someone. Do you not think it would be practical, even if the vehicle is damaged and reconstructed, to put new fluids into that vehicle? These are hazardous materials. They have heavy metals, many of them, a lot of lead. You would not allow this material to be put into a landfill with a liner, yet some people could justify leaving it inside a motor vehicle to find its way into the ground and leak into the streams and waterways of Pennsylvania.

This amendment does nothing but save the environment. Drive the highway and look at how many junked vehicles sit along our beautiful mountains and roads, sitting there for years and years, never being touched, waiting to destroy our earth. I think we have to support the environment for the few seconds it would take to drain those hazardous fluids from junked vehicles.

Mr. KAISER. Mr. Speaker, in the city of Pittsburgh they have a problem with abandoned automobiles, automobiles that are no longer drivable or automobiles that fail to pass inspection. The owners sometimes just drive them to a bad part of the city, remove the plate, and walk away, and if the city is called upon to tow that vehicle to the pile, is the city required to drain all of the fluids at the spot where that vehicle is located, or when they tow that vehicle in, are they required to remove the fluids then?

Mr. SERAFINI. If the city is going to apply for a certificate of salvage for that vehicle, which I personally doubt the city would do, then the fluids would have to be drained, certainly not when they pick the vehicle up and tow it to what you term a "pile."

What I would term it to be is a location where junked vehicles are stored awaiting the certificate of salvage. But I cannot believe that the city would not want to drain those hazardous materials instead of sitting around waiting for a hazardous waste to contaminate its community. I think it only goes without saying that the city would approve of something like this and probably does it without even saying.

Mr. KAISER. But in order to tow that vehicle, would they be required to have the certificate?

Mr. SERAFINI. No, of course not. A car could sit abandoned and titled for a considerable amount of time.

Mr. KAISER. That is the end of my interrogation, Mr. Speaker. I would like to comment on the amendment, please.

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

Mr. KAISER. Mr. Speaker, I think this amendment is unnecessary and will only create hardships in the city of Pittsburgh. I oppose it.

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

Mr. HASAY. Thank you, Speaker Trello.

I would like to interrogate the gentleman from Lackawanna, Mr. Serafini, please.

Mr. SERAFINI. Yes.

The SPEAKER pro tempore. The gentleman indicates he will stand for interrogation.

Mr. HASAY. Mr. Speaker, on the amendment, my concern deals with the small garage, the small gas station, where you have maybe 5, 10 vehicles that were maybe in a wreck and they sit behind this garage and sit behind the auto mechanic's shop. Now, what happens in his situation with those, let us

say, 10 vehicles behind his garage? I am talking about a one-man operation.

Mr. SERAFINI. If he were to apply for a certificate of salvage, the only thing that he would have to do would be to drain the fluids. It would take a few seconds, a few minutes, and that vehicle would comply. What he would be doing would be saving the environment.

Mr. HASAY. So, Mr. Speaker, he does not have to get a title for salvage even though the car is wrecked?

Mr. SERAFINI. No.

Mr. HASAY. Because if you drain the transmission fluid out of it and it is drained for a year or so, he can no longer resell the used transmission, the used radiator, the used differential, or the used transmission.

Mr. SERAFINI. Why?

Mr. HASAY. Unless he puts it in a salvage title, and he does not have to do that, you say?

Mr. SERAFINI. All right. If that fluid was drained, there is no reason why you could not replace the fluid.

Mr. HASAY. Oh, all the fluid— Excuse me.

Mr. SERAFINI. You can always sell the parts for a salvaged vehicle.

Mr. HASAY. Excuse me, Mr. Speaker, but if you drain the fluid out of an automatic transmission, the rubbers in the fluids will dry up and the rubbers will be no good in the transmission. Therefore, the transmission is no good, Mr. Speaker.

Mr. SERAFINI. I disagree with that.

Mr. HASAY. Okay. But they will not be mandated to have a salvage title then. They can keep them on their lot.

Mr. SERAFINI. Of course they can. They could keep them on their lot with the title.

Mr. HASAY. Okay. That was my main concern, Mr. Speaker. Thank you.

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman, Mr. Serafini, for the second time.

Mr. SERAFINI. Mr. Speaker, this amendment is to protect the environment and to protect the people in Pennsylvania. How often have you driven down the road and found a piece of metal laying on the road from an automobile that you know it did not just fall off of that car while it was driving down.

People carrying salvaged cars, sometimes 5 or 6 high, approximately 10 cars on a tractor-trailer low bed, hitting bounces on highways, have the tendency to lose parts. They lay on the road waiting for someone to come along, blow their tire, fly into a windshield, or damage the undercarriage of their automobile.

Mr. Speaker, could I get a little order?

The SPEAKER pro tempore. Could we have a little order, please. The gentleman is entitled to be heard.

Mr. SERAFINI. Automobiles in California and many other States are required to have their fluids drained. It is not because the car just sits and the fluids would be safe; it is because they are hazardous materials. These are materials you would not even allow dumped into a regular municipal waste landfill.

There is no problem in my mind saving the environment by causing a very minimal amount of hardship to people who might have to drain the crankcase or the differential of an automobile. It is to save the environment and to save people in our State. We require sides put on vehicles that carry waste, municipal waste. These automobiles throw junk, metal, hard materials on the road that could damage a car and cause an accident.

If you believe that people should be protected in Pennsylvania and you would like to preserve the environment from abandoned junk vehicles that end up being salvaged, sit and rot with the oil and antifreeze being poured onto the ground, God bless you. I think more about Pennsylvania. I am voting to protect the people I represent. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—48

Adolph	Daley	Hershey	Ryan
Argall	DeLuca	Jarolin	Saurman
Barley	Durham	Kenney	Serafini
Blaum	Fichter	Laub	Smith, B.
Bunt	Flick	Lawless	Steelman
Buxton	Freeman	Micozzie	Stish
Caltagirone	Gannon	Mundy	Sturla
Cappabianca	Gerlach	O'Brien	Taylor, J.
Cawley	Gruppo	Perzel	Tigue
Civera	Harley	Pitts	Tulli
Cohen, L. I.	Hennessey	Reber	Vitali
Cornell	Herman	Rubley	Wogan

NAYS—145

Acosta	Fee	Markosek	Saylor
Allen	Fleagle	Marsico	Scheetz
Armstrong	Gamble	Masland	Schuler
Baker	Geist	Mayernik	Scrimenti
Battisto	George	McCall	Semmel
Bebko-Jones	Gigliotti	McGeehan	Smith, S. H.
Belardi	Gladeck	Melio	Snyder, D. W.
Belfanti	Godshall	Merry	Staback
Birmelin	Gordner	Michlovic	Stairs
Bishop	Haluska	Mihalich	Steighner
Brown	Hanna	Miller	Steil
Burns	Hasay	Nailor	Stern
Carn	Hess	Nickol	Stetler
Carone	Hutchinson	Nyce	Strittmatter
Cessar	Itkin	Olasz	Surra
Chadwick	Jadlowiec	Oliver	Tangretti
Clark	James	Pesci	Taylor, E. Z.
Clymer	Josephs	Petrone	Tomlinson
Cohen, M.	Kaiser	Pettit	Trello
Colafella	Kasunic	Phillips	Trich
Colaizzo	Keller	Piccola	True
Conti	King	Pistella	Uliana
Corrigan	Kirkland	Platts	Vance
Cowell	Krebs	Preston	Van Horne
Coy	Kukovich	Raymond	Veon
Curry	LaGrotta	Reinard	Waugh
Dempsey	Laughlin	Richardson	Williams
Dent	Lederer	Rieger	Wozniak
Dermody	Lee	Ritter	Wright, D. R.

Donatucci	Leh	Roberts	Wright, M. N.
Druce	Lescovitz	Robinson	Yandrisevits
Egolf	Levdansky	Roebuck	Yewcic
Evans	Lloyd	Rohrer	Zug
Fairchild	Lucyk	Rooney	
Fajt	Lynch	Rudy	DeWeese,
Fargo	Maitland	Santoni	Speaker
Farmer	Manderino	Sather	

NOT VOTING–2

Thomas	Washington

EXCUSED–7

Boyes	Butkovitz	Hughes	Petrarca
Bush	Gruitza	McNally	

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 as amended?

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Caltagirone, who offers the following remarks for the record.

Mr. CALTAGIRONE. Mr. Speaker?

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

Mr. CALTAGIRONE. I am withdrawing that amendment, but I am submitting some remarks for the record.

The SPEAKER pro tempore. Your remarks are spread upon the record.

Mr. CALTAGIRONE. Thank you.

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

Legal Opinion concerning 75 Pa.C.S.A. §4581,
Enacted by Act No. 82 of 1987

It is my opinion, based upon a survey of the PA-DOT and federal regulations and the plain language of §4581 that:

(1) The child passenger restraint system requirements of §4581(a)(1) do apply to all passenger cars inclusive of taxicabs. Under §4581, violations of §4581(a)(1) are primary violations.

(2) The seat belt requirement of §4581(a)(2) likewise apply to all passenger cars inclusive of taxicabs. But under the clear language of §4581(a)(2), such seat belt violations are secondary violations chargeable only if the actor is convicted of any Title 75 violation which occurred at the same time.

The Walsh amendments currently prepared to HB 1298 and SB 315 would affect only §4581(a)(2), the seat belt requirement. They would render such requirement inapplicable to taxicabs either as a primary or secondary violation.

It may be argued that this was the original intent of §4581(a)(2), but the term "passenger car" is too all-inclusive to give such argument credibility.

On the other hand, it is absolutely clear that the seat belt requirement is enforceable only as a secondary violation and that police in Reading and Muhlenberg Township are acting capriciously in treating §4581(a)(2) seat belt violations by taxicabs as primary violations.

Thomas R. Caltagirone
Chairman
House Judiciary Committee

On the question recurring,

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

AMENDMENT A1178 RECONSIDERED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Olasz, who moves that the vote by which amendment No. 1178 was passed to HB 1298, PN 2407, on the 22d day of March be reconsidered.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS–192

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

Egolf	Lescovitz	Ryan	
Fairchild	Levdansky	Santoni	DeWeese,
Fajt	Lloyd	Sather	Speaker
Fargo	Lucyk		

NAYS—0

NOT VOTING—3

Carn	Evans	Tomlinson

EXCUSED—7

Boyes	Butkovitz	Hughes	Petrarca
Bush	Gruitza	McNally	

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

On the question recurring,

Will the House agree to the amendment?

The clerk read the following amendment No. A1178:

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

; and further providing for the fine for vehicle inspection violation.

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

Section 1. Section 4703(h) of Title 75 of the Pennsylvania Consolidated Statutes is amended to read:

§ 4703. Operation of vehicle without official certificate of inspection.

* * *

(h) Penalty.—Any person violating this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of [up to] $25.

Section 2. Section 4903(c.1) of Title 75 is amended and the section is amended by

Amend Sec. 2, page 2, line 15, by striking out "2" and inserting

3

On the question recurring,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

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

Mr. LAWLESS. Thank you, Mr. Speaker.

Mr. Speaker, I withdraw this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—195

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

NAYS—0

NOT VOTING—0

EXCUSED—7

Boyes	Butkovitz	Hughes	Petrarca
Bush	Gruitza	McNally	

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

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

* * *

The House proceeded to third consideration of **HB 1950, PN 2412**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for revocation or suspension of operating privilege, for revocation of habitual offender's license and for occupational limited license; and providing for probationary license.

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

RULES SUSPENDED

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

Mr. CESSAR. Thank you, Mr. Speaker.

I make a motion that we suspend the rules to offer two amendments which are agreed to, and they were not presented in a timely fashion, but we would like to have those run first, Mr. Speaker.

The SPEAKER pro tempore. Will the gentleman indicate to the Chair who will be offering the amendments.

Mr. CESSAR. Yes, Mr. Speaker. It would be the Don Snyder amendment, the Snyder-Cessar, and also the amendment by Representative Dermody. Those are the two amendments which were not offered in a timely fashion.

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

The SPEAKER pro tempore. On the motion to suspend the rules, the Chair recognizes the gentleman, Mr. Itkin, the majority leader.

Mr. ITKIN. Mr. Speaker, I support the suspension of the rules.

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

The following roll call was recorded:

YEAS—183

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

NAYS—10

Argall	Hanna	Lee	Platts
Carone	Hutchinson	Lynch	Scheetz
Freeman	Krebs		

NOT VOTING—2

Carn	Robinson

EXCUSED—7

Boyes	Butkovitz	Hughes	Petrarca
Bush	Gruitza	McNally	

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

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

Mr. SNYDER offered the following amendment No. A1230:

Amend Sec. 2 (Sec. 1554), page 16, by inserting after line 30

(k) Limitation.—A person to whom a probationary license is issued for six consecutive years shall be eligible to apply for a regular driver's license at the regular driver's license fee upon satisfactory completion of the sixth year of the probationary license.

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

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

Mr. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, under HB 1950 there are provisions for an applicant who has been classified as a "habitual offender" to qualify for a probationary license. The probationary license has

certain terms and conditions that must be met in order to secure that license.

Mr. Speaker, one of the provisions that is lacking in the legislation as it is currently proposed, however, is a termination of that probationary license into a regular driver's license. This amendment has been agreed to by the Department of Transportation to address that issue. What it would provide, Mr. Speaker, is the fact that a person who obtains a probationary license and continues to maintain that probationary license in conformance with the provisions of this act would be entitled, after 6 years, to receive a regular driver's license.

I ask for support of the amendment.

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

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, just that it is an agreed-to amendment and we support the amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—195

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

NAYS—0

NOT VOTING—0

EXCUSED—7

Boyes	Butkovitz	Hughes	Petrarca
Bush	Gruitza	McNally	

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

On the question,

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

Mr. DERMODY offered the following amendment No. A1198:

Amend Sec. 1 (Sec. 1541), page 2, line 29, by inserting an underscored comma after the bracketed period

Amend Sec. 2 (Sec. 1554), page 15, line 18, by striking out "SENTENCED" and inserting

convicted, adjudicated delinquent or admitted to any preadjudication program

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The gentleman, Mr. Dermody, is in order and may proceed.

Mr. DERMODY. Mr. Speaker, this amendment does two things: One, it corrects a punctuation error, and it also clarifies when a probationary license may be canceled. That is, if you are sentenced or convicted of certain offenses, the probationary license may be canceled.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Cessar.

Mr. CESSAR. Thank you, Mr. Speaker.

It is an agreed-to amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—194

Acosta	Fargo	Lucyk	Saurman
Adolph	Farmer	Lynch	Saylor

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

NAYS—0

NOT VOTING—1

Evans

EXCUSED—7

Boyes	Butkovitz	Hughes	Petrarca
Bush	Gruitza	McNally	

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

On the question recurring,

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

Mr. MASLAND offered the following amendment No. A1174:

Amend Sec. 1, page 1, line 9, by striking out "1543(c)" and inserting

1543(b) and (c)

Amend Sec. 1 (Sec. 1543), page 4, by inserting between lines 21 and 22

(b) Certain offenses.—

(1) Any person who drives a motor vehicle on any highway or trafficway of this Commonwealth at a time when their operating privilege is suspended or revoked as a condition of acceptance of Accelerated Rehabilitative Disposition for a violation of section 3731 (relating to driving under influence of alcohol or controlled substance) or because of a violation of section 1547(b)(1) (relating to suspension for refusal) or 3731 shall, upon conviction, be guilty of a summary offense and shall be sentenced to pay a fine of $1,000 and to undergo imprisonment for a period of not less than 90 days.

(2) This subsection shall apply to any person against whom one of these suspensions has been imposed whether the person is currently serving this suspension or whether the effective date of suspension has been deferred under any of the provisions of section 1544 (relating to additional period of revocation or suspension). This provision shall also apply until the person has had the operating privilege restored. This subsection shall also apply to any revocation imposed pursuant to section 1542 (relating to revocation of habitual offender's license) if any of the enumerated offenses was for a violation of section 3731.

On the question,

Will the House agree to the amendment?

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

Mr. MASLAND. Thank you, Mr. Speaker.

In the interests of time, I will be very brief.

I worked on this amendment with the department, PennDOT, and I understand it is an agreed-to amendment. It codifies some existing language or some existing court decisions in the first section, and the last section deals with habitual offenders, which I feel is appropriate given that HB 1950 does deal with the habitual-offender statute.

In short, if someone comes under the habitual-offender statute, they have to have three convictions. If they then drive after being considered a habitual offender, they would be subject to the increased penalties of driving under suspension, DUI related, if one of the reasons they are a habitual offender is because they had a DUI offense.

So if you become a habitual offender because you have a DUI offense in there, then you would be subject to increased penalties, DUI-related suspension, because it is a DUI-related suspension, and those increased penalties are a $1,000 fine and 90-day imprisonment as opposed to a $200 or possibly $200-to-$1,000 fine.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—194

Acosta	Fajt	Lucyk	Saurman
Adolph	Fargo	Lynch	Saylor
Allen	Farmer	Maitland	Scheetz

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

NAYS—1

Hennessey

NOT VOTING—0

EXCUSED—7

Boyes	Butkovitz	Hughes	Petrarca
Bush	Gruitza	McNally	

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—194

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

NAYS—0

NOT VOTING—1

Josephs

EXCUSED—7

Boyes	Butkovitz	Hughes	Petrarca
Bush	Gruitza	McNally	

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

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

* * *

The House proceeded to third consideration of **HB 1510, PN 3218**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring drivers to turn on their lights whenever their windshield wipers are in operation; and imposing a penalty.

On the question,

Will the House agree to the bill on third consideration?

Mr. MARKOSEK offered the following amendment No. A0781:

Amend Title, page 1, lines 2 through 4, by striking out "requiring drivers to turn on their lights whenever" in line 2, all of lines 3 and 4 and inserting

further specifying when lights and windshield wipers are to be in operation.

Amend Bill, page 1, lines 7 through 17, by striking out all of said lines and inserting

Section 1. Sections 4302 and 4524 heading and (d) of Title 75 of the Pennsylvania Consolidated Statutes are amended to read:

§ 4302. Periods for requiring lighted lamps.

(a) General rule.—The operator of a vehicle upon a highway shall display the lighted head lamps and other lamps and illuminating devices required under this chapter for different classes of vehicles, subject to exceptions with respect to parked vehicles, at the following times:

(1) Between sunset and sunrise.

(2) Any time [when,] due to insufficient light or unfavorable atmospheric conditions, including rain, snow, sleet, hail, fog, smoke or smog[, persons and vehicles on the highway are not clearly discernible to the operator for a distance of 1,000 feet ahead].

(b) Signal lights.—Stop lights, turn signals and other signaling devices shall be lighted as prescribed in this title.

§ 4524. Windshield obstructions [and wipers].

* * *

[(d) Windshield wiper systems.—The windshield on every motor vehicle other than a motorcycle or special mobile equipment shall be equipped with a wiper system capable of cleaning rain, snow or other moisture from the windshield, and so constructed as to be controlled or operated by the driver of the vehicle.]

* * *

Section 2. Title 75 is amended by adding a section to read:

<u>§ 4537. Windshield wiper systems.</u>

<u>(a) General rule.—The windshield on every motor vehicle other than a motorcycle or special mobile equipment shall be equipped with a wiper system capable of cleaning rain, snow or other moisture from the windshield, and so constructed as to be controlled or operated by the driver of the vehicle.</u>

<u>(b) Periods for requiring wipers.—The operator of a vehicle upon a highway shall activate the wiper system required under this chapter for different classes of vehicles, subject to exceptions with respect to parked vehicles, any time due to unfavorable atmospheric conditions, including rain, snow, sleet or hail.</u>

Section 3. This act shall take effect in 60 days.

On the question,

Will the House agree to the amendment?

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

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

Mr. Speaker, this amendment clarifies language in HB 1510. It has the support of the prime sponsor of HB 1510, and I urge the support of the members. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman, Mr. Cessar.

Mr. CESSAR. Thank you, Mr. Speaker.

This is an amendment which was drafted by the department, and I agree to it. It is a good amendment for this bill.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—192

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

Egolf	Levdansky	Sather	DeWeese,
Evans	Lloyd	Saurman	Speaker
Fajt	Lucyk		

NAYS—3

Fairchild	Hasay	Preston

NOT VOTING—0

EXCUSED—7

Boyes	Butkovitz	Hughes	Petrarca
Bush	Gruitza	McNally	

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

On the question,

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

Bill as amended was agreed to.

The SPEAKER 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—182

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

NAYS—13

Birmelin	Krebs	Nickol	Van Horne
Gladeck	Levdansky	Santoni	Waugh
Gordner	Michlovic	Scheetz	Yewcic
Hasay			

NOT VOTING—0

EXCUSED—7

Boyes	Butkovitz	Hughes	Petrarca
Bush	Gruitza	McNally	

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

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

* * *

The House proceeded to third consideration of **HB 1832, PN 2193**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the removal of unattended vehicles, for the notice on abandoned vehicles and for the disposition of unclaimed vehicles.

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—195

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

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

NAYS–0

NOT VOTING–0

EXCUSED–7

Boyes	Butkovitz	Hughes	Petrarca
Bush	Gruitza	McNally	

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

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

RULES COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the majority leader, Mr. Itkin.

Mr. ITKIN. Mr. Speaker, there will be no more roll-call votes today.

There will be a Rules Committee meeting immediately upon the recess of the House this evening.

We will be in tomorrow. Session begins at 11 a.m.

The SPEAKER pro tempore. The Chair thanks the gentleman.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2615 By Representatives COLAIZZO, FEE, HENNESSEY, PETRONE, VAN HORNE, HANNA and WOZNIAK

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

Referred to Committee on LOCAL GOVERNMENT, March 22, 1994.

No. 2616 By Representatives COLAIZZO, FEE, HENNESSEY, PETRONE, VAN HORNE, HANNA and WOZNIAK

An Act amending the act of May 22, 1933 (P.L.853, No.155), known as The General County Assessment Law, providing for appraisal costs.

Referred to Committee on LOCAL GOVERNMENT, March 22, 1994.

No. 2627 By Representatives CURRY, MELIO, STABACK, M. COHEN, TRELLO, KASUNIC, DeLUCA, FAIRCHILD, HALUSKA, YEWCIC, LAUB, FAJT, SAURMAN, BELFANTI, CARN, FREEMAN, CORRIGAN, MERRY, RAYMOND, PISTELLA and WILLIAMS

An Act amending the act of June 5, 1968 (P.L.140, No.78), entitled "An act regulating the writing, cancellation of or refusal to renew policies of automobile insurance; and imposing powers and duties on the Insurance Commissioner therefor," further providing for cancellation and refusal to write or renew automobile insurance policies.

Referred to Committee on INSURANCE, March 22, 1994.

No. 2628 By Representatives HANNA, GORDNER, SCHULER, MARKOSEK, PITTS, SAYLOR, PHILLIPS, TRELLO, M. N. WRIGHT, REBER, SERAFINI, BAKER, STABACK, COLAIZZO, MELIO, ARGALL, PISTELLA, GEIST, KASUNIC, YANDRISEVITS, STURLA, LUCYK, E. Z. TAYLOR, TOMLINSON, STERN, HASAY, CURRY, CLARK, L. I. COHEN, CAWLEY, MERRY, ADOLPH, FAJT 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 for exclusions for nonprofit construction projects.

Referred to Committee on FINANCE, March 22, 1994.

No. 2629 By Representatives TRELLO, TIGUE, PISTELLA, DALEY, CESSAR, STABACK, BELFANTI and VAN HORNE

An Act amending the act of February 1, 1966 (1965 P.L.1656,

No.581), known as The Borough Code, further providing for the compensation of auditors.

Referred to Committee on LOCAL GOVERNMENT, March 22, 1994.

No. 2630 By Representatives GAMBLE, MAITLAND, MIHALICH, SERAFINI, LYNCH, GIGLIOTTI, BISHOP, ARGALL, LEDERER, KELLER and BATTISTO

An Act establishing the Farm Winery Program and the Viticultural Fund.

Referred to Committee on TOURISM AND RECREATIONAL DEVELOPMENT, March 22, 1994.

No. 2631 By Representatives GAMBLE, MAITLAND, MIHALICH, SERAFINI, LYNCH, NAILOR, GIGLIOTTI, BISHOP, ARGALL, LEDERER, KELLER and BATTISTO

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, providing for certified farm wineries.

Referred to Committee on LIQUOR CONTROL, March 22, 1994.

No. 2632 By Representatives PETRONE, WOGAN, MANDERINO, STURLA, DEMPSEY, HENNESSEY, LAUB, RAYMOND, TIGUE, PISTELLA, RICHARDSON, BELFANTI, TRELLO, DERMODY, M. COHEN and MICHLOVIC

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, adding provisions relating to planned communities.

Referred to Committee on URBAN AFFAIRS, March 22, 1994.

No. 2633 By Representatives LESCOVITZ, M. COHEN, MELIO, BUNT, M. N. WRIGHT, FARGO, STABACK, FICHTER, DALEY, LAUGHLIN, TRELLO, DERMODY, PISTELLA, BATTISTO, RICHARDSON, SATHER and VAN HORNE

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, requiring a State agency desiring to purchase or acquire real property, to notify the county, municipality and school district wherein the real property is situate of the intention to purchase.

Referred to Committee on STATE GOVERNMENT, March 22, 1994.

No. 2634 By Representatives ROHRER, PITTS, FARGO, FAIRCHILD, CAWLEY, MARSICO, SAYLOR, ZUG, TULLI, GANNON, HUTCHINSON, FICHTER, ARMSTRONG, WAUGH, D. W. SNYDER, LAWLESS, HENNESSEY, TIGUE, CLYMER, TRELLO, LYNCH, STERN, PLATTS, RAYMOND, BARLEY, BIRMELIN, SAURMAN, DRUCE, PHILLIPS, SATHER, GODSHALL, TOMLINSON, CLARK, LEH and ARGALL

An Act amending the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act, providing for economic impact statements.

Referred to Committee on STATE GOVERNMENT, March 22, 1994.

REMARKS SUBMITTED FOR THE RECORD

VOTE CORRECTIONS

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

Mr. GODSHALL. Thank you, Mr. Speaker.

For the record, I would like to submit a series of votes that I would have liked to have been recorded on when I had 2 days' leave due to a death in the family. I would like to have those votes submitted for the record. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The remarks will be spread upon the record.

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

House of Representatives
Commonwealth of Pennsylvania
Harrisburg

March 21, 1994

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

Dear Bill,

I was summoned home due to the death of my brother, and had to request a leave of absence for January 25 and January 26, 1994. Had I been in Harrisburg on Tuesday for the voting session, I would have voted in the following manner:

January 25, 1994
HB 690, Motion to Recommit NO
HB 690, Amendment 97 (Reber) YES
HB 690, Amendment 173 (Kukovich) YES
HB 690, Amendment 228 (Kukovich) NO
HB 690, Amendment 3521 (Argall) YES
HB 690, Amendment 3615 (Nickol) YES
HB 690, Amendment 3911 (Dent) YES
HB 690, Amendment 3913 (Kukovich) YES
HB 701, Amendment 133 (Pitts) YES
HB 701, Final Passage YES
HB 1525, Final Passage YES

January 26, 1994
No votes taken

Sincerely,
Robert W. Godshall
State Representative
53rd Legislative District

RWG/RMcA

RECESS

The SPEAKER pro tempore. This House will recess until the call of the Chair.

AFTER RECESS

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

THE SPEAKER (H. WILLIAM DeWEESE) PRESIDING

BILL ON CONCURRENCE REPORTED FROM RULES COMMITTEE

SB 974, PN 2017 (Amended) By Rep. ITKIN

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for the Public School Employees' Retirement System and the State Employees' Retirement System; adding and amending certain definitions; further providing for older workers, for nonintervening military service, for eligibility for and the computation of annuities and other retirement benefits, for contributions and other payments made by employers, for certain credited service, for the powers and duties of the Public School Employees' Retirement Board and the State Employees' Retirement Board, for the rights and duties of members, for the management of funds and accounts, for taxation, attachment and assignment of funds and for certain domestic relations matters.

RULES.

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER. The Chair recognizes the gentleman from Dauphin County, Mr. Buxton.

Mr. BUXTON. Mr. Speaker, I move that this House do now adjourn until Wednesday, March 23, 1994, at 11 a.m., e.s.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 10:59 p.m., e.s.t., the House adjourned.