

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, MAY 17, 1994

SESSION OF 1994

178TH OF THE GENERAL ASSEMBLY

No. 31

HOUSE OF REPRESENTATIVES

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

THE SPEAKER PRO TEMPORE (KAREN A. RITTER) PRESIDING

PRAYER

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

Let us pray:

God of our weary years, God of our silent
tears,
Thou who hast brought us thus far on the
way,
Thou who hast by thy might led us to the
light,
Keep us forever in the path we pray,
Lest our feet stray from the places,
Our God, where we met Thee,
Lest our hearts drunk with the wine of the
world,
We forget thee.
Shadowed beneath Thy hand, may we
forever stand,
True to our God, true to our native land.

Dear God, we thank You for James Weldon Johnson, who penned these lines, but even more, O God, we thank You for these legislators, who have endured the rigors of campaigning and the burdens of office and who now serve You and their constituencies with honor and distinction.

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, May 16, 1994, will be postponed until printed. The Chair hears no objection.

JOURNALS APPROVED

The SPEAKER pro tempore. The Journals for the following dates are in print and will be approved: Monday, November 22, 1993; Tuesday, November 23, 1993; Wednesday, November 24, 1993; Monday, December 6, 1993; and Tuesday, December 7, 1993. The Chair hears no objection.

SENATE MESSAGE

ADJOURNMENT RESOLUTION FOR CONCURRENCE

The clerk of the Senate, being introduced, presented the following extract from the Journal of the Senate, which was read as follows:

In the Senate
May 16, 1994

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, May 23, 1994, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Monday, May 23, 1994, unless sooner recalled by the Speaker of the House of Representatives.

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

On the question,

Will the House concur in the resolution of the Senate?
Resolution was concurred in.

Ordered, That the clerk inform the Senate accordingly.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 2146, PN 3649 (Amended) By Rep. GEORGE

An Act amending the act of January 24, 1966 (1965 P.L.1535, No.537), known as the Pennsylvania Sewage Facilities Act, adding and amending certain definitions; further providing for official plans, for grants and reimbursements, for permits and for land sale contracts; providing for soil mottling and for individual residential spray irrigation systems; further providing for the powers and duties of local agencies and the Department of Environmental Resources, for penalties and enforcement, for the disposition of fines, civil penalties and fees and for nuisances; and providing for civil actions.

CONSERVATION.

SB 955, PN 2166 (Amended) By Rep. GEORGE

An Act amending the act of April 27, 1966 (1st Sp. Sess., P.L.31, No.1), entitled "The Bituminous Mine Subsidence and Land Conservation Act," providing for the restoration or replacement of water supplies materially affected by mining; further providing for the replacement or repair of certain structures affected by mine subsidence; further providing for appeals and departmental action; and making repeals.

CONSERVATION.

CALENDAR

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1620, PN 1979**, entitled:

An Act amending the act of September 1, 1965 (P.L.420, No.215), known as The Frozen Dessert Law, providing for low-calorie frozen desserts; and further providing for the rehydration of low-calorie frozen desserts.

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

BILL TABLED

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

Mr. ITKIN. Madam Speaker, I move that HB 1620 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 gentleman, Mr. Itkin.

Mr. ITKIN. Madam Speaker, I move that HB 1620 be taken off the table.

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

FILMING PERMISSION

The SPEAKER pro tempore. The Chair wishes to advise the members that permission has been given to Robert Lang of Radio Pennsylvania, WITF, to take audio only on the floor of the House during the proceedings on HR 316.

LEAVES OF ABSENCE

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

The Chair recognizes the gentleman, Mr. Steighner. Mr. STEIGHNER. Thank you, Madam Speaker.

I would ask for leave for today only for the gentleman from Allegheny, Mr. McNALLY, and the gentleman from Philadelphia, Mr. OLIVER.

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

No leaves from the Republican Caucus? Thank you.

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—198

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—5

Bush Merry Oliver Trello
McNally

LEAVES ADDED—2

Daley Scheetz

LEAVES CANCELED—1

Daley

GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair is happy to welcome to the hall of the House, as guest pages on the floor today, along with their teacher, Janet Scott, the following folks: Carey Nestor, who is a senior at Riverview High School; Renee Long, who is a junior at Riverview High School; and Stacy Schmitt, who is also a junior at Riverview High School. They are the guests of Representative Frank Dermody. Will they please rise along with their teacher.

COMMUNICATION

LOBBYIST LIST PRESENTED

The SPEAKER pro tempore. The Chair acknowledges receipt from the Chief Clerk of the lobbyist list, which is pursuant to the Lobbying Registration and Regulation Act.

The following communication was submitted:

Senate of Pennsylvania
May 2, 1994

To the Honorable, the Senate of the
Commonwealth of Pennsylvania
To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania

In compliance with Act No. 712 of the 1961 Session and Act No. 212 of the 1976 Session of the General Assembly titled the "Lobbying Registration and Regulation Act," we herewith jointly present a list containing the names and addresses of the persons who have registered from April 1, 1994 through April 30, 1994 inclusive, for the 178th Session of the General Assembly. This list also contains the names and addresses of the organizations represented by these registrants.

Respectfully submitted:
Mark R. Corrigan, Secretary
Senate of Pennsylvania
John J. Zubeck, Chief Clerk
House of Representatives

(For list, see Appendix.)

GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair is happy to welcome to the hall of the House Mr. George Day and Ms. Karla Keffer from Camp Hill High School, who are the guests of Representative Pat Vance. Will the guests rise.

The Chair is very happy to welcome the Top of the Hill group from Williamsport, who are the guests of Representative Tom Dempsey and who are seated in the balcony.

RULES COMMITTEE MEETING

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

BILL ON CONCURRENCE REPORTED
FROM RULES COMMITTEE

HB 991, PN 3569

By Rep. ITKIN

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, further providing for preferred provider organizations.

RULES.

THE SPEAKER (H. WILLIAM DeWEESE)
PRESIDING

FILMING PERMISSION

The SPEAKER. The Chair would like to recognize the presence of John Sanks of WPVI, channel 6, on the floor filming with audio the impeachment resolution, HR 316; John Sanks of channel 6.

LEAVE OF ABSENCE

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

Mr. ITKIN. Mr. Speaker, could you return to leaves of absence?

The SPEAKER. The gentleman is in order, and the Chair will at this time return to leaves of absence.

Mr. ITKIN. Mr. Speaker, I request a leave of absence for the gentleman from Washington, Mr. DALEY.

The SPEAKER. The gentleman, Mr. Daley's name will be added to the leave list.

RESOLUTION

Mr. CALTAGIRONE called up HR 316, PN 3646, entitled:

A Resolution to prepare articles of impeachment.

On the question,

Will the House adopt the resolution?

Mr. MIHALICH offered the following amendment No. A2026:

Amend Resolve Clause, page 1, line 8, by removing the period after "office" and inserting
; and be it further

RESOLVED, That the committee take no action until the earlier of the issuance, by the Judicial Conduct Board, of the report of its investigation of the Honorable Rolf Larsen or June 24, 1994.

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

The SPEAKER. On the amendment, the gentleman from Westmoreland County, Mr. Mihalich, is recognized.

The members of the House will please be seated. This is the impeachment measure. The members of the House will please be seated. Members will take their seats. This is a rather singular moment in our enterprise. The Sergeants at Arms will be more diligent. Staff will all be seated.

Mr. Mihalich is recognized on the amendment.

Mr. MIHALICH. Thank you, Mr. Speaker.

Mr. Speaker, first, let me point out what my amendment is not. My amendment does not address the merits of any impeachment proceedings against Larsen or anybody else. It does not pass a judgment. It does not attempt to sway judgment. What it does do is reaffirm the action and the actions this House, the Senate, and this Commonwealth took—and it took 2 years to do it—and that was to establish a judicial reform code which included the creation of the judicial review board.

Currently, I believe that the sentencing on Justice Larsen will occur in the first week of June. Thereafter, the judicial review board may do something; they may not do something. They may try to do something. They may be unsuccessful. I have no idea. I am told there are a lot of legal issues which cloud up what their actions might be. But whatever happens with them, my amendment will allow approximately 3 weeks for something, whatever it might be, or nothing to unfold. This is what the General Assembly envisioned when they passed the constitutional amendment dealing with judicial reform.

Regardless of what happens, this committee that is described in the resolution on the 24th of June would make its report and it would still allow this House of Representatives a full week of deliberation, even if we are going to be fortunate enough to pass the budget on time by June 30.

I think this is a reasonable measure. I think it is an action that this General Assembly contemplated might occur sometime in the future, and that is the reason we took the steps we did and that is the reason we passed the constitutional amendment. I think this is totally, totally reasonable.

I think not to adopt my amendment would sort of adopt an oxbow type of mentality that we are going to hang somebody or we are going to sacrifice somebody, rightly or wrongly, when there is an institution in place that is designed to handle this matter. For that reason I ask for the adoption of my amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman from Westmoreland and recognizes the gentleman from Dauphin, Mr. Piccola.

Mr. PICCOLA. Thank you, Mr. Speaker.

I rise to oppose the Mihalich amendment.

The effect of the Mihalich amendment would be simply to defer the action of the select committee set up under this resolution and to force them to report after or at June 24, 1994, and for no apparent reason.

While the amendment speaks to the issuance of a report from the Judicial Conduct Board, the reality of the situation is that the Judicial Conduct Board—and it is not really the Judicial Conduct Board; it is the Court of Judicial Discipline, because they are the ones who really would make the final decision under our new judicial discipline system—but under the system that we have prescribed for judicial discipline, no final action on the Larsen matter can take place much before October of this year, and that is under the best of circumstances and if anything at all does occur.

Right now the Court of Judicial Discipline is not scheduled to meet until about June 6, and assuming that some kind of pleading or filing is made with that court at that time, under their rules that they have adopted temporarily, the accused—in this case it would be Justice Larsen, if something would be filed against him—has 30 days to respond, and thereafter, after that 30-day period, an additional 90 days to prepare for trial. So the effect of this amendment is simply to delay the action of the select committee or the special committee set up under the resolution until June 24.

The gentleman made reference to two other procedures that are apparently under way at the present time concerning Justice Larsen. One is the criminal case, which is pending out in Allegheny County, in which sentencing has to occur and from which there will be appeals, no doubt. In addition, he made reference and his amendment makes reference to the judicial discipline process, which we set up under our Constitution and which we amended last year. Both of those procedures are different. There are different standards involved, there are different procedures, and there are different outcomes, potentially, in both of those procedures, different than the impeachment process which this House would be undergoing and which would be taken over to the Senate for trial. The standards are different.

There is no reason to pass the Mihalich amendment, because all the Mihalich amendment does is say that the House is going to delay until June 24 and for no apparent reason. I would urge that this House defeat the Mihalich amendment and proceed to the adoption of the resolution so that the special committee can bring forth the articles of impeachment that have been recommended by the House Judiciary Committee and so that this House can proceed in its constitutionally mandated process next week. Thank you, Mr. Speaker.

The SPEAKER. The subcommittee chairman on Courts from Allegheny, Mr. Dermody.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, we must defeat the Mihalich amendment.

As this House well knows, this investigation of Justice Rolf Larsen has been going on for over a year. The House investigation began back in November and is now completed. You have all been issued a report, and that report indicates that we have uncovered evidence of serious misbehavior in office, which is the constitutional standard we must live by in this House. The effect of the Mihalich amendment is just to delay this whole process for no reason. If we are to instill confidence in our Supreme Court, in our judiciary, and in this House, it is

necessary that we act on the information that we have obtained.

This amendment should be defeated, the resolution should be passed, and the committee should be allowed to go about its work so this House can go about its work and do the right thing for the people of Pennsylvania. I urge you all to please vote "no" to this amendment.

The SPEAKER. The chairman of the committee, Mr. Caltagirone, from Berks is recognized on the Mihalich amendment.

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

I, too, want to add my voice to objecting to the Mihalich amendment.

I think all due diligence has been given to this issue by both the Subcommittee on Courts and the full committee. Many, many months of work have gone into this issue. I think we owe it to the taxpayers of this Commonwealth. The grounds for impeachment set forth in Article VI, section 6, of the State Constitution implicitly give the power and the sole power of impeachment to be initiated through this chamber, something which has not been taken lightly, I might add, by any of the members that have served and the staff that have worked with the members. I do not think we need to delay any further the business about the appointment of the committee by the Speaker, and that is basically what this amendment would do.

I would urge your consideration to vote "no" on the Mihalich amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

Mr. Mihalich for the second time.

Mr. MIHALICH. Mr. Speaker, all three previous speakers are entirely correct on the interpretation of my amendment. They are absolutely right. It is meant not to eliminate but to delay. With them there is no question on that. My amendment reflects my personal attitude that we should not mount these white chargers and go out and slay these dragons as quickly as we can. I am in no hurry.

As the previous speaker pointed out, this is an ongoing thing. It has been going on for over a year. What is the difference of a few weeks now? Why can we not wait for a few weeks to see what unfolds? There might be something unfolding here, and nobody can predict, nobody here can predict what might happen after the sentencing in the first week of June. So they are entirely correct. My amendment is designed to delay.

I do not see the haste after a year, as it has been pointed out by the previous speaker, I do not see the urgency of this House taking such a significant action. I think impeachment is one of the gravest things that we can do as a House. I think it is something we should take seriously. If there is one modicum, if there is one grain of doubt, not on innocence or guilt, but one grain of doubt as to the procedure and how we should do this, I think we should reserve judgment, at least for a few more weeks, until we see what unfolds. As I said, my amendment has nothing to do with guilt, innocence, with the good guys, the bad guys; it has nothing to do with that. I am

very much concerned about the procedure that this House adopts, that we would be hasty in making decisions that could very well take place a few weeks from now.

You know, Justice Larsen, to the best of my knowledge, has not made any travel plans to Slovenia or Ireland or anywhere else. This thing is not going to go away. It is not going to go away even when we take action, except we might deny this institution that we created the ability to exercise those functions which we asked them to exercise — the judicial review board.

I thank you again, and I ask for an affirmative vote on my amendment.

The SPEAKER. The gentleman, Mr. Clark, is recognized on the Mihalich amendment.

Mr. CLARK. Thank you, Mr. Speaker.

I rise to oppose the Mihalich amendment.

Criminal sentencing issues are independent of what the House of Representatives can do or what they can control. Also, the Judicial Conduct Board and the Court of Judicial Discipline is a separate agency, has its own issues, and is independent. However, the House of Representatives has the sole power to impeach. That is our responsibility; it is our duty to decide, and it is our duty to go forward at this point. It serves no constructive purpose to delay this process another month, another 3 weeks, or another 2 weeks.

I rise to oppose the Mihalich amendment and believe that the House should go forward with its work in answering its responsibilities to decide the issue on whether or not to impeach Justice Rolf Larsen. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The gentleman from Montgomery, Mr. Saurman, is recognized on the amendment.

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, the issue before us is whether to go on with an impeachment process, which is our sole prerogative. This is not the trial. This is to move forward with that process. There is nothing that anyone outside, at this point, can present that will not be heard during the trial which actually will take place subsequently. But right at this moment each of us has to decide whether or not this process should go forward so that all the facts can be brought forward in a hearing and a decision made. It is entirely separate from anything else, any other charges, any other activities.

Did Justice Larsen, Rolf Larsen, do something that rises to the level of impeachment, and if so, we have a responsibility to take action. This is the first step in that action, in terms of this resolution. We need to act now and not delay. Anything that may be uncovered subsequently can certainly be presented in the final hearing phase, and we should now move forward, however, and I would ask for a "no" vote on this amendment.

The SPEAKER. The Chair thanks the gentleman.

For what purpose does the gentleman, Mr. Mihalich, rise?

Mr. MIHALICH. Unanimous consent to speak for 30 seconds more?

The SPEAKER. Without objection, the gentleman is recognized.

Mr. MIHALICH. I just want to point out that the previous speakers, some of them have alluded to the fact that I am attempting to take a prerogative away from the House of Representatives. This is not so. Also, my amendment does not address the guilt or innocence of Mr. Larsen or anybody else. Please understand this. My amendment does not take the responsibility of action away from the House. It does not do anything except delay it for another couple of weeks. As was pointed out by a previous speaker, this has been going on for over a year. 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—14

DeLuca	Laughlin	Petrarca	Tangretti
Fee	Melio	Roberts	Thomas
Gamble	Mihalich	Robinson	Veon
Gigliotti	Pesci		

NAYS—182

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

Druce	Lawless	Ryan	
Durham	Lederer	Santoni	DeWeese,
Egolf	Lee	Sather	Speaker

NOT VOTING—1

Acosta

EXCUSED—6

Bush	McNally	Oliver	Trello
Daley	Merry		

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

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

RESOLUTION PASSED OVER TEMPORARILY

The SPEAKER. HR 316 will be over temporarily.

DEMOCRATIC CAUCUS

The SPEAKER. Is the gentleman, Mr. Coy, available for a caucus announcement?

Mr. Coy is recognized for the purpose of a caucus announcement.

Mr. COY. Thank you, Mr. Speaker.

Mr. Speaker, we have a need for a Democratic caucus, a matter of some import to be discussed in the caucus. So I would like to have an immediate meeting of the Democratic Caucus beginning at noon in the majority caucus room. The caucus should last no longer than half an hour. Then we will have a luncheon break and return to the floor for session at 1:30.

REPUBLICAN CAUCUS

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

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

There will be a short Republican caucus beginning promptly at 1. We only have a couple bills to do, so we will be ready to be on the floor at 1:30. Thank you.

The SPEAKER. The Chair would like to thank the strongest man in the legislature for that announcement.

For anybody that did not read the clips, he was given a writeup recently for his endeavors and accomplishments at our YMCA.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The gentleman, Mr. Evans, is recognized. For what purpose does the gentleman rise?

Mr. EVANS. Mr. Speaker, I would like to call a House Appropriations Committee meeting—

The SPEAKER. The gentleman is in order.

Mr. EVANS. —as soon as the House adjourns in the majority caucus room. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Evans, calls a meeting in the majority caucus room of the Appropriations Committee immediately.

The Democratic caucus is a very important caucus, and all Democrats are urged to attend today's caucus; all Democrats are urged to attend today's caucus. The leadership team – the whip, the secretary, the majority leader – will please make certain that caucus attendance is substantial. The whip will please make certain that caucus attendance is substantial.

ANNOUNCEMENT BY MR. B. SMITH

The SPEAKER. Does Mr. Smith rise?

Mr. B. SMITH. Thank you, Mr. Speaker.

I have been asked to remind all the members that the third annual ice cream party for legislators is being held today on the East Wing plaza. You are welcome to come with your staff and enjoy ice cream. Pennsylvania is the second leading producer of frozen desserts in the United States. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman, Mr. Smith.

COMMITTEE MEETING CANCELED

The SPEAKER. The gentleman from Mount Carmel, Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

This is an important announcement for the members of the House Labor Relations Committee.

The meeting scheduled for today has been canceled. Today's meeting of the House Labor Relations Committee has been canceled. Thank you.

The SPEAKER. Labor Relations meeting canceled. Thanks to the gentleman, Mr. Belfanti. Thank you for the announcement.

RECESS

The SPEAKER. The House stands in recess until 1:30.

AFTER RECESS

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

**THE SPEAKER PRO TEMPORE
(KAREN A. RITTER) PRESIDING**

BILL REMOVED FROM TABLE

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Itkin, the majority leader.

Mr. ITKIN. Madam Speaker, I move that HB 2568, PN 3618, be removed from the table.

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

BILL ON SECOND CONSIDERATION

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

HB 2568, PN 3618.

RULES SUSPENDED

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

Mr. GRUPPO. Madam Speaker, I move to suspend the rules for the immediate consideration of HR 302.

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

The following roll call was recorded:

YEAS—197

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

Dent	LaGrotta	Roebuck	Yandrisevits
Dermody	Laub	Rohrer	Yewcic
Donatucci	Laughlin	Rooney	Youngblood
Druce	Lawless	Rubley	Zug
Durham	Lederer	Rudy	
Egolf	Lee	Ryan	DeWeese,
Evans	Leh	Santoni	Speaker
Fairchild	Lescovitz	Sather	

NAYS—0

NOT VOTING—0

EXCUSED—6

Bush	McNally	Oliver	Trello
Daley	Merry		

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.

CALENDAR CONTINUED

RESOLUTION

Mr. GRUPPO called up **HR 302, PN 3558**, entitled:

A Resolution recognizing the month of May 1994 as "Older Pennsylvanians Month" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—193

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

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

NAYS—0

NOT VOTING—4

DeLuca	Gruitza	LaGrotta	Lescovitz
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EXCUSED—6

Bush	McNally	Oliver	Trello
Daley	Merry		

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

GUEST INTRODUCED

The SPEAKER pro tempore. The Chair welcomes to the hall of the House Mr. Jim Creehan, who is the guest of Representative Nick Colafella, seated to the left of the Speaker.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **SB 333, PN 1967**, entitled:

An Act amending the act of May 29, 1945 (P.L.1134, No. 405), entitled "An act to create a commission to act jointly with commissions appointed for like purpose by the States of West Virginia and Maryland, the Commonwealth of Virginia and the District of Columbia, which, together with three members to be appointed by the President of the United States, shall constitute the Interstate Commission on the Potomac River Basin, with power to cooperate in the abatement of the existing pollution, and in the control of future pollution of the waters of the drainage basin of the Potomac River within the States of Maryland and West Virginia, the Commonwealth of Virginia and the District of Columbia;....," further providing for the members of the Interstate Commission on the Potomac River Basin for the Commonwealth.

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

BILL REVERTED TO PRIOR PRINTER'S NUMBER

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

Mr. REBER. Thank you, Madam Speaker pro tem.

I would move that SB 333 revert to the immediate prior printer's number, and this motion is made for the simple fact that there were some technical amendments made by me in the Conservation Committee. I have now been advised by the Governor's Office that the intent behind those will certainly be considered, and I feel it is important that this bill move to the Governor's desk. Therefore, I move to revert to the immediate prior printer's number so it can go right to the Governor for signature. Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question,

Will the House agree to the motion?

The SPEAKER pro tempore. On the gentleman's motion, the Chair recognizes the gentleman, Mr. Itkin.

Mr. ITKIN. Madam Speaker, we support the gentleman's motion.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—195

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

Curry	Krebs	Roberts	Wozniak
DeLuca	Kukovich	Robinson	Wright, D. R.
Dempsey	LaGrotta	Roebuck	Wright, M. N.
Dent	Laub	Rohrer	Yandrisevits
Dermody	Laughlin	Rooney	Yewcic
Donatucci	Lawless	Rublely	Youngblood
Durham	Lederer	Rudy	Zug
Egolf	Lee	Ryan	
Evans	Leh	Santoni	DeWeese,
Fairchild	Lescovitz	Sather	Speaker
Fajt			

NAYS—0

NOT VOTING—2

Druce	Rieger
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EXCUSED—6

Bush	McNally	Oliver	Trello
Daley	Merry		

The question was determined in the affirmative, and the motion 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—197

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

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Bush	McNally	Oliver	Trello
Daley	Merry		

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.

SUPPLEMENTAL CALENDAR A

RESOLUTION

Mr. CALTAGIRONE called up **HR 316, PN 3650**, entitled:

A Resolution to prepare articles of impeachment.

On the question,
Will the House adopt the resolution?

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

Mr. DERMODY. Thank you, Madam Speaker.

Madam Speaker, this resolution calls for the Speaker of the House to appoint a committee of five members of this House to prepare articles of impeachment against Justice Rolf Larsen of the Supreme Court of Pennsylvania.

All the members of the House have received the report this week, and contained in that report are recommended articles of impeachment that have already been drafted. This resolution would require the committee to prepare articles consistent with the report of the Judiciary Committee that you have all received.

This would be just the beginning point, just the drafting of articles. We expect those articles to be drafted forthwith and to

be available for the members for several days to consider and to read before they have to discuss, debate, and possibly vote.

So I would ask all the members of the House to please support the resolution to prepare articles of impeachment to get the process moving. Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Anyone else for debate?

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

The following roll call was recorded:

YEAS—197

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Bush	McNally	Oliver	Trello
Daley	Merry		

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

GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair welcomes Abbye Goodling and Bill Wickard from Big Spring High School, who are the guests of Representative Al Masland and are seated to the left of the Speaker.

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1708, PN 1986**, entitled:

An Act amending the act of July 29, 1953 (P.L.970, No.235), referred to as the Middle Atlantic Interstate Forest Fire Protection Compact Act, authorizing the admission of other states into the compact; and making an editorial change.

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—196

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

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

NAYS—0

NOT VOTING—1

Acosta

EXCUSED—6

Bush	McNally	Oliver	Trello
Daley	Merry		

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 2201, PN 3567**, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, providing for use of waters of the Pennsylvania Fish and Boat Commission for swimming purposes.

On the question,
Will the House agree to the bill on third consideration?
Mr. HASAY offered the following amendment No. A1952:

Amend Sec. 1 (Sec. 748), page 2, lines 12 through 30, by striking out all of said lines and inserting

- (c) Private landowners.—
 (1) Swimming by private landowners and their bona fide guests shall be permitted in Commonwealth waters under the ownership or control of the commission where all of the following criteria are met:
 (i) The property of the private landowner adjoins, abuts and shares a common boundary line with lands or waters controlled by the Commonwealth.
 (ii) The property of the private landowner contains a permanent dwelling or cottage in which

the landowner actually resides for all or part of the year.

(iii) The private landowner or his successors in title can demonstrate that the private property was conveyed from the same grantor who conveyed lands and waters to the commission, and that swimming was permitted in such waters prior to conveyance to the commission.

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

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

Mr. HASAY. Thank you, Speaker Ritter.

The amendment has been drafted and agreed to by the Pennsylvania Fish and Boat Commission, and I would appreciate a "yes" vote.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Any further debate?

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

The following roll call was recorded:

YEAS—197

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

DeLuca	Krebs	Roberts	Wright, D. R.
Dempsey	Kukovich	Robinson	Wright, M. N.
Dent	LaGrotta	Roebuck	Yandrisevits
Dermody	Laub	Rohrer	Yewcic
Donatucci	Laughlin	Rooney	Youngblood
Druce	Lawless	Rubley	Zug
Durham	Lederer	Rudy	
Egolf	Lee	Ryan	DeWeese,
Evans	Leh	Santoni	Speaker
Fairchild	Lescovitz	Sather	

NAYS—0

NOT VOTING—0

EXCUSED—6

Bush	McNally	Oliver	Trello
Daley	Merry		

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—197

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

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Bush	McNally	Oliver	Trello
Daley	Merry		

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

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

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

**BILLS ON THIRD
CONSIDERATION CONTINUED**

The House proceeded to third consideration of **HB 2638, PN 3408**, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, permitting Sunday hunting for coyotes and Sunday hunting on noncommercial regulated hunting grounds.

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

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

The question is, shall the bill pass finally?

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

YEAS—160

Adolph	Fee	Maitland	Saylor
Argall	Fichter	Manderino	Scheetz
Baker	Fleagle	Markosek	Schuler
Barley	Flick	Marsico	Scrimenti
Battisto	Freeman	Masland	Serafini
Bebko-Jones	Gamble	Mayermik	Smith, S. H.
Belardi	Gannon	McCall	Snyder, D. W.
Belfanti	George	McGeehan	Staback

Birmelin	Gerlach	Melio	Stairs
Bishop	Gigliotti	Michlovic	Steighner
Blaum	Gladeck	Micozzie	Steil
Brown	Godshall	Mihalich	Stish
Bunt	Gordner	Miller	Sturla
Burns	Gruitza	Mundy	Surra
Buxton	Haluska	Nickol	Tangretti
Caltagirone	Hanna	O'Brien	Taylor, E. Z.
Cappabianca	Hasay	Olasz	Taylor, J.
Carn	Hennessey	Pesci	Thomas
Cawley	Hershey	Petrarca	Tigue
Chadwick	Hughes	Petrone	Tomlinson
Civiera	Hutchinson	Pettit	Trich
Cohen, L. I.	Itkin	Piccola	True
Cohen, M.	Jadlowiec	Pistella	Tulli
Colafella	Jarolin	Platts	Uliana
Colaizzo	Josephs	Preston	Van Horne
Conti	Kaiser	Raymond	Veon
Cornell	Kasunic	Reber	Vitali
Corrigan	Keller	Reinard	Washington
Cowell	Kirkland	Richardson	Waugh
Coy	Kukovich	Rieger	Williams
Curry	LaGrotta	Ritter	Wogan
DeLuca	Laub	Roberts	Wozniak
Dempsey	Laughlin	Robinson	Wright, D. R.
Dent	Lawless	Roebuck	Wright, M. N.
Dermody	Lederer	Rohrer	Yandrisevits
Donatucci	Lee	Rooney	Yewcic
Druce	Leh	Rubley	Youngblood
Durham	Lescovitz	Rudy	
Fajt	Levdansky	Ryan	DeWeese,
Fargo	Lucyk	Santoni	Speaker
Farmer	Lynch		

NAYS—31

Allen	Fairchild	Nailor	Smith, B.
Armstrong	Geist	Nyce	Steelman
Boyes	Gruppo	Perzel	Stern
Carone	Herman	Phillips	Stetler
Cessar	Hess	Pitts	Strittmatter
Clark	King	Sather	Vance
Clymer	Krebs	Saurman	Zug
Egolf	Lloyd	Semmel	

NOT VOTING—6

Acosta	Evans	James	Kenney
Butkovitz	Harley		

EXCUSED—6

Bush	McNally	Oliver	Trello
Daley	Merry		

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.

COMMITTEE APPOINTED

The SPEAKER. It should be read into the record that the Speaker's appointments to the committee authorized by HR 316, the resolution dealing with impeachment, the members of that entity will consist of Frank Dermody, chairman; Thomas

Caltagirone; Daniel Clark; Jeffrey Piccola; and Michael Gruitza.

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 1140, PN 3561**, entitled:

An Act authorizing the release of Project 70 restrictions on certain lands owned by Union Township, Lawrence County, in return for the imposition of Project 70 restrictions on certain lands being conveyed to Union Township; authorizing the release of Project 70 restrictions imposed on certain lands owned by the Borough of Whitehall, Allegheny County, being conveyed by the borough in return for the imposition of Project 70 restrictions on certain lands being conveyed to the borough; authorizing the release of Project 70 and Project 500 restrictions imposed on certain lands owned by Allegheny County, in return for the imposition of Project 70 and Project 500 restrictions on certain lands to be conveyed to Allegheny County; and authorizing and directing the Pennsylvania Fish and Boat Commission to convey a Project 70 tract of land in Northampton County under certain conditions.

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

RULES SUSPENDED

The SPEAKER. The gentleman, Mr. Jarolin, is recognized for a motion.

Mr. JAROLIN. Mr. Speaker, I move to suspend the rules to consider an amendment.

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

The following roll call was recorded:

YEAS—182

Adolph	Fajt	Lloyd	Schuler
Allen	Fargo	Lucyk	Scrimenti
Armstrong	Farmer	Manderino	Semmel
Baker	Fee	Markosek	Serafini
Barley	Fichter	Marsico	Smith, B.
Battisto	Fleagle	Mayernik	Smith, S. H.
Bebko-Jones	Flick	McCall	Snyder, D. W.
Belardi	Freeman	McGeehan	Staback
Belfanti	Gamble	Melio	Stairs
Birmelin	Gannon	Michlovic	Steelman
Bishop	Geist	Micozzie	Steighner
Blaum	George	Mihalich	Steil
Boyes	Gerlach	Miller	Stern
Brown	Gigliotti	Mundy	Stetler
Bunt	Gladeck	Nailor	Stish
Burns	Godshall	Nickol	Stritmatter
Butkovitz	Gordner	Nyce	Sturla
Buxton	Gruitza	O'Brien	Surra
Caltagirone	Gruppo	Olasz	Tangretti
Cappabianca	Haluska	Perzel	Taylor, E. Z.
Carn	Harley	Pesci	Taylor, J.
Cawley	Hasay	Petrarca	Thomas
Cessar	Hennessey	Petrone	Tigue
Chadwick	Herman	Pettit	Tomlinson
Civera	Hershey	Phillips	Trich
Clark	Hess	Piccola	True

Clymer	Hughes	Pistella	Tulli
Cohen, L. I.	Itkin	Pitts	Uliana
Cohen, M.	Jadlowiec	Preston	Vance
Colafrilla	James	Raymond	Van Horne
Colaizzo	Jarolin	Reber	Veon
Conti	Josephs	Reinard	Vitali
Cornell	Kaiser	Richardson	Washington
Corrigan	Kasunic	Rieger	Waugh
Cowell	Keller	Ritter	Williams
Coy	Kenney	Roberts	Wogan
Curry	King	Robinson	Wozniak
DeLuca	Kirkland	Roebuck	Wright, D. R.
Dent	Kukovich	Rooney	Wright, M. N.
Dermody	LaGrotta	Rubley	Yandrisevits
Donatucci	Laub	Rudy	Yewcic
Druce	Laughlin	Ryan	Youngblood
Durham	Lawless	Santoni	Zug
Egolf	Lederer	Sather	
Evans	Lescovitz	Saurman	DeWeese,
Fairchild	Levdansky	Saylor	Speaker

NAYS—13

Argall	Hutchinson	Leh	Masland
Carone	Krebs	Lynch	Platts
Dempsey	Lee	Maitland	Scheetz
Hanna			

NOT VOTING—2

Acosta	Rohrer
--------	--------

EXCUSED—6

Bush	McNally	Oliver	Trello
Daley	Merry		

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 concur in Senate amendments?

Mr. JAROLIN offered the following amendment No. A1851:

Amend Title, page 1, line 13, by striking out "AND" where it appears the first time

Amend Title, page 1, line 15, by removing the period after "CONDITIONS" and inserting
; and authorizing the conveyance of certain lands in Luzerne County.

Amend Bill, page 14, by inserting after line 30 Section 5. Luzerne County.

(a) Authorization.—Under the requirements of section 20(b) of the act of June 22, 1964 (Sp.Sess., P.L.131, No.8), known as the Project 70 Land Acquisition and Borrowing Act, the General Assembly hereby authorizes the Pennsylvania Fish and Boat Commission to convey the Forrest Avenue right of way at Lily Lake, Slocum and Conyngham Townships, Luzerne County, to Slocum Township for continued use and enjoyment of the public at large and inclusion in the Slocum Township roadway program.

(b) Freedom of restrictions.—The Pennsylvania Fish and Boat Commission shall convey the Forrest Avenue right of way from the Commonwealth of Pennsylvania, for use of the Pennsylvania Fish and Boat Commission, to Slocum Township free of the restrictions on use and alienation prescribed by the Project 70 Land Acquisition and Borrowing Act, provided the conveyance shall be subject to all easements of record and the following conditions:

(1) If, at any time, Slocum Township shall abandon the Forrest Avenue right of way or restrict its use in any way that it is not open to free public use and enjoyment, the said tract shall revert to the ownership of the Commonwealth of Pennsylvania, for use by the Pennsylvania Fish and Boat Commission.

(2) The Pennsylvania Fish and Boat Commission shall retain at all times the unrestricted right of ingress, egress and regress over the said tract.

(c) Execution.—The deed of conveyance from the Pennsylvania Fish and Boat Commission to Slocum Township shall be executed by the Executive Director of the Pennsylvania Fish and Boat Commission in the name of the Commonwealth of Pennsylvania for use by the Pennsylvania Fish and Boat Commission and shall be approved for legality and form by the Chief Counsel of the Pennsylvania Fish and Boat Commission and the Office of Attorney General.

(d) Land to be released from restrictions.—The Forrest Avenue right of way tract to be conveyed under this section is more particularly bounded and described as follows:

All that certain piece or parcel of land situate in the Township of Slocum and Township of Conyngham, County of Luzerne, and State of Pennsylvania, bounded and described as follows:

Beginning at the point situated north 48 degrees 47 minutes 48 seconds west a distance of 100.86 feet from a cut stone (Pennsylvania Fish and Boat Commission Corner #1), said point being on the northerly right of way line of S.R.3005 (a 50 foot right of way), the centerline of the Pennsylvania Fish and Boat Commission Access Drive (a 20 foot paved cartway) and centerline of the Forrest Avenue right of way (50 feet wide) herein described;

Thence along said S.R.3005 right of way north 72 degrees 03 minutes 18 seconds west a distance of 25.01 feet to a point in lands of the Pennsylvania Fish and Boat Commission and edge of the Forrest Avenue right of way;

Thence along said lands of the Pennsylvania Fish and Boat Commission and said Forrest Avenue right of way (50 feet wide) the following three (3) courses and distances:

- (1) north 19 degrees 28 minutes 01 second east a distance of 112.43 feet to a point,
- (2) north 59 degrees 41 seconds east a distance of 267.44 feet to a point,
- (3) north 72 degrees 58 minutes 10 seconds east a distance of 193.77 feet to a point in lands of others;

Thence along said lands of others, and said Forrest Avenue right of way (variable width) the following three (3) courses and distances:

- (1) south 19 degrees 25 minutes 25 seconds east a distance of 18.25 feet to a concrete monument (Pennsylvania Fish and Boat Commission Corner #55)
- (2) north 72 degrees 39 minutes 28 seconds east a distance of 657.84 feet to a point (Pennsylvania Fish and Boat Commission Corner #60)
- (3) north 17 degrees 20 minutes 32 seconds west a distance of 30.00 feet to a point in lands of the Pennsylvania Fish and Boat Commission;

Thence along said lands of the Pennsylvania Fish and Boat Commission and unnamed road right of way (50 feet wide) the following six (6) courses and distances:

- (1) north 20 degrees 02 minutes 01 second east a distance of 204.87 feet to a point,
- (2) north 44 degrees 09 minutes east a distance of 262.99 feet to a point,
- (3) north 37 degrees 54 minutes 01 second east a distance of 160.94 feet to a point, (unnamed road right of way changes to a variable width)
- (4) north 52 degrees 05 minutes 59 seconds west a distance of 30.00 feet to a point at the edge of Lily Lake and along the said edge
- (5) north 30 degrees 08 minutes 23 seconds east a distance of 110.67 feet to a point at the edge of Lily Lake and leaving said Lake,

(6) north 89 degrees 15 minutes 06 seconds east a distance of 55.00 feet to an iron pin (Pennsylvania Fish and Boat Commission Corner #46), in lands of others:

Thence along said lands of others and unnamed road right of way (variable width) the following four (4) courses and distances:

- (1) south 44 minutes 54 seconds east a distance of 57.61 feet to a point (Pennsylvania Fish and Boat Commission Corner #47),
- (2) south 28 degrees 43 minutes west a distance of 100.30 feet to a point (Pennsylvania Fish and Boat Commission Corner #48),
- (3) south 37 degrees 54 minutes 01 second west a distance of 162.30 feet to a point (Pennsylvania Fish and Boat Commission Corner #49),
- (4) south 82 degrees 34 minutes 01 second east a distance of 39.30 feet to a point (Pennsylvania Fish and Boat Commission Corner #50), in lands of the Pennsylvania Fish and Boat Commission:

Thence along said lands of the Pennsylvania Fish and Boat Commission and unnamed road right of way (variable width) the following five (5) courses and distances:

- (1) south 44 degrees 09 minutes west a distance of 80.00 feet to a point,
- (2) north 82 degrees 34 minutes 01 second west a distance of 39.11 feet to a point, (right of way changes to 50 feet wide),
- (3) south 44 degrees 09 minutes west a distance of 176.50 feet to a point,
- (4) south 20 degrees 02 minutes 01 second west a distance of 132.72 feet to a point, (right of way changes to a variable width),
- (5) south 17 degrees 08 minutes 26 seconds east a distance of 52.92 feet to a point, in the Forrest Avenue right of way;

Thence along said land of the Pennsylvania Fish and Boat Commission and said Forrest Avenue right of way (50 feet wide) the following three (3) courses and distances:

- (1) north 72 degrees 51 minutes 34 seconds east a distance of 198.95 feet to a point, (right of way changes to a variable width),
- (2) north 58 degrees 06 minutes east a distance of 294.20 feet to a point,
- (3) north 40 degrees 24 minutes 01 second east a distance of 102.00 feet to a point, in lands of others;

Thence along said lands of others and said Forrest Avenue right of way (variable width) the following four (4) courses and distance:

- (1) south 20 degrees 29 minutes east a distance of 180.00 feet to an iron pin (Pennsylvania Fish and Boat Commission Corner #52),
- (2) south 72 degrees 51 minutes 34 seconds west a distance of 1225.65 feet to a point (Pennsylvania Fish and Boat Commission Corner #53),
- (3) north 20 degrees 42 minutes 32 seconds west a distance of 19.94 feet to a point (Pennsylvania Fish and Boat Commission Corner #54),
- (4) south 72 degrees 58 minutes 10 seconds west a distance of 276.30 feet to a point (Pennsylvania Fish and Boat Commission Corner #61), in lands of the Pennsylvania Fish and Boat Commission;

Thence along said lands of the Pennsylvania Fish and Boat Commission and said Forrest Avenue right of way (50 feet wide) the following two (2) courses and distances:

- (1) south 59 degrees 41 seconds west a distance of 243.35 feet to a point,
- (2) south 19 degrees 28 minutes 01 second west a distance of 99.35 feet to a point in the northerly right of way of S.R.3005 (a 50 foot right of way);

Thence along said S.R.3005 right of way north 58 degrees 43 seconds west a distance of 25.61 feet to a point, the place of beginning.

Containing 3.64 acres of land, as shown on Lily Lake - Forrest Avenue, Right of Way Disposition Plan, prepared August 20, 1993, by the Pennsylvania Fish and Boat Commission.

Being a portion and/or part of the same premises granted and conveyed to the Commonwealth of Pennsylvania by deed of the Estate of Forrest A. Boyd, dated May 3, 1968, and recorded in the Office of the Recorder of Deeds of Luzerne County, Pennsylvania, in Deed Book 1653, page 876.

And under and subject to all easements of record.

Amend Sec. 5, page 15, line 1, by striking out "5" and inserting

6

On the question,

Will the House agree to the amendment?

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

Mr. JAROLIN. Thank you, Mr. Speaker.

Mr. Speaker, this amendment deals with the transfer of a road from the Pennsylvania Fish Commission to Salem Township up there for maintenance and use in the future.

The SPEAKER. On the Jarolin amendment, the gentleman-

Mr. JAROLIN. Correction; Mr. Speaker, that is a correction. That is Slocum Township.

The SPEAKER. The Chair thanks the gentleman.

On the amendment, the gentleman, Mr. Fee, is recognized.

Mr. FEE. Not this amendment, Mr. Speaker.

The SPEAKER. The Chair retracts his recognition of the gentleman from New Castle.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-196

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

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

NAYS-0

NOT VOTING-1

Acosta

EXCUSED-6

Bush	McNally	Oliver	Trello
Daley	Merry		

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

On the question,

Will the House concur in Senate amendments as amended?

RULES SUSPENDED

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

Mr. FEE. Mr. Speaker, I also request that the rules be temporarily suspended for the inclusion of debate on my amendment.

The SPEAKER. On the suspension of the rules for one final amendment, the gentleman, Mr. Fee, would request an affirmative vote.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS-181

Acosta	Fairchild	Lloyd	Scrimenti
Adolph	Fajt	Lucyk	Semmel
Allen	Fargo	Manderino	Serafini
Armstrong	Farmer	Markosek	Smith, B.
Baker	Fee	Marsico	Smith, S. H.
Barley	Fichter	Mayernik	Snyder, D. W.
Battisto	Fleagle	McCall	Staback
Bebko-Jones	Flick	McGeehan	Stairs
Belardi	Freeman	Melio	Steelman
Belfanti	Gamble	Michlovic	Steighner
Birmelin	Gannon	Micozzie	Steil
Bishop	Geist	Mihalich	Stem
Blaum	George	Miller	Stetler

Boyes	Gerlach	Mundy	Stish
Brown	Gigliotti	Nickol	Strittmatter
Bunt	Gladeck	Nyce	Sturla
Burns	Godshall	O'Brien	Surra
Butkovitz	Gruitz	Olasz	Tangretti
Buxton	Gruppo	Perzel	Taylor, E. Z.
Caltagirone	Haluska	Pesci	Taylor, J.
Cappabianca	Harley	Petrarca	Thomas
Carn	Hasay	Petrone	Tigue
Cawley	Hennessey	Pettit	Tomlinson
Cessar	Herman	Phillips	Trich
Chadwick	Hershey	Piccola	True
Civera	Hess	Pistella	Tulli
Clark	Hughes	Pitts	Uliana
Clymer	Itkin	Preston	Vance
Cohen, L. I.	Jadlowiec	Raymond	Van Horne
Cohen, M.	James	Reber	Veon
Colafella	Jarolin	Reinard	Vitali
Colaizzo	Josephs	Richardson	Washington
Conti	Kaiser	Rieger	Waugh
Cornell	Kasunic	Ritter	Williams
Corrigan	Keller	Roberts	Wogan
Cowell	Kenney	Robinson	Wozniak
Coy	King	Roebuck	Wright, D. R.
Curry	Kirkland	Rohrer	Wright, M. N.
DeLuca	Kukovich	Rooney	Yandrisevits
Dent	LaGrotta	Rubley	Yewcic
Dermody	Laub	Rudy	Youngblood
Donatucci	Laughlin	Ryan	Zug
Druce	Lawless	Santoni	
Durham	Lederer	Sather	DeWeese, Speaker
Egolf	Lescovitz	Saylor	
Evans	Levdansky	Schuler	

NAYS—14

Argall	Hutchinson	Lynch	Nailor
Carone	Krebs	Maitland	Platts
Dempsey	Lee	Masland	Scheetz
Hanna	Leh		

NOT VOTING—2

Gordner	Saurman		
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EXCUSED—6

Bush	McNally	Oliver	Trello
Daley	Merry		

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 concur in Senate amendments as amended?
Mr. FEE offered the following amendment No. A1850:

Amend Title, page 1, line 4, by inserting after "and" authorizing the release of Project 70 restrictions on certain lands owned by Lawrence County in return for the imposition of Project 70 restrictions on certain lands to be conveyed to Lawrence County;

Amend Sec. 1, page 1, line 18, by inserting after "County" — Union Township

Amend Bill, page 3, by inserting between lines 20 and 21 Section 2. Lawrence County — Bessemer Borough and North Beaver Township.

(a) Authorization.—Under the requirements of section 20(b) of the act of June 22, 1964 (Sp.Sess., P.L.131, No.8), known as the Project 70 Land Acquisition and Borrowing Act, the General

Assembly hereby authorizes the Pennsylvania Fish and Boat Commission to exchange 6.25 acres of land, more or less, in North Beaver Township, Lawrence County, hereinafter described as Tract No. 1, at the project known as Bessemer Quarry Lakes, to Saint Anthony's Church for use as part of its cemetery in consideration of the transfer of 10.627 acres of land, more or less, in North Beaver Township, Lawrence County, hereinafter described as Tract No. 2, to the Pennsylvania Fish and Boat Commission, which parcel would give the Pennsylvania Fish and Boat Commission control of the upper end of the Bessemer Quarry Lakes project.

(b) Freedom of restrictions.—The Pennsylvania Fish and Boat Commission shall transfer Tract No. 1 to Saint Anthony's Church free from the restrictions on use and alienation prescribed by the Project 70 Land Acquisition and Borrowing Act, subject, however, to all easements of record, upon:

(1) The execution and filing of a general warranty deed transferring Tract No. 2 to the Commonwealth of Pennsylvania for use by the Pennsylvania Fish and Boat Commission with good and marketable title, satisfactory to the Pennsylvania Fish and Boat Commission.

(2) The execution and filing of a deed transferring Tract No. 1 from the Commonwealth of Pennsylvania, for use by the Pennsylvania Fish and Boat Commission, to Saint Anthony's Church.

(c) Execution.—The deed of conveyance from the Pennsylvania Fish and Boat Commission to Saint Anthony's Church shall be executed by the Executive Director of the Pennsylvania Fish and Boat Commission in the name of the Commonwealth of Pennsylvania for use by the Pennsylvania Fish and Boat Commission and shall be approved for legality and form by the Chief Counsel of the Pennsylvania Fish and Boat Commission and the Office of Attorney General.

(d) Imposition of restrictions.—When Tract No. 2 is conveyed to the Commonwealth of Pennsylvania for use by the Pennsylvania Fish and Boat Commission, it shall be subject to the restrictions on use and alienation prescribed by the Project 70 Land Acquisition and Borrowing Act.

(e) Description of lands.—Tract No. 1 is more particularly bounded and described as follows:

Tract No. 1

All that certain piece or parcel of land situate in the Township of North Beaver, County of Lawrence, State of Pennsylvania, bounded and described as follows:

Beginning at a point in the centerline of State Route 317, west of the Borough of Bessemer, at the southwestern corner of lands now or formerly of W. Summers and southeastern corner of lands herein described; thence, along centerline of State Route 317, north 87 degrees 40 minutes west a distance of 179.06 feet, to a point in centerline of State Route 317, and southeastern corner of remaining lands now or formerly of the Pennsylvania Fish and Boat Commission; thence, leaving State Route 317 and along remaining lands now or formerly of the Pennsylvania Fish and Boat Commission the following (3) courses and distances:

(1) north 07 minutes 24 seconds west a distance of 999.33 feet, to a point,

(2) south 87 degrees 40 minutes east a distance of 80.58 feet, to a point,

(3) south 88 degrees 58 minutes 23 seconds east a distance of 193.58 feet, to a point in lands now or formerly M. and V. Cunningham;

thence, along lands now or formerly of M. and V. Cunningham the following (2) courses and distances:

(1) south 01 degree 02 minutes 18 seconds east a distance of 148 feet, to a point,

(2) south 79 degrees 31 minutes 19 seconds east a distance of 115.36 feet, to a point on the Bessemer Borough line;

thence, along borough line, south 01 degree 10 minutes 08 seconds east a distance of 87.25 feet, to a concrete monument in centerline of cemetery drive and lands of the Yugoslav Civil Cemetery; thence, along centerline of cemetery drive, and lands of the Yugoslav Civil Cemetery, south 89 degrees 32 minutes 07

seconds west a distance of 115.87 feet to a pipe post in concrete; thence, continuing along lands of the Yugoslav Civil Cemetery, south 07 minutes 34 degrees east a distance of 368.07 feet, to an iron pin and common corner of lands of Yugoslav Civil Cemetery and Saint Anthony Catholic Cemetery; thence, along lands of St. Anthony Catholic Cemetery, south 07 minutes 24 seconds east a distance of 227.48 feet, to a point at northeastern corner of lands now or formerly of W. Summers; thence, along lands now or formerly of W. Summers the following (2) courses and distances:

(1) north 88 degrees 28 minutes 30 seconds west a distance of 99.95 feet, to a point,

(2) south 01 degree 22 minutes 15 seconds east a distance of 149.90 feet, to a point in the centerline of State Route 317, and place of beginning.

Containing 6.250 acres (272,255 square feet) of land as shown on "Saint Anthony's Council Cemetery Association's Property Survey of the Pennsylvania Fish Commission Land Exchange," prepared by the Pennsylvania Fish Commission, dated September 1983.

Being a portion and/or part of the same premises granted and conveyed to the Commonwealth of Pennsylvania acting through the Pennsylvania Fish and Board Commission by Declaration of Taking from Marie E. Craft, Clarence B. Eckman, and Claud F. Eckman, dated November 28, 1967, and recorded in the Office of the Recorder of Deeds of Lawrence County in Deed Book 529, Page 638. Excepting and reserving any mineral rights to which the Commonwealth of Pennsylvania may hold title. And under and subject to any easements of record appertaining to the said Tract No. 1.

Tract No. 2 is more particularly bounded and described as follows:

Tract No. 2

Beginning at an iron pin at the corner of the D'Amico tract and the Pennsylvania Fish Commission; thence by the line of the Pennsylvania Fish Commission south 14 minutes 41 seconds east 561 feet to a point; thence south 14 minutes 41 seconds east 250 feet to an iron pin at the corner of the tracts of the Pennsylvania Fish Commission and S.M.E. Bessemer Cement, Inc.; thence by the line of S.M.E. Bessemer Cement, Inc., north 85 degrees 02 minutes west 100 feet to an iron pin; thence north 14 minutes 41 seconds east 250 feet to an iron pin thence north 85 degrees 02 minutes west 89 feet to an iron pin then by the line of the remaining lands of S.M.E. Bessemer Cement, Inc., south 73 degrees 24 minutes 29 seconds west 688.44 feet to an iron pin; thence north 23 degrees 18 minutes west 300 feet to an iron pin; thence north 55 degrees 07 minutes east 475 feet to an iron pin; thence north 61 degrees 26 minutes east 440 feet to an iron pin at the corner of the tracts now or formerly of S.M.E. Bessemer Cement, Inc., and D'Amico; then by the line of D'Amico south 85 degrees 02 minutes east 189 feet to an iron pin the point of the beginning.

Containing 10.627 acres being lands wholly within the boundaries of the land described in the deed recorded in Lawrence County Deed Book Volume 656, Page 1029.

Amend Sec. 2, page 3, line 21, by striking out "2" and inserting

3

Amend Sec. 3, page 7, line 19, by striking out "3" and inserting

4

Amend Sec. 4, page 12, line 2, by striking out "4" and inserting

5

Amend Sec. 5, page 15, line 1, by striking out "5" and inserting

6

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

The SPEAKER. On the amendment, the gentleman from New Castle is recognized.

Mr. FEE. This amendment will authorize the exchange of Project 70 lands between the Fish and Boat Commission and a church in Lawrence County.

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

The following roll call was recorded:

YEAS—197

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Bush	McNally	Oliwer	Trelfo
Daley	Merry		

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

On the question recurring,
Will the House concur in Senate amendments as amended?

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

YEAS—197

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Bush	McNally	Oliver	Trello
Daley	Merry		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments as amended were concurred in.

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

**BILLS ON THIRD
CONSIDERATION CONTINUED**

The House proceeded to third consideration of **HB 150, PN 161**, entitled:

An Act requiring advance notification of plant closings and mass layoffs; and imposing penalties.

On the question,
Will the House agree to the bill on third consideration?
Mr. DENT offered the following amendment No. A1675:

Amend Bill, page 1, lines 5 through 16; pages 2 through 11, lines 1 through 30; page 12, lines 1 through 13, by striking out all of said lines on said pages and inserting
Section 1. Short title.

This act shall be known and may be cited as the Worker Adjustment and Retraining Notification Act.

Section 2. Definitions.

(a) General rule.—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:

“Affected employee.” An employee who may reasonably be expected to experience an employment loss as a consequence of a proposed plant closing or mass layoff by the employee’s employer.

“Employer.” A business enterprise that employs:

(1) 100 or more employees, excluding part-time employees; or

(2) 100 or more employees who in the aggregate work at least 4,000 hours per week, exclusive of hours of overtime.

“Employment loss.” Subject to subsection (b):

(1) an employment termination other than a discharge for cause, voluntary departure or retirement;

(2) a layoff of more than six months; or

(3) a reduction in hours of work of more than 50% during each month of any six-month period.

“Mass layoff.” A reduction in the workforce which:

(1) is not the result of a plant closing; and

(2) results in an employment loss at the single site of employment during any 30-day period for:

(i) (A) at least 33% of the employees, excluding any part-time employees; and

(B) at least 50 employees, excluding any part-time employees; or

(ii) at least 500 employees, excluding any part-time employees.

“Municipality.” A city, borough, town or township.

“Part-time employee.” An employee who is employed for an average of fewer than 20 hours per week or who has been employed for fewer than six of the 12 months preceding the date on which notice is required.

“Plant closing.” The permanent or temporary shutdown of a single site of employment or one or more facilities or operating units within a single site of employment, if the shutdown results in an employment loss at the single site of employment during any 30-day period for 50 or more employees, excluding any part-time employees.

“Representative.” An exclusive representative of employees within the meaning of section 8(f) or 9(a) of the National Labor Relations Act (49 Stat. 449, 29 U.S.C. § 158(f) or 159(a)) or

section 2 of the Railway Labor Act (Public Law 69-257, 45 U.S.C. § 152).

(b) Exclusions from definition of "employment loss."—

(1) In the case of a sale of part or all of an employer's business, the seller shall be responsible for providing notice for any plant closing or mass layoff in accordance with section 3, up to and including the effective date of the sale. After the effective date of the sale of part or all of an employer's business, the purchaser shall be responsible for providing notice for any plant closing or mass layoff in accordance with section 3. Notwithstanding any other provision of this act, any person, other than a part-time employee, who is an employee of the seller as of the effective date of the sale shall be considered an employee of the purchaser immediately after the effective date of the sale.

(2) An employee may not be considered to have experienced an employment loss if the closing or layoff is the result of the relocation or consolidation of part or all of the employer's business and, prior to the closing or layoff:

(i) the employer offers to transfer the employee to a different site of employment within a reasonable commuting distance with no more than a six-month break in employment; or

(ii) the employer offers to transfer the employee to any other site of employment regardless of distance with no more than a six-month break in employment and the employee accepts within 30 days of the offer or of the closing or layoff, whichever is later.

Section 3. Notice required before plant closings and mass layoffs.

(a) Notice to employees, State dislocated worker units and local governments.—An employer shall not order a plant closing or mass layoff until the end of a 60-day period after the employer serves written notice of such an order:

(1) to each representative of the affected employees as of the time of the notice or, if there is no such representative at that time, to each affected employee; and

(2) to this Commonwealth dislocated worker unit and the chief elected official of the municipality within which the closing or layoff is to occur.

If there is more than one such municipality, the municipality which the employer shall notify is the municipality to which the employer pays the highest taxes for the year preceding the year for which the determination is made.

(b) Reduction of notification period.—

(1) An employer may order the shutdown of a single site of employment before the conclusion of the 60-day period if as of the time that notice would have been required the employer was actively seeking capital or business which, if obtained, would have enabled the employer to avoid or postpone the shutdown and the employer reasonably and in good faith believed that giving the notice required would have precluded the employer from obtaining the needed capital or business.

(2) (i) An employer may order a plant closing or mass layoff before the conclusion of the 60-day period if the closing or mass layoff is caused by business circumstances that were not reasonably foreseeable as of the time that notice would have been required.

(ii) No notice under this act shall be required if the plant closing or mass layoff is due to any form of natural disaster, such as flood, earthquake or drought.

(3) An employer relying on this subsection shall give as much notice as is practicable and at that time shall give a brief statement of the basis for reducing the notification period.

(c) Extension of layoff period.—A layoff of more than six months which, at its outset, was announced to be a layoff of six

months or less, shall be treated as an employment loss under this act unless:

(1) the extension beyond six months is caused by business circumstances, including unforeseeable changes in price or cost, not reasonably foreseeable at the time of the initial layoff; and

(2) notice is given at the time it becomes reasonably foreseeable that the extension beyond six months will be required.

(d) Determinations with respect to employment loss.—For purposes of this section, in determining whether a plant closing or mass layoff has occurred or will occur, employment losses for two or more groups at a single site of employment, each of which is less than the minimum number of employees specified in section 2. The definition of "plant closing" or "mass layoff" but which in the aggregate exceed that minimum number, and which occur within any 90-day period, shall be considered to be a plant closing or mass layoff unless the employer demonstrates that the employment losses are the result of separate and distinct actions and causes and are not an attempt by the employer to evade the requirements of this act.

Section 4. Exemptions.

(a) General rule.—This act shall not apply to a plant closing or mass layoff if:

(1) the closing is of a temporary facility or the closing or layoff is the result of the completion of a particular project or undertaking, and the affected employees were hired with the understanding that their employment was limited to the duration of the facility or the project or undertaking; or

(2) the closing or layoff constitutes a strike or constitutes a lockout not intended to evade the requirements of this act.

(b) Provisos.

(1) Nothing in this act shall require an employer to serve written notice pursuant to section 3(a) when permanently replacing a person who is deemed to be an economic striker under the Nation Labor Relations Act (49 Stat. 449, 29 U.S.C. § 151 et seq.).

(2) Nothing in this act shall be deemed to validate or invalidate any judicial or administrative ruling relating to the hiring of permanent replacements for economic strikers under the National Labor Relations Act.

Section 5. Administration and enforcement of requirements.

(a) Civil actions against employers.—

(1) Any employer who orders a plant closing or mass layoff in violation of section 3 shall be liable to each aggrieved employee who suffers an employment loss as a result of such closing or layoff for:

(i) back pay for each day of violation at a rate of compensation not less than the higher of:

(A) the average regular rate received by such employee during the last three years of the employee's employment; or

(B) the final regular rate received by such employee; and

(ii) benefits under an employee benefit plan described in section 3(3) of the Employee Retirement Income Security Act of 1974 (Public Law 93-406, 88 Stat. 829), including the cost of medical expenses incurred during the employment loss which would have been covered under an employee benefit plan if the employment loss had not occurred.

Such liability shall be calculated for the period of the violation, up to a maximum of 60 days, but in no event for more than one-half the number of days the employee was employed by the employer.

(2) The amount for which an employer is liable under paragraph (1) shall be reduced by:

(i) any wages paid by the employer to the employee for the period of the violation;

(ii) any voluntary and unconditional payment by the employer to the employee that is not required by any legal obligation; and

(iii) any payment by the employer to a third party or trustee, such as premiums for health benefits or payments to a defined contribution pension plan, on behalf of and attributable to the employee for the period of the violation.

In addition, any liability incurred under paragraph (1) with respect to a defined benefit pension plan may be reduced by crediting the employee with service for all purposes under the plan for the period of the violation.

(3) Any employer who violates the provisions of section 3 with respect to a unit of local government shall be subject to a civil penalty of not more than \$500 for each day of such violation, except that the penalty shall not apply if the employer pays to each aggrieved employee the amount for which the employer is liable to that employee within three weeks from the date the employer orders the shutdown or layoff.

(4) If an employer which has violated this act proves to the satisfaction of the court that the act or omission that violated this act was in good faith and that the employer had reasonable grounds for believing that the act or omission was not a violation of this act the court may, in its discretion, reduce the amount of the liability or penalty provided for in this section.

(5) A person seeking to enforce such liability, including a representative of employees or a unit of local government aggrieved under paragraph (1) or (3), may sue either for such person or for the other persons similarly situated, or both, in the court of common pleas of the county in which the violation is alleged to have occurred or in which the employer transacts business.

(6) In any such suit, the court, in its discretion, may allow the prevailing party a reasonable attorney fees as part of the costs.

(7) For purposes of this subsection, the term "aggrieved employee" means an employee who has worked for the employer ordering the plant closing or mass layoff and who, as a result of the failure by the employer to comply with section 3, did not receive timely notice either directly or through his or her representative as required by section 3.

(b) Exclusivity of remedies.—The remedies provided for in this section shall be the exclusive remedies for any violation of this act. This act does not authorize a court to enjoin a plant closing or mass layoff.

Section 6. Procedures in addition to other rights of employees.

The rights and remedies provided to employees by this act in addition to, and not in lieu of, any other contractual or statutory rights and remedies of the employees and are not intended to alter or affect such rights and remedies, except that the period of notification required by this act shall run concurrently with any period of notification required by contract or by any other statute.

Section 7. Procedures encouraged where not required.

It is the sense of the General Assembly that an employer who is not required to comply with the notice requirements of section 3 should, to the extent possible, provide notice to its employees about a proposal to close a plant or permanently reduce its workforce.

Section 8. Authority to prescribe regulations.

(a) Regulations.—The Secretary of Labor and Industry shall prescribe such regulations as may be necessary to carry out this act. Such regulations shall, at a minimum, include interpretative regulations describing the methods by which employers may provide for appropriate service of notice as required by this act.

(b) Notice.—The mailing of notice to an employee's last known address or inclusion of notice in the employee's paycheck will be considered acceptable methods for fulfillment of the employer's obligation to give notice to each affected employee under this act.

Section 9. Effect on other laws.

The giving of notice pursuant to this act, if done in good faith compliance with this act, shall not constitute a violation of the National Labor Relations Act (49 Stat. 449, 29 U.S.C. § 141 et seq.) or the Railway Labor Act (Public Law 69-257, 45 U.S.C. § 152).

Section 10. Report on employment and international competitiveness.

Two years after the date of enactment of this act, the Secretary of Labor and Industry shall submit to the General Assembly a report containing a detailed and objective analysis of the effect of this act on employers, especially small and medium-sized businesses, the economy and employees, in terms of levels and conditions of employment. The Secretary of Labor and Industry shall assess both costs and benefits, including the effect on productivity, competitiveness, unemployment rates and compensation and worker retraining and readjustment.

Section 11. Effective date.

This act shall take effect as follows:

(1) Section 8(a) and this section shall take effect immediately.

(2) The remainder of this act shall take effect in six months.

On the question,

Will the House agree to the amendment?

The SPEAKER. On the Dent amendment to HB 150 on page 4, the gentleman, Mr. Dent, is recognized.

Mr. DENT. Thank you, Mr. Speaker.

My amendment quite simply adopts into law the Federal Plant Closing Act, which requires employers of 100 or more people intending to shut down a facility to notify its employees.

This amendment will make State law consistent and completely uniform with Federal law. Employers will only be required to comply with one standard if my amendment is adopted, not two, so we would only have a standard that would, I think, be consistent entirely with the Federal law, which has worked out reasonably well.

I would urge members to support this amendment. Thank you.

The SPEAKER. On the Dent amendment, the gentleman from Westmoreland, Mr. Kukovich, is recognized.

Mr. KUKOVICH. Thank you, Mr. Speaker.

I would ask the members to oppose this amendment. What it does is render the bill inconsequential and unnecessary.

We currently are covered under the Federal law that President Reagan signed back in 1988. What we are attempting to do with this amendment and what we tried to do back in 1990 when we realized that not enough employees were covered was to try to insure that at least 500,000 more employees would be covered under this basic protection that is provided in many other jurisdictions, many other countries. If we adopt this amendment, we render our efforts today moot.

I would just remind members that this is an issue that has been around for a long time. We had a special select committee in 1984 that looked into this issue and suggested doing much, much more than what we are trying to do today.

My efforts on behalf of this concept began from a personal experience in my district in the late seventies and were exacerbated during the deindustrialization of the early eighties by those plants that shut down, even though there might be an

active market, even though they could have continued but for different reasons decided, with no notice, to pull out. They not only devastated people's lives, they hurt the economies of local communities.

Since then, we have found out that because of the work that we can do with government agencies — because of Labor and Industry's Dislocated Worker Unit, because of the Department of Commerce's rapid response team — we can help businesses, we can help employees, we can help communities, we can keep people at work, we can improve the economy of the State. We need this little bit of advance notice to try to maintain that type of help to employees, to employers, to possible new investors.

I particularly saw a glass plant that went down for nonbusiness reasons. For a year those people were unemployed. With this kind of notice back then, we could have saved those jobs; that glass plant could have remained viable. That is the kind of thing we need to do, and this amendment would allow us to do that with those smaller companies under 100 employees, down to 50 employees. We could virtually triple the number of employers who are covered.

For those reasons I would ask for a negative vote on the amendment.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Chadwick, is recognized on the Dent amendment.

Mr. CHADWICK. Thank you, Mr. Speaker.

I rise in support of the Dent amendment.

This legislation once again separates Pennsylvania out as the worst place to do business than anywhere else in the country. What is there about Pennsylvania businesses, other than the fact that they pay more taxes than anybody else, that is any different from New York businesses or New Jersey businesses or Ohio businesses? This amendment is important because it sends the right signal to businesses that Pennsylvania is every bit as good a place to do business as any other State. It is essential that we do that, or we are going to lose more businesses in this State.

I strongly support the Dent amendment.

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

Mr. KUKOVICH. I would suggest to members that there are many other States and other jurisdictions that have much more comprehensive advance notice laws. Throughout New England, for example, Maine, Wisconsin, they ask for even more notice and even say that various benefits be continued during that period. We are not asking for any of that. We are asking for advance notice for those companies for two reasons: one, for the humane reason of allowing workers to get the opportunity so they do not become unemployed, so they do not cost the State more funds; and secondly, so other businesses that supply various types of supplies, equipment, to those businesses are not left in the lurch as they have been.

This is proemployee; this is probusiness. It is proeconomy. Many other States are much more stringent. I am suggesting

that what we do is the bare minimum to allow the common decency for workers and to help the economy of Pennsylvania.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The gentleman, Mr. Daley, from Washington County will have his name added to the master roll and be removed from the leave list.

CONSIDERATION OF HB 150 CONTINUED

The SPEAKER. The gentlelady from Philadelphia, Ms. Manderino, is recognized on the Dent amendment.

Ms. MANDERINO. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to the Dent amendment, and I want to share an experience that I had with proposed plant-closing-notification legislation that I think is indicative of maybe some of the preconceived notions about what might be bad about a bill like this that just do not pan out in reality.

In the early 1980's, the city of Philadelphia proposed an early plant notification bill for employers of 50 or more. At the time I was working for an organization called the Philadelphia Area Labor Management Committee, and we took a position on behalf of both business and labor, our committee, and we were actually one of the prime spokespeople against the legislation when it was first proposed in Philadelphia. But after the legislation was passed and to the surprise of both the business and labor members of our committee—and that was a very broad-based committee, not only from the city but from the suburban businesses and industries around Philadelphia—we found that that legislation did not have a negative impact, and as a matter of fact, it had a very positive impact in trying to help save those businesses, in being an early response that pulled together regional economic development and regional resource teams as an early response to go into those businesses. Some of them we were actually able to save, some of them we were able to do some work with to stave off a potential closing or layoff, and in those cases where we were not successful, we were able to get in there and start working at an earlier stage with the workers who were going to be dislocated so that their transition from their soon-to-be-lost employment to new employment was smoother and was faster.

So the Philadelphia experience, quite frankly, was different than we had anticipated it would be in the early eighties, and from that, I think that the concerns about that being expanded to a statewide basis are not founded, and I would urge a "no" on the Dent amendment and a "yes" on the bill. Thank you.

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

Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, I do not think there is anyone in Pennsylvania today who could seriously argue that we have a good business climate. Right now, for us to bring anyone into Pennsylvania, we have to do it by begging them and enticing them to come in. We have to open up our portfolio of dreams that we have created from time to time over the years, legislative dream books, and look for ways of aiding them — giving them

comfort, giving them money if we have it available under plans, some of which were initiated by the father of Ms. Manderino — and this is the only way we have been able to get anyone into Pennsylvania. But as we have been trying to get them in and trying to hold them, while we have done this, we have lost companies like Hershey, which is Pennsylvania. Who ever heard of a chocolate bar other than Hershey from Pennsylvania? We have lost AMP, which is Pennsylvania. It is the center of Pennsylvania. It was described to me last night at dinner as the heartbeat of Pennsylvania industry. And I suspect— And we had dinner last night, and I know some of your leaders have had this same dinner meeting that our leaders had last night with the business community, and it was a straightforward dinner meeting where we traded ideas. I think there would be a good deal of Maalox passed around that table if I were to suggest to any of this group of business leaders that a plant-closing bill is something that would be good for the business community of Pennsylvania.

One of the big problems, I believe, that we have today in Pennsylvania is we go too far. The Federal Government has acted in this area. They have gone far enough. Why do we have to go further? Why do we have to be more discouraging to the possible site locators than the Federal Government? The Federal Government has done its job in protecting the employees in the event of a plant closing. Why should we go further and discourage possible new employers from coming to Pennsylvania? We are making a mistake, and we have been making this mistake.

I am urging you to support the Dent amendment. It is a small blow on the side of the business community. We have done nothing for them taxwise. We have done very little for them in the past several years, and this is one of the few things we can do for them. It is one of the few things we do not have to do to them I guess is a better way of putting it, and I think it would be wrong for us to go ahead now and take another shot at them by putting in a plant-closing bill that is more drastic than that already imposed by the Federal Government.

I would urge you to support the Dent amendment.

The SPEAKER. The Chair thanks the gentleman from Delaware and recognizes the lady from Indiana, Ms. Steelman.

Ms. STEELMAN. Thank you, Mr. Speaker.

I would like to expand briefly on a comment by Representative Kukovich to the effect that the plant-closing bill protects the suppliers of those businesses that are on the verge of closing, and that is true. I think that when we look at the companies that have gone down the tubes and have left other responsible businesses holding the bag for services and products that have been supplied to those companies and that are then never paid for, we have to think about what are the consequences of advertising that if you come into Pennsylvania, you are going to be allowed to defraud those businesses that are well managed by getting them to advance you goods and services that you know very well your company is not going to be able to pay for, and if those are the kinds of businesses that the minority leader is suggesting that we should try to attract to Pennsylvania, I can only say that I do not think

so. I think that we need to vote for a bill that will provide protection for well-managed businesses in Pennsylvania against those businesses that are ill managed.

Therefore, I encourage you to vote against the Dent amendment and to extend the protection provided by the Federal bill to more businesses and more business people in Pennsylvania. A vote against the Dent amendment is a vote for good business.

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

Ms. RITTER. Thank you, Mr. Speaker.

I rise to oppose the Dent amendment.

Several previous speakers talked about the fact that companies will not want to come to Pennsylvania if we do not put the Dent amendment into this bill. If we require them to be fair to their employees, they will not want to come here. I would suggest that a company who is considering opening a plant in Pennsylvania who is already thinking about how they can screw the employees once they close that plant is not the kind of company that we want here in Pennsylvania.

So I would suggest that we should put on the record the fact that we want to encourage companies and to require them, if we cannot encourage them, require them to be fair to their employees, and therefore, we will go further than the Federal law has done. Those are the kinds of companies that we want doing business in Pennsylvania, and that is the message we should send today and vote against the Dent amendment.

The SPEAKER. The gentlelady, Mrs. Harley, from Montgomery.

Mrs. HARLEY. Thank you, Mr. Speaker.

I think we all need to be reminded or remember sometimes that businesses are jobs in Pennsylvania, and if we want to see the unemployment rate go down, the best way to do that is to provide for businesses and to make it so that businesses come to Pennsylvania rather than leave Pennsylvania.

How many times have we discussed mandates here on the House floor and in committee and in conversations with each other, and yet that is exactly what this is: this is a mandate. Every time we see mandates, we see one thing that is consistent, and that is the loss of jobs.

I do not think that Philadelphia is a very good example to talk about looking at them and seeing what a benefit that this kind of legislation brings, because in fact, if we look at Philadelphia, what we see is that Philadelphia is losing jobs every day at a very frightening rate. I do not think that we have to worry about plant notification if this goes into effect, because in fact we will not have plants that will be notified because we will not have plants at all.

So please, I urge you to support the Dent amendment. Thank you.

The SPEAKER. The Chair thanks the lady and recognizes the gentleman, Mr. Fargo, on the Dent amendment.

Mr. FARGO. Thank you, Mr. Speaker.

I think the one point that we are not recognizing here is the fact that what this bill will do without the Dent amendment is to affect the small businesses of Pennsylvania. These small

businesses are our backbone; they are the growing part of our economy, and we are going to say to these small businesses that not only are you going to have to come up with some more rules and regulations, but if you do not have the expertise in that small business to understand what these laws are and somehow or the other fail to participate or fail to comply with these laws, we are going to fine you; we are going to give you another reason for getting out of Pennsylvania.

I cannot, no matter how I attempt to, come up with any reasons to say that this is a probusiness or proeconomy bill. How can we possibly say that when in fact it means that we are saying once more to our small businesses, not to our big businesses, not to those huge conglomerates, we are saying to our small businesses, the ones who are attempting to become larger, attempting to improve our economy, we are saying to those small businesses, you have got to comply with a whole lot more rules and regulations, and if you do not comply with these rules and regulations, we are going to fine you and put you into a worse position where you cannot possibly compete.

There was some suggestion that this may help business because it gives us an opportunity to save those businesses. Now, that does not even make sense to me that we have to force them to admit that they are going to close or lay off before we get around to trying to help those businesses to stay in business.

I do not think we need this kind of regulation, and I think it is a major, major mistake if we pass the bill without the Dent amendment. So I really feel that we had better look to who it is that we are affecting here. We are affecting the bloodstream of the possible improvement in the business climate of Pennsylvania, and we are saying to them one more time, do not come to Pennsylvania because we are going to put it to you.

Let us please pass this amendment.

The SPEAKER. The gentleman from Washington County, Mr. Daley, is recognized on the Dent amendment.

Mr. DALEY. Thank you, Mr. Speaker.

As the chairman of the industrial-plant-closing committee in 1984, many things that we had done at that time were a product of this legislation, and I hear from my friends and colleagues on the other side of the aisle that business is the bloodstream of Pennsylvania. Well, I submit to you, it is the workers, it is the working men and women that are the bloodstream of Pennsylvania. Business does not produce the workers; workers produce the business. That is the bottom line.

What this legislation simply does is it provides behavior in a way in which we provide kindness to the employees. The age of the robber baron, the age of the robbing and raping and leaving, is over. With Volkswagen, we gave them hundreds of millions of dollars in western Pennsylvania, taxpayers' dollars. They stayed for 10 years, got the tax break, shut the plant down, and went back to Germany. No one knew. That was absolutely wrong.

What we are trying to do in this legislation is say, we think there is a level playing field. If you have a business in Pennsylvania, we want you to treat the employees with dignity,

kindness, fairness, and let them know if you are shutting down, simply because we formed the Governor's Response Team as the early strike force, as part of that plant-closing committee that I sat and chaired, and what we simply have done is made things better for business in Pennsylvania by providing economic incentives to stay in business.

When we are told that this legislation is going to drive business out of Pennsylvania, that is absolutely ludicrous. There is not one place in this country that has adopted plant-closing-notification rules, like Massachusetts, that businesses left because of that. Businesses will leave Pennsylvania because our corporate taxes are too high. That is the simple bottom line. It is not because of notification; it is not because of our standards of corporate behavior. It is because taxes are too high and the bottom line does not work out right.

All we are saying in this legislation is that we think that the employees ought to be notified. No one, including you and I and any of our constituents, should have to go to work one day and find out they are no longer going to have a job. That simply is not fair. If we are talking about companies of 50 employees, that is simply because those are the people that hire the majority of Pennsylvanians.

This is not going to drive business out of Pennsylvania. It is high taxes that is going to drive business out of Pennsylvania. It is not plant-closing legislation that is going to force our neighbors and our businesses to move to Maryland and New Jersey; it is high taxes. So do not be fooled.

The lifeblood of Pennsylvania is our workers, is those people that work in the factories, is those people that produce at the mines and the steel mills, in the shoe factories, in the garment factories. They deserve our attention; they deserve this legislation. We deserve to provide a safety net for them to be able to move in and for the State to save their jobs.

I urge a "no" vote on the Dent amendment and a "yes" on the Kukovich bill.

The SPEAKER. The Chair thanks the gentleman from Washington.

The gentleman, Mr. Snyder, from Lehigh is at the microphone and wishes to debate the Dent amendment.

Mr. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, I could understand the arguments of the people who have spoken against the Dent amendment if HB 150 would mean something to the employees of the businesses that may be shutting down in Pennsylvania, because it is interesting, Mr. Speaker, that I notice in the legislation that not only is there a requirement for notification to the Secretary of Labor and Industry, who is supposed to share this information with various departments and agencies within the Commonwealth, it also provides for outplacement services by the Department of Labor and Industry, provides some assurances of retraining programs, and if that is the case, Mr. Speaker, and that there would be some hope for employees of businesses who are going to be terminated that there would be some services available for them, then certainly I think that they would have some merit in their argument.

Mr. Speaker, however, it is interesting to look at the fiscal note for HB 150. The only thing that the fiscal note refers to is that it will cost approximately \$100,000 to \$150,000 for additional employees to handle the notification and coordination of services and to draft the rules and regulations. In other words, we are going to hire about four or five more paper pushers to receive the paperwork from the small businesses who have to notify them. There is no notification in this fiscal note that there is additional money for retraining for the additional employees that are required. There is no notification by the Democratic Caucus that there is going to be more money for outplacement services. Mr. Speaker, there is no recognition of even the need to provide for assistance for these employees. All we are doing is adding more bureaucrats by note of their fiscal information provided on this legislation.

Representative Dent's amendment would at least allow us to stay with State law in concurrence with the Federal Government, allow the enforcement by the employees against the employers in the State courts to allow them easier access to enforce their own rights under this legislation, and, Mr. Speaker, we would allow the State to maintain its competitive similarity to other States.

Finally, Mr. Speaker, a previous speaker from the 131st District spoke against the Dent amendment. I am very familiar with a company in that legislative district that went through this process. First of all, they tried to contact the Governor's Response Team. They said, we need capital to stay in business; we hire mostly minority employees; we are a manufacturing business. I am sorry but we do not provide loans; we will call the bank and see if they can do it. Well, the problem they were having was, the banks cut off their credit. They tried desperately. They went to the State; they went to local economic development. They got no support. They did the notification required by the law, and that was the end of it; no support at all.

Mr. Speaker, by expanding this to 500,000 more employees in Pennsylvania without the commitment of resources to provide for their assistance if they lose their job, it is just again giving false promises to the people of Pennsylvania.

I support the Dent amendment.

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

The following roll call was recorded:

YEAS—89

Adolph	Fargo	Leh	Saylor
Allen	Farmer	Lynch	Scheetz
Armstrong	Fichter	Maitland	Schuler
Baker	Fleagle	Marsico	Semmel
Barley	Flick	Masland	Smith, B.
Battisto	Gannon	Miller	Smith, S. H.
Birmelin	Geist	Nailor	Snyder, D. W.
Brown	George	Nickol	Stairs
Bunt	Gerlach	O'Brien	Steil
Carone	Gladeck	Perzel	Stern
Cessar	Godshall	Pettit	Strittmatter
Chadwick	Harley	Phillips	Taylor, E. Z.
Clark	Hennessey	Piccola	Tomlinson

Clymer	Herman	Pitts	True
Cohen, L. I.	Hershey	Platts	Tulli
Conti	Hess	Reber	Vance
Cornell	Hutchinson	Reinard	Vitali
Coy	Jadlowiec	Rohrer	Waugh
Dempsey	King	Rublely	Wogan
Dent	Laub	Ryan	Wright, D. R.
Druce	Lawless	Sather	Wright, M. N.
Egolf	Lee	Saurman	Zug
Fairchild			

NAYS—109

Acosta	Fajt	Lloyd	Santoni
Argall	Fee	Lucyk	Scrimenti
Bebko-Jones	Freeman	Manderino	Serafini
Belardi	Gamble	Markosek	Staback
Belfanti	Gigliotti	Mayernik	Steelman
Bishop	Gordner	McCall	Steighner
Blaum	Gruitza	McGeehan	Stetler
Boyes	Gruppo	Melio	Stish
Burns	Haluska	Michlovic	Sturla
Butkovitz	Hanna	Micozzie	Surra
Buxton	Hasay	Mihalich	Tangretti
Caltagirone	Hughes	Mundy	Thomas, J.
Cappabianca	Itkin	Nyce	Thomas
Carn	James	Olasz	Tigue
Cawley	Jarolin	Pesci	Trich
Civera	Josephs	Petrarca	Uliana
Cohen, M.	Kaiser	Petrone	Van Horne
Colafella	Kasunic	Pistella	Veon
Colaizzo	Keller	Preston	Washington
Corrigan	Kenney	Raymond	Williams
Cowell	Kirkland	Richardson	Wozniak
Curry	Krebs	Rieger	Yandrisevits
Daley	Kukovich	Ritter	Yewcic
DeLuca	LaGrotta	Roberts	Youngblood
Dermody	Laughlin	Robinson	
Donatucci	Lederer	Roebuck	DeWeese,
Durham	Lescovitz	Rooney	Speaker
Evans	Levdansky	Rudy	

NOT VOTING—0

EXCUSED—5

Bush	Merry	Oliver	Trello
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?

Mr. CHADWICK offered the following amendment No. A2050:

Amend Sec. 2, page 2, lines 2 through 6, by striking out all of said lines and inserting

"Employer." A business enterprise which complies with both of the following paragraphs:

(1) On or after the effective date of this act and within the preceding ten years:

(i) has received a grant through an economic development program of the Commonwealth, a political subdivision or an authority of either; or

(ii) has received but not repaid a loan through an economic development program of the Commonwealth, a political subdivision or an authority of either.

- (2) Employes:
 (i) 50 or more employees; or
 (ii) 50 or more full-time and part-time employees who, in the aggregate, work at least 2,000 hours per week, excluding overtime.

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

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

Mr. CHADWICK. Thank you, Mr. Speaker.

The prior amendment having failed, what I have to offer is a moderate, commonsense, compromise amendment. This amendment says that a company would not have to comply with this legislation unless within the last 10 years it has been the beneficiary of a government grant or a government loan which has not been repaid, the theory being that if a company has not been the beneficiary of government largess, then the government has no business telling it how to operate.

I think this is a compromise amendment, it makes a bad bill a little bit better, and I urge your support.

The SPEAKER. The Chair thanks the gentleman.

On the Chadwick amendment, the gentleman from Westmoreland, Mr. Kukovich, is recognized.

Mr. KUKOVICH. I ask for a "no" vote, Mr. Speaker.

This is not a compromise. All it does is severely restrict the amount of employees and employers who would be covered. I do not see any direct correlation between whether or not a company receives some direct grant from the State and whether or not they should be covered by this bill. As a matter of fact, what we do if we say that is, we ignore all those companies that receive ancillary benefits, that receive nearby road or bridge construction or receive other types of projects that help their particular business; we ignore those companies that after the fact may get help from a rapid response team; we ignore the fact that if we do not do this and allow workers to get employment sooner, we end up saving business and all of us millions of dollars in unemployment compensation costs. So there are a number of fiscal reasons why this is a bad amendment.

The whole purpose of this language is to try to help those workers and help the economy of the State. What has happened in those other States which have moved ahead of us is not to talk about mandates. This is very difficult to enforce unless management and labor work together, and the Federal experience is that some companies do not supply notice anyway, but what happens is that many, many companies that do and work with their employees and work with their community and work with their State get benefits also, and it benefits all of us.

This language is just too restrictive. I do not know what the numbers are; I do not think anybody would know, but it would severely limit the amount of employees and the amount of businesses covered. It would be counterproductive, and I would ask for a "no" vote.

The SPEAKER. The gentleman, Mr. Sturla, is recognized on the Chadwick amendment.

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

The SPEAKER. The gentleman indicates that he will, and the gentleman from Lancaster may proceed.

Mr. STURLA. Mr. Speaker, under the section (ii), it says, "has received but not repaid a loan through an economic development program...." Does this mean that if someone has received a loan and that they perhaps have gotten a low-interest loan for the past, you know, 6 or 10 years and they are close to repaying it but have not quite paid it off, that if they in fact then paid off the last couple thousand dollars, they would then be able to not notify their employees?

Mr. CHADWICK. Thank you, Mr. Speaker.

The purpose of this is, if they have fully paid off the loan, they would not have to comply with the provisions of the legislation.

Mr. STURLA. And there is no time period with that, so if they decide they want to close their plant and they pay off their loan, then they do not have to comply with any time requirements?

Mr. CHADWICK. I guess I would answer yes. The purpose is, if they have fully paid it off, they are no longer the beneficiary of an unpaid government largess and they would not have to comply.

Mr. STURLA. Thank you.

The SPEAKER. The gentleman from Washington County for the first time.

Mr. DALEY. Thank you, Mr. Speaker.

Will the gentleman please stand for a brief interrogation?

The SPEAKER. Mr. Chadwick indicates that he will respond.

Mr. DALEY. Under section (1)(i), it says, "has received a grant through an economic development program of the Commonwealth, a political subdivision or an authority of either...." My question to you is, I think the—

Mr. CHADWICK. Will the gentleman yield while I get my earphone?

Mr. DALEY. Sure.

Mr. CHADWICK. I apologize, Mr. Speaker. I just could not hear you.

Mr. DALEY. Do you want me to repeat the question?

Mr. CHADWICK. Would you please.

Mr. DALEY. Okay. I really have not started on the question, but I was just identifying the section in concern, which is (1)(i), subsection (i), where it talks about a grant through an economic development program and so forth.

Now, let us look at a situation, and maybe you could answer this for me. If I own a company and my company goes into the XYZ industrial park, in which the XYZ industrial park has received PEDFA (Pennsylvania Economic Development Financing Authority) moneys or infrastructure money through the bid program or whatever the program may be, and I am a tenant of that industrial park, would I fall under the purview of your legislation or would I fall out? Is it directly or is it indirectly?

Mr. CHADWICK. Obviously, Mr. Speaker, the amendment does not specifically say directly or indirectly. My legislative intent was for direct beneficiary, but I did not specify that.

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

May I make a comment on the amendment?

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

Mr. DALEY. I think this amendment is really kind of ambivalent. It should say directly or indirectly or have some clear definition of those businesses that are receiving economic benefits from programs in Pennsylvania. So I submit to you that this makes, to take a converse of what someone else had said, this makes a good bill very ridiculous, because this could open up to every business in Pennsylvania.

I ask for a negative vote. I think the amendment was improperly drafted and should have better language. I ask for a "no" vote.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—85

Adolph	Farmer	Lynch	Saurman
Allen	Fichter	Maitland	Saylor
Armstrong	Fleagle	Marsico	Scheetz
Baker	Flick	Masland	Schuler
Barley	Gannon	Miller	Semmel
Birmelin	Geist	Nailor	Smith, B.
Brown	Gerlach	Nickol	Smith, S. H.
Bunt	Gladeck	O'Brien	Snyder, D. W.
Cessar	Godshall	Perzel	Steil
Chadwick	Gordner	Pettit	Stern
Clark	Harley	Phillips	Strittmatter
Clymer	Hennessey	Piccola	Taylor, E. Z.
Cohen, L. I.	Herman	Pitts	Tomlinson
Conti	Hess	Platts	True
Cornell	Hutchinson	Reber	Tulli
Coy	Jadlowiec	Reinard	Vance
Dempsey	King	Rohrer	Vitali
Dent	Laub	Rubley	Waugh
Druce	Lawless	Rudy	Wright, D. R.
Ergolf	Lee	Ryan	Wright, M. N.
Fairchild	Leh	Sather	Zug
Fargo			

NAYS—111

Acosta	Fajt	Lloyd	Scrimenti
Argall	Fee	Lucyk	Serafini
Battisto	Freeman	Manderino	Staback
Bebko-Jones	Gamble	Markosek	Stairs
Belardi	George	Mayernik	Steelman
Belfanti	Gigliotti	McCall	Steighner
Bishop	Gruzta	McGeehan	Stetler
Blaum	Gruppo	Melio	Stish
Boyes	Haluska	Michlovic	Sturla
Burns	Hanna	Micozzie	Surra
Buxton	Hasay	Mihalich	Tangretti
Caltagirone	Hughes	Mundy	Taylor, J.
Cappabianca	Itkin	Nyce	Thomas
Carn	James	Olasz	Tigue
Carone	Jarofin	Pesci	Trich
Cawley	Josephs	Petrarca	Uliana
Civera	Kaiser	Petrone	Van Home
Cohen, M.	Kasunic	Pistella	Veon

Colafella	Keller	Preston	Washington
Colaizzo	Kenney	Raymond	Williams
Corrigan	Kirkland	Richardson	Wogan
Cowell	Krebs	Rieger	Wozniak
Curry	Kukovich	Ritter	Yandrisevits
Daley	LaGrotta	Roberts	Yewcic
DeLuca	Laughlin	Robinson	Youngblood
Dermody	Lederer	Roebuck	
Donatucci	Lescovitz	Rooney	DeWeese,
Durham	Levdansky	Santoni	Speaker
Evans			

NOT VOTING—2

Butkovitz	Hershey
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EXCUSED—5

Bush	Merry	Oliver	Trello
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?

Bill was agreed to.

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

The question is, shall the bill pass finally?

The gentleman, Mr. Perzel, on final passage.

Mr. PERZEL. Thank you, Mr. Speaker.

Mr. Speaker, I have a report here from the U.S. Small Business Administration, December 1993. It said the number of small businesses actually decreased in Pennsylvania by 16 percent over the last year. It said Pennsylvania ranks, depending upon the survey you review, either last or 48th in new business incorporations and we rank in the top 20 for business bankruptcies. We are also 35th for exports, Mr. Speaker.

The Pennsylvania manufacturers were kind enough to pass around to us a pamphlet that talks about plant closings. In 1990, there were 151; 21,000 jobs lost. In 1991, 158; 23,000 jobs lost. In 1992, 160; 23,000 jobs lost. In 1993, 181 plants closed; 24,000 jobs lost. And we are in line, Mr. Speaker, to do even better this year in the Commonwealth of Pennsylvania under the policies that we have been following in this House of Representatives.

Now, Mr. Speaker, I was yesterday given a gift, and it said it was my personal copy of the final report on the business summit, and in that final report, Mr. Speaker, I was looking for legislation that talked about plant closings. Now, obviously, somebody left that out when they were talking to the business community. I also wondered, perhaps Mr. Kukovich was not invited to the summit, because nowhere in this book does it talk about plant closings.

I wondered about that, and then I looked at some of the pages, Mr. Speaker. It is a pretty good book. You should have done it 12 or 15 years ago, but it is a good book, good start. It says, "How Must Pennsylvania Adapt to a Rapidly Changing

Economy?"—these are your words, Mr. Speaker, not mine—"Pennsylvania businesses must achieve world competitiveness, sustained economic vitality and quality employment." What a revelation, Mr. Speaker. We could have given you this 12, 15 years ago if you wanted that, Mr. Speaker. That is page 9. But there are some better things in there, Mr. Speaker.

If you go over to page 11 in the book, it says we ought to create a Pennsylvania tax commission, and it says, and I quote, "Create a Pennsylvania Tax Commission" because the "Tax Climate' is important" in Pennsylvania. Another revelation from the Democrat summit out there on small business. It says—for 50 grand, I might add—it is important, and it says consensus is needed for alternatives to our inequitable tax structure.

Now, Mr. Speaker, I have seen that several times. I saw that in this book, and I saw that in the Philadelphia Inquirer, and I saw that on some ads on TV by Mr. Evans that he does not like the current tax structure. Obviously, if he was running for Governor, I am sure that he has a list of the taxes he wants to change and the structure that he wants to change, so when you have it all ready, Mr. Speaker, we would just like to get a copy of it so we can share it with our members so maybe we could make some of those changes that are needed to be made.

I could go on and on, Mr. Speaker, but I— Well, I have got one more page; I have got to go at least one more page. The rest of it we want to save for later on when you put something else out like this.

"Starting a Partnership," it says here—this is page 14, Mr. Speaker—

The SPEAKER. Is that the one with my picture on it?

Mr. PERZEL. No. That is not your picture on that page, Mr. Speaker. It is on just about every page; that is right.

It says, "The Partnership"—and I quote, Mr. Speaker—

POINT OF ORDER

Mr. MIHALICH. Mr. Speaker, point of order.

The SPEAKER. Will the gentleman momentarily yield.

The gentleman from Westmoreland. For what purpose does the gentleman rise?

Mr. MIHALICH. What business are we on? Are we on an amendment?

Mr. PERZEL. We are on final passage, Mr. Speaker.

The SPEAKER. We are on final passage of a measure that deals with plant closings.

Mr. MIHALICH. Does it deal with taxes?

The SPEAKER. The Chair will recognize substantial latitude from the Republican leadership or the Democratic leadership. I believe it is the intention of the gentleman, levity aside, to make the argumentation that the economy has been discussed by other people during amendment dialogue and that this is appropriate, and the Chair does think that the debate so far has not been wide of the mark.

Mr. MIHALICH. I have not heard anything about the bill come out yet. Let us stay on the bill.

The SPEAKER. The Chair thanks the gentleman for his point of order, and the gentleman, Mr. Perzel, may continue with the gentleman's polite admonition in the foremost of your thinking.

Mr. PERZEL. I will get there very quickly, Mr. Speaker. As a matter of fact, we are there on that page now, page 14, Mr. Speaker.

Mr. DALEY. Point of order, Mr. Speaker.

Mr. PERZEL. "The Partnership is envisioned to result from a Bipartisan Special Study Commission, where the General Assembly and the Governor consult with business and labor."

Now, this bill was passed out of that committee without one single Republican vote. It is not in your book—maybe Mr. Kukovich should get a copy of the book—it is not in the book, and I do not know who in business is for this concept, and I would venture to say nobody is, Mr. Speaker. I could show you statistic after statistic after statistic that show that Pennsylvania's economy is in a poor state—

Mr. DALEY. Point of order, Mr. Speaker.

The SPEAKER. Will the gentleman, Mr. Perzel, yield.

Mr. PERZEL. —and this is another mandate that hurts our business community, Mr. Speaker. Thank you.

The SPEAKER. Will the gentleman, Mr. Perzel, yield.

PARLIAMENTARY INQUIRY

Mr. DALEY. Point of parliamentary inquiry, Mr. Speaker.

The SPEAKER. Mr. Daley is recognized on a point of parliamentary inquiry.

Mr. DALEY. I thought it was my understanding that the rules of the House forbid any other member to make personal characterizations about other members such as the speaker has about Mr. Kukovich and Mr. Evans in his gubernatorial campaign. I think you ought to advise the speaker to keep his comments directly to the issue at hand and not these side issues, please, Mr. Speaker.

The SPEAKER. The gentleman technically is correct. The Parliamentarian does indicate that there is substantial latitude from the Chair. I understand that my obligation to the membership, when requested, as it seems to be the case right now, would be to be very definitive and in alignment with the rules, per se, verbatim. Quite frankly, I think this is the kind of exchange that is appropriate. Maybe I am watching too much C-SPAN, but I think the British Parliament does it the way we are supposed to do it. I do not mind having it mixed up. I did not mind it when I was there; I do not mind it here. If, however, a member objects—and you seem to be objecting—we will curtail that. However, the gentleman has circumscribed his remarks, and we are on to other business. The Chair will be cognizant of your admonition.

Does the gentleman, Mr. Daley, request additional parliamentary inquiry?

Mr. DALEY. My only concern is that the gentleman is attacking Mr. Evans in a gubernatorial campaign that has absolutely nothing to do with this issue, and he is talking about Mr. Kukovich's understanding of this particular document, which has absolutely nothing to do with this issue. I ask you,

Mr. Speaker, to make sure that his comments are on this issue and not on personal characterizations about Mr. Evans or any other member of this House, either side of the aisle.

Mr. RYAN. Mr. Speaker?

The SPEAKER. The Chair, in response to the gentleman, Mr. Daley—if the gentleman, Mr. Ryan, would momentarily yield—the gentleman, Mr. Daley, should be aware that the Chair will do his best to guard against ad hominem attacks and what I consider to be gratuitous or frivolous pronouncements against the membership. It was my interpretation that those remarks, albeit lighthearted and potentially wide of the mark, were certainly not of the stern and acrimonious nature that the gentleman from Washington County had interpreted.

Does the gentleman, Mr. Ryan, continue or want to add to that?

Mr. RYAN. Yes. On that point, it is my intention, I have already advised the Chair, by way of example, that I seek recognition sometime today under unanimous consent, and I fully intend to make reference to the remarks of the Appropriations Committee chairman of the majority party, who is widely quoted in the press as saying that there will be no tax decrease in this next year's budget, and it was my intention to identify him. I did not think it was any— Just simply because I would automatically do that, but I mean, if it makes it easier, I can call him the Appropriations Committee chairman, who, during the course of his recent political campaign for Governor, said certain things, and now he is the Appropriations Committee chairman for this House, and I think it is perfectly proper to make reference to it because it affects not only what happens in this House to that side but also to this side because we are in the minority, and if it happens to all of us, it happens to all of Pennsylvania.

Mr. DALEY. Mr. Speaker?

Mr. STRITTMATTER. Mr. Speaker?

Mr. DALEY. Mr. Speaker, to respond. Mr. Speaker?

The SPEAKER. The gentleman, Mr. Daley; then the gentleman, Mr. Strittmatter.

Mr. DALEY. Mr. Speaker, I am sure that the minority leader of the House is aware of the rule that says that we cannot refer to a person by their name on the floor of the House. If you want to call him the Appropriations chairman or whatever you want to call him, that is your business; that is perfectly within the rules of the House. I think that we ought to follow the rules. Being the former Speaker, being the minority leader, let us follow the rules. That is all we are saying.

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

Mr. STRITTMATTER. Thank you, Mr. Speaker.

While we have this latitude and while Representative Daley is still listening, then I would challenge the gentleman that the next time this comes up, since he likes to protest so much when it happens to be on the side that he does not like, that he protest when it happens to his Appropriations chairman. It was not that long ago, Mr. Speaker—

The SPEAKER. The Chair thanks the gentleman, Mr. Strittmatter, for his observation.

Mr. STRITTMATTER. —that the Appropriations chairman stood here—

The SPEAKER. Mr. Strittmatter—

Mr. STRITTMATTER. —and was calling out names on school districts.

The SPEAKER. Mr. Strittmatter—

Mr. STRITTMATTER. So, Mr. Speaker, I would hope that you would start policing your own side. Thank you.

GUESTS INTRODUCED

The SPEAKER. The members of the House should realize that the students from the Mother of Consolation School, guests of one of our new colleagues, Representative Washington, are here with us today, and we would like to welcome the students from the Mother of Consolation School.

Also, Representative Preston has some guests from his legislative district. The Chair welcomes Estrella Brooks, Dr. Claire Cohen, Minister Vonda Mozeak, Wanda Tarrant, and Sir George Williams. Would you folks please rise and be recognized, from Joe Preston's legislative district.

CONSIDERATION OF HB 150 CONTINUED

The SPEAKER. The gentleman from Sharon, Mr. Gruitza, is recognized. For what purpose does the gentleman rise, on final passage?

Mr. GRUITZA. On final passage, Mr. Speaker.

The SPEAKER. On final passage, the gentleman may continue.

Mr. GRUITZA. Thank you, Mr. Speaker.

I rise to support HB 150.

I represent a district that, through the years and in my tenure in office here, has seen a number of plants close and smaller businesses close for a variety of reasons, and one of the things that I have observed through those years has been the tremendous impact that the job losses have had on individual workers who have been put out of work and find themselves in a very difficult situation, particularly in an area like mine where there are few other job opportunities available to them, and find that they have to virtually overnight change their lifestyles and begin to make decisions that will, more or less, salvage what they have left in their lives because of the tremendous economic losses that they have incurred.

I have talked to people, for example, who just maybe a month or so before they lost their jobs and without any warning purchased a new home, and they have said, jeez, if I would have known what was coming, I would have never made this commitment. I have talked to people who have made other types of investments and financial expenditures that have said, you know, I would have never done these things had I known that I was going to lose my job because it has really placed a tremendous burden on my family and myself now economically.

I think when we balance and weigh this legislation, when we consider the good that will be done to the individual workers across Pennsylvania who may be able to better prepare themselves for the devastation that is ahead, when we consider the businesses that, when this warning comes down, may be courted by other investors or other individuals who may be able to come in and help save that business, that we should vote in favor of this bill. This is a bill that can in many cases help to save a business, that may alert the Governor's Response Team or other local businessmen and bankers to a situation that is in fact salvageable, and it will certainly have a positive impact on workers who are not going to go out and make financial commitments and mistakes, at least for that period of time when they are facing potential financial ruin.

I think it is a good bill. I think it is a bill that we should all be supporting. I think that it is something that is very important to Pennsylvania's families in keeping families together and in securing the economic well-being of these families. This bill is not going to hurt business. It is going to simply make businesses perhaps a little more accountable to their communities and to their workers, and it deserves our support. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman from the Shenango Valley and recognizes the gentleman, Mr. Chadwick.

Mr. CHADWICK. Thank you, Mr. Speaker.

Well, here we go again with bigger government, more mandates, and increased regulations.

This bill demonstrates just how profoundly the House Democratic Caucus misunderstands the principles of economic development. Instead of knocking down barriers to create new jobs and bring new businesses to Pennsylvania, their strategy seems to be to erect a Berlin wall around our borders to keep existing businesses from leaving. Mr. Speaker, businesses are like grains of sand in your fist — the tighter you squeeze, the more of them will slip through your fingers.

Now, I have in my hands the same report that Mr. Perzel referred to, the work product of the \$50,000 taxpayer-funded business conference that the House Democratic Caucus held out at Nemaquin Highlands, and like Mr. Perzel, I immediately raced to this book to find plant-closing legislation because I figured after all that money and taxpayers' money was spent, surely it must be in there, and just like Mr. Perzel, I could not find it, but I will tell you what I did find that he did not mention. On page 25, under "Key issues to be addressed," it says, and I quote, "Reduce regulation, duplication, and constraints," not increase, reduce.

Mr. Speaker, this bill goes against the express documented policy of the House Democratic Caucus and surely must have been introduced in error. This bill is bad for business; it is bad for economic development, and it sends the wrong message to prospective employers. We must defeat it. Thank you, Mr. Speaker.

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

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, I need to take vigorous exception with the remarks made by the immediate prior speaker.

This bill in no way increases regulation on the business community. It does not apply to most of the business community.

This legislation is the moral thing to do. President Ronald Reagan signed similar legislation in Washington but a few years ago and many of the same people and the same arguments, not the exact same people, but the same types of people, using the exact same types of arguments, attempted to defeat that bill in the halls of Congress. Some of those individuals who offered testimony before the select committees that heard the testimony on this legislation have since recanted their previous opposition. They have found that in many instances this Federal legislation has helped save more industry than it has in any way inhibited the growth of industry.

Let me review very briefly the main provisions of the bill. It would require employers with 50 or more employees to give 60 days' advance notice prior to closing one's doors. Now, is that important? Well, why not ask the individuals, the 50 employees of the Colebrook-Terry Garment Shop that closed with 2 weeks' notice for their employees. Let us ask those 50 people if 60 days as opposed to 2 weeks would have been beneficial, and let me tell you how it would have been beneficial.

It allows workers with 60 days' notice to develop some plan or strategy of action before they actually lose their jobs and related benefits. It enables them to look through the help-wanted ads to find out if similar work is available in their field so that they can begin the job search with the proper amount of time. It gives State agencies, such as the Governor's Response Team and the Department of Labor, the opportunity to assist these affected workers with retraining, job placement, and counseling opportunities. It makes all along, not just on the day of the announcement but throughout the course of the employer's relationship with his employees, union or nonunion, this legislation fosters a better management relationship.

Time increases the possibility that an ESOP (employee stock ownership program) may be produced, whereby the employees of an industry that has announced closure have the ability to get together and see whether or not they can get Federal and State assistance to buy the business that they helped build and they helped run, in some instances for 50 or 100 years. It gives them that opportunity. When you get 1 day's notice or 2 weeks' notice, that opportunity is out the window, and often the grandfather provisions for building codes and things of that nature are also out the window once a shop closes for 2 weeks and then is attempted to be reopened by either the employees or a new owner.

This legislation at the Federal level has saved tens of millions of dollars in Federal unemployment subsidies, and I suggest that this legislation, after it is passed here today and hopefully signed by the Governor, will save millions of dollars in State unemployment compensation subsidies.

It, as I said, improves the company's relations with the remaining workers, and it enhances the company's reputation

in the community, and it conforms with the company values of fair and ethical treatment of its employees. It provides no new mandates for any business that is going to operate per status quo and continue operation into the future.

Mr. Speaker, if it were up to me, Representative Kukovich's bill would have had a ceiling of 20 employees or 25 employees. I believe personally that 50 employees was a compromise so that those of you from both sides of the aisle, irrespective of how you voted on the Dent amendment and how you voted on the Chadwick amendment, can come here this afternoon and vote "yes" on final passage. As I said, it is the moral thing to do. It is the right thing to do for employees. More often than not, it is the right thing to do for employers as well. Since the Federal law was passed, many businesses have been purchased by other businesses, by other corporate entities, simply because the notice provision allowed the other businesses to know that one of their competitors was going to be closing the business down as opposed to selling it.

Mr. Speaker, for these reasons and many more that I could recite—in the spirit of time, I will not—I am urging my colleagues, irrespective of how you voted on the two amendments that preceded final passage, to give a "yes" vote on final passage.

I recall a couple of years ago when the minimum wage was debated on this floor how very difficult it was for many members to vote against that bill. Many members who voted against that bill were not returned to this chamber, and I suggest that it is going to be quite difficult for many members to explain how they could vote against a bill that requires no mandate for the vast majority of employers in this State and is the morally correct thing to do that we elected officials should insure for the employees of the Commonwealth. Thank you.

The SPEAKER. Does the gentleman, Mr. Gladeck, seek recognition on final passage?

The gentleman indicates he does and is recognized.

Mr. GLADECK. Mr. Speaker, thank you.

Mr. Speaker, I have stood here and sat here and listened to this debate, and I would like to put into words my feelings about what I have heard.

I think that all of you should understand what it means to vote for and against this piece of legislation. I think if you vote for this, what you are saying to your constituents is that you are voting against improving the business climate in the State of Pennsylvania; you are anti-business expansion; you are anti-taxpayer; you are anti-employee; and you are also anti-prospective employee.

I believe that it sends a message to young people in Pennsylvania, students that may be in high school, elementary school, or college, that we in the General Assembly have no commitment to creating an economic environment for the long term that will hopefully provide job opportunities for you when you enter the work force. We are saying to these people that we do not want you and that we are not going to help you when it is your time to enter the job force.

We are also saying that it sends a message, I believe this bill does, to current employers that we do not need you, and

it sends a message to prospective employers that may be looking to locate in Pennsylvania from around the United States that we do not want you.

I think it is time that we all take a reality check and understand that we are in competition with other States in the northeastern part of the United States as well as across the entire breadth of our country as well as in competition with countries abroad. We no longer have the luxury of being able to pass laws that make Pennsylvania's business climate less competitive with other States.

I have heard what other speakers have said on both sides of the aisle, but the message that this bill sends to Pennsylvania businesses and prospective businesses is clear: We do not want your business, we do not need your business, and we are not committed to making you competitive with other States.

I urge your negative vote on this bill, and I urge you all to send a message to business and to students that all of us represent that we want to try to create a business and economic environment in Pennsylvania as we look to enter the 21st century that will finally, once and for all, make us competitive with other States and with other countries with which we would like to do business. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Does the gentleman, Mr. Clymer, seek recognition?

Mr. Clymer is recognized on final passage.

Mr. CLYMER. Thank you, Mr. Speaker.

Indeed on final passage and very briefly.

Let me just bring another perspective to this issue and why I oppose HB 150. I think Representative Fargo focused in on the employer that is going to be impacted, where he does not have multithousand employees but several hundred or a hundred employees. Let us take a look at this individual and see what he is facing today in Pennsylvania.

As has been rightly stated, this employer is facing higher taxes and trying to make his product competitive with the higher taxes. He is facing competition, both domestically and internationally. The Environmental Protection Agency and the Department of Environmental Resources have not made his life any easier by mandates, costly regulations, questionable as to whether they are all that necessary. He cannot pass those costs on to his customers. To do so, he would go out of business. He is looking to provide health care for his employees and perhaps a modest retirement. He is paying higher real estate taxes as taxes escalate within school districts. He is very concerned about litigation, about lawsuits, and the ability to pay those insurance premiums. The recent trucking strike has also caused him problems as the products that he may have needed for his total products are not delivered on time. Those are the kinds of problems that he or she is faced with today in Pennsylvania.

This employer is not in some back room; he is not indifferent to his employees. In fact, it is a combination; it is a working agreement between employer and employee that makes jobs, not one or the other. Let us get that fact straightened out right now. And so this employer has to make

things go, and he has all these problems that he must deal with. Unless you are in this situation, you cannot really appreciate the problems that this man has or this woman has — working 50, 60 hours a day, perhaps even longer, struggling in trying to make the company profitable.

Now this General Assembly says, well, we are going to go further than Federal law when it comes to plant closings. We are going to put another mandate on Pennsylvania employers, and that is the issue. You know, why do we need to go further than what the Federal Government has instructed? Why must we focus in and say to our hard-working employers, here is another mandate that you have to contend with; whether you like it or not, we are going to put it on you.

Mr. Speaker, it is for these reasons and to be sensitive to the employers who are hard working, who put in enormous amounts of time trying to create jobs and make profits and pay taxes and do all these other things I just mentioned that I stand in opposition to this bill. Thank you.

The SPEAKER. The gentleman from Westmoreland, Mr. Kukovich, is recognized on final passage.

Mr. KUKOVICH. Thank you, Mr. Speaker.

I have heard this rhetoric and these platitudes before, not only on the floor of this House on a number of other issues, not only in committee and on the floor of this House in 1990 when we passed this bill before, or whenever we had a special committee look into this in 1984, but I think it is important to put on the record because I am going to look forward to reading this Journal someday because those arguments you heard were very empty. They have been used way back a long time ago whenever people were dying and being injured in coal mines and steel mills and some people said it would be a burden on business if we tried to bring decent working conditions to those facilities. Whenever we tried to say that government should intervene and say that 10-year-old children should not be put into factories, business communities said, that is an undue burden on business; that will hurt us.

Every single time we have tried to make changes that will improve not only the conditions of workers, like the 40-hour week, but eventually help business and the economy, there has been this symbolic argument, and it rings hollow. It has rung hollow for 100 years and it rings hollow today.

On this specific issue, we have the advantage of about a 5-year history at the Federal level as to how this has worked. There is a GAO (Government Accounting Office) study, there are a number of expert studies that have pointed out the value of advance notice, not only to workers, not only creating the opportunity for them to get on to other work, but also to business and the business community. The kind of outcry we heard a few years ago whenever that great liberal, Ronald Reagan, signed this into law, we found out was an empty platitude then much as it is today.

In direct response to some of the other points that were brought up by my colleagues on the other side, I did attend the business summit. The areas in which I dealt had to do with investment, infrastructure investment, different ways to get new funds into the State and create jobs, and everybody there

agreed that with a little bit more time, with a little bit advance notice, we have the capability of putting together the financial packages — a mixture of private and public funds — to target the resources we have to help the economy. This was not in the book because it was assumed this is not a big issue. It has been working.

Finally, for those who say that we have a global economy, well, I am glad you recognize that. I would also point out that there are 16 countries in Europe; there is the country of Japan. All our global competitors have much more comprehensive and stringent advance notice laws than we have. That does not seem to hurt their competitive edge over us. I would also suggest that these large companies that have their subsidiaries all over the world never complain whenever they have to comply with these foreign countries. If it is good enough for these companies when they are in Japan or they are in Europe, why is it not good enough for people who work here in Pennsylvania to have a little common decency and dignity.

I would ask you for a "yes" vote on this bill.

The SPEAKER. The gentleman, Mr. Fargo, is recognized on final passage.

Mr. FARGO. Thank you, Mr. Speaker.

I would just reiterate that we are talking about businesses here that have from 50 to 100 employees. We are not talking about the big businesses. We are talking about the little fellow who is having a lot of problems in maintaining his business and complying with all of the rules and regulations. We are saying not only do you have to tell us if you are going out of business but you have to tell us 60 days in advance if you are going to have a mass layoff. This could even affect the construction business that has 65 employees and in the wintertime he lays off half of his employees. He would then have to put out a notice to all the various people, all the various organizations that are in this. At least that is the way I read this particular bill.

Just remember—and I say it one more time—that we are talking about small businesses now. The 100 or more, that is something that is a foregone conclusion, good or bad, and to believe that there were not a lot of complaints in it, it is doing a lot of good for our companies in the United States, I just question that.

The other thing I want to remind you of is that we are talking about Pennsylvania now, and we are talking about competitiveness of Pennsylvania with our surrounding States. If you are trying to get businesses to start in Pennsylvania, if you are trying to get businesses to come into Pennsylvania, you do not keep on adding more and more mandates and more and more regulations.

Someone on the other side said this is not a mandate. Now, I cannot believe that this is not a mandate. It is a law; it is a statute that we are going to put in there that someone has to comply with. That is a mandate. Maybe one of our biggest problems in our legislature is the fact that we do not recognize mandates and the effect of mandates on what we are doing.

I guess what bothers me more than anything else is the belief that we sit here in this ivory tower and feel that we

know, that we know what is best for the small employer. We are saying that really this is going to help you; this thing that we are doing to you is going to make you a better situation, that we are going to be of assistance to you; we know what you need. I would question how many people on the other side of the aisle or on this side of the aisle, for that fact, have had to fight with a firm with 50 to 100 employees and keep all the rules and regulations under control and not get themselves into a point where they have some penalty or other because they do not have the expertise to make sure that everything is done according to what we are making them do.

I believe that this bill works against us in a lot of ways, and I believe strongly it should not be passed.

The SPEAKER. The Chair thanks the gentleman from Grove City and recognizes the gentleman from California, Pennsylvania, Mr. Daley.

Mr. DALEY. Thank you, Mr. Speaker.

I rise to support HB 150.

The minority whip told you that 16 percent, in a report he has, 16 percent of the businesses, small businesses, have decreased in Pennsylvania, but he did not tell you the whole truth. Not one place in that report it said that those businesses had decreased because of plant closings. They have decreased because of workers' compensation, rules that we have adopted in a bipartisan fashion. They have decreased because of the antitax climate that we have in Pennsylvania. It says it in the report. Why did he not tell you that? He will not tell you that because, quite honestly, he is not telling the whole truth. It is not the plant-closing issue. It is taxes that are keeping businesses out of Pennsylvania.

Now, we talk about why in this report by the Democrats do we not talk about plant closings. Well, in 1984 we did a report and we talked about plant closings. That report said that we needed a plant-closing-early-notification law. When we talk about real-world competition, one speaker on the other side of the aisle said this report says that we have to be competitive. Like the former speaker on my side of the aisle, he said that if it is good enough for the Japanese employees to have early notification when Alcoa and USX are there, it is good enough for Pennsylvania employees.

The minority Labor chairman said that this bill is antitaxpayer. That is the problem here. We think the only people that pay taxes are businesses. This is not antitaxpayer. This is proworker, protaxpayer. Those are the millions of Pennsylvanians that pay the taxes. That is why we are here; that is why we legislate. It is for Pennsylvanians, not just for businesses; it is for Pennsylvanians.

The message to our young people, as the minority chairman of the Labor Committee said, is that we do not care about your jobs. I mean, why does he not read the legislation? What we are saying is, we do care about your job; we want to keep your job here; we want you to have an opportunity.

What we have in this report is talking about a partnership, and that is what this legislation does. This report talks about a partnership is envisioned to result from a bipartisanship special study commission; a partnership should be under way; a

partnership should coordinate; a partnership should be a voice. This legislation sets up a partnership in fair play. The blood of Pennsylvania is the men and women, the taxpayers, the workers that work not only in the companies that employ less than 50 but those companies that employ more than 50.

I ask for an affirmative vote, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman, Mr. Daley.

The gentleman, Mr. Masland, is recognized on final passage.

Mr. MASLAND. Thank you, Mr. Speaker.

I rise in opposition to HB 150, and I agree with the gentelady from the Lehigh Valley that we do not want business to come to Pennsylvania with one foot outside the door, but we need to be practical when we think about what we are doing here. This is another drop of water on the stone. It is a steady, repeated drop of water. Eventually it may be a flow of water that washes that stone down the river.

It is unrealistic for us to think in a vacuum today that a business from outside Pennsylvania will not consider this legislation when they decide whether or not to come to Pennsylvania. They will consider it. They will consider it along with the corporate net income, the franchise tax, workers' compensation, the fact that we have no loss carry-forward. But what it really comes down to is we are asking business, when they come to Pennsylvania, we are telling them, you are about to cross the regulatory Rubicon, and once you cross the Rubicon, there is no going back. Once you have made that decision, we got you. You are caught in our web. I do not think that is the message we want to send to businesses when they consider whether or not to come into Pennsylvania.

And I do not agree with the gentleman from Westmoreland that these arguments are simply empty arguments, and I fully intend to make these arguments when the gentleman from Northumberland proposes a bill which lowers it from 50 to 20, as he said was his desire. These are not empty arguments. They are legitimate arguments, and if we do not make them now, if we do not heed them now, then we will just have empty coffers in the Department of Revenue, because we will not have the business here. We will slowly lose the battle of attrition to those businesses in the State, and we will not have businesses outside the State coming in.

I urge your opposition to this bill. Thank you.

The SPEAKER. The Chair thanks the gentleman, Mr. Masland, and recognizes the gentleman, Mr. Steil.

Mr. STEIL. Thank you, Mr. Speaker.

I rise to oppose HB 150.

We should ask ourselves, why did the Federal legislation limit the size of businesses to 100 employees? There are a lot of reasons, but one of the primary reasons is that in limiting it to 100 employees, we excluded smaller operations of larger companies. We excluded operating divisions, branch offices, those locations of the same company that have smaller numbers of employees. This bill requires us to step down to a total of 50 employees.

We need to keep in mind that when the whole company is sick, one division can drag down all of the others. Therefore, by requiring 60 days' notice on that one division, we can well affect the operations of the entire company. Why? Because somebody has to pay the bills in those 60 days. Someone has to stanch the flow of blood. Where does that money come from? It can only come out of the operations of the other divisions. In so doing, we imperil the survival of the whole company.

In the end, this is about competitiveness. In the end, it is about whether or not companies can compete in Pennsylvania, and competitiveness is not a single issue. Competitiveness is a sum of the total of the business operating principles. If taxes are wrong, then that is one major factor. But in the end, if everything else was right with business in Pennsylvania, then we could deal with this bill in support of it, but we cannot, because it is one more nail in that coffin. It is one more reason why Pennsylvania will not be competitive.

Therefore, I ask the defeat of this bill, because it will definitely impact our small businesses. It will make them less competitive, and it will change the environment within which we are viewed as being competitive or not. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks Mr. Steil and recognizes Ms. Steelman.

Ms. STEELMAN. Thank you, Mr. Speaker.

When my small business proprietors talk to me about the issues that they face, they do not actually complain that much about taxes, partly because most of them are so small that they are subchapter S corporations and they are paying 2.8 percent; they do not come anywhere near the corporate net income tax rates. They often do not complain that much about environmental regulations. What do they complain about? They complain about cash flow, about being able to get the money that they need on time, and that is why when I look at a bill that will require companies that are themselves in danger, that are on the verge of closing down, to notify the community that they are at risk and thereby prevent the owners of other companies from making bad decisions that may cost those owners money, I think that that is a good bill and I think that it is a bill that is protective of my small businesses in my district.

I do not think that there is anything to be said for letting one company that is on the verge of going bankrupt drag another two or three or four companies over the cliff with it by trying to absorb resources from those other companies in an attempt to keep afloat for a little while longer. And I would say that those who oppose this notification bill are taking the aphorism "caveat emptor" and turning it around to say that they believe that in Pennsylvania our motto should be "caveat vendor"; that is, if you sell to someone else in good faith, and they buy from you but not in good faith, the members of the House of Representatives of Pennsylvania will not lift a finger to save you from those who are deceitful. I believe that that is not the appropriate position for the House of Representatives to take, and that is why I am voting for this bill, and I would

encourage every member who believes that the responsible small business people of Pennsylvania deserve this protection to do the same.

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

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, business is a gamble. There is not anyone who starts into at least a small business without recognizing that there are certain factors out there that are going to be difficult for them to overcome in order to turn a loss into a profit, and yet people are willing to do that, to take their life savings and go into business so that they can provide jobs for other people, but mainly so that they can provide a profit for themselves. That is not really a crime. The motive for going into business is to make money. Otherwise, you just hold on to your money and invest it in a bank or in some investment savings program. But if you go into business and you create job opportunities for people, then there ought to be some recognition that you have some control over how you handle that.

We are not talking about businesses here that are established with 100 or more employees, that have capital that they can depend on, that they can sit down with their profit-and-loss statement and predict what they are going to do. We are talking about stores, some people who are in sales businesses who depend upon what next month's activities are as to whether or not they are going to be able to pay their payrolls, whether they are going to be able to pay the rent, whether they are going to be able to pay back the debt that they owe, and they do not know that always 60 days in advance. As a matter of fact, if they can get out and get some salesmen with a little gumption that go out and sell, they can overcome what appears to be a problem and they can survive. But if we are going to require that 60 days before that opportunity or that deadline comes they are going to have to proclaim themselves dead, they are dead, and that ends it; that ends the gamble.

And what guarantee is there that that employer who gives that 60 days' notice is going to have 60 days of work from those employees? Are they not going to go out and look for jobs to protect themselves? Suppose half of them go out before that 60-day period. We are not saying to them, look, you have got to give 60 days' notice before you leave this employer. It is a one-way street, and we are tying the hands of the people who make the opportunities for individuals to make a livelihood or individuals who can contribute to that company and make it succeed so that they can grow with it.

Mr. Speaker, this is another hand-tying regulation that will defeat the incentive of the private investor, and it is those private investments that create the jobs that we all talk about wanting to create. I think we have to vote against this bill and untie the hands of small business. Thank you.

The SPEAKER. The gentleman, Mr. Barley, is recognized on final passage.

Mr. BARLEY. Thank you, Mr. Speaker.

I am sure it does not come as any surprise that I would rise to oppose this legislation, and I am not really coming to the podium so much for that reason. But I want to just make a few observations, particularly on some statements that were made by some previous speakers — one in particular, the gentleman from California, Pennsylvania, and there were other speakers made similar remarks and observations in identifying the problems that businesses have in Pennsylvania.

Now, one area that was identified is the problem that business is having with workers' comp, and I would just like to remind the members of the Assembly that it took us almost 2 years to be able to adopt a very weak workers' comp reform. As I recall, there was one caucus and a Governor that held out for almost 2 years. So if workers' comp is the problem, has been the problem, I just want to remind the Assembly which caucus was the obstacle in that debate.

And then there was also reference made several times to the fact that the high tax rates in Pennsylvania are being identified as a major problem for business. I agree with that, and I would also like to remind the members that 3 years ago, 90 percent—give or take a very few percentage points—90 percent of the members on the other side of the aisle voted for the largest tax increase in the history of Pennsylvania. So I think when you consider the reasons that we are in that predicament, we certainly do not need one more piece of bad legislation to be passed today, to be heaped upon those other problems that have been identified.

Then just in closing, Mr. Speaker, I do applaud you. As policy chairman, it is my responsibility to put out reports from time to time and identify issues, and I do want to applaud you for the job that you have done in your report. Many of your initiatives I agree with. But I have realized, I believe, why you have omitted HB 150, which was introduced like in, I believe, March of 1993. The fact that it was omitted from this report is simply because the Speaker's report on his labor summit has not been released yet, and so I am sure that when you release your report on the labor summit, we will find HB 150 identified in there.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,
Shall the bill pass finally?

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

YEAS—110

Acosta	Fajt	Lucyk	Scrimenti
Argall	Fee	Manderino	Serafini
Bebko-Jones	Freeman	Markosek	Staback
Belardi	Gamble	Mayernik	Stairs
Belfanti	Gannon	McCall	Steelman
Bishop	George	McGeehan	Steighner
Blaum	Gigliotti	Melio	Stetler
Boyes	Gruitz	Michlovic	Stish
Burns	Gruppo	Micozzie	Sturla
Butkovitz	Haluska	Mihalich	Surra
Buxton	Hanna	Mundy	Tangretti
Caltagirone	Hasay	Nyce	Taylor, J.

Cappabianca	Hughes	O'Brien	Thomas
Carn	Itkin	Olasz	Tigue
Cawley	James	Pesci	Trich
Civera	Jarolin	Petrarca	Uliana
Cohen, M.	Kaiser	Petrone	Van Horne
Colafella	Kasunic	Pistella	Veon
Colaizzo	Keller	Preston	Washington
Corrigan	Kenney	Raymond	Williams
Cowell	Kirkland	Richardson	Wogan
Curry	Kukovich	Rieger	Wozniak
Daley	LaGrotta	Ritter	Yandrisevits
DeLuca	Laughlin	Roberts	Yewcic
Dermody	Lederer	Robinson	Youngblood
Donatucci	Lescovitz	Roebuck	
Durham	Levdansky	Rooney	DeWeese,
Evans	Lloyd	Santoni	Speaker

NAYS—87

Adolph	Fairchild	Lee	Saurman
Allen	Fargo	Leh	Saylor
Armstrong	Farmer	Lynch	Scheetz
Baker	Fichter	Maitland	Schuler
Barley	Fleagle	Marsico	Semmel
Battisto	Flick	Masland	Smith, B.
Birmelin	Geist	Miller	Smith, S. H.
Brown	Gerlach	Nailor	Snyder, D. W.
Bunt	Gladeck	Nickol	Steil
Carone	Godshall	Perzel	Stern
Cessar	Gordner	Pettit	Strittmatter
Chadwick	Harley	Phillips	Taylor, E. Z.
Clark	Hennessey	Piccola	Tomlinson
Clymer	Herman	Pitts	True
Cohen, L. I.	Hershey	Platts	Tulli
Conti	Hess	Reber	Vance
Cornell	Hutchinson	Reinard	Vitali
Coy	Jadlowiec	Rohrer	Waugh
Dempsey	King	Rubley	Wright, D. R.
Dent	Krebs	Rudy	Wright, M. N.
Druce	Laub	Ryan	Zug
Egolf	Lawless	Sather	

NOT VOTING—1

Josephs

EXCUSED—5

Bush	Merry	Oliver	Trello
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.

VOTE CORRECTIONS

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

Mr. GANNON. Mr. Speaker, on amendment 1675, I was inadvertently recorded in the affirmative. I would like to be recorded in the negative.

The SPEAKER. The Chair thanks the gentleman. His remarks will be spread across the record.

Mr. GANNON. And on amendment 2050, I was inadvertently recorded in the affirmative. I would like to be recorded in the negative. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks Mr. Gannon, and his comments will be registered.

COMMITTEE MEETING

The SPEAKER. The gentleman, Mr. Dermody, is recognized. For what purpose does the gentleman rise?

Mr. DERMODY. For the purpose of making an announcement.

The SPEAKER. The gentleman may proceed.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, I would like to announce a meeting of the special committee that was appointed pursuant to HR 316. The committee will meet tomorrow morning at 10 a.m. in room 140 of the Main Capitol.

The SPEAKER. The Chair thanks the gentleman.

GUESTS INTRODUCED

The SPEAKER. The membership should recognize that we have some young students, some very young students, on the floor of the hall of the House. These youngsters wrote essays on better libraries, and they are all first-place, second-place, and third-place winners from throughout the State.

I am glad to have these young people in the hall of the House. Democracy is sometimes very confusing, but somehow it does work. I would recommend that you continue to read, read, and read some more. That is my advice. So good luck to you, and thanks for being here.

The following names were submitted:

Elementary:

- First Place - Olivia Esh, Sacred Heart School, Reedsville.
- Second Place - Brian C. Ricco, Forest Hills Elementary School, Galix.
- Third Place - Amanda Watkins, Friendship Community Library.

Middle School:

- First Place - Joshua Cornelius, Wilmington Area Middle School.
- Second Place - Beth Salkind, Chalutzim Academy, Philadelphia.
- Third Place - Julia Andreoli, Good Shepherd School.

Primary:

- First Place - Anna Hamburger, Bradford County Library System.
- Second Place - Becky S. Reynolds, Coudersport Public Library.
- Third Place - Jillian Mandelkern, Rainbow Elementary School.

Secondary:

- First Place - Brandon Geist, Indian Valley Public Library.
- Second Place - Chad Galuska, Conemaugh Valley Senior High School.
- Third Place - Jason C. Berroth, Carrick High School.

They are being accompanied by Dr. Dennis Leeper.

VOTE CORRECTIONS

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

Mr. HERSHEY. To correct a vote, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. HERSHEY. Thank you.

On HB 150, the Chadwick amendment A2050, I failed to vote. I wish to be recorded in the affirmative.

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

Mr. Snyder.

Mr. SNYDER. Thank you, Mr. Speaker.

On HB 2638 earlier this afternoon, I was inadvertently voted in the affirmative. I would like to have my vote recorded in the negative.

The SPEAKER. The gentleman's remarks will also be spread across the record.

Mr. Jarolin is recognized.

Mr. JAROLIN. Thank you, Mr. Speaker.

To correct the record.

On HB 2638, I would like to be recorded in the negative.

The SPEAKER. The Chair thanks Mr. Jarolin, and his remarks will also be shared with the recorder.

The gentlelady from Philadelphia, Ms. Josephs, is recognized.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I was not recorded on final passage of HB 150. I should have been recorded in the affirmative. Thank you very much.

The SPEAKER. The Chair thanks the lady, and her remarks also will be included in the Journal.

Mrs. Harley is recognized.

Mrs. HARLEY. Mr. Speaker, on HB 2638, I was recorded in the affirmative. I would like to be recorded in the negative.

The SPEAKER. The lady's remarks will also be shared with the recorder.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 1313, PN 3574**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the institution of criminal proceedings by employees of the Department of Transportation and the Department of Revenue.

On the question,

Will the House agree to the bill on third consideration?

Mr. HASAY offered the following amendment No. A2017:

Amend Title, page 1, line 2, by inserting after "providing" for wild resource conservation plates; and providing

Amend Bill, page 1, lines 7 and 8, by striking out all of said lines and inserting

Section 1. Section 1352 of Title 75 of the Pennsylvania Consolidated Statutes is amended to read:
§ 1352. Wild source conservation plate.

The department, in consultation with the Wild Resource Conservation Board, shall design a special wild resource conservation registration plate. Upon application of any person, accompanied by a fee of \$35 which shall be in addition to the annual registration fee, the department shall issue the plate for a passenger car, motor home, trailer or [other vehicle] truck with a registered gross weight of not more than 9,000 pounds. The Wild Resource Conservation Fund shall receive \$15 of each additional fee for this plate.

Section 2. Title 75 is amended by adding a section to read:
Amend Sec. 2, page 2, line 2, by striking out "2" and inserting

3

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

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

Mr. HASAY. Thank you, Mr. Speaker.

Mr. Speaker, this amendment has been agreed to by the prime sponsor of the bill, the gentleman from Allegheny, Mr. Markosek, and also, this amendment has been accepted by the Department of Transportation.

What this amendment does is—by the way, by the way, it started in this chamber, the wildlife license plate—this will allow campers, motor homes, and travel trailers to have the wildlife license plate on those campers.

I urge support of the amendment. The wildlife license plate has broken all historic records in Pennsylvania and, as of last week, sold over 94,000 plates, which brings money for PennDOT and money for the wildlife fund. And I remind the members that supported this amendment a couple of years ago that the wildlife plate came from this chamber. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman for his message and his enthusiasm.

The gentleman, Mr. Markosek, is recognized.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, I would like to interrogate the gentleman, Mr. Hasay.

The SPEAKER. The gentleman, Mr. Hasay, indicates he will stand for interrogation, and Mr. Markosek may continue.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, first I would like to congratulate the gentleman on coming up with the idea and fostering the plate that he mentioned, the wildlife plate, and my question is, does the little owl that is on the wildlife plate have a name?

Mr. HASAY. No. The owl was used because that was the first symbol of the tax checkoff when we first started the Pennsylvania wildlife fund, which receives no tax dollars at all and receives strictly donations and tax checkoffs.

Mr. MARKOSEK. Mr. Speaker—

Mr. HASAY. "Whoo."

I will bring that up at the next wildlife meeting, Mr. Speaker.

Mr. MARKOSEK. Mr. Speaker, my interrogation is completed. I would like to make a comment.

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

Mr. MARKOSEK. First of all, I would agree that the amendment that Mr. Hasay spoke of is in agreement and ask all the members for their support.

And I would like to recommend to the gentleman, Mr. Hasay, that since he was the creator of that, I think we ought to name the owl "George." Thank you, Mr. Speaker.

Mr. HASAY. Thank you.

The SPEAKER. The gentleman, Mr. Jarolin, is recognized on the Hasay amendment.

Mr. JAROLIN. Thank you, Mr. Speaker.

Mr. Speaker, I think it is a very good piece of legislation here to increase the sale of those license plates to larger vehicles, and I ask the House of Representatives to vote in the positive on that. Thank you.

The SPEAKER. The Chair thanks the gentleman from Luzerne.

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

The following roll call was recorded:

YEAS—193

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

Dermody	Laub	Rubley	Youngblood
Donatucci	Laughlin	Rudy	Zug
Druce	Lawless	Ryan	
Durham	Lederer	Santoni	DeWeese,
Egolf	Lee	Sather	Speaker
Evans	Leh	Saurman	

NAYS—0

NOT VOTING—5

Burns	Michlovic	Pistella	Rohrer
Hughes			

EXCUSED—5

Bush	Merry	Oliver	Trello
McNally			

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

LEAVE OF ABSENCE

The SPEAKER. The clerk will please put the gentleman, Representative SCHEETZ, on leave for the remainder of today's proceedings.

CONSIDERATION OF HB 1313 CONTINUED

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—196

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

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

NAYS—0

NOT VOTING—1

Pistella

EXCUSED—6

Bush	Merry	Scheetz	Trello
McNally	Oliver		

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.

HB 2638 RECONSIDERED

The SPEAKER. The Chair has in its receipt a reconsideration motion on HB 2638, PN 3408, by Mrs. Harley.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—197

Acosta	Fairchild	Lescovitz	Sather
Adolph	Fajt	Levdansky	Saurman
Allen	Fargo	Lloyd	Saylor
Argall	Farmer	Lucyk	Schuler
Armstrong	Fee	Lynch	Scrimenti
Baker	Fichter	Maitland	Semmel
Barley	Fleagle	Manderino	Serafini
Battisto	Flick	Markosek	Smith, B.
Bebko-Jones	Freeman	Marsico	Smith, S. H.
Belardi	Gamble	Masland	Snyder, D. W.
Belfanti	Gannon	Mayernik	Staback
Birmelin	Geist	McCall	Stairs
Bishop	George	McGeehan	Steelman
Blaum	Gerlach	Melio	Steighner

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

NAYS-0

NOT VOTING-0

EXCUSED-6

Bush	Merry	Scheetz	Trello
McNally	Oliver		

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

On the question recurring,
Shall the bill pass finally?

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

YEAS-151

Acosta	Evans	Lee	Roebuck
Adolph	Fajt	Leh	Rooney
Argall	Fargo	Lescovitz	Rubley
Baker	Fee	Levdansky	Rudy
Battisto	Fleagle	Lucyk	Santoni
Bebko-Jones	Flick	Lynch	Scrimenti
Belardi	Freeman	Maitland	Serafini
Belfanti	Gamble	Manderino	Smith, S. H.
Birmelin	Gannon	Markosek	Staback
Bishop	George	Marsico	Steighner
Blaum	Gerlach	Masland	Stish
Brown	Gigliotti	Mayermik	Strittmatter
Bunt	Gladeck	McCall	Surra
Burns	Godshall	McGeehan	Tangretti

Butkovitz	Gordner	Melio	Taylor, E. Z.
Buxton	Gruitza	Michlovic	Taylor, J.
Caltagirone	Gruppo	Micozzie	Thomas
Cappabianca	Haluska	Mihalich	Tigue
Cam	Hanna	Miller	Tomlinson
Cawley	Hasay	Mundy	Trich
Chadwick	Hennessey	Nickol	Tulli
Civera	Herman	O'Brien	Uliana
Cohen, L. I.	Hughes	Olasz	Van Horne
Cohen, M.	Hutchinson	Pesci	Veon
Colafella	Itkin	Petrarca	Vitali
Conti	Jadlowiec	Petrone	Washington
Cornell	James	Pettit	Waugh
Corrigan	Josephs	Piccola	Williams
Cowell	Kaiser	Pistella	Wogan
Coy	Kasunic	Platts	Wozniak
Curry	Keller	Preston	Wright, D. R.
Daley	Kenney	Reber	Wright, M. N.
DeLuca	Kukovich	Reinard	Yandrisevits
Dempsey	LaGrotta	Richardson	Yewcic
Dent	Laub	Rieger	Youngblood
Dermody	Laughlin	Ritter	
Donatucci	Lawless	Roberts	DeWeese,
Druce	Lederer	Robinson	Speaker
Durham			

NAYS-44

Allen	Fichter	Nyce	Smith, B.
Armstrong	Geist	Perzel	Snyder, D. W.
Barley	Harley	Phillips	Stairs
Boyes	Hershey	Pitts	Steelman
Carone	Hess	Rohrer	Steil
Cessar	Jarolin	Ryan	Stern
Clark	King	Sather	Stetler
Clymer	Kirkland	Saurman	Sturla
Egolf	Krebs	Saylor	True
Fairchild	Lloyd	Schuler	Vance
Farmer	Nailor	Semmel	Zug

NOT VOTING-2

Colaizzo	Raymond
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EXCUSED-6

Bush	Merry	Scheetz	Trello
McNally	Oliver		

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.

STATEMENT BY MINORITY LEADER

The SPEAKER. The gentleman, Mr. Ryan, would like to be recognized on unanimous consent. The gentleman is recognized.

Mr. RYAN. Mr. Speaker, thank you.

Oh, some 2 hours ago, I guess, there was a news conference in the back of the hall of the House, or the other side of the hall, rather, in the Governor's reception room, and at that time—I did not attend that news conference that Governor Casey had; I did get a report on the news conference, however—and at that time Governor Casey, as I got

the report, essentially said a repeat of what has been in the papers off and on for the past several weeks since his budget address to us, that it is his intention to go ahead and to ask the members of the General Assembly to work on a system of welfare reform as outlined by him and as submitted to the General Assembly and to work on and work towards certain tax relief for the corporate and business community as outlined by him and submitted by him and outlined by him to us here a month or two ago.

At that same news conference, one of the members of the press asked the Governor about an article that was found in this morning's Philadelphia Inquirer, at which time the majority Appropriations Committee chairman of this House, the gentleman from Philadelphia, Mr. Evans, who was quoted all during the recent gubernatorial campaign, was quoted again—and I do not know whether it was prior to or after the campaign but was certainly quoted in today's Inquirer—as saying that there would be no tax cuts in his budget, which he intends to present to the full House here tomorrow. Now, that is what prompts my making this speech today, the remarks of the majority Appropriations Committee chairman.

It was a refreshing note, it was a refreshing note to get the report that the Governor's response to this was essentially—and I am paraphrasing; I do not have those remarks in front of me—but I am told the Governor's response was essentially, to Mr. Barbagello of the newsroom, that he has worked with the gentleman, Mr. Evans, for some 7 years and has gotten along with him very well, or words to that effect; however, on this particular issue or on these issues, he and Mr. Evans were in disagreement, and that I found refreshing. I found it refreshing because the majority Appropriations Committee chairman, the Democrat Appropriations Committee chairman, opposes the Governor's welfare plan and opposes the tax cuts that, I believe, would create new jobs for this Commonwealth. He, the Governor, said that no one has worked closer over the years than he and Mr. Evans and that he has a difference of opinion on this subject.

Well, that may very well be. I challenge, however, all members of this House, both Democrats and Republicans, to join forces to do the right thing for Pennsylvania this year, and I say to you that Governor Casey is obviously on the right track, and it is time that we all followed his general lead. We do not have to follow specifically what the Governor presented to us some months ago, but I think he is headed in the right direction, and I think we should be in that direction and not caught, not caught with a flat fiat, a motion from a dictatorship-type source saying, there will be no tax cuts; you are cut off. That is how we were treated last year. You will not participate in the budget; you folks will not be able to talk about tax cuts; I am the majority Appropriations Committee chairman, and do not dare think for a minute that I am going to permit tax cuts to be in the budget that I will present tomorrow. That is not what we do in this House. This is not one-man rule. This is majority rule, and it is majority rule after total participation, and that is what we are looking for this year as opposed to what we had last year.

I think it is astounding that right now—and I believe this to be true—right now there are three caucuses, three caucuses involved in shaping a budget for the people of this Commonwealth, and I think at the moment the majority caucus here, in this chamber, is sacrificing and would sacrifice teamwork and bipartisanship for the sake of advancing a personal agenda, which, according to the Inquirer, includes “no corporate tax cuts, no room for compromise on corporate tax cuts,” and I say that in quotes. They are direct quotes.

It apparently is believed by the gentleman that this State does not need to clean up its welfare system, despite the fact that 165 of us, 165 of us voted on a welfare reform bill here last year that is far more drastic, if drastic is measured by dollars saved, than the one the Governor is proposing.

With the primary behind us, it is time, I think, for all candidates to get back in touch with their members, in deference to not using names. We should get back in touch. We should get back off the campaign trails. We should get back to our respective positions and take up where we left off. The Lieutenant Governor should be a Lieutenant Governor again. The majority Appropriations Committee chairman should be a House member again. No longer are they on the campaign trail. The same is true with Congressman Ridge. He, too, should become a Congressman again—he is off that trail—and campaign at other times. But you still have a job to do, and that job is what you were elected to do until your term runs out, and that is true of each and every one of us.

This view of no corporate tax decreases, no room for compromise—that is the part that is so startling; there is no room for compromise—this is the majority chairman, who really controls that budget, and every one of you knows it better than I the control that the chairman has over the budget. That is what is shocking to me, that it is without regard to compromise, without regard to discussion. It is simply a dictate to the Governor of this Commonwealth, to the Governor of this Commonwealth, Governor, we are not even going to consider what you want, not that we will consider it and we may reject it; it is, Governor, we are not going to consider it. Well, let me tell you something, we are. We are, and it is not something that your Governor came up with or our Governor came up with; it is something that we all have thought about. You, me, everyone in this chamber has thought, we have got to do something about taxes. There is not but one “no” vote, in my judgment, in this whole chamber, and I can think of only one person who said, I will not vote for a tax decrease, and that person is saying, there is no room for compromise.

I think we have to take another look at what the Governor has done. I do not agree with the whole thing; I never have. I think it is the right direction. It is a good launching pad for meaningful dialogue, compromise. It is a framework which can help us accomplish our goal of providing a fair and timely solution to Pennsylvania's challenges.

One last observation to the chairman. He must join us—he has the ability, he has the staff, he has the personality, and he is good at it—to join us in working diligently with the Governor. He has got to get back into the mode of being a

legislator and not a lone ranger. You know, he is back here now. Come on; we are all back here, and we have got to get back to the business of this Commonwealth, and that is looking seriously at what really is the most important segment of legislation that we handle each year, and that is the budget in its entirety, not just the spending part of it but the taxing part of it, in its entirety — the transportation end, the Federal funds, the nonpreferred funds.

A bill was passed through this House about a year ago, as I recall—and I might be off on that—and it was part of the so-called budget reform package that was highly touted by the majority party, and that package had in it a plan whereby, as I recall, a budget would be introduced and passed from this House by June 7 of this year, I am told by my staff. Well, what that means, I think, is this, and that is what prompts my speech today.

We are going to have a budget introduced tomorrow which cannot be voted on, because of our rules, before Tuesday, I think, of next week. My understanding further is that there is a chance that Tuesday is our last day next week, and then we are out for Memorial Day week, and we come back June 6. So under this bill that was passed here for budget reform, we have really 1 or 2 legislative days to pass this budget if we are going to live with this bill that was passed here, if it really means anything. So we would like to take a look at what you are talking about rather than just have something dropped in the hopper.

Now, the only thing I can think of that you may be doing to us again—and if you are, I have just been talking, I guess, to hear myself talk, which has happened before, as many of you know—and that may be that once again you are going to pull a fast one on us, and you guys are going to enact that budget without any of our votes, like you did last year, and you are going to put 102 votes on the board and pass a budget, and if it requires taxes—which it probably will because you will not have the welfare reform, because I gather, you know, the majority Appropriations Committee chairman will not give you that one, so you are going to have to raise some taxes to pay for what the Governor has proposed—do not expect to get any of them from us though. So if you want some help from us, let us get a look at what you are proposing, and I am telling you now, any help you get from us is going to be tied in with what your chairman says he will not compromise on. So I am suggesting to some of you that you may want to give some thought to taking a second look at anything that goes before you tomorrow and you may want to come over and talk to us along the way and see if you maybe want to cooperate with your Governor this election year.

I look forward to working with the Governor and with the members of the Senate and with you in getting this solved so that the 12 million people here in Pennsylvania have a timely budget. The one thing I again regret is that the chairman of the majority Appropriations Committee put the bunny in the hat when he said there will be no tax cuts. He put the answer before the question was asked, and I think that was a terrible mistake cutting off any negotiations by saying there will be no

tax cuts, and if that is a hard-and-fast position, then I think this is a long and hot summer. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the Republican floor leader.

STATEMENT BY MAJORITY LEADER

The SPEAKER. The Chair recognizes the gentleman from Pittsburgh, Mr. Itkin.

Mr. ITKIN. Thank you, Mr. Speaker.

I regret that the distinguished chairman of our Appropriations Committee is temporarily off the floor and not able to respond to the minority leader's remarks. It is difficult to act as a surrogate for somebody else in this regard. I do have some appreciation for the Appropriations chair's position on this matter, and to the extent that I know it and to the extent that what I am telling you is within the realm of some type of uncertainty, let me lay it out as I know it.

The Appropriations chairman has informed me that tomorrow he will introduce a spending plan for Pennsylvania for the next fiscal year. That spending plan does not require any type of consideration of taxes; the plan itself does not. He may personally feel that those tax reductions that are proposed by others are not necessary, but I do not think that he has bound any of us in that regard. The spending plan that he plans to introduce does not conflict with the Governor's program. The Governor's program, as you understand, for the next fiscal year, talks about a tax reduction, a business tax reduction, that is based on a transfer payment from PIDA (Pennsylvania Industrial Development Authority). That is an off-budget transaction, and so the spending plan does not have to address it. Dealing with the spending plan this year as proposed by the Appropriations chairman tomorrow, it is my understanding that business tax cuts as proposed by the Governor would still be in order. That is number one.

Number two is that the Appropriations chairman does intend to try to move this budget in a timely fashion, and we are hoping that we will be able to move this budget next Tuesday, which will give all of us ample opportunity to study that budget and to make certain reactions to that budget. I assume that there will be amendments offered at the time on the floor to consider the budget, and I think that that particular exercise may be quite useful at that time. Needless to say, this budget is not shaped only by our own handiwork; the final budget crafted by this General Assembly involves both this House and the other chamber and it involves also the Governor. So I would caution anybody, including the minority leader, not to jump to conclusions, not to jump to conclusions that what you see next week will be in fact the final budget. It is a reasonable attempt at starting the budget process.

Let me say that I understand that the Appropriations chairman does have some concern over some of the flamboyancy that is associated with these business-tax-cut considerations. He says, in essence, that those tax cuts as being proposed by others may miss its mark, may miss its mark, because under the category of tax reductions that are being proposed, many Pennsylvania businesses do not fall under that

particular provision and are exempt from paying those taxes, so providing a tax cut if you do not pay one is really meaningless. Many of our corporations are exempt from the corporate net income tax, and many of them fall under the S corporation status. Many hundreds of thousands of businesses fall under the S corporation status and therefore are exempt from the CNI.

So perhaps the Appropriations chair does make some legitimate observations. Maybe he is saying that in our attempt to try to fall over each other in trying to make concessions to the business community, we ought to be more thoughtful, more prudent, as to how we approach it.

I am only sorry now, at this point in time, that I would prefer to have had the chairman of the Appropriations Committee speak for himself. I find it somewhat ill at ease to have to defend somebody else's position, and I am only speaking to what I know as some conversation I have had with the Appropriations chairman.

I just would like to say to you in closing that this budget will not be determined by one individual; it will be a collective judgment involving all of the legislative parts: this House, the Senate, and ultimately the Governor. Thank you, Mr. Speaker.

Mr. RYAN. Mr. Speaker?

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

Mr. RYAN. Mr. Speaker, would the gentleman, Mr. Itkin, consent to a brief period of interrogation?

The SPEAKER. The gentleman indicates that he will, and Mr. Ryan may continue.

Mr. RYAN. Mr. Speaker, I feel reasonably sure that the gentleman would agree with me that when we speak of the budget, we all kind of include in that definition taxes and transportation and, well, really everything that has dollar signs going up or down, in or out of the Commonwealth. It is not just the appropriation bill as it goes out. Would you agree with that?

Mr. ITKIN. I think the general adoption of a total budget ultimately includes all of those things, but the proposition of a spending plan, the General Fund budget, which is what the Appropriations chair intends to release, can stand by itself initially.

Mr. RYAN. All right.

The point I was trying to get to, Mr. Speaker, was that as I view a budget, over the years, when we send out a general appropriation bill finally, usually in the form of a conference committee report, either simultaneously or immediately before or immediately after, we are adjusting frequently the ESBE (equalized subsidy for basic education) formula or some of the education payouts; we are frequently adjusting something in the area of transportation, be it a transportation tax, a liquid fuels tax, because we need more money for this or more money for that; or in this case, which the Governor has requested—and this is the point I am trying to make—we are requesting, in the case of the Governor, as part of his budget package, an adjustment in his welfare obligations, titled, for the sake of simplicity, "welfare reform." I mean, that is what we are referring to it as, but it is really an \$88-million source of

funds that can be then turned around and put into the general appropriation bill and spent as part of the general appropriation. Would you agree generally with that concept?

Mr. ITKIN. I think, obviously, that when we finalize the budget process, bills that are associated with the budget, like tax bills, if needed, plus a spending plan or in the aggregate, will be considered. We have until June 30 to do that, and I would like to clarify. I did misspeak earlier.

We are not going to do the budget next week. The budget will probably be released from the Appropriations Committee next week. We will do the budget the week when we come back, after Memorial Day, so that gives all of us additional time to look at the budget spending plan as presented by the Appropriations Committee, and we can, of course, draft amendments accordingly. But I agree with you. That will be June 7. That will be according to the Appropriations chairman's budget-bill time schedule, and then, of course, we will have at least 3 weeks in June to finally consider all the ramifications, have all the meetings that are necessary, come to some type of consensus, and adopt a budget, I trust, in a very timely fashion.

Mr. RYAN. Well, it will be tight.

My question is, is it your intention to introduce legislation such as that legislation requested by the administration in connection with welfare reform?

Mr. ITKIN. We will not introduce a welfare reform proposal in this House, at least not this week. You know, we did in fact pass HB 1341. It is now languishing in the Senate right now. I trust that that could conceivably be a vehicle for any type of consideration in that regard.

Mr. RYAN. But it is not your intention to address the welfare reform package that the Governor has suggested to us as, quote—my quotes—"his package or his recommendations"? You are not going to have a separate welfare reform bill, is my question.

Mr. ITKIN. At least not this week.

Mr. RYAN. Thank you.

The SPEAKER. There will be no further business. No further votes will be taken.

Mr. ITKIN. Mr. Speaker?

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

Mr. ITKIN. I just want to mention to the House, we will be in session tomorrow at 11.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. For what purpose does the gentleman rise?

Mr. BATTISTO. A reminder about a meeting, Mr. Speaker.

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

Mr. BATTISTO. There will be a meeting of the House Appropriations Committee right now in the majority caucus room. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The House Appropriations Committee will meet right now in the majority caucus room.

**THE SPEAKER PRO TEMPORE
(JOE CONTI) PRESIDING**

BILLS REREPORTED FROM COMMITTEE

HB 988, PN 3655 (Amended) By Rep. EVANS

An Act providing for advance notification of pesticide application within schools, school grounds, athletic fields and playgrounds.

APPROPRIATIONS.

HB 1331, PN 3656 (Amended) By Rep. EVANS

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, abolishing the office of elected coroner and creating the position of county medical examiner in counties of the second class.

APPROPRIATIONS.

HB 1519, PN 1716 By Rep. EVANS

An Act providing for express warranties for motorized wheelchairs.

APPROPRIATIONS.

HB 2010, PN 2458 By Rep. EVANS

An Act designating a certain bridge in Wyoming County as the Carmel Sirianni Memorial Bridge.

APPROPRIATIONS.

HB 2535, PN 3657 (Amended) By Rep. EVANS

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

APPROPRIATIONS.

HB 2707, PN 3537 By Rep. EVANS

An Act designating the interchange of I-79 and I-90 in Erie County as the Charles D. Buzzanco Interchange.

APPROPRIATIONS.

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 988, PN 3655; HB 1331, PN 3656; HB 1519, PN 1716; HB 2010, PN 2458; HB 2535, PN 3657; and HB 2707, PN 3537.

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

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

Mr. SATHER. Mr. Speaker, I move that this House do now adjourn until Wednesday, May 18, 1994, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 4:39 p.m., e.d.t., the House adjourned.