

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, FEBRUARY 14, 1995

SESSION OF 1995

179TH OF THE GENERAL ASSEMBLY

No. 16

HOUSE OF REPRESENTATIVES

The House convened at 10:45 a.m., e.s.t.

**THE SPEAKER (MATTHEW J. RYAN)
PRESIDING**

PRAYER

REV. CLYDE W. ROACH, pastor of Riverside United Methodist Church, Harrisburg, Pennsylvania, offered the following prayer:

Let us pray:

Lord God, on this day set aside for sweethearts, lovers, and significant others, we lift our hearts in love for them, but we also lift our hearts in love for our great Nation by praying and singing the words of Your servant, Samuel Smith:

My country, 'tis of thee,
Sweet land of liberty,
Of thee I sing:
Land where my fathers died,
Land of the pilgrims' pride,
From every mountainside
Let freedom ring.

Our fathers' God to thee,
Land of the noble free,
To thee we sing:
Long may our land be bright
With freedom's holy light;
Protect us by thy might,
Great God, our King!

And, Lord God, remember the heroes of Iwo Jima, both those who live and those who gave their last full measure of devotion in love and defense of our great Nation.

Bless, remember, and comfort and keep their families.
For it is in Your dear name we pray. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Monday, February 13, 1995, will be postponed until printed. The Chair hears no objection.

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the majority whip, Mr. Barley, who indicates that there are no leaves of absence requested by the Republican Caucus.

The Chair recognizes the gentleman from Allegheny, Mr. Itkin, who requests leave for the gentleman from Allegheny, Mr. GIGLIOTTI.

Without objection, leave is granted.

50th ANNIVERSARY COMMEMORATION OF THE BATTLE OF IWO JIMA

The SPEAKER. Members will please report immediately to the floor of the House. Members will please take their seats.

The Marine Corps band will be playing in the rotunda at noon, and it is necessary for them to leave the hall of the House at 11:30, so we are going to shortly ask them to begin. In the meantime, we would like the members to take their seats.

At this time I am going to ask the gentleman, Mr. Tigue, to preside. He is a retired colonel in the United States Marine Corps Reserves. He is holder of the Silver Star. He is the highest ranking of our members who were in the Marine Corps, and at this time I would ask the gentleman to come take the gavel.

THE SPEAKER PRO TEMPORE (THOMAS M. TIGUE) PRESIDING

The SPEAKER pro tempore. Thank you, Mr. Speaker.

Today, as a continuation of the 50th anniversary of various battles of World War II, we are taking the time to commemorate the battle of Iwo Jima.

To most people, when they think of Iwo Jima, they think of a photograph, a photograph of five Marines and one Navy corpsman raising a flag on Mount Suribachi. But to the Marines, the battle of Iwo Jima epitomizes the sacrifice of the Marine Corps, because in fact it was the bloodiest battle, the most savage and bitter fighting that the Marine Corps encountered in World War II. Eighty Marines were awarded the Congressional Medal of Honor during World War II. Of the 80 Marines, 22 of those Marines fought on the sands of Iwo Jima.

So today, in honor of those men and women, we are having this commemorative program, and for an overview of the battle, we will later hear from Representative Merle Phillips, another former Marine.

RESOLUTION

The SPEAKER pro tempore. Right now I would like to recognize the lady from Lancaster, Mrs. Miller.

Mrs. MILLER. It is indeed a great honor to stand before the Pennsylvania House of Representatives today to pay tribute to those who fought at Iwo Jima in World War II.

This day is especially significant for me as the daughter of a Marine who was a corporal in the 4th Division and in the first wave of Marines to hit the beaches that first day on February 19, 1945. As a young child, I heard stories about the battle, actually only when my dad's buddies were around, but believe me, I learned to sing that Marine Corps hymn even before I learned how to sing my elementary school's alma mater.

I am pleased to be joined here today by my dad, a Purple Heart veteran, and my mom, without whom it would have been impossible to have sponsored HR 55.

So if you would join me in paying tribute to the courageous United States uniformed forces involved in the Battle of Iwo Jima.

The following resolution was read by Mrs. Miller:

A RESOLUTION

Paying tribute to the courageous United States uniformed forces involved in the Battle of Iwo Jima.

WHEREAS, The World War II battle for the Island of Iwo Jima was the most difficult in United States Marine Corps history; and

WHEREAS, The Marines suffered more than 23,000 casualties, including nearly 6,000 dead; and

WHEREAS, The Marines fought against an entrenched and determined enemy force numbering approximately 20,000 soldiers and sailors; and

WHEREAS, The courageous men of the 3rd, 4th and 5th Marine Divisions battled yard-by-yard over a 36-day period to conquer that eight-square-mile piece of volcanic island; and

WHEREAS, The victory achieved at Iwo Jima provided the United States uniformed forces with a strategic base in the Western Pacific for the final push against the enemy, thereby bringing the Pacific phase of World War II one step closer to its conclusion; and

WHEREAS, Iwo Jima has entered the history books as one of the most courageous examples of the fighting spirit of the United States uniformed forces; and

WHEREAS, The 50th Anniversary of the Battle of Iwo Jima will commence on February 19, 1995; therefore be it

RESOLVED, That the House of Representatives designate the period of February 19, 1995, to March 26, 1995, as a time to reflect on the bravery and spirit of the Marines who fought the battle of Iwo Jima and urge all Pennsylvanians to join their fellow Americans in paying tribute to the courageous members of the United States uniformed forces who were involved in one of the greatest battles in United States history.

On the question,
Will the House adopt the resolution?
Resolution was adopted.

REMARKS SUBMITTED FOR THE RECORD

Mrs. MILLER submitted the following remarks for the Legislative Journal:

I am submitting the following remarks for the record as part of the commemorative ceremony for the 50th anniversary of the invasion of

Iwo Jima. As prime sponsor of HR 55, I am extremely proud of the role played by my father, Vernon Miller, who was among the first Marines to land on the beaches of Iwo Jima on February 19, 1945. The following report, written by my sister's son, Jefferson Case, depicts the events of this battle as shared between grandfather and grandson. Let us not forget:

MY GRANDFATHER IN
WORLD WAR II

Vernon J. Miller, my grandfather, was a corporal in the Marines 4th Division. He fought in the battle of Iwo Jima, but was involved in no other combat. He wasn't a supply man, but a frontline soldier. He was just as much the hero of the war as any other man. His story is not the only story that can be told about this destructive conflict, but it is one that means the most to me.

On February 17, 1945, he left Hawaii aboard a giant transport. Under the leadership of Commander Cates, the 3rd and 4th Marine Divisions were to capture the island of Iwo Jima from the Japanese. Even though the 8-square-mile island was not an important island for American forces, it was extremely important for the Japanese. It is 760 miles from Japan, it was in aircraft range of nearly all their occupied islands in the Pacific. For Japan to be able to transport planes on the planes' own power, Iwo Jima needed to be maintained.

On February 18, 1945, the men aboard my grandfather's transport heard the Japanese radio spokesperson, Tokyo Rose, state that the Marines should watch what they're doing when they arrived at the island.

"How the heck did they know we were coming," stated my grandfather. "We didn't know what was gonna hit us, since they were ready."

On February 19, the Marines hit the island of Iwo Jima early in the morning, and planned to take airfield No. 1 on the first day. When my grandfather's transport was near the island, a group of Japanese fired on them from the island. Their first shot hit 30 yards behind the ship. The second shot hit 30 yards in front of the ship.

"Why...they got excited and raised the gain on their shots to increase the distance, and lucky for us the shot went way behind us. Had they kept it where it was, why they...would have knocked us out of the water."

Their transport safely reached Yellow Beach 2 and the Marines entered the island's black-sanded beaches. The beaches were filled with the black sand, which cut foot movement rates in half. The fastest way to travel by foot was heel first. However, the enormous tanks easily made up for the men's loss of speed. The tanks' armor was nearly impossible to penetrate without major firepower. They often held two or more men and contained a flame-torch and a rocket launcher, not to mention their normal guns.

The Marines originally thought that they would be able to capture the first airfield on the first day, but it took them 3 costly days to conquer it. The 3rd and 4th Divisions sustained 20% to 30% casualties on the first 2 days. On February 21, the day of the first airfield conquest, the Americans took the southeast and southwest corners of the island and inched closer to Mt. Suribachi, the great volcano on the island. During this time, my grandfather fought on the front line half the time.

More importantly, it was on this date that my grandfather was shot in the right leg with a piece of shrapnel. It was not until the next day that he realized what had happened. His leg started to hurt, and when he pulled up his pant cuff, the leg had bled without him even knowing. He went to the medic and got the parts of the shrapnel removed and his leg bandaged. He then just went right back into battle.

On February 24, further advancement to the north captured nearly a third of the second airfield. During this day of fighting my grandfather was not at the front line. The next day he would be at the very front during a dangerous time, the attempt to capture the second airfield.

From February 26th to the 28th, the Marines tried to gain three positions surrounding the second airfield. They didn't get any of them. The Japanese could not be moved from their holds, and casualties were even that day.

The Marines had an excellent day on the 28th. They took over the second airfield and had a foothold at the tip of the third. My grandfather's squadron was sent back southeast to destroy any Japanese soldiers that

escaped from the north. They found only a few, and my grandfather was through fighting in World War II.

Meanwhile in the north, the 5th Division was having more trouble than they expected. They fought for two more weeks, surviving numerous suicide attacks, but sustained heavy casualties. On March 26, the last of the Japanese forces were captured, and the island was captured. The battle of Iwo Jima was a major turning point in the war for the Pacific, and my grandfather was a part of it.

Now for some interesting facts:

- The United States Marine Corps had fewer members than any other corps, including the Coast Guard, Army, Navy, and Air Force, which they trailed by only 150 members. However, because of their role in the Pacific, they sustained the second highest casualties, next to the Army.
- The Allies had an even 50 countries in the war, and the Axis had 9.
- The battle of Iwo Jima had the highest casualties of any island invasion in World War II.
- The U.S. losses in the battle of Iwo Jima were 4,189 killed, 15,308 wounded, one of which was Vernon J. Miller, and 441 missing, most of whom were found dead later. The Japanese losses were even higher. However, Japan does not have exact figures on their casualties. There were an estimated 20,500 killed and 1,083 captured. Japan had more men killed in Iwo Jima than the U.S. had casualties. Saying that it was a costly battle for both sides is an understatement.

I am extremely fortunate that my grandfather's war story has a happy ending, but many families cannot say that. If my grandfather had not had the many lucky breaks that allowed him to survive near-death situations, I would not be here. My mom, my brother, my aunt, and my cousin would never have seen the beautiful world and the ugly world on which we live on.

There were 10 Millers who were killed in action from the 4th Marine Division, and thousands of others in between Nathan Abbott to Joseph Ziman. All of these men defended the best country on earth and paid their lives to keep it.

A list of awards won at Iwo Jima: 2 MEDALS OF HONOR, 56 NAVY CROSSES, 1 DISTINGUISHED SERVICE MEDAL, 298 SILVER STARS, 8 LEGIONS OF MERIT, 29 DISTINGUISHED FLYING CROSSES, 5 NAVY-MARINE CORPS MEDALS, 1,362 BRONZE STARS, 84 AIR MEDALS, AND THE ONE MY GRANDFATHER RECEIVED FOR HIS WOUND, 7,863 PURPLE HEARTS.

BIBLIOGRAPHY

- John McMillan. An Illustrated Encyclopedia of World War II. New York: Randolph Publishers. 1980. Volume J. 213 pages.
- Philip Macon. The Battle of Iwo Jima. New York: Houghton Publishing. 1978. 157 pages.
- Interview with Vernon Miller, conducted by Jeff Case, conducted at Mr. Miller's home in Hershey, Pa., on December 23, 1990 from 8:00 p.m. to 9:00 p.m. with intervals for meals and a few games of UNO.
- Louis Williams. The History of the Second World War. San Francisco: Randolph-Macon. 1985. Volume 5. 138 pages.
- Interview with Vernon Miller, conducted by Jeff Case, conducted over the phone from Jeff Case's home to Vernon Miller's home, on December 17, 1990, and January 6, 1991, for one hour a call.
- Capt. Raymond Henri. Springboard to Victory. Cleveland: World Publishing Company. 1945. 95 pages.
- Carl W. Proehl. The Fourth Marine Division in World War II. Washington: Infantry Journal Press. 1946. 237 pages.

MUSICAL INTERLUDE

The SPEAKER pro tempore. And now it is my pleasure to introduce the Marine Corps Band from Camp Lejeune, North Carolina, under the direction and command of CWO2 Tom Anderson.

(A musical interlude was presented by the 2d Marine Division Band.)

GUESTS INTRODUCED

The SPEAKER pro tempore. Now I would like to introduce two special guests here, native Pennsylvanians.

One is a native of Shillington, Berks County. He was born in Reading. We are honored this morning and this afternoon at the ceremonies to have with us Brig. Gen. Edwin Kelley, U.S. Marine Corps, Commanding General of the Marine Corps of San Diego.

And accompanying the general today is Sgt. Maj. Tony Reese. He is a native of Philadelphia. Major.

REMARKS BY MR. PHILLIPS

The SPEAKER pro tempore. Now I would like to recognize the gentleman from Northumberland, a Marine Corps veteran, Mr. Phillips.

Mr. PHILLIPS. Distinguished guests, ladies and gentlemen of the House: As a Marine myself, and on behalf of all the Marine legislators here today, I dedicate these remarks to all those who served the Marine Corps in the Battle of Iwo Jima – and we have six of them here today – as we observe the upcoming 50th anniversary.

It was only a photograph, but for anyone who saw it when it was published in newspapers across the country during that last week in February 50 years ago, it will be etched forever in their memory. It is a symbol of patriotism for all of us and a reminder of the tremendous sacrifices, triumphs, and setbacks our country has endured, particularly during World War II.

The picture I am referring to is Joe Rosenthal's famous image of the raising of the American flag atop Mount Suribachi on the South Pacific island of Iwo Jima.

Sunday, February 19, will mark the 50th anniversary of the day when 60,000 Marines stormed the beaches of Iwo Jima.

An amphibious commander – a major general long since forgotten – predicted it would take 10 days to capture the island that most Americans had never heard of, Iwo Jima – only 8 square miles of volcanic ash – and Mount Suribachi – the highest point an extinct volcano.

It was on the fourth day of the battle that the Marines conquered Suribachi – 4 days into the battle, and already more than one-third of the island was in American hands.

With the high ground taken and the American flag flying from Mount Suribachi, the Marines set out on the rest of their mission. The toughest terrain and the toughest Japanese defenses remained to be taken.

Such places as Meat Grinder and Death Valley on the north side of the island were names entered into the Iwo Jima Record of Honor. Deeds of courage became commonplace.

For example, on the sixth day, Pfc. Douglas Jacobson saw the man next to him get hit by sniper fire. He dropped his own rifle and grabbed the wounded man's bazooka, raced up to a Japanese 20-millimeter gun emplacement, and knocked it out. He destroyed another pillbox and then a concrete blockhouse.

Before he cooled down, Private Jacobson had killed 75 Japanese soldiers and earned the Congressional Medal of Honor, only 1 of 27 Medals of Honor awarded for heroic acts on Iwo Jima – and 5 of those medals were bestowed for action on one day, the 12th day of the battle.

As we pause to remember the events of 50 years ago, it is fitting for us to recall these acts of valor and honor. Iwo Jima was a spot on the globe captured by the United States Marines as they moved from island to island across the Pacific on their way to the Japanese mainland.

However, the cost of that victory was tremendous. Of the 22,000 Japanese defending the island, approximately 1,000 survived. Six thousand eight hundred and twenty-one Americans lost their lives, another 17,000-and-some were wounded, and 440-some were missing in action. There was a total of 24,391 casualties, which included killed, wounded, and missing in action.

When the fighting finally subsided on Iwo Jima, it was March 26, 35 days after the initial Marine assault on the beaches of that 8-square-mile island of volcanic ash.

For the Marines, Iwo Jima had the distinction of having the highest casualty rate of any engagement in the proud 168-year history of the Corps.

The victory on this small Pacific island was a turning point in U.S. efforts in the South Pacific. Lt. Gen. Holland M. Smith in command of the expeditionary force said the capture of Iwo Jima was an outlying prefecture of Tokyo and was considered essential by those in whose hands the destiny of our Nation lies. The cost of winning this objective was no doubt weighed carefully against the importance of having this island as an operating base in speeding the ultimate defeat of Japan.

It is very appropriate for us to remember and honor the men and women who served during World War II. And as we approach February 19, the anniversary of the invasion of Iwo Jima, we pause to honor those who did battle on that faraway island. However, it is even more important for us to tell those who were not part of those war years 50 years ago about the sacrifices, toil, and horrors of war.

It is difficult to believe, but nearly 75 percent of today's United States population was not yet born during the Second World War. That is right. The vast majority of today's population was not even alive during those war years.

Just over 25 percent of us living today lived through that great struggle. It is only through the acknowledgment of anniversaries such as the Battle of Iwo Jima and others that we can bring that younger majority in touch with what all the veterans lived through during the first half of the decade of the forties.

Iwo Jima and the American flag being raised on Mount Suribachi should forever serve as a symbol of pride and patriotism for our country and remind us of the sacrifices and diligence it takes to maintain our freedom.

It is through remembrances such as this that we recognize the horrors of war and recommit our resolve that it shall never happen again. It is through such remembrances that we stay vigilant and remain strong.

Above all, we must always resolve to protect and defend democracy to preserve our freedoms. The 6,821 Americans who gave their lives on Iwo Jima deserve no less from all of us today.

Never in their 168-year history has the Marine Corps motto "Semper Fidelis," "Always Faithful," been tried or challenged so greatly as in the capture of Iwo Jima.

Thank you for allowing me to give a few remarks.

GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair would like to recognize the Representative from Philadelphia, Mr. Dennis O'Brien, for the purpose of introducing our special guests today.

Mr. O'BRIEN. Thank you, Mr. Speaker.

Representative Sheila Miller has been responsible for the preparation of this program to honor our Nation's Armed Forces and especially those courageous military engaged in the Iwo Jima campaign.

We are surrounded by Marines, Navy, Air Force, and Army in this brief celebration, and we show our appreciation for their service in the 50 years since World War II, service which guarantees the freedoms which we enjoy through the years.

The participation of the Marine Band from Camp Lejeune adds much to this day, and we are grateful for their participation. How about a nice hand for them. Thank you.

It is now my pleasure to introduce the special guests of the day, the guests of Representative Sheila Miller, her mom and dad, Vernon and Mildred Miller. Would you please stand?

Mr. Miller was a member of the 4th Marine Division, 23d Regiment, 2d Battalion, G Company, Machine Gun Platoon.

The guest of Representative Bruce Smith, E. William Gates. Mr. Gates was a tech sergeant, 25th Marine Regiment, 4th Division. He enlisted the day after the bombing of Pearl Harbor, 4 years active duty and 4 years inactive duty. His division invaded Marshall Island, Saipan Tianin, and then Iwo Jima. Bill's division landed with the first wave of troops on Iwo Jima. Originally they were to be there for 5 days.

We would like to welcome the American Gold Star Mothers. Would you please stand?

Tressie Caton is from Wyomissing Hills and is president of the Berks County Chapter of the American Gold Star Mothers. A federally chartered organization, the Gold Star Mothers are dedicated to the memory of those whose lives were sacrificed in all wars and conflicts in which American forces were engaged. The group also assists veterans medical centers throughout the Nation, furthers patriotism and love of country, inspires respect for the Stars and Stripes, and promotes peace and good will for the United States and all nations. Tressie's son was killed in Vietnam.

Mollie Snyder, would you please stand? From Wernersville, Berks County. Her son was killed in Korea.

Violet Long, would you please stand? She is from Lemoyne. Her son was killed in Vietnam.

Joan Reid, would you please stand? She is from Camp Hill, and her son was killed in Desert Storm.

Let us have a nice round of applause for the Gold Star Mothers.

We have the guests of Representative Tom Yewcic. Will Frank and Mary Pero please stand? They are from Davidsville. Mary is a sister to Sgt. Michael Strank, who was a member of the Marines and was killed in action.

Frank Pero from East Petersburg. Frank is the son of Mary and Frank Pero and the nephew of Sgt. Michael Strank.

We have the guests of Representative Jerry Nailor. Harold T. Koser from Loysville, would you please stand? He is from the 1st Battalion, 14th Marines, 4th Marine Division.

We have George Raffield from Blain. Would you please stand? He is from Company B, 1st Battalion, 26th Marines.

Lindsay DePew, would you please stand? He is from Enola, the 28th Marines, 5th Marine Division.

We have Paul Hasting. Would you please stand? Paul is the past national commandant from the Marine Corps League.

Ted Landis, would you please stand? Ted is from the York area. He is from Company A, 1st Battalion, 25th Regiment, 4th Division.

Richard Crerand. He is from York, 3d Division, 3d Battalion, 12th Marine Regiment.

Vance Waggoner. He is from Mechanicsburg, Company L, 3d Battalion, 25th Marines, 4th Marine Division.

We have the guests of Representative Todd Platts. Will Russell and Lillian Williamson please stand? Mr. Williamson was a member of the 4th Marine Division.

Will Robert Williamson please stand? He is the son of Russell and Lillian Williamson.

Now it is my pleasure to recognize the Marines in this House of Representatives.

We have, first, the Speaker of the House, Matthew J. Ryan.

The Democratic leader, H. William DeWeese.

We have Representative Merle H. Phillips; Representative Thomas M. Tighe; Representative Robert E. Belfanti, Jr.; Representative Harry A. Readshaw; Representative Edward H. Krebs; and Representative Ron "Huck" Gamble.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. Thank you.

CITATION PRESENTED

The SPEAKER pro tempore. Now the Chair would like to recognize the gentlemen from Cambria County, Representative Yewcic and Representative Wozniak, for the purpose of a special presentation.

Mr. YEWIC. As it was mentioned earlier by previous speakers, the flag-raising on Mount Suribachi, on the island of Iwo Jima, was, of course, five Marines and a Navy corpsman. One such Marine was a man from my district, from my hometown, John Wozniak's district, named Sgt. Michael Strank — a name that commands a lot of respect in my area and, I am sure, across the United States when you think about the Marines.

It is my pleasure and honor to have Mrs. Mary Pero here, who is a sister of Sgt. Michael Strank, and to offer this citation posthumously to Sergeant Strank. It says:

WHEREAS, On February 14, 1995, Sergeant Michael Strank is being honored posthumously for his service to his country at Iwo Jima during World War II; and

WHEREAS, Sergeant Strank enlisted in the United States Marine Corps on October 6, 1939. After serving at various locations in this and in other countries, he was assigned to Company E, 2nd Battalion, 28th Marines, 5th Marine Division, trained at Camp Pendleton and in Hawaii, and landed on Iwo Jima on

February 19, 1945. On March 1, while attacking Japanese positions in northern Iwo Jima, he was fatally wounded by enemy artillery fire. As a tribute to his distinguished service, he was buried in Arlington National Cemetery; and

WHEREAS, In the highest tradition of military service, Sergeant Strank gave his life to protect and preserve the security and freedom of his fellowman; and

WHEREAS, Sergeant Strank earned the following decorations and medals: the Purple Heart; Presidential Unit Citation with one star; American Defense Service Medal with base clasp; Asiatic-Pacific Area Campaign Medal with three stars; American Area Campaign Medal; and World War II Victory Medal.

NOW THEREFORE, The House of Representatives of the Commonwealth of Pennsylvania pays a posthumous tribute to Sergeant Michael Strank, whose great courage and valiant endeavors are noted with deep pride and eternal gratitude....

Thank you.

The SPEAKER pro tempore. Interestingly, we heard today about the famous photograph and the men who participated in the flag-raising, and it turned out by accident to be a good sample of the American people, because those five Marines were Ira Hayes, a Native American from Arizona; Pfc. Franklin Sousley from Flemingsburg, Kentucky; Sgt. Michael Strank from Conemaugh, Pennsylvania; Pfc. Rene Gagnon from Manchester, New Hampshire; Cpl. Harlon Block from Weslaco, Texas; and the Navy corpsman was John Bradley from Appleton, Wisconsin — surely a cross section of the United States.

As you heard in the previous resolution, Sergeant Strank was killed on Iwo Jima, as were two others who participated in the flag-raising. Of the six people who participated in that flag-raising, three were killed on Iwo Jima. That is the kind of battle that we are talking about. The casualties were severe on both sides.

MUSICAL TRIBUTE

The SPEAKER pro tempore. Now, Warrant Officer Anderson, if you would, grace us with another selection.

(A musical tribute was presented by the 2d Marine Division Band.)

The SPEAKER pro tempore. While the band is preparing to leave, I would like to just mention, for your own information, that each Tuesday and Friday evening in Washington, DC, between the months of May and September, the Marine Corps Band, as well as the Marine Corps Drill Team, puts a show on — on Tuesdays at the Marine Corps Monument, which is actually a depiction of the flag-raising on Mount Suribachi, and also at the Marine Corps home of the commandant, at Eighth and I. So if you are really interested and you really want to see a show that will get your attention — and it is free — you can make calls. If you want, I have the number. I would suggest, if you get an opportunity, take your friends, your family, and go down and see it, because they put on a wonderful show.

Let us have one more hand for Camp Lejeune.

Mr. Speaker, thank you for allowing me the privilege of presiding over this commemorative ceremony. Thank you.

**THE SPEAKER (MATTHEW J. RYAN)
PRESIDING**

REPUBLICAN CAUCUS

The SPEAKER. Does the gentleman, Mr. Fargo, desire recognition?

Mr. FARGO. Yes. Thank you, Mr. Speaker.

The Republican Caucus will meet immediately in the majority caucus room. Thank you.

DEMOCRATIC CAUCUS

The SPEAKER. The gentleman, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, the Democratic Caucus will resume immediately in the Democratic caucus room.

The SPEAKER. The resolution to be introduced by the lady, Mrs. Miller, is available for cosponsorship. It is at the lower rostrum.

Would the majority leader advise as to what time he would like to return to the floor.

Mr. PERZEL. Thank you, Mr. Speaker.

Mr. Speaker, what we would like to see is that we go to caucus now for an hour; come back at 12:30, start running the special session on crime, go through as much of that as possible; have dinner 6 to 7:30; come back at 7:30 and finish up whatever bills in the regular session that are left.

The SPEAKER. The Chair thanks the gentleman.

Mr. PERZEL. Mr. Speaker, so we would not be back here tomorrow.

RECESS

The SPEAKER. Does the majority leader or minority leader have any further business?

Hearing none, this House will stand in recess until 12:30.

RECESS EXTENDED

The time of recess was extended until 1 p.m.

AFTER RECESS

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

**HOUSE BILLS
INTRODUCED AND REFERRED**

No. 719 By Representatives MILLER, MERRY, PETTIT, HABAY, FICHTER, SATHER, MASLAND, JAROLIN,

FAIRCHILD, THOMAS, RUBLEY, WAUGH, VAN HORNE, LEVDANSKY and E. Z. TAYLOR

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, further providing for vacancies in certain offices.

Referred to Committee on LOCAL GOVERNMENT, February 14, 1995.

No. 720 By Representatives MILLER, MERRY, PETTIT, HABAY, FICHTER, SATHER, MASLAND, JAROLIN, FAIRCHILD, THOMAS, RUBLEY, WAUGH, VAN HORNE, LEVDANSKY and E. Z. TAYLOR

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, further providing for filling vacancies in borough offices.

Referred to Committee on LOCAL GOVERNMENT, February 14, 1995.

No. 721 By Representatives MILLER, MERRY, PETTIT, HABAY, FICHTER, SATHER, MASLAND, JAROLIN, FAIRCHILD, THOMAS, RUBLEY, WAUGH, VAN HORNE, LEVDANSKY and E. Z. TAYLOR

An Act amending the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, further providing for vacancies in council, office of mayor, controller and treasurer.

Referred to Committee on URBAN AFFAIRS, February 14, 1995.

No. 722 By Representatives MILLER, MERRY, PETTIT, HABAY, FICHTER, SATHER, MASLAND, JAROLIN, FAIRCHILD, RUBLEY, WAUGH, VAN HORNE, LEVDANSKY, E. Z. TAYLOR and THOMAS

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, further providing for vacancies in certain offices.

Referred to Committee on LOCAL GOVERNMENT, February 14, 1995.

No. 723 By Representatives STAIRS, BUNT, MERRY, TRELLO, HERSHEY, E. Z. TAYLOR and CIVERA

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

Referred to Committee on STATE GOVERNMENT, February 14, 1995.

No. 724 By Representatives STAIRS, COWELL, FARGO, PETTIT, HERMAN, STISH, TRELLO, CLARK, BAKER, FLEAGLE, DEMPSEY, MERRY, BROWN, THOMAS, SEMMEL, VAN HORNE, BATTISTO, E. Z. TAYLOR, CIVERA, TULLI, GEIST, FAJT, HENNESSEY, SHANER, COLAFELLA and STEELMAN

An Act amending the act of July 2, 1993 (P.L.439, No.64), known as the Ben Franklin/IRC Partnership Act, providing for the Federal Technology Matching Fund grant program; and making an appropriation.

Referred to Committee on APPROPRIATIONS, February 14, 1995.

No. 725 By Representatives GEORGE, DeLUCA, THOMAS, BLAUM, TRELLO, PESCI, SCRIMENTI, READSHAW, HERMAN, KAISER, YOUNGBLOOD, MICHLOVIC, MIHALICH, LUCYK, SURRA, BROWNE, ROONEY, BATTISTO, STABACK, MELIO, BELARDI, MILLER, PETRARCA, LAUGHLIN, RICHARDSON, COY, MUNDY, GIGLIOTTI, KUKOVICH, SAINATO, TANGRETTI, FLICK, ROEBUCK, ITKIN and WOZNAK

An Act requiring administrators of certain residential care facilities to require applicants for employment to submit criminal history record information.

Referred to Committee on AGING AND YOUTH, February 14, 1995.

No. 726 By Representatives READSHAW, TIGUE, BARD, KAISER, WALKO, TRELLO, BAKER, STURLA, DeLUCA, RICHARDSON, BATTISTO and HENNESSEY

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for immunity for political subdivisions involving the adjudication alternative program.

Referred to Committee on JUDICIARY, February 14, 1995.

No. 727 By Representatives BUXTON, PISTELLA, BELARDI, CLARK, TRELLO, KAISER, SAYLOR, FAIRCHILD, STABACK, HENNESSEY, BELFANTI, STURLA, JOSEPHS, MIHALICH, M. COHEN, ROBERTS, MELIO, RUDY, BARD, WASHINGTON, FLEAGLE, TRAVAGLIO, BROWN, DeLUCA, TIGUE, CORRIGAN, COWELL, MICHLOVIC, KING, KELLER, RICHARDSON, YOUNGBLOOD and ROEBUCK

An Act prohibiting the manufacture, distribution, sale and purchase of any device which records or distorts signals emitted by electronic security systems; and providing penalties.

Referred to Committee on JUDICIARY, February 14, 1995.

No. 728 By Representatives BUXTON, ROEBUCK, ROBINSON, MUNDY, COY, HENNESSEY, SERAFINI, LAUGHLIN, RICHARDSON, VEON, TRELLO, VAN HORNE, GIGLIOTTI, WASHINGTON, CURRY, YOUNGBLOOD, THOMAS, CAPPABIANCA and WILLIAMS

An Act amending the act of April 6, 1951 (P.L.69, No.20), known as The Landlord and Tenant Act of 1951, further providing for placement of escrow funds; and authorizing the Attorney General to obtain certain information from financial institutions regarding escrow funds.

Referred to Committee on CONSUMER AFFAIRS, February 14, 1995.

No. 729 By Representatives ADOLPH, RAYMOND, FAIRCHILD, STISH, GEIST, RUBLEY, TIGUE, FICHTER, ARMSTRONG, TRELLO, KING, DeLUCA, HERSHEY, HENNESSEY, FARGO, BATTISTO, MILLER, BUNT, MICOZZIE, LAUGHLIN, SERAFINI, WAUGH, WOZNAK, HESS, BELFANTI, YOUNGBLOOD, SAYLOR, COLAFELLA, PETTIT, LEH, VAN HORNE, PISTELLA, SEMMEL, CIVERA, STABACK and BROWNE

An Act amending the act of April 6, 1951 (P.L.69, No.20), known as The Landlord and Tenant Act of 1951, further providing for escrow funds.

Referred to Committee on CONSUMER AFFAIRS, February 14, 1995.

No. 730 By Representatives ADOLPH, KING, CONTI, FARMER, DONATUCCI, SANTONI, FAIRCHILD, GEIST, PESCI, RUBLEY, ROONEY, NAILOR, HUTCHINSON, FLICK, ARMSTRONG, SCHULER, TRELLO, DeLUCA, RAYMOND, LAWLESS, HERSHEY, HENNESSEY, DEMPSEY, PLATTS, STEIL, CURRY, J. TAYLOR, PETTIT, MICOZZIE, STURLA, LAUGHLIN, SERAFINI, ITKIN, WAUGH, WOZNAK, D. W. SNYDER, COWELL, WOGAN, MERRY, BELFANTI, E. Z. TAYLOR, YOUNGBLOOD, SCHRODER, L. I. COHEN, MICHLOVIC, LEH, VAN HORNE, PISTELLA, SEMMEL, THOMAS, CIVERA, BAKER, RICHARDSON, STABACK, BROWNE and CARONE

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for limitations on determining gains from disposition of real property.

Referred to Committee on FINANCE, February 14, 1995.

No. 731 By Representatives KELLER, McGEEHAN, FICHTER, PESCI, CLARK, TRELLO, LAUGHLIN, CORRIGAN, VAN HORNE and CARN

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for certain duties of auto body shops.

Referred to Committee on TRANSPORTATION, February 14, 1995.

No. 732 By Representatives PETTIT, LYNCH, SCHRODER, CLARK, FAIRCHILD, SATHER, KING, FAJT, GEIST, RUBLEY, FARMER, COLAFELLA, TRELLO, STERN, KENNEY, FARGO, L. I. COHEN, DRUCE, BATTISTO, MICHLOVIC, VAN HORNE, TIGUE, MELIO, E. Z. TAYLOR, CLYMER, CURRY, WAUGH, BAKER, CARONE, HENNESSEY, MARSICO and TRICH

An Act amending the act of July 13, 1987 (P.L.346, No.66), known as the Dislocated Worker Training Assistance Act, further providing for eligibility and for programs.

Referred to Committee on LABOR RELATIONS, February 14, 1995.

No. 733 By Representatives GLADECK, E. Z. TAYLOR, TRELLO, GEIST, BELFANTI, DeLUCA, YOUNGBLOOD, THOMAS, STEELMAN, SAYLOR, HORSEY and ITKIN

An Act amending the act of September 26, 1951 (P.L.1539, No.389), known as The Clinical Laboratory Act, further providing for the inspection of laboratories and for the regulatory powers of the Department of Health.

Referred to Committee on HEALTH AND HUMAN SERVICES, February 14, 1995.

No. 734 By Representatives GLADECK, GEIST, FLICK, CLARK, JADLOWIEC, VAN HORNE, BROWN, COLAFELLA, FARMER, TRELLO, BUNT, BELFANTI, WOZNIAK, LEH, L. I. COHEN, STABACK, FARGO, McCALL, CARONE, TIGUE, NICKOL, SAYLOR, CIVERA, DeLUCA and SURRA

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for restriction of operating privileges for liquor offenses.

Referred to Committee on TRANSPORTATION, February 14, 1995.

No. 735 By Representatives GLADECK, GEIST, FLICK, CLARK, JADLOWIEC, J. TAYLOR, BROWN, FARMER, TRELLO, BUNT, BELFANTI, WOZNIAK, L. I. COHEN, STABACK, FARGO, McCALL, CARONE, TIGUE, NICKOL, SAYLOR, CIVERA, DeLUCA, SURRA and VAN HORNE

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for revocation or suspension of operating privileges.

Referred to Committee on TRANSPORTATION, February 14, 1995.

No. 736 By Representatives REINARD, MICOZZIE, COLAFELLA and COLAIZZO

An Act amending the act of June 5, 1968 (P.L.140, No.78), entitled "An act regulating the writing, cancellation of or refusal to renew policies of automobile insurance; and imposing powers and duties on the Insurance Commissioner therefor," further providing for noncancellation of insurance.

Referred to Committee on INSURANCE, February 14, 1995.

No. 737 By Representatives REINARD, MICOZZIE, COLAFELLA and COLAIZZO

An Act amending the act of July 22, 1974 (P.L.589, No.205), known as the Unfair Insurance Practices Act, further providing for unfair or deceptive acts or practices.

Referred to Committee on INSURANCE, February 14, 1995.

No. 738 By Representatives REINARD, MICOZZIE, COLAFELLA and COLAIZZO

An Act amending the act of July 3, 1986 (P.L.396, No.86), entitled "An act requiring notice of rate increases, policy cancellations and

nonrenewals by property and casualty insurers," further providing for grounds for cancellation or nonrenewal of certain insurance.

Referred to Committee on INSURANCE, February 14, 1995.

No. 739 By Representatives REINARD, MICOZZIE, COLAFELLA and COLAIZZO

An Act regulating the withdrawal of property and casualty insurance from the Commonwealth; providing for additional duties of the Insurance Department; and imposing penalties.

Referred to Committee on INSURANCE, February 14, 1995.

No. 740 By Representatives NICKOL, LYNCH, FARGO, MERRY, GEIST, JADLOWIEC, CLARK, HERMAN, BELFANTI, TRELLO, ARMSTRONG, NAILOR, WAUGH, SATHER, BUNT, SCHULER, WOZNIAK, ROBERTS, GANNON, MAITLAND, MICHLOVIC, REINARD, BROWN, SURRA, STERN, STABACK, HESS, MILLER, RUBLEY, TRAVAGLIO and E. Z. TAYLOR

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for exemption from surcharge.

Referred to Committee on TRANSPORTATION, February 14, 1995.

No. 741 By Representatives SCHULER, COY, STAIRS, COWELL, BAKER, HERSHEY, TRUE, E. Z. TAYLOR, BATTISTO, PLATTS, STURLA, HERMAN, STEELMAN, PISTELLA and SEMMEL

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for the operation of the State System of Higher Education; and making a repeal.

Referred to Committee on EDUCATION, February 14, 1995.

No. 742 By Representatives MUNDY, STURLA, THOMAS, LESCOVITZ, STETLER, WALKO, GORDNER, PISTELLA, TIGUE, DeLUCA, MIHALICH, STABACK, ROBERTS, VAN HORNE, LUCYK, YOUNGBLOOD, ROONEY, MELIO, KUKOVICH, McCALL, BELARDI, D. R. WRIGHT, LEVDANSKY, LaGROTTA, BATTISTO, BISHOP, CARN, LAUGHLIN, JOSEPHS, CURRY, MANDERINO, WOZNIAK and RICHARDSON

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

Referred to Committee on FINANCE, February 14, 1995.

No. 743 By Representatives MUNDY, STURLA, THOMAS, LESCOVITZ, STETLER, WALKO, GORDNER, PISTELLA, TIGUE, DeLUCA, MIHALICH, STABACK, ROBERTS, VAN HORNE, LUCYK, YOUNGBLOOD, ROONEY, MELIO, FLICK, KUKOVICH, McCALL, BELARDI, D. R. WRIGHT, LEVDANSKY, LaGROTTA, BATTISTO, BISHOP, CARN,

LAUGHLIN, JOSEPHS, CURRY, MANDERINO, WOZNIAK and RICHARDSON

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

Referred to Committee on FINANCE, February 14, 1995.

No. 744 By Representatives BISHOP, TRUE, McGEEHAN, MELIO, BATTISTO, L. I. COHEN, ITKIN, E. Z. TAYLOR, GIGLIOTTI, HUTCHINSON, HALUSKA, DIGIROLAMO, KENNEY, STERN, TRELLO, THOMAS, TIGUE, ROEBUCK, BELARDI, FAJT, LAUGHLIN, ARMSTRONG, MICHLOVIC, YOUNGBLOOD, RICHARDSON and JAMES

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

Referred to Committee on JUDICIARY, February 14, 1995.

No. 745 By Representatives FICHTER, CORNELL, BELFANTI, ARMSTRONG, CLARK, L. I. COHEN, TRUE, SCHULER, RUBLEY, DeLUCA, MELIO, HENNESSEY, J. TAYLOR, MILLER and KENNEY

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for prostitution and related offenses.

Referred to Committee on JUDICIARY, February 14, 1995.

No. 746 By Representatives ROBINSON, THOMAS, LAUGHLIN, DALEY, HALUSKA, CARN, M. N. WRIGHT and YOUNGBLOOD

An Act amending the act of October 27, 1955 (P.L.744, No.222), known as the Pennsylvania Human Relations Act, providing for authority of local commissions to issue subpoenas.

Referred to Committee on LOCAL GOVERNMENT, February 14, 1995.

No. 747 By Representatives CORRIGAN, JAROLIN, TRELLO, THOMAS and OLASZ

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further providing for creditable nonschool service.

Referred to Committee on EDUCATION, February 14, 1995.

No. 748 By Representatives SAYLOR, FARGO, WAUGH, FLEAGLE, COLAFELLA, MELIO, HERMAN, LYNCH, RAYMOND, RUBLEY, BUNT, E. Z. TAYLOR, WOGAN, DRUCE, MILLER, TIGUE, MICHLOVIC, BELFANTI, MERRY, HESS and CORNELL

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for qualifications of Auditor General and State Treasurer.

Referred to Committee on STATE GOVERNMENT, February 14, 1995.

No. 749 By Representatives SAYLOR, GEIST, CLYMER, FAIRCHILD, LYNCH, CLARK, SATHER, STABACK, YOUNGBLOOD, McCALL, HERMAN, PETTIT, TRELLO, E. Z. TAYLOR, CIVERA, EGOLF, BELFANTI, PLATTS, MERRY and ITKIN

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring reflective tape on the harnesses of animals pulling animal-drawn vehicles.

Referred to Committee on TRANSPORTATION, February 14, 1995.

No. 750 By Representative PICCOLA (BY REQUEST)

An Act amending the act of May 29, 1956 (1955 P.L.1804, No.600), referred to as the Municipal Police Pension Law, further providing for age qualification for retirement from police force.

Referred to Committee on LOCAL GOVERNMENT, February 14, 1995.

No. 751 By Representatives BATTISTO, NYCE, COY, PLATTS, McCALL, D. R. WRIGHT, STEELMAN, CURRY, CLARK, MELIO, CALTAGIRONE, COLAIZZO, LAUGHLIN, MARKOSEK, HERMAN, LYNCH, PISTELLA, YOUNGBLOOD, MICHLOVIC, STABACK, ROONEY, OLASZ, VAN HORNE, MUNDY, SEMMEL, BROWNE, DERMODY and DeLUCA

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for adoption of school district budgets.

Referred to Committee on EDUCATION, February 14, 1995.

No. 752 By Representatives NAILOR, ITKIN, ARGALL, DEMPSEY, E. Z. TAYLOR, WAUGH, CONTI, TIGUE, COY, HERMAN, LYNCH, FAIRCHILD, TRUE, SATHER, EGOLF, MASLAND, RAYMOND, FLICK, HENNESSEY, HUTCHINSON, LEH, PLATTS, M. N. WRIGHT, KING, TULLI, STEIL, TRELLO, MILLER, ARMSTRONG, SAYLOR, MAITLAND, MICHLOVIC and CLARK

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

Referred to Committee on STATE GOVERNMENT, February 14, 1995.

No. 753 By Representatives NAILOR, E. Z. TAYLOR, COY, ITKIN, ARGALL, WAUGH, DEMPSEY, CONTI, KREBS, TIGUE, HERMAN, S. H. SMITH, LYNCH, FAIRCHILD, TRUE, SATHER, EGOLF, MASLAND, WOGAN, RUBLEY, RAYMOND, FLICK, HENNESSEY, HUTCHINSON, LEH, PLATTS, M. N. WRIGHT, JOSEPHS, KING, TULLI, STEIL, TRELLO, MILLER, ARMSTRONG, SAYLOR, MAITLAND, MICHLOVIC, VANCE and CLARK

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for the filling of vacancies in the General Assembly.

Referred to Committee on STATE GOVERNMENT, February 14, 1995.

No. 754 By Representatives NAILOR, ARGALL, TRELLO, E. Z. TAYLOR, DEMPSEY, CONTI, TIGUE, COY, HERMAN, LYNCH, FAIRCHILD, TRUE, SATHER, DRUCE, EGOLF, MASLAND, WOGAN, RAYMOND, FLICK, HENNESSEY, HUTCHINSON, LEH, PLATTS, M. N. WRIGHT, KING, TULLI, STEIL, MILLER, ITKIN, ARMSTRONG, SAYLOR, MAITLAND, MICHLOVIC, VANCE and CLARK

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for oaths of office.

Referred to Committee on STATE GOVERNMENT, February 14, 1995.

No. 755 By Representatives NAILOR, VANCE, EGOLF, MASLAND, COY, TRELLO, PRESTON, SCHULER, D. W. SNYDER and SAYLOR

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for written agreements between districts.

Referred to Committee on EDUCATION, February 14, 1995.

No. 756 By Representatives JAMES, ITKIN, MICHLOVIC, WASHINGTON, JOSEPHS, DONATUCCI, RIEGER, KELLER, LEDERER, ROEBUCK, THOMAS, MANDERINO, KIRKLAND, CURRY, RAMOS, BISHOP, M. COHEN, MELIO, YOUNGBLOOD, COWELL and VEON

An Act amending Titles 18 (Crimes and Offenses), 23 (Domestic Relations) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the possession of firearms and for the liability of parents for certain acts committed by children; establishing a selected Statewide juvenile offender registry; and making an appropriation.

Referred to Committee on JUDICIARY, February 14, 1995.

No. 757 By Representatives BELFANTI, PHILLIPS, SURRA, PESCI, CARONE, MELIO, BELARDI, PRESTON, YOUNGBLOOD, TANGRETTI, D. R. WRIGHT, RICHARDSON, TRELLO, LAUGHLIN, TRAVAGLIO, STEELMAN and WALKO

An Act amending the act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste Management Act, further providing for bonds.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, February 14, 1995.

No. 758 By Representatives BELFANTI, TIGUE, ITKIN, D. R. WRIGHT, STABACK, CARONE, MELIO, BELARDI, ROBERTS, PESCI, WASHINGTON, DALEY, WOGAN, PRESTON, MIHALICH, YOUNGBLOOD, TANGRETTI, VEON,

RICHARDSON, ROONEY, TRELLO, LAUGHLIN, JOSEPHS, MICHLOVIC, WALKO, BLAUM, PETRARCA, TRAVAGLIO and STEELMAN

An Act requiring certain employers to list employment opportunities with the State Job Center.

Referred to Committee on LABOR RELATIONS, February 14, 1995.

No. 759 By Representatives BELFANTI, GORDNER, SEMMEL, PHILLIPS, VEON, D. R. WRIGHT, WOZNIAK, OLASZ, LUCYK, ROONEY, TRELLO, LAUGHLIN, FAJT, READSHAW, HALUSKA, LEH, PETRARCA, VAN HORNE, CORRIGAN, McCALL, TRAVAGLIO, STABACK, MELIO, KUKOVICH, L. I. COHEN, GIGLIOTTI, BELARDI, BEBKO-JONES, SURRA, ROBERTS, PESCI, CURRY, DALEY, PRESTON, MIHALICH, SHANER and WALKO

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, providing an exception to the quota system for licenses issued to volunteer fire companies.

Referred to Committee on LIQUOR CONTROL, February 14, 1995.

No. 760 By Representatives BELFANTI, GORDNER, PHILLIPS, L. I. COHEN, COY, STABACK, LEDERER, BELARDI, PESCI, CURRY, WASHINGTON, DALEY, VAN HORNE, RAYMOND, ITKIN, BUXTON, PRESTON, MIHALICH, YOUNGBLOOD, TANGRETTI, D. R. WRIGHT, RICHARDSON, ROONEY, TRELLO, SCHULER, LAUGHLIN, FLICK, PETRARCA and SHANER

An Act amending the act of May 29, 1956 (1955 P.L.1804, No.600), referred to as the Municipal Police Pension Law, further providing for length of service and age requirements for pension eligibility and for length of service increments.

Referred to Committee on LOCAL GOVERNMENT, February 14, 1995.

No. 761 By Representatives BELFANTI, PESCI, ITKIN, SURRA, STABACK, MELIO, KUKOVICH, BELARDI, CURRY, WASHINGTON, DALEY, LEVDANSKY, PRESTON, MIHALICH, YOUNGBLOOD, TANGRETTI, VEON, MICHLOVIC, JOSEPHS, TRELLO, LAUGHLIN, LEDERER, STEELMAN, SHANER and WALKO

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, imposing liability for unsafe practices.

Referred to Committee on JUDICIARY, February 14, 1995.

No. 762 By Representatives BELFANTI, PHILLIPS, LAUGHLIN, WOGAN, MELIO, KUKOVICH, BELARDI, PESCI, DALEY, LEVDANSKY, PRESTON, DeLUCA, YOUNGBLOOD, TANGRETTI, VEON, TRELLO, JOSEPHS, PETRARCA, STEELMAN and WALKO

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, repealing provisions relating to certain appeals from the Pennsylvania Labor Relations Board.

Referred to Committee on JUDICIARY, February 14, 1995.

No. 763 By Representatives BELFANTI, SURRA, LEDERER, TANGRETTI, MELIO, BELARDI, PESCI, WASHINGTON, DALEY, LEVDANSKY, PRESTON, MIHALICH, YOUNGBLOOD, VEON, TRELLO, LAUGHLIN, PETRARCA, TRAVAGLIO, STEELMAN, SHANER and WALKO

An Act providing for labor concession liens.

Referred to Committee on LABOR RELATIONS, February 14, 1995.

No. 764 By Representatives BELFANTI, ITKIN, EVANS, TRAVAGLIO, MELIO, OLASZ, GIGLIOTTI, BELARDI, PESCI, STURLA, CORRIGAN, PRESTON, YOUNGBLOOD, DERMODY, FAJT, TANGRETTI, VEON, D. R. WRIGHT, RICHARDSON, STEELMAN, ROONEY, TRELLO, LAUGHLIN, READSHAW, MICHLOVIC, JOSEPHS and WALKO

An Act requiring the certification of individuals engaged in lead-based paint activities; establishing minimum training requirements for the various occupations that perform lead-based paint activities; requiring training to be provided by accredited training programs; establishing standards for performing lead-based paint activities; providing for the enforcement of standards; requiring the licensure of lead contractors; establishing interim regulations; establishing fees for accreditation, certification and licensure; requiring prior notification; establishing the Lead-Based Paint Abatement Advisory Committee; establishing reciprocal arrangements with other states; establishing the Lead-Based Paint Abatement Fund; and making a repeal.

Referred to Committee on LABOR RELATIONS, February 14, 1995.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 58 By Representatives CURRY, GEORGE, STURLA, KUKOVICH, ITKIN, BELARDI, COWELL, DONATUCCI, PESCI, McGEEHAN, MUNDY, ROEBUCK, ROBINSON, LEVDANSKY, L. I. COHEN, HALUSKA, BATTISTO, HERMAN, CAPPABIANCA, TRAVAGLIO, COLAFELLA, JOSEPHS, TRELLO, STABACK, MELIO, SATHER, CORRIGAN, MICHLOVIC, DeLUCA, ROONEY, MIHALICH and STEELMAN

A Resolution memorializing Congress to continue Federal appropriations to the Corporation for Public Broadcasting.

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, February 14, 1995.

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
February 13, 1995

RESOLVED, (the House of Representatives concurring), That when the Regular Session of the Senate adjourns this week it reconvene on Monday, February 27, 1995, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the Regular Session of the House of Representatives adjourns this week it reconvene on Monday, February 27, 1995, 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.

MASTER ROLL CALL

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

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

LEAVE OF ABSENCE

The SPEAKER. The Chair recognizes the minority whip, Mr. Itkin.

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

The SPEAKER. Without objection, the Chair returns to leaves of absence and recognizes the minority whip.

Mr. ITKIN. Mr. Speaker, I request leave for the gentleman from Beaver, Mr. VEON, for today's session.

The SPEAKER. Without objection, leave will be granted. The Chair hears no objection.

MASTER ROLL CALL RETAKEN

The SPEAKER. It appears there was a malfunction on the master roll call. We will revote the master roll call. Members will proceed to vote.

The following roll call was recorded:

PRESENT-200

Adolph	Egolf	Maitland	Sather
Alien	Evans	Major	Saylor
Argall	Fairchild	Manderino	Schroder
Armstrong	Fajt	Markosek	Schuler
Baker	Fargo	Marsico	Scrimenti
Bard	Farmer	Masland	Semmel
Barley	Feese	Mayernik	Serafini
Battisto	Fichter	McCall	Shaner
Bebko-Jones	Fleagle	McGeehan	Sheehan
Belardi	Flick	McGill	Smith, B.
Belfanti	Gamble	Melio	Smith, S. H.
Birmelin	Gannon	Merry	Snyder, D. W.
Bishop	Geist	Michlovic	Staback
Blaum	George	Micozzie	Stairs
Boscola	Gladeck	Mihalich	Steelman
Boyes	Godshall	Miller	Steil
Brown	Gordner	Mundy	Stern
Browne	Gruitza	Nailor	Stetler
Bunt	Gruppo	Nickol	Stish
Butkovitz	Habay	Nyce	Strittmatter
Buxton	Haluska	O'Brien	Sturla
Caltagirone	Hanna	Olasz	Surra
Cappabianca	Harhart	Oliver	Tangretti
Carn	Hennessey	Petzel	Taylor, E. Z.
Carone	Herman	Pesci	Taylor, J.
Cawley	Hershey	Petrarca	Thomas
Chadwick	Hess	Petrone	Tigue
Civera	Horsey	Pettit	Travaglio
Clark	Hutchinson	Phillips	Trello
Clymer	Itkin	Piccola	Trich
Cohen, L. I.	Jadlowiec	Pistella	True
Cohen, M.	James	Pitts	Tulli
Colafella	Jarolin	Platts	Vance
Colaizzo	Josephs	Preston	Van Horne
Conti	Kaiser	Ramos	Vitali
Cornell	Keller	Raymond	Walko
Corpora	Kenny	Readshaw	Washington
Corrigan	King	Reber	Waugh
Cowell	Kirkland	Reinard	Williams
Coy	Krebs	Richardson	Wogan
Curry	Kukovich	Rieger	Wozniak
Daley	LaGrotta	Roberts	Wright, D. R.
DeLuca	Laughlin	Robinson	Wright, M. N.
Dempsey	Lawless	Roebuck	Yewcic
Dent	Lederer	Rohrer	Youngblood
Dermody	Leh	Rooney	Zimmerman
DeWeese	Lescovitz	Rubley	Zug
DiGirolamo	Levdanský	Rudy	
Donatucci	Lloyd	Sainato	
Druce	Lucyk	Santoni	
Durham	Lynch		Ryan, Speaker

ADDITIONS-0

NOT VOTING-0

EXCUSED-3

Gigliotti	Hasay	Veon
-----------	-------	------

RECESS

The SPEAKER. Is there any further business from the majority leader or the minority leader in connection with the regular session?

Hearing none, the regular session will now stand in recess to the call of the Chair.

AFTER RECESS

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

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 3, PN 725**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

RULES COMMITTEE MEETING

The SPEAKER. The Chair recognizes the majority leader, who requests an immediate meeting of the Rules Committee at the majority leader's desk.

Members of the Rules Committee will proceed to the majority leader's desk.

SENATE MESSAGE

AMENDED HOUSE RESOLUTION RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, informed that the Senate has concurred in **HR 2, PN 674**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND Tabled

HB 172, PN 151 By Rep. DURHAM

An Act regulating motor vehicle rustproofing; and providing remedies.

CONSUMER AFFAIRS.

HB 267, PN 260 By Rep. O'BRIEN

An Act amending the act of July 15, 1976 (P.L.1036, No.208), known as the Volunteer Fire Company, Ambulance Service and Rescue Squad Assistance Act, adding a definition; and further providing for the purposes for which loans may be made.

VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS.

HB 270, PN 263 By Rep. O'BRIEN

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for counties to furnish certified copies of documents without charge.

VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS.

HB 513, PN 844 (Amended) By Rep. DURHAM

An Act amending Titles 15 (Corporations and Unincorporated Associations) and 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, providing for audits; and further providing for remedies and for association records.

CONSUMER AFFAIRS.

HB 719, PN 798 By Rep. MERRY

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, further providing for vacancies in certain offices.

LOCAL GOVERNMENT.

HB 720, PN 799 By Rep. MERRY

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, further providing for filling vacancies in borough offices.

LOCAL GOVERNMENT.

HB 722, PN 801 By Rep. MERRY

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, further providing for vacancies in certain offices.

LOCAL GOVERNMENT.

FINANCE COMMITTEE MEETING

The SPEAKER. The members are advised that there will be a meeting of the Finance Committee at the declaration of the break, at about approximately 6 o'clock.

Would the gentleman, Mr. Boyes, advise us where the meeting will take place.

The gentleman, Mr. Nyce.

Mr. NYCE. Mr. Speaker, I believe Mr. Boyes is calling that meeting off the floor, in the rear of the House.

The SPEAKER. All right. On the declaration of the break, at about 6 o'clock, there will be a meeting of the Finance Committee in the rear of the hall of the House.

INSURANCE COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman, Mr. Micozzie, in regular session.

Mr. MICOZZIE. Mr. Speaker, there will be an Insurance Committee meeting in the majority caucus room at the 6 o'clock break.

The SPEAKER. The Chair thanks the gentleman.

Both the Finance Committee and the Insurance Committee will meet on the declaration of the break.

**BILL ON CONCURRENCE REPORTED
FROM RULES COMMITTEE**

HB 3, PN 725 By Rep. PERZEL

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, further providing for definitions and for the schedule of compensation.

RULES.

**RESOLUTION REPORTED
FROM COMMITTEE**

HR 52, PN 845 (Amended) By Rep. PERZEL

A Concurrent Resolution directing the Public Employee Retirement Commission to study the long-term financial ramifications of Act 186 of 1992 and Act 29 of 1994.

RULES.

ADDITIONS AND DELETIONS OF SPONSORS

The SPEAKER. The Chair acknowledges receipt of additions and deletions for sponsorships of bills, which the clerk will file.

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

RECESS

The SPEAKER. Is there any further business in the regular session at this time?

Hearing none, the regular session will recess to the call of the Chair.

AFTER RECESS

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

**REPORT OF
COMMITTEE ON COMMITTEES**

The SPEAKER. The following supplemental report of the Committee on Committees will be read by the clerk.

The following report was read:

House of Representatives
Commonwealth of Pennsylvania
Harrisburg

February 14, 1995

TO: Honorable Matthew J. Ryan
Speaker, House of Representatives
FROM: Representative Lynn B. Herman
Chairman, Committee on Committees
SUBJECT: Intergovernmental Affairs Committee

I have received a copy of correspondence sent to you on February 6, 1995 from Representative Pat Carone indicating her desire to be removed from the Intergovernmental Affairs Committee.

I am writing to apprise you that Representative Kenneth Jadlowiec will replace Representative Carone on the Intergovernmental Affairs Committee. Please take the appropriate measures to have him formally appointed.

Should you have any questions regarding this matter, please feel free to contact me.

LBH/jhg

cc: Representative Kenneth Jadlowiec
Committee on Committees Members

On the question,
Will the House adopt the resolution?
Resolution was adopted.

SUPPLEMENTAL CALENDAR A

RESOLUTION PURSUANT TO RULE 35

Mr. STAIRS called up **HR 56, PN 794**, entitled:

A Resolution designating the week of February 12 through 18, 1995, as "Vocational Education Week" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-200

- | | | | |
|--------------|------------|-----------|---------------|
| Adolph | Egolf | Maitland | Sather |
| Allen | Evans | Major | Saylor |
| Argall | Fairchild | Manderino | Schroder |
| Armstrong | Fajt | Markosek | Schuler |
| Baker | Fargo | Marsico | Scrimenti |
| Bard | Farmer | Masland | Semmel |
| Barley | Feese | Mayernik | Serafini |
| Battisto | Fichter | McCall | Shaner |
| Bebko-Jones | Fleagle | McGeehan | Sheehan |
| Belardi | Flick | McGill | Smith, B. |
| Belfanti | Gamble | Melio | Smith, S. H. |
| Birmelin | Gannon | Merry | Snyder, D. W. |
| Bishop | Geist | Michlovic | Staback |
| Blaum | George | Micozzie | Stairs |
| Boscola | Gladeck | Mihalich | Steelman |
| Boyes | Godshall | Miller | Steil |
| Brown | Gordner | Mundy | Stern |
| Browne | Gruitza | Nailor | Stetler |
| Bunt | Gruppo | Nickol | Stish |
| Butkovitz | Habay | Nyco | Strittmatter |
| Buxton | Haluska | O'Brien | Sturla |
| Caltagirone | Hanna | Olasz | Surra |
| Cappabianca | Harhart | Oliver | Tangretti |
| Carn | Hennessey | Perzel | Taylor, E. Z. |
| Carone | Herman | Pesci | Taylor, J. |
| Cawley | Hershey | Petrarca | Thomas |
| Chadwick | Hess | Petrone | Tigue |
| Civera | Horsey | Pettit | Travaglio |
| Clark | Hutchinson | Phillips | Trello |
| Clymer | Itkin | Piccola | Trich |
| Cohen, L. I. | Jadlowiec | Pistella | True |
| Cohen, M. | James | Pitts | Tulli |
| Colafula | Jarolin | Platts | Vance |
| Colaizzo | Josephs | Preston | Van Home |

- | | | | |
|------------|-----------|------------|------------------|
| Conti | Kaiser | Ramos | Vitali |
| Cornell | Keller | Raymond | Walko |
| Corpora | Kenney | Readshaw | Washington |
| Corrigan | King | Reber | Waugh |
| Cowell | Kirkland | Reinard | Williams |
| Coy | Krebs | Richardson | Wogan |
| Curry | Kukovich | Rieger | Wozniak |
| Daley | LaGrotta | Roberts | Wright, D. R. |
| DeLuca | Laughlin | Robinson | Wright, M. N. |
| Dempsey | Lawless | Roebuck | Yewcic |
| Dent | Lederer | Rohrer | Youngblood |
| Dermody | Leh | Rooney | Zimmerman |
| DeWeese | Lescovitz | Rubley | Zug |
| DiGirolamo | Levdansky | Rudy | |
| Donatucci | Lloyd | Sainato | Ryan,
Speaker |
| Druce | Lucyk | Santoni | |
| Durham | Lynch | | |

NAYS-0

NOT VOTING-0

EXCUSED-3

- | | | |
|-----------|-------|------|
| Gigliotti | Hasay | Veon |
|-----------|-------|------|

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

SUPPLEMENTAL CALENDAR B

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 3, PN 725**, entitled:

An Act amending the act of June 2, 1915 (P.L. 736, No. 338), known as the Workers' Compensation Act, further providing for definitions and for the schedule of compensation.

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

CONSTITUTIONAL POINT OF ORDER

The SPEAKER. The Chair recognizes the gentleman, Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, I rise to offer a motion to have the House rule this legislation, as it has returned from the Senate, as being unconstitutional.

The Senate did make some attempts to remedy a retroactivity provision which clearly was unconstitutional in which the issue of its constitutionality was raised previously in the House.

I could stand here and cite numerous cases before the Pennsylvania Supreme Court which deal with the issue of contractual rights as they pertain to retroactivity provisions, but I will not belabor this debate. It is simply to get on the record that it is my opinion that there are many organizations in this Commonwealth that will certainly take this statute to the courts and will seek redress from the courts on the provisions of

constitutionality, particularly as they apply to the retroactivity provisions as not fully addressed by the State Senate.

So I am requesting that members be afforded the opportunity to vote on the constitutionality of this measure.

Mr. Speaker?

The SPEAKER. The gentleman will yield.

Prior to the gentleman addressing the question, let me put the question.

The question before the House that has been raised is one of constitutionality— Mr. Belfanti, I would appreciate if you would listen to me. I say that respectfully.

The debate will be limited to the question of constitutionality based on the amendments, not on the bill.

Mr. BELFANTI. That is correct, Mr. Speaker.

The SPEAKER. As long as we understand that.

On the question,

Will the House sustain the constitutionality of the bill?

The SPEAKER. The question is now put, and the gentleman, Mr. Belfanti, is recognized.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, Article I, section 10, of the United States Constitution is the section that I would cite for the purposes of this debate.

As this bill left the House and went to the Senate, the constitutionality of the retroactivity provisions of the hearing loss workers' compensation reform were certainly in question. They were questioned by this chamber. They were questioned again in the Senate. The issue of constitutionality was also raised in the Senate on this same Article I, section 10, of the U.S. Constitution.

There are numerous State Supreme Court cases that also cite this same Article I, section 10, in the disposition of other similar matters that have been attended to by the State Supreme Court since the 1930's that deal with retroactivity provisions, and they were dealt with by the Senate in a halfhearted manner, and there was a partial fix; a partial correction was made by the State Senate. However, there are still many provisions as they relate to retroactivity that would apply in this legislation, if it gets to Governor Ridge's desk, which clearly still remain unconstitutional and are in violation of Article I, section 10.

The statute would in many respects constitute an impairment of contract, which, again, has been defined by the courts at both the Federal and State levels. I am therefore asking the members of this chamber to go on record as voting that this legislation as amended by the Senate, particularly as it pertains to the issues of retroactivity, be declared unconstitutional.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Chadwick.

Mr. CHADWICK. Thank you, Mr. Speaker.

I think it is important for the members to understand that the amendments inserted in the Senate were only of a clarifying nature. They were technical amendments, and their only purpose was to clarify the retroactivity clause, not to change it. So in terms of the constitutionality of this legislation, it is essentially the same bill that passed this House 2 weeks ago yesterday by more than 50 votes.

The fact of the matter is, all we are really facing here is a last-ditch attempt to defeat a bill that the House overwhelmingly wants to see passed. I urge a vote that it is constitutional.

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

Mr. ARMSTRONG. Mr. Speaker, the motion for constitutionality is only on the amendment that was put in by the Senate. Is that correct?

The SPEAKER. That is correct. The amendment is found on the last page of the bill, except for the last line, the last five lines.

Mr. ARMSTRONG. Okay.

I would like to interrogate the gentleman, Mr. Belfanti.

The SPEAKER. The gentleman is in order. Mr. Belfanti indicates he will stand for interrogation.

Mr. ARMSTRONG. Mr. Speaker, is it your opinion that the amendment that the Senate put into the bill is constitutional?

Mr. BELFANTI. Mr. Speaker, prior to answering that interrogatory, I would like to ask that you suspend for one second so that I could ask for a clarification from the Speaker on his ruling that the debate be centered on the issue of the amendment as offered by the Senate, because my motion here was to ask for a vote of unconstitutionality on the entire measure as it was amended by the Senate. If the debate is being limited to that section that was amended by the Senate, that is fine for debate purposes, but it clearly was not my intention to only ask that the amendment be declared unconstitutional, because I believe the entire subject matter of retroactivity as it left this chamber and as it was amended in the Senate, the entire area of retroactivity is unconstitutional.

The SPEAKER. To clarify, to hopefully clarify my ruling, the debate is not limited to those five lines, but rather the question of constitutionality can be the whole bill as affected by those five lines. But you cannot find a question of constitutionality evolving from the first paragraph of the bill which has already been passed upon by this chamber but rather by the last page of the bill, in brief.

Mr. BELFANTI. Thank you, Mr. Speaker.

Then in response to the gentleman's question, no, my intention is not to have the members vote strictly on the Senate amendment as it pertains to its constitutionality but on the entire measure as amended by the Senate.

Mr. ARMSTRONG. Okay.

Mr. Speaker, I have finished my interrogation. I would make one final comment, please.

The SPEAKER. The gentleman is in order.

Mr. ARMSTRONG. Mr. Speaker, it is my understanding, and I believe it is most everybody's understanding here, we are voting on constitutionality of the amendment that was put into the bill and how it may have changed that, and even the previous speaker has left us under the assumption that it is clearly constitutional of the work, the correction that was done in the Senate.

So I believe this measure to be clearly constitutional, and we should vote to relay that this evening. Thank you.

The SPEAKER. On the question of constitutionality, those who believe the bill as amended by the Senate to be constitutional shall vote "aye"; those who believe it to be unconstitutional shall vote in the negative.

On the question recurring,

Will the House sustain the constitutionality of the bill?

The following roll call was recorded:

YEAS-114

Adolph	Fajt	Levdansky	Sather
Allen	Fargo	Lynch	Saylor
Argall	Farmer	Maitland	Schroder
Armstrong	Feesse	Major	Schuler
Baker	Fichter	Marsico	Semmel
Bard	Fleagle	Masland	Serafini
Barley	Flick	McGill	Sheehan
Battisto	Gamble	Merry	Smith, B.
Birmelin	Gannon	Micozzie	Smith, S. H.
Boyes	Geist	Miller	Snyder, D. W.
Brown	Gladeck	Mundy	Stairs
Browne	Godshall	Nailor	Steil
Bunt	Gordner	Nickol	Stern
Carone	Gruppo	Nyce	Stish
Chadwick	Habay	O'Brien	Strittmatter
Civera	Hanna	Perzel	Taylor, E. Z.
Clark	Harhart	Petrone	Taylor, J.
Clymer	Hennessey	Pettit	True
Cohen, L. I.	Herman	Phillips	Tulli
Conti	Hershey	Piccola	Vance
Cornell	Hess	Pitts	Vitali
Coy	Hutchinson	Platts	Waugh
Dempsey	Jadlowiec	Raymond	Wogan
Dent	Kaiser	Reber	Wright, M. N.
DiGirolamo	Kenny	Reinard	Zimmerman
Druce	King	Rohrer	Zug
Durham	Krebs	Rooney	
Egolf	Lawless	Rubley	Ryan,
Fairchild	Leh	Rudy	Speaker

NAYS-83

Bebko-Jones	Dermody	Manderino	Scrimenti
Belardi	DeWeese	Markosek	Shaner
Belfanti	Donatucci	Mayernik	Staback
Bishop	Evans	McCall	Steelman
Blaum	George	McGeehan	Stetler
Boscola	Gruitza	Michlovic	Sturla
Butkowitz	Haluska	Mihalich	Surra
Buxton	Horsey	Olasz	Tangretti
Caltagirone	Itkin	Oliver	Thomas
Cappabianca	James	Pesci	Tigue
Carn	Jarolin	Petrarca	Travaglio
Cawley	Josephs	Pistella	Trello
Cohen, M.	Keller	Preston	Trich
Colafella	Kirkland	Ramos	Van Horne
Colaizzo	Kukovich	Readshaw	Walko
Corpora	LaGrotta	Richardson	Washington
Corrigan	Laughlin	Rieger	Williams
Cowell	Lederer	Roberts	Wozniak
Curry	Lescovitz	Roebuck	Yewcic
Daley	Lloyd	Sainato	Youngblood
DeLuca	Lucyk	Santoni	

NOT VOTING-3

Melio	Robinson	Wright, D. R.
-------	----------	---------------

EXCUSED-3

Gigliotti	Hasay	Veon
-----------	-------	------

The majority having voted in the affirmative, the question was determined in the affirmative and the constitutionality of the bill was sustained.

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

MOTION TO SUSPEND RULES

The SPEAKER. The Chair recognizes the gentleman, Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, it is my intention to now offer one more motion prior to proceeding to the concurrence vote, and that motion is simply this, and that is to allow the members in this chamber who were not the beneficiary of additional information which we have received subsequent to our action here on the House floor from the American Medical Association, dealing with the issue of audiograms, to have the ability to once again vote upon the Manderino amendment. We have new information which we would like to share with the members, and in order to do that, we would require a suspension of the rules so that the bill on concurrence could be the subject of but one amendment, and that would be the identical amendment that was offered by Representative Manderino when this legislation was first acted upon by the House.

So I am asking for a suspension of the rules for the purpose of offering one amendment.

The SPEAKER. On the question of suspension of the rules, those in favor of suspending the rules to permit the offering of an amendment will vote "aye"; those against suspension of the rules will vote "no."

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

Mr. BELFANTI. Mr. Speaker, is this debatable?

The SPEAKER. No, except by the floor leaders.

The Chair recognizes the gentleman, Mr. DeWeese.

Mr. DEWEESE. I would accede my opportunity to the gentleman from Northumberland.

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

Mr. BELFANTI. Thank you, Mr. Speaker.

I understand there is a storm coming tomorrow. I will not belabor this.

I simply would like the members to be aware that during the debate on the House floor about a week ago, the American Medical Association guidelines as they pertain to audiograms and specifically to the 3,000-hertz level, the AMA guidelines were referred to many times over by proponents of this measure. Since that period of time, we have received in writing from the American Medical Association clarification on those guidelines, and in writing, in black and white, we have been told that they not only suggest that audiograms be the sole criteria used on the basis of workers' compensation hearing-loss claims but they warn against using audiograms under the guidelines that they themselves have implored.

Their guidelines are for other purposes. We believe we raised that issue during the debate on the House floor. However, we did not have the AMA Guides in our possession. We now have them, and we have clearly many, many instances where the AMA and the National Commission on State Workmen's Compensation Laws urged the States not to use the AMA Guides to determine the extent of disability, an economic consequence of an injury, but rather only use these Guides to limit their use to extent of impairment, a medical consequence to injury.

"The accurate and proper use of medical information to assess impairment in connection with disability determinations depends

on” — this is right out of the Guides — “depends on the recognition that—”

The SPEAKER. Will the gentleman yield.

The question before the House is suspension of the rules, not debating the amendment.

Mr. BELFANTI. Mr. Speaker, I will accede to that ruling. I simply wanted to make the members aware that we have information coming from an agency who was used in support of the proponents of this legislation, whereas that agency is clearly on record as being opposed to a 3,000-hertz cutoff and also using AMA Guides as a sole criteria for hearing-loss workers' compensation reform by States.

We have that in writing. We would like to explain to you why what we did was wrong and unjust, and we would like that opportunity through the course of a debate on the Manderino amendment. It would not be our intention to offer any of the other amendments.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS-94

Battisto	DeWeese	McCall	Santoni
Bebko-Jones	Donatucci	McGeehan	Scrimenti
Belardi	Evans	Melio	Shaner
Belfanti	George	Michlovic	Staback
Bishop	Gruitza	Mihalich	Steelman
Blaum	Haluska	Mundy	Stetler
Boscola	Horsey	Olasz	Sturla
Butkovitz	Itkin	Oliver	Surra
Buxton	James	Pesci	Tangretti
Caltagirone	Jarolin	Petrarca	Thomas
Cappabianca	Josephs	Petrone	Tigue
Carn	Keller	Pistella	Travaglio
Cawley	Kirkland	Preston	Trello
Cohen, M.	Kukovich	Ramos	Trich
Colaella	LaGrotta	Readshaw	Van Home
Colaizzo	Laughlin	Richardson	Vitali
Corpora	Lederer	Rieger	Walko
Corrigan	Lescovitz	Roberts	Washington
Cowell	Levdansky	Robinson	Williams
Coy	Lloyd	Roebuck	Wozniak
Curry	Lucyk	Rooney	Wright, D. R.
Daley	Manderino	Rudy	Yewcic
DeLuca	Markosek	Sainato	Youngblood
Dermody	Mayernik		

NAYS-106

Adolph	Fajt	Lawless	Saylor
Allen	Fargo	Leh	Schroder
Argall	Farmer	Lynch	Schuler
Armstrong	Feese	Maitland	Semmel
Baker	Fichter	Major	Serafini
Bard	Fleagle	Marsico	Sheehan
Barley	Flick	Masland	Smith, B.
Birmelin	Gamble	McGill	Smith, S. H.
Boyes	Gannon	Merry	Snyder, D. W.
Brown	Geist	Micozzie	Stairs
Browne	Gladeck	Miller	Steil
Bunt	Godshall	Nailor	Stern
Carone	Gordner	Nickol	Stish
Chadwick	Gruppo	Nyce	Strittmatter
Civera	Habay	O'Brien	Taylor, E. Z.
Clark	Hanna	Perzel	Taylor, J.

Clymer	Harhart	Pettit	True
Cohen, L. I.	Hennessey	Phillips	Tulli
Conti	Herman	Piccola	Vance
Cornell	Hershey	Pitts	Waugh
Dempsey	Hess	Platts	Wogan
Dent	Hutchinson	Raymond	Wright, M. N.
DiGirolamo	Jadlowiec	Reber	Zimmerman
Druce	Kaiser	Reinard	Zug
Durham	Kenney	Rohrer	
Egolf	King	Rubleby	Ryan,
Fairchild	Krebs	Sather	Speaker

NOT VOTING-0

EXCUSED-3

Gigliotti	Hasay	Veon
-----------	-------	------

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

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

The SPEAKER. The Chair recognizes the gentleman, Mr. Belfanti—

Mr. BELFANTI. Thank you, Mr. Speaker.

The SPEAKER. —who reminded us earlier about this storm.

Mr. BELFANTI. And, Mr. Speaker, I am fully cognizant that the storm is now in Ohio and heading this way.

The SPEAKER. I thought it had passed by now.

Mr. BELFANTI. I would simply ask that since the members of this chamber did not see fit to discard this wholly unfair and unjust piece of legislation by a vote on constitutionality nor would they permit us to introduce very pertinent information which clearly indicates that the AMA, the agency who was cited by the proponents of this bill as adopting guidelines that we should follow, is clearly the opposite on those particular set of guidelines, since we were not afforded that opportunity, I would ask that those members who have any conscience and can still hear vote “no” on concurrence of HB 3. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

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

YEAS-120

Adolph	Farmer	Markosek	Schuler
Allen	Feese	Marsico	Semmel
Argall	Fichter	Masland	Serafini
Armstrong	Fleagle	Mayernik	Sheehan
Baker	Flick	McGill	Smith, B.
Bard	Gamble	Merry	Smith, S. H.
Barley	Gannon	Micozzie	Snyder, D. W.
Battisto	Geist	Miller	Staback
Birmelin	Gladeck	Mundy	Stairs
Boyes	Godshall	Nailor	Steil
Brown	Gordner	Nickol	Stern
Browne	Gruppo	Nyce	Stish
Bunt	Habay	O'Brien	Strittmatter
Carone	Hanna	Perzel	Taylor, E. Z.

Chadwick	Harhart	Petrone	Taylor, J.
Civera	Hennessey	Pettit	Thomas
Clark	Herman	Phillips	Trich
Clymer	Hershey	Piccola	True
Cohen, L. I.	Hess	Pitts	Tulli
Conti	Hutchinson	Platts	Vance
Cornell	Jadlowiec	Raymond	Van Horne
Coy	Kaiser	Reber	Vitali
Dempsey	Kenney	Reinard	Waugh
Dent	King	Roberts	Wogan
DiGirolamo	Krebs	Rohrer	Wright, M. N.
Druce	Lawless	Rubley	Zimmerman
Durham	Leh	Rudy	Zug
Egolf	Levdansky	Sather	
Fairchild	Lynch	Saylor	Ryan,
Fajt	Maitland	Schroder	Speaker
Fargo	Major		

NAYS-80

Bebko-Jones	DeLuca	Lloyd	Rooney
Belardi	Dermody	Lucyk	Sainato
Belfanti	DeWeese	Manderino	Santoni
Bishop	Donatucci	McCall	Scrimenti
Blaum	Evans	McGeehan	Shaner
Boscola	George	Melio	Steelman
Butkovitz	Gruitza	Michlovic	Stetler
Buxton	Haluska	Mihalich	Sturla
Caltagirone	Horsey	Olasz	Surra
Cappabianca	Itkin	Oliver	Tangretti
Carn	James	Pesci	Tigue
Cawley	Jarolin	Petrarca	Travaglio
Cohen, M.	Josephs	Pistella	Trello
Colaifella	Keller	Preston	Walko
Colaizzo	Kirkland	Ramos	Washington
Corpora	Kukovich	Readshaw	Williams
Corrigan	LaGrotta	Richardson	Wozniak
Cowell	Laughlin	Rieger	Wright, D. R.
Curry	Lederer	Robinson	Yewcic
Daley	Lescovitz	Roebuck	Youngblood

NOT VOTING-0

EXCUSED-3

Gigliotti	Hasay	Veon
-----------	-------	------

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

Ordered, That the clerk inform the Senate accordingly.

VOTE CORRECTION

The SPEAKER. Does the gentleman from Bucks County, Mr. Melio, desire recognition?

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

The SPEAKER. The gentleman is recognized for that purpose.

Mr. MELIO. On HB 3, the motion of constitutionality, I would like to be recorded in the negative, please.

The SPEAKER. The remarks of the gentleman will be spread upon the record.

Mr. MELIO. Thank you.

CALENDAR

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 368, PN 371**, entitled:

An Act repealing the act of May 16, 1951 (P.L.300, No.60), entitled, as amended, "An act authorizing certain counties to establish fire training schools for the paid and volunteer firemen of municipalities within the county."

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-199

Adolph	Egolf	Lynch	Santoni
Allen	Evans	Maitland	Sather
Argall	Fairchild	Major	Saylor
Armstrong	Fajt	Manderino	Schroder
Baker	Fargo	Markosek	Schuler
Bard	Farmer	Marsico	Scrimenti
Barley	Feese	Masland	Semmel
Battisto	Fichter	Mayernik	Serafini
Bebko-Jones	Fleagle	McCall	Shaner
Belardi	Flick	McGeehan	Sheehan
Belfanti	Gamble	McGill	Smith, B.
Birmelin	Gannon	Melio	Smith, S. H.
Bishop	Geist	Merry	Snyder, D. W.
Blaum	George	Michlovic	Staback
Boscola	Gladeck	Micozzie	Stairs
Boyes	Godshall	Mihalich	Steelman
Brown	Gordner	Miller	Steil
Browne	Gruitza	Mundy	Stern
Bunt	Gruppo	Nailor	Stetler
Butkovitz	Habay	Nickol	Stish
Buxton	Haluska	Nyce	Strittmatter
Caltagirone	Hanna	O'Brien	Sturla
Cappabianca	Harhart	Olasz	Surra
Carn	Hennessey	Oliver	Tangretti
Carone	Herman	Perzel	Taylor, E. Z.
Cawley	Hershey	Pesci	Taylor, J.
Chadwick	Hess	Petrarca	Thomas
Civera	Horsey	Petrone	Tigue
Clark	Hutchinson	Pettit	Travaglio
Clymer	Itkin	Phillips	Trello
Cohen, L. I.	Jadlowiec	Piccola	Trich
Cohen, M.	James	Pistella	True
Colaifella	Jarolin	Pitts	Tulli
Colaizzo	Josephs	Platts	Vance
Conti	Kaiser	Preston	Van Horne
Cornell	Keller	Ramos	Vitali
Corpora	Kenney	Raymond	Walko
Corrigan	King	Readshaw	Waugh
Cowell	Kirkland	Reber	Williams
Coy	Krebs	Reinard	Wogan
Curry	Kukovich	Richardson	Wozniak
Daley	LaGrotta	Rieger	Wright, D. R.
DeLuca	Laughlin	Roberts	Wright, M. N.
Dempsey	Lawless	Robinson	Yewcic
Dent	Lederer	Roebuck	Youngblood
Dermody	Leh	Rohrer	Zimmerman

DeWeese	Lescovitz	Rooney	Zug
DiGirolamo	Levdansky	Rubley	
Donatucci	Lloyd	Rudy	Ryan,
Druce	Lucyk	Sainato	Speaker
Durham			

NAYS-0

NOT VOTING-1

Washington

EXCUSED-3

Gigliotti Hasay Veon

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

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

BILL PASSED OVER TEMPORARILY

The SPEAKER. Without objection, HB 213 will be passed over temporarily.

The House proceeded to third consideration of **HB 276, PN 573**, entitled:

An Act amending the act of April 21, 1949 (P.L.665, No.155), known as the First Class City Home Rule Act, further providing for limitations on the powers of cities of the first class.

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

Mr. **COHEN** offered the following amendment No. **A0598**:

Amend Title, page 1, line 11, by inserting after "providing" for fines and

Amend Sec. 1, page 1, line 15, by striking out "Section" where it appears the second time and inserting Sections 17 and

Amend Sec. 1, page 1, line 17, by striking out "is" and inserting are

Amend Sec. 1, page 1, by inserting between lines 17 and 18

Section 17. General Grant of Power and Authority.—Subject to the limitations hereinafter prescribed, the city taking advantage of this act and framing and adopting or amending its charter thereunder shall have and may exercise all powers and authority of local self-government and shall have complete powers of legislation and administration in relation to its municipal functions, including the power and authority to prescribe the elective city officers, who shall be nominated and elected only in the manner provided by, and in accordance with, the provisions of the Pennsylvania Election Code and its amendments, for the nomination and election of municipal officers. The charter of any city adopted or amended in accordance with this act may provide for a form or system of municipal government and for the exercise of any and all powers relating to its

municipal functions, not inconsistent with the Constitution of the United States or of this Commonwealth, to the full extent that the General Assembly may legislate in reference thereto as to cities of the first class, and with like effect, and the city may enact ordinances, rules and regulations necessary and proper for carrying into execution the foregoing powers and all other powers vested in the city by the charter it adopts or by this or any other law. Ordinances, rules and regulations adopted under the authority of this act or under the provisions of any charter adopted or amended hereunder shall be enforceable by the imposition of fines, forfeitures and penalties, not exceeding one thousand dollars (\$1,000) for offenses which are not traffic related and not exceeding three hundred dollars (\$300) for traffic related offenses, and by imprisonment for a period not exceeding ninety days.

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

The SPEAKER. The Chair recognizes the gentleman, Mr. Cohen, on amendment 598.

Mr. COHEN. Mr. Speaker, this bill seeks to equalize the treatment of Philadelphia with the rest of the State as dealing with firemen and police disability payments. This bill will cost Philadelphia \$2.4 million a year, according to the views of the city of Philadelphia. My amendment seeks to generate some revenue to pay for this cost. My amendment does not generate \$2.4 million. How much money my amendment will generate will depend on the enforcement activity of the city of Philadelphia and how much the city council and the mayor decide they want to raise fines to.

In 1987 and 1988, under the leadership of Bob Freeman in the House and Ralph Hess in the Senate, this legislature passed a series of amendments to various codes raising the fines that various instrumentalities of this Commonwealth were allowed to raise from \$300 to \$1,000. Act 21 of 1988 raised the fines allowed to be levied by counties of the third, fourth, fifth, sixth, seventh, and eighth classes to \$1,000 for all violations of ordinances — building, housing, property maintenance, health, fire, Public Safety Code — and for air and noise pollutions. Similar language was used for the Third Class City Code, which raised it from \$300 to \$1,000 on the 3d day of December 1987. Similarly, cities of the third class were allowed to raise their fines to \$1,000 on the 3d day of October 1988. The Borough Code was amended on March 2, 1988, to do the same thing. And finally, in 1994, the legislature clarified the question of whether an incorporated town was covered in earlier amendments by giving an incorporated town the ability to charge up to \$1,000 in fines. The First Class Township Code was changed on March 2, 1988, also, and the Second Class Township Code was changed to \$1,000 in March 1988 also.

Now, the city of Philadelphia is not allowed to fine anybody more than \$300 for any violation. This amendment seeks to equalize Philadelphia with virtually all of the rest of the State by raising Philadelphia's ability to fine people for violations of city ordinances from \$300 to \$1,000. One difference between this amendment and the bills that have passed is this amendment draws the line between traffic offenses and nontraffic offenses. You do not have to worry; no traffic offenses can produce a fine of more than \$300, the way the law is right now.

All this deals with is the heart of city ordinances. This should raise some money for the city of Philadelphia. This bill will be less of an unfunded mandate with this amendment in than it will be without this amendment. Your taxpayers will not be paying for this. People in Philadelphia who violate the laws will be paying for it.

It seems to me that when we are trying to crack down on crime, trying to crack down on people feeling free to disobey the law, the \$300 fine, which is the value of a dinner for a bunch of executives, is not much of a deterrent, and we ought to treat Philadelphia equally. The whole premise of this bill is that Philadelphia ought to be treated equally with the rest of the State. This amendment seeks to treat Philadelphia equal with the rest of the State in terms of getting enforcement of its laws.

I strongly urge support of this amendment for all those who believe that all areas of the State ought to be treated equally and that we should not pass unfunded mandates. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia County, Mr. Kenney.

Mr. KENNEY. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose this amendment.

As the maker of the amendment and I are both from Philadelphia and as he mentioned in his opening remarks, this issue is not about raising costs to pay for this bill. This issue is about restoring to police and firemen in Philadelphia the same benefit provided all other police and firemen in Pennsylvania under the Pennsylvania Heart and Lung Act.

As we stand here today to debate this issue, remember this, those of you not from Philadelphia: The maker of the amendment looks for another revenue source for Philly. The administration in Philadelphia is sitting with a \$15-million surplus, has proposed a wage-tax reduction, and at the same time, in its proposal this year, in its operating budget, proposes \$8 million in overtime for sanitation workers, but the issue, Mr. Speaker, is equity. Where do we place our police men and women, fire men and women, out there on the line every day, putting their lives on the line, where do we put them in the priority of spending?

As I sat on the floor this morning, Mr. Speaker, and we talked about the 50th anniversary of World War II, I recall coming to the House floor in 1991 and talking about another war, and that is the war on the streets of every city, town, borough in this Commonwealth, and I went to the floor to speak about my neighbor, a 21-year-old police officer, Danny Boyle, who was gunned down after 1 year and 1 day of service on the Philadelphia Police Department. He was fighting a different war, and today as we speak, in Pittsburgh, in a fire today, I believe three firefighters were killed and five injured.

On Sunday, in the city of Philadelphia, a Philadelphia firefighter went in to rescue four young children and an adult. The firefighter came out. She was not successful in saving those four children and an adult, but she came out with second-degree burns, was sent to the hospital, and she put her life on the line, as her dad said, and then it goes on to say, in one of our local newspapers back home, that Anne Marie Stangler of Oxford Circle, a 31-year-old, a firefighter, will go home to recuperate and look at her injuries. But you know the difference? Anne Marie Stangler, a Philadelphia firefighter, will be treated differently when it comes to her compensation for only one reason, because she—

POINT OF ORDER

Mr. COHEN. Point of order, Mr. Speaker.

The SPEAKER. Will the gentleman state his point of order.

Mr. COHEN. Mr. Speaker, I have been straining to find relevance of this argument to my amendment. My amendment does

not affect any word of the original bill. It amends the Home Rule Act, as does Mr. Kenney's bill. This has nothing to do with firemen or policemen and the suffering they have undergone. This has to do with raising additional revenue from lawbreakers in the city of Philadelphia.

I would wish Mr. Kenney would explain why he is against raising additional revenue from lawbreakers in the city of Philadelphia.

The SPEAKER. Mr. Kenney, I am inclined to agree with the gentleman, Mr. Cohen, that you have strayed from the amendment.

Mr. KENNEY. Thank you, Mr. Speaker.

Mr. Speaker, that is the issue: How does Philadelphia spend its money? How does it prioritize it?

I say we do not need the amendment to add additional revenue sources at this time to the city of Philadelphia and would ask for a negative vote on this amendment.

The SPEAKER. The Chair recognizes the gentleman, Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

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

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

Mr. LLOYD. Mr. Speaker, I am trying to understand what is a traffic-related and not a traffic-related offense, and you have, Mr. Speaker, talked about moving violations and that moving violations would continue to be a maximum fine of \$300, so if one of my constituents goes to Philadelphia and gets caught speeding on a city street, the maximum fine today is \$300 and tomorrow would be \$300. My question is — and this is much more common — if one of my constituents gets a parking ticket from Philadelphia, is a parking ticket a traffic-related or not a traffic-related offense?

Mr. COHEN. For the record, Mr. Speaker, a parking ticket is a traffic-related offense. Obviously, you park an automobile; automobiles go in traffic. I think that is the very clear meaning of this.

Mr. LLOYD. So that the use of the word "traffic" is not intended to be a moving violation?

Mr. COHEN. No.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. COHEN. As a matter of fact, moving violations are generally effected by State law and not by city ordinance. The main thing that city ordinances deal with are parking violations.

Mr. LLOYD. Thank you, Mr. Speaker.

GERMANENESS QUESTIONED

The SPEAKER. The Chair recognizes the gentleman, Mr. O'Brien, on the amendment.

Mr. O'BRIEN. Thank you, Mr. Speaker.

Mr. Speaker, I find it curious that the maker of the amendment has used the term "unfunded mandates." I used this description when this bill was debated in committee, and I would like to use it here now.

An analogy would be, if a burglar comes into your house and steals the TV, and he is running down the street, and you apprehend that burglar, and you try to take the TV back, but the burglar says, no, this is mine; I am all the way down the street now; I have this TV in my possession, and your taking it away would be a loss to me.

This is what the city of Philadelphia is doing, Mr. Speaker. This is not an unfunded mandate. The city of Philadelphia reached very deeply into the police and firefighters' pockets 2 years ago on an issue that never should have been the subject of arbitration.

And, Mr. Speaker, since the maker of the amendment made this argument, that the language in this amendment has nothing to do with the subject matter of Representative Kenney's bill, I would raise the question of germaneness, and I would ask that we take a vote on that issue, Mr. Speaker.

The SPEAKER. On the question of whether or not the amendment offered by the gentleman, Mr. Cohen of Philadelphia, is germane, it is a question that is to be decided by the House.

Those who believe the amendment is germane will vote in the affirmative; those who believe it is not germane will vote in the negative.

On the question,

Will the House sustain the germaneness of the amendment?

The SPEAKER. The debate is limited to the question before the House, and that is whether or not it is germane, and it is also limited to that snowstorm that we heard about.

The Chair recognizes the gentleman, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, this bill amends Philadelphia's Home Rule Charter Act. Philadelphia's Home Rule Charter Act was passed in 1949—

QUESTION OF GERMANENESS WITHDRAWN

Mr. O'BRIEN. Excuse me, Mr. Speaker. I will withdraw the question of germaneness. Let us vote the issue.

The SPEAKER. That snowstorm did it.

The question of germaneness is withdrawn from the board.

On the question recurring,

Will the House agree to the amendment?

The SPEAKER. Does the gentleman, Mr. James, want recognition on the Cohen amendment?

Mr. JAMES. Yes, Mr. Speaker.

The SPEAKER. The gentleman is in order.

Mr. JAMES. Thank you, Mr. Speaker.

May I interrogate the maker of the amendment?

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

Mr. JAMES. Thank you.

Mr. Speaker, does this amendment in any way have any disadvantage to police officers in terms of them receiving 100 percent?

Mr. COHEN. Mr. Speaker, this amendment does not take away one penny from one police officer or one firefighter.

Mr. JAMES. So the reason, Mr. Speaker, for this amendment, is it to put the money in the city of Philadelphia so that they can pay the police officers and firefighters the 100 percent?

Mr. COHEN. The purpose of this amendment is to generate a source of revenue which will guarantee that police and firefighters will continue to get their disability payments.

Mr. JAMES. Well, I think, Mr. Speaker, that if we support the police officers and firefighters, then we should vote for this amendment. Thank you, Mr. Speaker.

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

Mr. TAYLOR. Thank you, Mr. Speaker.

Mr. Speaker, on the amendment, whether or not it is a good idea to increase the fines in the city of Philadelphia is an issue for another day, Mr. Speaker. This is a very important issue to every citizen of Philadelphia, and we should not trivialize it by worrying about increasing ordinance fees.

Mr. Speaker, this is a matter of priority. We feel that the city of Philadelphia should make this very important, to make sure that the police department of Philadelphia has its morale built up, and I would urge a defeat of the amendment.

The SPEAKER. On the question, the Chair recognizes the gentleman from Cumberland, Mr. Nailor.

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

The SPEAKER. The gentleman consents to interrogation. You may begin.

Mr. NAILOR. Thank you, Mr. Speaker.

Mr. Speaker, the funds that would be raised, the additional moneys that would be raised by your amendment, would they in fact be restricted and designated for use to the disability compensation of police officers and the firefighters in the city of Philadelphia?

Mr. COHEN. No, Mr. Speaker, they would not, but they would be, in all likelihood, considerably less than the amount of money that is required to support the police and firefighters as required by this amendment. So there would not be any surplus in excess of the amount of money required for this legislation.

Mr. NAILOR. Thank you, Mr. Speaker.

Mr. Speaker, could I speak on the amendment?

The SPEAKER. The gentleman is in order.

Mr. NAILOR. Mr. Speaker, it is obvious that we cannot be assured that the money that would be raised by this amendment would in fact be used for the designated purpose of the bill of Mr. Kenney's, and for that reason I oppose the amendment. It could be used for other purposes. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Melio.

Mr. MELIO. Mr. Speaker, just to interrogate the maker of the amendment.

The SPEAKER. The gentleman will stand for interrogation. You may proceed.

Mr. MELIO. Mr. Speaker, I would just like to know if this amendment is only bringing Philadelphia up to par with all the other municipalities, all the other governing bodies, like the League of Cities and the townships and the boroughs?

Mr. COHEN. That is correct; that is correct, Mr. Speaker. Every municipality in Bucks County is allowed to charge \$1,000 for violation of its ordinances, and this would give Philadelphia the same power as every municipality in Bucks County already has and every borough and every township and the county of Bucks itself.

Mr. MELIO. Mr. Speaker, I would like to speak on the amendment.

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

Mr. MELIO. I see nothing wrong with that, Mr. Speaker, and I would like to urge my colleagues to vote in the affirmative. Thank you.

The SPEAKER. The Chair thanks the gentleman.
 The Chair recognizes the gentleman, Mr. Thomas.
 Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, just responding to an earlier comment regarding the possibility that these revenues could be used for purposes other than for the purpose that the author of this amendment is intending for these revenues to be used. I think it is really a de minimis argument. I mean, it is more likely than not that the revenues generated from this amendment will be used to offset any deficits created by the municipality paying out to police and firefighters.

There is a direct nexus between the amendment and the bill itself. It is the intent of the author of the amendment to provide a revenue stream arising out of the bill itself. So it is both de minimis and academic to raise that argument.

Support the Cohen amendment. Thank you.

The SPEAKER. On the question of the Cohen amendment, the Chair recognizes the gentleman, Mr. DeWeese.

Mr. DeWEESE. It would be hard, Mr. Speaker, to augment the comments of the immediate past speaker on this measure, but the home rule charter does allow Philadelphia unique and singular flexibility. Through their own mechanisms of government, they have a system that differs from the rest of the Commonwealth.

I wonder whether it is prudent for us to engage in this intercession, but nevertheless, this amendment, this amendment that the gentleman, Mr. Cohen, has proffered here this evening, would, as was stated, allow for a revenue stream, however de minimis, to be commenced that would help to defray any costs involved if this bill is to become a law.

For one gentleman from Philadelphia to say that this amendment trivializes the matter is, I think, off target. I think Mr. Cohen is doing what many people espouse in their campaign settings, and that is to be fiscally conservative, to be fiscally prudent. I think when the gentleman, Mr. Cohen, goes to the microphone and argues that he wants the city council of Philadelphia to have the opportunity to have some flexibility to possibly raise more money, we are not mandating anything by the gentleman, Mr. Cohen's endeavors. But inherent, inherent in the actions that will be forthcoming after the Cohen amendment is considered, we are, we are, one more time, we are directing unfunded mandates toward the city of the first class, the city of Philadelphia, and it should be made aware that somehow, someday additional revenues will have to be collected by this chamber and sent to Philadelphia if efforts like this are not supported.

I would sustain the argument that Mr. Thomas has urged and ask that Mr. Cohen's amendment be adopted.

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-90

Battisto	DeWeese	Lloyd	Sainato
Bebko-Jones	Evans	Lucyk	Santoni
Belardi	Fajt	Manderino	Scrimenti
Belfanti	Feese	McCall	Shaner
Bishop	Gamble	Melio	Sheehan
Blaum	George	Michlovic	Smith, S. H.
Boscola	Gordner	Mihalich	Staback
Buxton	Gruitza	Mundy	Steelman

Caltagirone	Haluska	Olasz	Steil
Cappabianca	Hanna	Oliver	Stetler
Carn	Itkin	Pesci	Sturla
Carone	James	Pistella	Surra
Cohen, M.	Jarolin	Preston	Thomas
Colafella	Josephs	Ramos	Travaglio
Colaizzo	Kaiser	Readshaw	Trich
Corpora	Keller	Richardson	Washington
Corrigan	Kirkland	Rieger	Williams
Cowell	Krebs	Roberts	Wozniak
Coy	Kukovich	Robinson	Wright, D. R.
Curry	LaCrotta	Roebuck	Wright, M. N.
Daley	Laughlin	Rooney	Yewcic
DeLuca	Lescovitz	Rudy	Youngblood
Dermody	Levdansky		

NAYS-109

Adolph	Fairchild	Marsico	Schuler
Allen	Fargo	Masland	Semmel
Argall	Farmer	Mayernik	Serafini
Armstrong	Fichter	McGeehan	Smith, B.
Baker	Fleagle	McGill	Snyder, D. W.
Bard	Flick	Merry	Stairs
Barley	Gannon	Micozzie	Stern
Birmelin	Geist	Miller	Stish
Boyes	Gladeck	Nailor	Strittmatter
Brown	Godshall	Nickol	Tangretti
Browne	Gruppo	Nyce	Taylor, E. Z.
Bunt	Habay	O'Brien	Taylor, J.
Butkovitz	Harhart	Perzel	Tigue
Cawley	Hennessey	Petrarca	Trello
Chadwick	Herman	Petrone	True
Civera	Hershey	Pettit	Tulli
Clark	Hess	Phillips	Vance
Clymer	Hutchinson	Piccola	Van Horne
Cohen, L. I.	Jadlowiec	Pitts	Vitali
Conti	Kenney	Platts	Walko
Cornell	King	Raymond	Waugh
Dempsey	Lawless	Reber	Wogan
Dent	Lederer	Reinard	Zimmerman
DiGirolamo	Leh	Rohrer	Zug
Donatucci	Lynch	Rubley	
Druce	Maitland	Sather	Ryan,
Durham	Major	Saylor	Speaker
Egolf	Markosek	Schroder	

NOT VOTING-1

Horsey

EXCUSED-3

Gigliotti	Hasay	Veon
-----------	-------	------

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 Chair recognizes the gentleman, Mr. Evans.

Mr. EVANS. Mr. Speaker, I understand what the gentleman is attempting to do. I am very clear with the message that he is

attempting to send. But there has to be a better way, Mr. Speaker, than the message he is trying to send today, because, Mr. Speaker, you, yourself, who have been here almost over 30 years, know what the city of Philadelphia has been attempting to do in terms of getting its fiscal house in order.

What we are doing here today, Mr. Speaker, is heading in the wrong direction. Mr. Speaker, the city just 3 years ago, thanks to the help of the General Assembly, established the PICA (Pennsylvania Intergovernmental Cooperation Authority) board, and because of that PICA board, the city of Philadelphia is now in a position to have a surplus. Mr. Speaker, thanks to the reforms of the children and youth law, the city of Philadelphia is in a position to at least begin to enter the buying market again.

Mr. Speaker, the mayor and the city council have taken some strong steps to deal with the unions in the city of Philadelphia, positions that have been advocated by various people on this floor and from people throughout the Commonwealth of Pennsylvania. Mr. Speaker, the mayor has attempted to do things that a lot of people said were impossible, but now for some reason, Mr. Speaker, we, here in this General Assembly, want to interfere with what the local government is attempting to do.

Let us understand the implications of HB 276 if enacted. The measure would negate key disability system reforms achieved by the city of Philadelphia. In 1993, Act 111, interest arbitration award for police officers and firefighters. The State should not interfere, Mr. Speaker, with the labor negotiations.

Number two, Mr. Speaker, if enacted, the measure erodes the Philadelphia authority to manage its own administrative and personnel affairs, an area determined by the Pennsylvania Supreme Court in 1957.

Number three, Mr. Speaker, if for some reason, Mr. Speaker, this is passed, it will impose a State unfunded mandate. Now, it is rather interesting, Mr. Speaker, that just yesterday we passed HR 29. Every single person in this room voted for HR 29, and let me just read to you what HR 29 says. It says, a resolution which directs the House Intergovernmental Affairs Committee to conduct a review of Federal laws that have an impact on State or local governments and State laws that have an impact on local governments. We all voted for that yesterday, Mr. Speaker.

Number two, Mr. Speaker, I want to read a quote to you by the Governor of the Commonwealth of Pennsylvania on January 7, 1995, the Patriot-News, Governor Ridge: "I don't believe the Commonwealth of Pennsylvania ought to push down to the school districts, the counties or the cities any mandates they aren't willing to pay for." On January 7, 1995, Governor Ridge stated that. So the House of Representatives yesterday passes a resolution, Governor Ridge stands up on January 7 and states very clearly that this is a mistake, and we are heading in that same direction.

Now, do I agree with the gentleman that something should be done about the issue of benefits? I do agree with that, but I do not agree that it should be done here. I do not agree, Mr. Speaker, that the bottom line is that somebody has to pay for it. Now, if the State is not willing to pay for it, that only leaves but one group of people that has got to pay for it, Mr. Speaker.

You know, this is a rather ironic time that we live in, because I understand politics as well as anybody, but this is pure politics; this is pure politics. There is no rational rhyme to why we want to pass this particular bill, except we want to address a certain interest group. Now, I understand that, but I want to say that publicly so at least with good conscience, at least with good conscience when you

press that button, I want your mind to be clear, I want your head to be clear, and I want you to understand exactly what you are doing. So I do not want any confusion when you leave here and you talk to a reporter and you tell that reporter, well, I did that because I was standing up for the firemen and the policemen; I stood up for them; I did the right thing; I wanted to make sure that they get the same benefits as every single county across the Commonwealth of Pennsylvania. Well, let me just say this to you, and I will say it over and over again, and I am going to continue to say it: Somebody has to pay for it; somebody has to pay for it; somebody has to pay for it; somebody has to pay for it.

Mr. Cohen tried to offer you a suggestion. You did not even want to take the suggestion that Mr. Cohen wanted to offer. Now, something is wrong here. This is not Disneyland. Some of you may think it is Disneyland, but it is not Disneyland. Somebody has got to pay for it. Now, \$2.4 million has to come from somewhere.

Now, I know those of you who keep claiming that you do not want to do anything for the largest city in the Commonwealth of Pennsylvania, you have got a chance; you have got a chance just to say no. And, Mr. Speaker, the gentleman on that side of the aisle, he could have said no. He could have said to the colleagues from the city of Philadelphia, you got your vote in the Urban Affairs Committee; when it goes to the Appropriations Committee, I am saying no. You know, that is a part of being a leader. You have got to sometimes say no to your members and you have got to sometimes say no to the members on that side. That has been my experience. The members on this side will tell you, as much as I like them, as much as I think about them, I have the ability to tell them no. They know that this is no popularity contest when you are in leadership and when you have got to govern. It is no popularity contest. Everybody thinks it is a popularity contest, but it is not a popularity contest. Somebody has got to make decisions. So I want my conscience to be clear. That is why I am going on record. That is why I am saying what I am saying here to you today.

Let me repeat what Governor Ridge said: "I don't believe the Commonwealth of Pennsylvania ought to push down to the school districts, the counties or the cities any mandates they aren't willing to pay for." Now, Governor Ridge, I will stand up with him anyplace you can think of and make sure that people understand that we should not do or put upon people that we are not willing to pay for, and the reality of it is, for those of us who voted for that resolution yesterday, we are fooling ourselves, because we passed the resolution yesterday that turned around and said we are going to investigate mandates, and here today, here today we are turning around imposing on a city that is attempting to deal with its problems. The reason the city got that surplus that the gentleman talked about and the reason that the city now has the ability to talk about cutting its wage tax and its business tax is from sound fiscal management, from biting the bullet, from making the decisions.

Now, I do not know what more; I do not know what more people want somebody to do. What more does it take to get the message across? Do people think this is a game? Is this a joke? The joke is, well, do not worry; I will vote one way and let us send it to the Senate, and do not worry, the Senate will really kill it, so I can at least be friends with this certain group. So you will let me off the hook, but I will call up over to the Senate, and, Senate, you kill that bill because that is really a bad bill, that really is a mistake. Enough is enough; enough is enough.

This is, in my view — and I will repeat myself again — this is a mistake. I will continue to say that on this floor over and over and

over again until people begin to understand that moving in this direction is not sending the right message for any county government that is in this State, because when people are not satisfied with the answer that people make locally, they come up here and they try to circumvent the system.

Again, I would suggest they be "no" on this particular bill. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Bucks County, Mr. Steil.

Mr. STEIL. Thank you, Mr. Speaker.

I rise to oppose HB 276. I think there are three very clear reasons why we should oppose this bill.

This bill sends the wrong message at the wrong time. The message it sends is that it is okay to earn more money while you stay at home than when you are working, because this bill provides or will provide 100 percent of pay, disability pay that is tax free. It means that the net take-home pay of the individual receiving it will exceed the net take-home pay prior to the injury. That is the wrong message. We debated workers' comp here last year. One of the things we tried to correct was that very issue.

This is also a problem with the rest of the State. It is a fallacious argument to say that we should do this for Philadelphia simply because the rest of the State is already under the Heart and Lung Act of 1935. What is wrong is the fact that we are dealing with a 1935 act. Does anyone really believe that labor standards have not changed since 1935? I think not.

This is also applicable to every single injury. One can empathize with a policeman or fireman injured by being assaulted, shot, burned, but if you slip on ice while on duty, you are going to collect the same pay. Is that right? You are going to collect more money for staying at home than for working.

The second major reason we should oppose this is because we are being asked to interfere with the collective-bargaining process in Philadelphia. Through that process and through arbitration, the members and the union and the city itself have reached an agreement. Now we are being asked to interfere in that agreement and cause something to happen which did not happen at the bargaining table. We should not interfere in that process.

The third reason we should oppose it is because this is an unfunded mandate. When are we going to get the message? When are we going to stop sending these mandates down to our school districts, our cities? We cannot talk out of both sides of our mouth. We are either going to do it or we are not going to do it. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Allegheny County, Mr. Trello.

Mr. TRELLO. Mr. Speaker, the dialogue here today was about fairness, that all firemen and policemen should be treated equally all over this great State of ours. I remember several months into the last year when I introduced a bill that would allow my Allegheny County firemen to share in the Firemen's Mutual Fund. They were the only county firemen that were not allowed to share in that fund, and when the bill came up for final passage, the answer was, no, they could not, because somebody was afraid that their firemen were going to lose 12 cents or 17 cents a year. That is about what it amounted to.

Also last session I pleaded to have a delay in a bill that would have proposed a—

The SPEAKER. Will the gentleman yield.

We are discussing final passage of HB 276.

Mr. TRELLO. Yes, I am getting to that. I just want to refresh a few memories, that is all. I will be brief. The wind is blowing and the snow is snowing, I know.

But I asked for a delay of 1 week on a Finance Committee bill, which I chaired then, so that the people in Allegheny County could voice their opinion, and again you denied that. You denied me that because it did not affect you; it affected Allegheny County. So today we talk about fairness, that they should all be treated equally.

In the interest of unity, supporting our police and firemen, I just wanted you to know that I support the bill in spite of the fact that you did not support my firefighters. Thank you very much.

I have a good memory.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. O'Brien.

Mr. O'BRIEN. Thank you, Mr. Speaker.

Mr. Speaker, just to frame this issue very succinctly. What we are asking for, the police officers and the firefighters in the city of Philadelphia, is the same treatment that every single police officer and firefighter in the Commonwealth of Pennsylvania now receive, and for time out of mind, Mr. Speaker, that the Philadelphia police officers and firefighters received until a couple of years ago.

This is not an unfunded mandate. If we really want to look at the issue closely and to respond to the gentlemen, Mr. DeWeese or Mr. Evans, where we are going to find the money, let me submit to you that at the same time the city of Philadelphia was taking away from the firefighters their disability benefits, the city council of the city of Philadelphia was purchasing for almost a like amount of money two big purple buses to drive around the city of Philadelphia in the form of mobile offices that have yet, I think, to have in excess of 5 miles put on those buses.

Mr. Speaker, this is not an issue that we are going to be able to resolve here about Philadelphia getting their priorities straight. What we are asking for is that we get the priorities straight for law enforcement officers across the Commonwealth of Pennsylvania and have equity for those police officers whether they suffer the misfortune of serving in the city of Philadelphia, where, Mr. Speaker, we have the most violent crime in the State of Pennsylvania, and that type of crime is changing as we well know in the debate in the crime session that is under way in this General Assembly, and they are under more stress; they suffer more dangerous conditions than ever before.

You remember the firefighters that died in the Meridian Bank fire just a few years ago? They also are facing more dangerous and perilous situations than ever before in the history of the Commonwealth of Pennsylvania.

Mr. Speaker, we are not talking about people who want to get rich; we are not talking about giving them an increase. We are talking about giving them parity with every other police officer and firefighter in the Commonwealth of Pennsylvania. Let me submit to you, Mr. Speaker, a story about a young man who graduated college and went on the police force. He did this at the same time when I was in my last year of college. This gentleman — this was back in the seventies — and this gentleman was driving along Columbia Avenue. He dropped his partner off in front of a church to direct traffic. Then he started to go around the block. As he went around the block, Mr. Speaker, he felt the presence of someone staring at him. He turned his head — Can we have some order, Mr. Speaker?

Thank you, Mr. Speaker.

I would just like everyone to listen to this story. I think it puts everything in perspective.

This young man was driving down Columbia Avenue.

The SPEAKER. Will the gentleman yield.

Conferences on the floor, please cease.

The gentleman may proceed.

Mr. O'BRIEN. Thank you, Mr. Speaker.

This young man had just gotten on the police force. He was driving down Columbia Avenue in a two-man vehicle. He dropped his partner off in front of a church to direct traffic. He drove down the street, and as he drove down the street, he described it as feeling someone's eyes staring at him. He turned to look out the window, and there was a gun coming through the side window of that vehicle. That person then fired that gun, and it took off the right corner of that young man's eye. As he tried to duck out of the way, another bullet was fired, and that bullet hit that police officer in the cheekbone, which I am told is probably the strongest bone in your body. The bullet fragmented. A large portion of that bullet is sitting next to that officer's brain even as we speak. Other parts of that bullet fragmented and not only took forever the hearing on the one side of that young man's face but also paralyzed him on that side of his face.

Now, what did this gentleman do? Did he take his .32 and run? Was he happy to get his 100-percent disability and go out and throw a party? No. He went back on that police force, and he rose to be a captain in the Philadelphia Police Department, and, Mr. Speaker, he also rose to be president of the Fraternal Order of Police. That police officer represents the values and the dedication and commitment of the police officers and firefighters not only in Philadelphia but across the Commonwealth of Pennsylvania.

I submit to you, Mr. Speaker, that this gentleman, and his name is Rich Costello, and Officer Marynowitz that was permanently injured when his fellow officer, Officer Hayes, was shot dead not too long ago, would give every penny, every single penny, of that disability pension back if they could be made whole, Mr. Speaker. We have traditionally treated police officers and firefighters separately, as we should, because we recognize the perils and the dangers of the duty that we ask them to perform on our behalf.

Mr. Speaker, I ask that you consider that today. That is the issue. We ask you to give equity to the Philadelphia police officers and firefighters.

I ask for your support, and let us put this issue to rest. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman, Mr. James.

Mr. JAMES. Thank you, Mr. Speaker.

Mr. Speaker, there are very few bad apples in every situation. Just like police officers, there are some bad police officers, and we talk about them, and we try to raise the consciousness of those bad police officers, just like there are bad lawyers, bad doctors, and sometimes bad politicians — sometimes. But it is not about those bad ones; it is about the majority, the 99, 98 percent of the police officers and firefighters that go out there every day to give their lives to support and help us and protect our life, liberty, and property.

Mr. Speaker, the lady firefighter that got hurt the other day was in my district, in which the four children were killed as a result of the fire and their grandmother, and she got hurt trying to help them. If we go back over the history of what happened in terms of police officers being able to get full pay, years ago, as far back as 1951 — which I could talk to an officer from 1951 — they were getting 100 percent when they got hurt on duty. So why should we stop this now when the crime and violence has taken the turn that it has

taken, and we are passing more and more bills and more laws that are going to cause more problems and concerns for police officers.

Let us not take away their benefits. Let us not take away the fact and opportunity that they have to get 100 percent if they are hurt on the job. Most of them are raring to come back to work.

When I was hurt as a police officer, shot in the line of duty, and I still carry some of the fragments of the bullet in my shoulder, I was able to benefit at that time from this, but however, I would not benefit now from this. But it makes me wonder whether we are talking about politics or policy, because it seems as though Representative Cohen had offered the money to put in to pay for this, and somehow it seems as though the other side did not want to recognize the fact that the money would go to pay for the police officers, and they tried to make us think that it would not support the police officers. So that seems to me that is politics, not policy. So I would encourage all of the members to vote and support our police officers and firefighters by voting for this bill.

If we look at the history of what happened here, Philadelphia police officers and firefighters were getting 100 percent as far as I can remember and many other people can remember, but people around the State were not getting. So then what happened is they started the Heart and Lung Act for other people in this State, other police officers and firefighters, and now, now that Philadelphia is not in the Heart and Lung Act because we did not need it at the time that we were getting the 100 percent, now they want to take it away from us, and I think the timing is wrong. I think it is bad. I think it is sad that we are putting all this work in terms of passing these crime bills and work for more police officers, and yet we do not want to support this bill and to support them.

So I think Representative Evans said something about we are not in Disneyland, but it seems to me we are in Disney World the way that these bills are being passed and crime bills and welfare things that are happening so fast that we are not getting public input.

But again, Mr. Speaker, I want to say on behalf of Philadelphia police officers and firefighters, let us not take away their benefits when they get hurt. Let us vote for this bill. Thank you.

The SPEAKER. The Chair recognizes the gentleman from York, Mr. Stetler.

Mr. STETLER. Thank you, Mr. Speaker.

Would the prime sponsor of the bill stand for interrogation, Mr. Speaker?

The SPEAKER. The gentleman indicates he will. You may proceed.

Mr. STETLER. Thank you, Mr. Speaker.

Mr. Speaker, in Philadelphia County, is the Heart and Lung subject to collective bargaining?

Mr. KENNEY. No, Mr. Speaker.

I will read what the Heart and Lung says, and then—

Mr. STETLER. Maybe I should phrase the question differently and ask if it is subject to arbitration.

Mr. KENNEY. No, it is not subject to arbitration.

Mr. STETLER. Okay. Thank you, Mr. Speaker.

May I speak on the bill, sir?

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

Mr. STETLER. Thank you, Mr. Speaker.

Mr. Speaker, I would support HB 276 if one thing was included in the legislation, and that was the ability to pay.

We could stand here all evening and talk about the issue of mandates, unfunded mandates, and one side could put up one picture and another side could put up another picture, but as I look

at this legislation and I look at the fiscal impacts and the fiscal statements that have been provided by all the parties involved, it certainly appears to me that there is a cost.

I would like to quote from the Carlisle Sentinel from February of this year in an editorial, and it says, "Knocking out unfunded mandates...was a battle cry in the...Republican charge to the polls last November.

"It's all part of the GOP motto, 'less government is better government.'"

Further it states, "Unfunded mandates are just one of the problems with government that people want to see changed. But they are often the problem that hits closest to home, when local taxes go up to make up for the shortfall from Harrisburg or Washington. For that reason, they are getting lots of attention from politicians trying to make good on their campaign promises. Let's not let them off the hook."

Mr. Speaker, as HB 276 is currently drafted, this is an unfunded mandate, and for that reason I cannot support it.

Earlier this evening we voted on the issue of workers' comp hearing loss, and in that bill, while I opposed it because I thought it was poorly drafted and did not contain the protections that are needed for the workers of Pennsylvania, I see that in the city of Philadelphia in its attempts to deal with the Heart and Lung Fund and how it pertains to its officers and firefighters, I believe that they have attempted to take a fiscally correct position in terms of dealing with this problem, and now we as a body are interfering with that process. We are telling Philadelphia, well, if you are trying to be fiscally sound in the way you do your budgeting, we do not care. What we are telling them is we are saying, here you go, here is a bill; we are not going to pay it; you raise your taxes; you deal with it in Philadelphia. Mr. Speaker, I do not think that is a fair position for us to take in the current climate here in Pennsylvania and across the Nation.

The message that was sent out on November 8 at the elections was no unfunded mandates and let us make sure that the money we put forth we can pay for, and I think the city of Philadelphia was attempting to do that and we should not interfere. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Wogan.

Mr. WOGAN. Thank you, Mr. Speaker.

Mr. Speaker, the real issue here is not unfunded mandates. The real issue is whether every municipality in this State is going to be bound by the same laws. The real issue is whether the city of Philadelphia is going to be bound by the same laws that bind all the rest of us who live in other municipalities throughout the State. The issue here is not cost; the issue is equity.

When the legislature, our predecessors back in 1935, passed the Heart and Lung Act, it was their intention to mandate 100-percent compensation for all police and all firefighters in the State, not excepting those in the city of Philadelphia.

Let me read you a list of the officers and agents who are covered by the Heart and Lung Act of 1935: State Police officers; enforcement officers and investigators of the Liquor Control Board; parole agents, enforcement officers, and investigators of the Pennsylvania Board of Probation and Parole; Capitol Police officers; corrections officers and psychiatric security aides employed by the Pennsylvania Department of Corrections; psychiatric security aides employed by the Department of Public Welfare; drug enforcement agents at the Office of the Attorney General; members

of the Delaware River Port Authority police force; and any policeman, firefighter, or park guard of any county, city, borough, town, or township in the Commonwealth of Pennsylvania, except, the opponents would have you believe, the city of Philadelphia.

This is a matter of equity, Mr. Speaker. It is wrong to try to balance the budget of any municipality on the backs of maimed and crippled firefighters and police officers.

I ask for an affirmative vote.

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

Mr. RICHARDSON. Yes, Mr. Speaker.

The SPEAKER. The gentleman is in order.

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

This issue is a very dear issue to us here in Philadelphia, and while there are many individuals who have their position because of their own politics, I want to make it very clear that HB 276 is still the issue, the major issue, dealing specifically with bargaining units' ability to be able to work out the particular problem that we are forced to deal with here today. It is only because of the fact that the members who are trying to seek some immediate relief in the city of Philadelphia on behalf of our firemen and on behalf of our policemen have in fact raised this issue but have not addressed the issue when it comes down to dealing specifically to how we are going to pay for it.

Mr. Speaker, at that point I would like to then ask whether or not we may be able to interrogate the prime sponsor of the bill.

The SPEAKER. The gentleman, Mr. Richardson, may proceed.

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

Mr. Speaker, then the question I would raise is whether or not the fiscal note attached to this bill is \$2.4 million.

Mr. KENNEY. Yes.

Mr. RICHARDSON. And, Mr. Speaker, with regard to that, is there a funding mechanism to actually pay for this bill?

Mr. KENNEY. The city of Philadelphia said it was a \$2.4-million cost, and the city of Philadelphia also said it has a \$15-million surplus. So I think if they prioritize their spending, they can pay for the \$2.4 million with a \$15-million surplus.

Mr. RICHARDSON. Is there a particular— Mr. Speaker, if I could have a little order like the other gentleman asked for, I would appreciate it.

The SPEAKER. Conferences on the floor of the House, please break up. Members will please take their seats. Somebody has a microphone open.

It was the intention — if I may — it was the intention of the majority leader to break from 6 until 7:30. I have not heard him change the time past 7:30, so I am suggesting that the debate be shortened.

The gentleman, Mr. Richardson, may proceed.

Mr. RICHARDSON. I hope that was not pointed at me. I just got to the microphone.

The SPEAKER. No, no, it was not. I have been making remarks like that all day to no avail, Mr. Richardson.

I talked about the storm, so now I thought I would talk about the food.

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

I hope they all get a chance to eat.

I was hoping that what we could do, Mr. Speaker—

The SPEAKER. That is up to you and a couple of others.

Mr. RICHARDSON. Thank you very much.

Mr. Speaker, my concern was raised on specifically the fiscal note. When I asked whether or not was there a fiscal note applied to this particular bill, you said yes, and I asked was it in the amount of \$2.4, but then your response after that, you said that is what the city said. Is there a fiscal note specifically to this bill and whether or not we have a fiscal note from the House of Representatives Appropriations Committee?

Mr. KENNEY. Yes, we have a fiscal note. The fiscal note is \$2.4 million, which is consistent with what the city says the cost would be.

Mr. RICHARDSON. Okay. If that be the case, then, Mr. Speaker, what I would like to ask is whether or not, with respect to this bargaining negotiation, whether or not the city of Philadelphia has in fact been contacted to ask whether or not the money that you said is in the surplus is in fact going to be made available for this legislation.

Mr. KENNEY. If this General Assembly goes on record as saying this is the law, then yes, they would have to apply that surplus to pay police and firemen.

Mr. RICHARDSON. Okay, Mr. Speaker.

Mr. Speaker, I would like to be in order to address the legislation.

The SPEAKER. The gentleman is in order.

Mr. RICHARDSON. Thank you very much.

Mr. Speaker, I will be very brief.

What I was trying to attempt to do was to ask the gentleman whether or not there had been a contact made by him to the mayor and the city council on behalf of whether or not, if this legislation were in fact enacted, would in fact there be \$2.4 million to actually deal with this legislation. I did not get an answer to that question other than the fact that he indicated that he felt that perhaps maybe if this became law, then the city would have to take the surplus and apply it to the firefighters. That is not an answer that necessarily a body of ours would accept in terms of being able to determine whether or not there has been a yes-or-no answer to whether or not the surplus that they see is in fact applied to this \$2.4.

Mr. Speaker, the other thing that I would indicate is that it seems to me that there is really no rush, that if we really are serious about trying to help the firemen and policemen, then why do we not get an okay from the city to see whether or not this is something that needs to be done and to see whether or not we really are concerned about taking care of the firemen and policemen. Or put our money where our mouth is ourselves. Put the money into the budget so that it can be in the State budget so the \$2.4 actually will be dealt with on behalf of the firemen and policemen.

I do not see that forthcoming. In fact, I hear this as being a very political situation. For many of us who have a tremendous amount of respect for firemen and policemen in the city of Philadelphia, we recognize that a number of years have gone by with negotiation with the bargaining unit to try to resolve this issue, and it seems to me, Mr. Speaker, that that is where this should be.

MOTION TO TABLE

Mr. RICHARDSON. So, Mr. Speaker, I would like to move that we table HB 276 with the possibility of being able to contact the mayor of the city of Philadelphia and the city council to determine how we will be able to pay for HB 276 before this bill actually is passed out of this House if we are sincere about taking care of their business.

Mr. KENNEY. Mr. Speaker, may I be recognized to just answer—

The SPEAKER. The gentleman is in order.

Mr. KENNEY. To the previous speaker, I apologize. On May 19, 1994, the city council in a resolution adopted asked that the 100 percent be provided under the Heart and Lung to its police and firemen. So if you want to see a copy of that, that is the governing body in the city of Philadelphia going on record.

The benefit should be provided at 100 percent for police and firemen who are injured on duty, and that was, I believe, adopted unanimously, but it was adopted on May 19, 1994. So city council has asked for that, and I do apologize for not recognizing that earlier.

The SPEAKER. Does the gentleman care to be recognized on the question?

Mr. RICHARDSON. No. I understood that the motion to table was nondebatable. He responded to something else; I did not know what it was. I was just waiting to find out whether or not the question had been put before the House.

The SPEAKER. The question before the House is the motion of the gentleman, Mr. Richardson, to table the bill.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—35

Battisto	Gordner	Oliver	Shaner
Bebko-Jones	Gruitza	Pesci	Stetler
Bishop	Horsey	Ramos	Sturla
Carn	Jarolin	Richardson	Surra
Cohen, M.	Josephs	Rieger	Tigue
Corrigan	Kirkland	Roberts	Travaglio
Daley	Lloyd	Roebuck	Williams
DeWeese	Melio	Rudy	Yewcic
Evans	Mihalich	Scrimanti	

NAYS—164

Adolph	Durham	Lucyk	Santoni
Allen	Egolf	Lynch	Sather
Argall	Fairchild	Maitland	Saylor
Armstrong	Fajt	Major	Schroder
Baker	Fargo	Manderino	Schuler
Bard	Farmer	Markosek	Semmel
Barley	Feese	Marsico	Serafini
Belardi	Fichter	Masiand	Sheehan
Belfanti	Fleagle	Mayermik	Smith, B.
Birmelin	Flick	McCall	Smith, S. H.
Blaum	Gamble	McGeehan	Snyder, D. W.
Boscola	Gannon	McGill	Staback
Boyes	Geist	Merry	Stairs
Brown	George	Michlovic	Steelman
Browne	Gladeck	Micozzie	Steil
Bunt	Godshall	Miller	Stern
Butkovitz	Gruppo	Mundy	Stish
Buxton	Habay	Nailor	Strittmatter
Caltagirone	Haluska	Nickol	Tangretti
Cappabianca	Hanna	Nyce	Taylor, E. Z.
Carone	Harhart	O'Brien	Taylor, J.
Cawley	Hennessey	Olasz	Thomas
Chadwick	Herman	Perzel	Trich
Civera	Hershey	Petrarca	True
Clark	Hess	Petrone	Tulli
Clymer	Hutchinson	Pettit	Vance
Cohen, L. I.	Itkin	Phillips	Van Horne

Colafella	Jadlowiec	Piccola	Vitali
Colaizzo	James	Pistella	Walko
Conti	Kaiser	Pitts	Washington
Cornell	Keller	Platts	Waugh
Corpora	Kenney	Preston	Wogan
Cowell	King	Raymond	Wozniak
Coy	Krebs	Readshaw	Wright, D. R.
Curry	Kukovich	Reber	Wright, M. N.
DeLuca	LaGrotta	Reinard	Youngblood
Dempsey	Laughlin	Robinson	Zimmerman
Dent	Lawless	Rohrer	Zug
Dermody	Lederer	Rooney	
DiGirolamo	Leh	Rubley	Ryan,
Donatucci	Lescovitz	Sainato	Speaker
Druce	Levdansky		

NOT VOTING-1

Trello

EXCUSED-3

Gigliotti Hasay Veon

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

On the question recurring,
Shall the bill pass finally?

The SPEAKER. The Chair recognizes the gentleman, Mr. DeWeese.

Mr. DeWEESE. Mr. Speaker, three quick points, prefaced by the fact that like Mr. Evans, I am a political person and I can certainly count, and I can forecast the vote situation that is imminent.

But nevertheless, in response to the gentleman, Mr. Wogan, from Philadelphia, I hope that his concerns on equity are as prevailing and as keen when we discuss equity in education for our rural districts.

Second point, second point: I think we are setting a bad precedent here and I think especially, especially for members on that side of the aisle, the GOP rank and file who are allowing the long arm of the State to get involved in what is obviously a matter that the city charter and the Commonwealth Supreme Court in 1957 circumscribed for the city of the first class. It seems that for those of you who have historically decided that local government and less government was an option that you would campaign on, if not pontificate on, then today, today, you are turning and running from that position. You are allowing Big Brother, State government, to intercede where it probably has no business.

And notwithstanding the valor and professionalism that Mr. O'Brien described in his anecdotal references not too long ago, because this is a difficult vote for all of us, and notwithstanding the merit of compensation for our brothers and sisters in law enforcement, the city of Philadelphia has made an independent arbitration through its city government mechanisms, and we, big government, are interceding against that.

My final point, my final point, and for Mr. O'Brien, Mr. Wogan, et al, who have come to the microphone and incredulously said this is not an unfunded mandate, "mandate" is a noun - it is not a very complicated noun; it is self-evident to all of us - and "unfunded" is a very stark adjective. This is unfunded, and this is a mandate. So

regardless of how you try to make the rhetorical commentary differentiate from what we are saying here today, unfunded mandate is something that you cannot avoid.

So please pursue equity in education. Please remember that those of us who do not vote with you today do not have concerns over our valor and professionalism of our men and women in uniform and fire service and police service. But please remember also that you have been told that regardless of your campaign rhetoric to the contrary, you have embraced for the first time, some of you in your initial weeks in the General Assembly, the idea of pursuing an unfunded mandate. The noun and the adjective are incontrovertible.

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

Mr. KENNEY. Mr. Speaker, on behalf of Philadelphia's police men and women and fire men and women, I support an affirmative vote. Thank you, Mr. Speaker.

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-153

Adolph	Donatucci	Levdansky	Santoni
Allen	Durham	Lucyk	Sather
Argall	Egolf	Major	Saylor
Armstrong	Fairchild	Manderino	Schroder
Baker	Fajt	Markosek	Schuler
Bard	Fargo	Marsico	Scrimenti
Barley	Farmer	Masland	Semmel
Bebko-Jones	Fichter	Mayernik	Serafini
Belardi	Fleagle	McCall	Sheehan
Belfanti	Flick	McGeehan	Smith, B.
Birmelin	Gamble	McGill	Snyder, D. W.
Bishop	Gannon	Merry	Staback
Blaum	Geist	Michlovic	Stairs
Boyes	George	Micozzie	Stern
Browne	Gladeck	Miller	Stish
Bunt	Godshall	Nailor	Strittmatter
Butkovitz	Gruitza	Nyce	Sturla
Buxton	Gruppo	O'Brien	Surra
Caltagirone	Habay	Olasz	Tangretti
Carn	Harhart	Perzel	Taylor, E. Z.
Cawley	Hennessey	Petrarca	Taylor, J.
Chadwick	Herman	Petrone	Thomas
Civera	Hershey	Pettit	Travaglio
Clark	Hess	Phillips	Trello
Clymer	Itkin	Piccola	True
Cohen, L. I.	James	Pistella	Tulli
Cohen, M.	Jarolin	Pitts	Vance
Colafella	Kaiser	Preston	Van Horne
Colaizzo	Keller	Ramos	Vitali
Conti	Kenney	Raymond	Walko
Cornell	King	Readshaw	Washington
Corpora	Kirkland	Reber	Wogan
Corrigan	Kukovich	Reinard	Youngblood
Cowell	LaGrotta	Rieger	Zimmerman
DeLuca	Laughlin	Rosebuck	Zug
Dempsey	Lawless	Rohrer	
Dent	Lederer	Rooney	Ryan,
Dermody	Leh	Rubley	Speaker
DiGirolamo	Lescovitz	Sainato	

NAYS-47

Battisto	Gordner	Mihalich	Steelman
Boscola	Haluska	Mundy	Steil
Brown	Hanna	Nickol	Stetler
Cappabianca	Horsey	Oliver	Tigue
Carone	Hutchinson	Pesci	Trich
Coy	Jadlowiec	Platts	Waugh
Curry	Josephs	Richardson	Williams
Daley	Krebs	Roberts	Wozniak
DeWeese	Lloyd	Robinson	Wright, D. R.
Druce	Lynch	Rudy	Wright, M. N.
Evans	Maitland	Shaner	Yewcic
Feese	Melio	Smith, S. H.	

NOT VOTING-0

EXCUSED-3

Gigliotti	Hasay	Veon
-----------	-------	------

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

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

The SPEAKER. The Chair recognizes the majority leader.

Mr. PERZEL. Mr. Speaker, we would like to break now for dinner until 7:30.

The SPEAKER. The gentleman will yield.

Please.

Mr. PERZEL. Mr. Speaker, we will come back again at 7:30 and be ready to vote on the floor.

Mr. DeWEESE. Mr. Speaker? Mr. Speaker?

The SPEAKER. The Chair recognizes the gentleman, Mr. DeWeese.

Mr. DeWEESE. Politely and respectfully, I understand and expect and respect that this does fall under the purview of the floor leader, and I will accede, of course, to that, but I would like to say that traditionally, another 15 minutes or a half hour would have been advantageous. There are several different events that both sides would like to attend tonight. I would just like to say that for the future. I will be back here on time tonight, sir.

The SPEAKER. The Chair recognizes the majority leader.

Mr. PERZEL. In a spirit of bipartisan cooperation, Mr. Speaker, we will come back at 7:45 - promptly.

The SPEAKER. I will be here at 7:45, and the calendar will be called.

FINANCE COMMITTEE MEETING

The SPEAKER. There is an immediate meeting of the Finance Committee at the back of the House.

INSURANCE COMMITTEE MEETING

The SPEAKER. There is an immediate meeting of the Insurance Committee in the majority caucus room.

RECESS

The SPEAKER. Does the majority leader or minority leader have any further business in regular session?
Hearing none, regular session stands in recess.

RECESS EXTENDED

The time of recess was extended until 8 p.m.

AFTER RECESS

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

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HB 3, PN 725

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, further providing for definitions and for the schedule of compensation.

Whereupon, the Speaker, in the presence of the House, signed the same.

HOUSE BILLS

INTRODUCED AND REFERRED

No. 10 By Representatives PICCOLA, CLARK, CALTAGIRONE, PITTS, DeLUCA, NAILOR, CONTI, PERZEL, ROONEY, GEIST, BIRMELIN, FICHTER, KREBS, HERSHEY, RAYMOND, STERN, DRUCE, RYAN, LLOYD, HANNA, KING, LYNCH, HERMAN, FARGO, TIGUE, DALEY, GODSHALL, KUKOVICH, TRELLO, SAYLOR, D. W. SNYDER, TRUE, BATTISTO, SATHER, HESS, PHILLIPS, MICOZZIE, MELIO, GRUPPO, MERRY, BELFANTI, E. Z. TAYLOR, STISH, MARSICO, FLEAGLE, TULLI, BARLEY, DEMPSEY, MASLAND, BUNT, BAKER, BLAUM, MAITLAND, SEMMEL, J. TAYLOR, FLICK, LEH, FARMER, MILLER, CHADWICK, EGOLF, SCHULER, FEESE, L. I. COHEN, RUBLEY, PETTIT, ZIMMERMAN, HARHART, M. N. WRIGHT, CIVERA, ZUG, CORNELL, PLATTS, GLADECK, BROWN and STRITTMATTER

A Joint Resolution proposing amendments to the Constitution of the Commonwealth of Pennsylvania, establishing the Judicial Council of Pennsylvania and providing for its powers and duties; rescinding the power of the Supreme Court to suspend statutes; providing for the selection of the Chief Justice by the Governor and for the budgetary affairs of the unified judicial system.

Referred to Committee on JUDICIARY, February 14, 1995.

No. 765 By Representatives CAPPABIANCA, KUKOVICH, TIGUE, ITKIN, WOZNIAK, McGEEHAN, HUTCHINSON, COY, STURLA, TRELLO, LEVDANSKY, SCRIMENTI, BEBKO-JONES, TRICH, L. I. COHEN, LAUGHLIN, CORRIGAN, PRESTON, BROWNE, HANNA, MICHLOVIC, BOSCOLA and PETRARCA

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

Referred to Committee on FINANCE, February 14, 1995.

No. 766 By Representatives BARD, WAUGH, FICHTER, GORDNER, L. I. COHEN, RUBLEY, VAN HORNE, FARGO, WOGAN, LUCYK, KENNEY, NICKOL, STABACK, SCHRODER, STERN, RAYMOND, CORNELL, ITKIN, E. Z. TAYLOR, TRELLO, ARMSTRONG, MILLER, J. TAYLOR, SAYLOR, MAITLAND, DeLUCA, BROWNE, KING, HENNESSEY, FLICK, B. SMITH, SEMMEL, YOUNGBLOOD and GLADECK

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, permitting certain volunteer organizations to solicit contributions from a roadway.

Referred to Committee on TRANSPORTATION, February 14, 1995.

No. 767 By Representatives WOGAN, KENNEY, CLYMER, HENNESSEY, LAUGHLIN, SCHRODER, MICHLOVIC, GRUPPO, MERRY, MUNDY, CLARK, CIVERA, J. TAYLOR, ROONEY and O'BRIEN

An Act prohibiting a municipality from imposing a fee for the registration of an alarm system; and limiting the authority of municipalities to impose fees for false alarms by alarm systems.

Referred to Committee on LOCAL GOVERNMENT, February 14, 1995.

No. 768 By Representatives HERMAN, FICHTER, PETRARCA, SATHER, LYNCH, FLEAGLE, FAIRCHILD, YOUNGBLOOD, STABACK, E. Z. TAYLOR, COY, FLICK, BUNT, GEIST, BAKER, PETTIT, GIGLIOTTI, SAYLOR, LAUGHLIN, KENNEY, ZUG, TRELLO, HESS, JAMES, SEMMEL, DeLUCA and KELLER

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for graves which shall be decorated with flags.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, February 14, 1995.

No. 769 By Representatives TRELLO, BOYES, TIGUE, DENT, GIGLIOTTI, NAILOR, PESCI, D. W. SNYDER, COY, MERRY, GORDNER, REBER, MARKOSEK, MAITLAND, MELIO, HERMAN, LUCYK, SATHER, DALEY, LAUGHLIN, McCALL, ROONEY, PETRARCA, STEELMAN and BELFANTI

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for a research tax credit.

Referred to Committee on FINANCE, February 14, 1995.

No. 770 By Representatives TRELLO, GEIST, LAUGHLIN, FARGO, GIGLIOTTI, E. Z. TAYLOR, PISTELLA, MICOZZIE, BATTISTO, SERAFINI, STABACK, YOUNGBLOOD and THOMAS

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining the term "abandoned vehicle"; and providing for the removal of vehicles abandoned on the Pennsylvania Turnpike System.

Referred to Committee on TRANSPORTATION, February 14, 1995.

No. 771 By Representatives TRELLO, E. Z. TAYLOR, LAUGHLIN, HENNESSEY, GIGLIOTTI, D. R. WRIGHT, DeLUCA, STABACK, THOMAS, WOGAN, OLASZ, SURRA, CIVERA, CAWLEY, YOUNGBLOOD, CARN, SERAFINI, WOZNIAK, FLICK, WASHINGTON, BELFANTI, HORSEY and CORNELL

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for suspension of registration and operating privileges relating to failure to maintain financial responsibility.

Referred to Committee on TRANSPORTATION, February 14, 1995.

No. 772 By Representatives TRELLO, LAUGHLIN, MICOZZIE, D. R. WRIGHT, PISTELLA, STABACK, THOMAS, OLASZ, CIVERA, YOUNGBLOOD, GODSHALL, WOZNIAK and BELFANTI

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the allocation of certain fines; and making editorial changes.

Referred to Committee on TRANSPORTATION, February 14, 1995.

No. 773 By Representatives TRELLO, ROBERTS, LAUGHLIN, TIGUE, MICOZZIE, GIGLIOTTI, HENNESSEY, MERRY, DEMPSEY, COLAFELLA, D. R. WRIGHT, STABACK, THOMAS, SURRA, COLAIZZO, GODSHALL, WOZNIAK, BELFANTI and READSHAW

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for occupational limited licenses.

Referred to Committee on TRANSPORTATION, February 14, 1995.

No. 774 By Representatives O'BRIEN, LEH, PESCI, SATHER, McGEEHAN, ZUG, STABACK, HERMAN, LUCYK, STERN, ROONEY, FLICK, L. I. COHEN, BEBKO-JONES, DEMPSEY, TRELLO, GODSHALL, DALEY, LAUGHLIN, CLYMER, E. Z. TAYLOR, HUTCHINSON, WOGAN, KENNEY, KING, CIVERA and WOZNIAK

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for the pay of officers and enlisted personnel.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, February 14, 1995.

No. 775 By Representatives O'BRIEN, TIGUE, TRELLO, KENNEY, MILLER, ITKIN and CIVERA

An Act amending the act of May 17, 1921 (P.L.789, No.285), known as The Insurance Department Act of 1921, further providing for certain entities not to be licensed.

Referred to Committee on INSURANCE, February 14, 1995.

No. 776 By Representatives D. R. WRIGHT, COY, ITKIN, KAISER, FAIRCHILD, FICHTER, PESCI, MERRY, TIGUE, BROWN, ARGALL, DeLUCA, MIHALICH, STABACK, BELARDI, HERMAN, COLAFELLA, MELIO, HALUSKA, FLICK, YEWIC, CIVERA, WOZNIAK, STEIL, TULLI, TRELLO, JADLOWIEC, CLARK, DONATUCCI, LAUGHLIN, FAJT, HENNESSEY, MUNDY, OLASZ, SURRA, BATTISTO, VAN HORNE, TRAVAGLIO, HUTCHINSON and CARN

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

Referred to Committee on TRANSPORTATION, February 14, 1995.

No. 777 By Representatives STURLA, ROONEY, COY, YOUNGBLOOD, ROBINSON, MILLER, M. COHEN, DeLUCA, KAISER, RUBLEY, ARMSTRONG, GEIST, STERN, LEDERER, CAPPABIANCA, MARSICO, READSHAW, DENT, SCHULER, DONATUCCI, CIVERA, L. I. COHEN, LAUGHLIN and PETRARCA

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for prostitution and related offenses.

Referred to Committee on JUDICIARY, February 14, 1995.

No. 778 By Representatives TULLI, WILLIAMS, STAIRS, THOMAS, E. Z. TAYLOR, ITKIN, FARGO, BARD, BUXTON, FICHTER, CLARK, BEBKO-JONES, SATHER, COY, SANTONI, GIGLIOTTI, TRELLO, FAIRCHILD, STISH, HERMAN, GEIST, LAUGHLIN, ROONEY, FAJT, STABACK, CORRIGAN, GRUPPO, RUBLEY, RAYMOND, McCALL, HALUSKA, KENNEY, CURRY, CORNELL, SAYLOR, J. TAYLOR, JOSEPHS, WOZNIAK, YOUNGBLOOD, MERRY, SEMMEL and RICHARDSON

An Act providing for the establishment of the Peer Helpers Program; and making an appropriation.

Referred to Committee on EDUCATION, February 14, 1995.

No. 779 By Representatives THOMAS, COLAIZZO, TRELLO, MARKOSEK, McGEEHAN, MIHALICH, BISHOP, YOUNGBLOOD, JOSEPHS and ROONEY

An Act amending the act of December 16, 1988 (P.L.1259, No.155), known as the Urban and Rural Teacher Loan Forgiveness Act, extending the act to guidance counselors.

Referred to Committee on EDUCATION, February 14, 1995.

No. 780 By Representatives MAYERNIK, TRELLO, YEWIC, KAISER, PESCI, LaGROTTA, FARMER, ROBERTS, FICHTER, TULLI, TANGRETTI, LAWLESS, RAYMOND, LEVDANSKY, PISTELLA, GODSHALL, LAUGHLIN, DERMODY, LEDERER, HENNESSEY, THOMAS, SERAFINI, BELFANTI, OLASZ, ROONEY, STABACK, PETTIT, DONATUCCI, CARONE, CIVERA and SHANER

An Act amending the act of March 11, 1971 (P.L.104, No.3), known as the Senior Citizens Rebate and Assistance Act, freezing school property tax of senior citizens; and providing reimbursement to school districts for lost tax revenues.

Referred to Committee on FINANCE, February 14, 1995.

No. 781 By Representatives MAYERNIK, PESCI, WOZNIAK, FAIRCHILD, TRELLO, LAUGHLIN, McCALL and PISTELLA

An Act amending the act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste Management Act, further providing for disposal of hazardous waste.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, February 14, 1995.

No. 782 By Representatives MAYERNIK, FAIRCHILD, TRELLO and HENNESSEY

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for nonresident child placed in home of resident, for liability for tuition and enforcement of payment, for cost of tuition and for payments on account of tuition; and making editorial changes.

Referred to Committee on EDUCATION, February 14, 1995.

No. 783 By Representatives MAYERNIK and TRELLO

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for personal income valuation information and determinations.

Referred to Committee on EDUCATION, February 14, 1995.

No. 784 By Representatives MAYERNIK, PESCI, TRELLO, LAUGHLIN, DONATUCCI, STABACK and HENNESSEY

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, requiring homeowner's casualty insurance to provide coverage for public sewer and water line damages.

Referred to Committee on INSURANCE, February 14, 1995.

No. 785 By Representatives MAYERNIK, PESCI, TRELLO, LAUGHLIN and FLICK

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, regulating indemnity for public sewer and water line damages.

Referred to Committee on INSURANCE, February 14, 1995.

No. 786 By Representatives MAYERNIK, COLAFELLA, FICHTER, LYNCH, STISH, HERMAN, MELIO, PISTELLA, DeLUCA, SAYLOR, CLARK, E. Z. TAYLOR, YOUNGBLOOD, CLYMER and VANCE

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for restrictions on jurors' profits.

Referred to Committee on JUDICIARY, February 14, 1995.

No. 787 By Representatives MAYERNIK, PESCI, ARMSTRONG, FARGO, REBER, TRELLO, E. Z. TAYLOR, KING, LAUGHLIN, PISTELLA, BELFANTI, ROONEY, HENNESSEY, OLASZ, PETTIT and STABACK

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for when a family exemption is allowable.

Referred to Committee on JUDICIARY, February 14, 1995.

No. 788 By Representatives MAYERNIK, PESCI, TRELLO, KING, PISTELLA, LAUGHLIN, ROBINSON, DONATUCCI, MELIO and CARONE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for restrictions on the sale of certain drugs, devices and cosmetics by itinerant vendors; and imposing penalties.

Referred to Committee on JUDICIARY, February 14, 1995.

No. 789 By Representatives MAYERNIK, PESCI, COLAFELLA, ROONEY, LAUGHLIN, STISH, MICHLOVIC, L. I. COHEN, ROBERTS, BUNT, MIHALICH, WOGAN, DONATUCCI, MICOZZIE, TRELLO, GIGLIOTTI, SURRA, McCALL, BELFANTI, ITKIN, D. W. SNYDER, STABACK and BELARDI

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

Referred to Committee on LIQUOR CONTROL, February 14, 1995.

No. 790 By Representatives MAYERNIK, FAJT, MELIO, FARGO, BELARDI, GEIST, L. I. COHEN, NAILOR, MICOZZIE, LAUGHLIN, E. Z. TAYLOR, CARONE, DeLUCA, WASHINGTON, CLARK, PISTELLA, MERRY, TULLI, STEELMAN, STURLA, BATTISTO and HUTCHINSON

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the blood alcohol level for vehicle operators under 21 years of age.

Referred to Committee on TRANSPORTATION, February 14, 1995.

No. 791 By Representatives MAYERNIK, LAUGHLIN, McCALL, PESCI, PISTELLA, REBER, TRELLO, HENNESSEY, BATTISTO, STABACK, BELFANTI and PETTIT

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, further providing for the compensation of township auditors.

Referred to Committee on LOCAL GOVERNMENT, February 14, 1995.

No. 792 By Representatives MAYERNIK, GEIST, LEVDANSKY, TRELLO, E. Z. TAYLOR, LAUGHLIN, McCALL, FAIRCHILD, SATHER, ROBINSON and MERRY

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, prohibiting certain meeting schedule conflicts.

Referred to Committee on STATE GOVERNMENT, February 14, 1995.

No. 793 By Representatives MAYERNIK, ARMSTRONG, GEIST, FARGO, REBER, E. Z. TAYLOR, LAUGHLIN, McCALL, HUTCHINSON, MERRY, BATTISTO, CIVERA, STABACK, HENNESSEY, PETTIT, TULLI, LYNCH, DONATUCCI and SCHRODER

An Act designating English as the official language of the Commonwealth; and providing for a right of action.

Referred to Committee on STATE GOVERNMENT, February 14, 1995.

No. 794 By Representatives MAYERNIK, GEIST, LAUGHLIN, LEDERER, McCALL, E. Z. TAYLOR, DeLUCA and ROBINSON

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for revocation or suspension of operating privileges and for chemical testing for controlled substances.

Referred to Committee on TRANSPORTATION, February 14, 1995.

No. 795 By Representatives MAYERNIK, PESCI, FAJT, TRELLO, E. Z. TAYLOR, LAUGHLIN, McCALL and ROBINSON

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the number of occupants of vehicles in high occupancy lanes.

Referred to Committee on TRANSPORTATION, February 14, 1995.

No. 796 By Representatives MAYERNIK, VAN HORNE, SURRA, ROEBUCK, CORNELL, E. Z. TAYLOR, MERRY, McCALL, MELIO, BUNT, M. N. WRIGHT, PESCI, JADLOWIEC, FAIRCHILD, SANTONI, GEORGE, ROONEY, CIVERA, LAUGHLIN, TULLI, CLYMER, LYNCH, HERMAN, WOGAN, DONATUCCI, MICOZZIE, TRELLO, STERN, READSHAW, BELARDI, CURRY, ITKIN, FLEAGLE, HORSEY, LUCYK, PLATTS, GIGLIOTTI, BATTISTO, ROBERTS, HENNESSEY, HERSHEY, KELLER, WAUGH, THOMAS, MIHALICH, RICHARDSON, STABACK and CARONE

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring notice of revocation or suspension of registration plates, cards and operating privilege to be sent by certified mail.

Referred to Committee on TRANSPORTATION, February 14, 1995.

No. 797 By Representatives MAYERNIK, GEIST, FAJT, E. Z. TAYLOR, LAUGHLIN, McCALL, HUTCHINSON, BELFANTI, HORSEY, PETTIT, SATHER, HENNESSEY, ROBINSON and DONATUCCI

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring school attendance as a condition for operating privileges.

Referred to Committee on TRANSPORTATION, February 14, 1995.

No. 798 By Representatives MAYERNIK, RUDY, LAUGHLIN, DALEY, ROBINSON, READSHAW, L. I. COHEN, DONATUCCI, KENNEY, HORSEY, STABACK, MERRY, BELFANTI, ITKIN and TIGUE

An Act authorizing superintendents, wardens and other officials in charge of correctional institutions to establish inmate work force programs.

Referred to Committee on JUDICIARY, February 14, 1995.

No. 799 By Representatives MAYERNIK, RUDY, LAUGHLIN, DALEY, ROBINSON, L. I. COHEN, DONATUCCI, KENNEY, STEELMAN, MERRY, BELFANTI, PISTELLA, ITKIN and TIGUE

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

Referred to Committee on JUDICIARY, February 14, 1995.

No. 800 By Representatives MAYERNIK, RUDY, LAUGHLIN, DALEY, ROBINSON, READSHAW, L. I. COHEN, WOGAN, DONATUCCI, KENNEY, STABACK, MERRY, BELFANTI, PISTELLA, ITKIN and TIGUE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for aggravated assault on sheriffs and deputy sheriffs.

Referred to Committee on JUDICIARY, February 14, 1995.

No. 801 By Representatives MAYERNIK, RUDY, LAUGHLIN, DALEY, ROBINSON, L. I. COHEN, DONATUCCI, KENNEY, MERRY, BELFANTI, PISTELLA and ITKIN

An Act amending the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, defining crack cocaine, and directing the Pennsylvania Commission on Sentencing to establish a sentencing enhancement to current ranges for cocaine when the violation involves crack cocaine.

Referred to Committee on JUDICIARY, February 14, 1995.

No. 802 By Representative PERZEL

An Act amending the act of June 28, 1935 (P.L.477, No.193), referred to as the Enforcement Officer Disability Benefits Law, requiring the Commonwealth to pay a percentage of disability payments.

Referred to Committee on STATE GOVERNMENT, February 14, 1995.

No. 803 By Representatives SATHER, GEIST, GAMBLE, HESS, STERN, STISH, MAJOR, BAKER, MAITLAND, PHILLIPS, FAIRCHILD, SAYLOR, B. SMITH, KREBS, BROWN, ZIMMERMAN, HERMAN, COY, BARLEY, FARGO, CLARK and SCHRODER

An Act amending the act of August 14, 1991 (P.L.342, No.36), known as the Lottery Fund Preservation Act, further providing for human service shared-ride transportation services for older adults.

Referred to Committee on AGING AND YOUTH, February 14, 1995.

No. 804 By Representatives L. I. COHEN, TRELLO, CORNELL, M. COHEN, COWELL, STEELMAN, MICHLOVIC, ITKIN, PRESTON, BUTKOVITZ, BUXTON, OLIVER, RICHARDSON, WILLIAMS, BEBKO-JONES, ROEBUCK, CURRY, JOSEPHS, BISHOP, HENNESSEY, KIRKLAND, PISTELLA, ROBINSON, ROONEY, VITALI, LAUGHLIN, CAWLEY, LaGROTTA, RUBLEY, CAPPABIANCA, BARD and KUKOVICH

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting live pigeon shoots.

Referred to Committee on JUDICIARY, February 14, 1995.

No. 805 By Representatives KAISER, TIGUE, STABACK, READSHAW, MAYERNIK, TRELLO, CLARK, MILLER, LEDERER, COLAFELLA, MIHALICH, FAJT, YOUNGBLOOD and HALUSKA

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, providing for written notice to all candidates of the results of elections.

Referred to Committee on STATE GOVERNMENT, February 14, 1995.

No. 806 By Representatives KAISER, THOMAS, ITKIN, DALEY, TRELLO, LAUGHLIN, PRESTON, YOUNGBLOOD and WALKO

An Act making an appropriation to the Parental Stress Center, Inc., located in Allegheny County.

Referred to Committee on APPROPRIATIONS, February 14, 1995.

No. 807 By Representatives KAISER, THOMAS, JAROLIN, WOZNAK, COWELL, ITKIN, CAWLEY, BATTISTO, STABACK, COY, DALEY, TRELLO, CLARK, GEIST, M. N. WRIGHT, NICKOL, J. TAYLOR, TRICH, SHANER, DRUCE, MELIO, COLAFELLA, WASHINGTON, CORRIGAN, MIHALICH, YOUNGBLOOD, FARGO, BELFANTI, BELARDI, BOSCOLA and PETRARCA

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for joint action by a school board with other political subdivisions.

Referred to Committee on EDUCATION, February 14, 1995.

No. 808 By Representatives KAISER, CLARK, TIGUE, WOZNAK, WOGAN, NAILOR, READSHAW, SAYLOR, DALEY, TRELLO, PETTIT, J. TAYLOR, MELIO, STERN, MIHALICH, FAJT and HALUSKA

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for municipal police jurisdiction in relation to certain boundary highways.

Referred to Committee on JUDICIARY, February 14, 1995.

No. 809 By Representatives KAISER, McGEEHAN, BELARDI, MARKOSEK, YOUNGBLOOD, HERMAN, MELIO, E. Z. TAYLOR, TIGUE, TRELLO, PISTELLA, CIVERA, ITKIN, KELLER and HALUSKA

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, prohibiting sale of certain information by a witness.

Referred to Committee on JUDICIARY, February 14, 1995.

No. 810 By Representatives KAISER, TRELLO, MAYERNIK and BELFANTI

An Act amending the act of April 8, 1982 (P.L.303, No.85), known as the Second Class County Prothonotary Fee Act, authorizing the prothonotary to establish fees to enhance courthouse security.

Referred to Committee on URBAN AFFAIRS, February 14, 1995.

No. 811 By Representatives KAISER, ITKIN, VAN HORNE, NAILOR, PESCI, READSHAW, McGEEHAN, DALEY, TRELLO, PETTIT, M. N. WRIGHT, CIVERA, J. TAYLOR, MELIO, RUDY, WASHINGTON, LAUGHLIN, ROONEY, FAJT, SCHULER, BELFANTI and BELARDI

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, defining the offense of falsifying identification to law enforcement officers; and providing penalties.

Referred to Committee on JUDICIARY, February 14, 1995.

No. 812 By Representatives KAISER, ITKIN, PESCI, McGEEHAN, HUTCHINSON, DALEY, TRELLO, COLAFELLA, RUDY, ROONEY, YOUNGBLOOD, BELFANTI and BELARDI

An Act amending the act of February 1, 1974 (P.L.34, No.15), known as the Pennsylvania Municipal Retirement Law, allowing municipal employees who were formerly State employees to buy years of State service and be credited with this service for municipal retirement system purposes.

Referred to Committee on LOCAL GOVERNMENT, February 14, 1995.

No. 813 By Representatives ZUG, FAJT, GRUPPO, BOYES, TRELLO, STAIRS, GORDNER, BARD, FICHTER, SHANER, LYNCH, RUBLEY, L. I. COHEN, HERMAN, PLATTS, DeLUCA, BROWNE, LAWLESS, MELIO, MILLER, BUNT, PETTIT, PHILLIPS, KREBS, BUXTON, GEORGE, McCALL, VAN HORNE, CORRIGAN, GEIST, MICOZZIE, LEVDANSKY, B. SMITH, HENNESSEY, NYCE, JADLOWIEC, KING, STERN, HALUSKA, STISH, MERRY, E. Z. TAYLOR, FLICK, HASAY, SCRIMENTI, RAYMOND, SATHER, ADOLPH, ROBERTS, LAUGHLIN, MUNDY, SAYLOR, J. TAYLOR, HANNA, SEMMEL, O'BRIEN, RUDY, OLASZ and KENNEY

An Act amending the act of August 14, 1991 (P.L.342, No.36), known as the Lottery Fund Preservation Act, further defining "maximum annual income."

Referred to Committee on FINANCE, February 14, 1995.

No. 814 By Representatives MARSICO, PICCOLA, CALTAGIRONE, RYAN, WOZNAK, McGEEHAN, NAILOR, BIRMELIN, PERZEL, SANTONI, KENNEY, CLARK, TRELLO, BLAUM, HERSHEY, COY, ARMSTRONG, GEIST, MAITLAND, TULLI, PITTS, CORNELL, DEMPSEY, STABACK, M. N. WRIGHT, FICHTER, GORDNER, PETTIT, McCALL, BOSCOLA, MELIO, LYNCH, MILLER, BROWN, PHILLIPS, RAYMOND, MASLAND, E. Z. TAYLOR, BATTISTO, CLYMER, BUNT, DeLUCA, FEESE, TRUE, HENNESSEY, CIVERA, O'BRIEN, TIGUE, WOGAN, EGOLF, DRUCE, COWELL, HUTCHINSON, FARGO, LEH, BELFANTI, BROWNE, STERN, HESS, BARLEY, ARGALL, GLADECK, MAYERNIK and MICOZZIE

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for sentencing procedure for murder of the first degree.

Referred to Committee on JUDICIARY, February 14, 1995.

No. 815 By Representatives COLAFELLA, FLICK, NYCE, THOMAS, RICHARDSON, LYNCH, READSHAW, LEH, TRELLO, ROBERTS, LAUGHLIN, M. N. WRIGHT, GODSHALL, YOUNGBLOOD, DEMPSEY, SEMMEL, McCALL, DeLUCA, TIGUE, CIVERA, BATTISTO, MELIO,

STABACK, BELARDI, FAJT, SCHRODER, PETRARCA, TRAVAGLIO and TULLI

An Act providing for mandatory funding of local mandates by State government.

Referred to Committee on STATE GOVERNMENT, February 14, 1995.

No. 816 By Representatives COLAFELLA, DEMPSEY, TRELLO, MELIO, WAUGH, RICHARDSON, CARN, STURLA, PETRONE, OLASZ, MANDERINO, DeLUCA, TANGRETTI, LAUGHLIN and KING

An Act amending the act of December 29, 1972 (P.L.1701, No.364), known as the Health Maintenance Organization Act, requiring health maintenance organizations to develop grievance resolution systems for direct providers and applicants for direct provider status; imposing certain restrictions on direct provider contract termination; and providing for notification, review and appeal procedures.

Referred to Committee on HEALTH AND HUMAN SERVICES, February 14, 1995.

No. 817 By Representatives MARKOSEK, CLARK, KREBS, GODSHALL, LEVDANSKY, BLAUM, LAUGHLIN, HANNA, GRUPPO, MERRY, STEIL, J. TAYLOR and STEELMAN

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, reducing the size of the General Assembly.

Referred to Committee on STATE GOVERNMENT, February 14, 1995.

No. 818 By Representatives CAWLEY, MELIO, SCRIMENTI, BUXTON, GEORGE, BELFANTI, PETRARCA, ARGALL, LYNCH, JAROLIN, MILLER, STERN, SANTONI, FARGO, TRAVAGLIO, FAIRCHILD, HUTCHINSON, PESCI, M. N. WRIGHT, LAUGHLIN, McGEEHAN, STURLA, FARMER, BROWN, OLASZ, MICOZZIE, HERMAN, TRELLO, DONATUCCI, ARMSTRONG, STISH, L. I. COHEN, LEVDANSKY, D. R. WRIGHT, WAUGH, ZUG, CLARK, CORRIGAN, BUNT, BAKER, HERSHEY, FICHTER, DRUCE, LEDERER, HENNESSEY, MANDERINO, KELLER, SAYLOR, FLICK, ROBERTS, DeLUCA, YOUNGBLOOD, DEMPSEY, SEMMEL, McCALL, RUBLEY, BROWNE, SURRA, COWELL, MIHALICH, LUCYK, CIVERA, VAN HORNE, BATTISTO, O'BRIEN, ROONEY, STABACK, HESS, COY, ROHRER, E. Z. TAYLOR, B. SMITH, BELARDI, SCHULER, RUDY, FAJT, CAPPABIANCA, TANGRETTI, RAYMOND, SERAFINI, COLAFELLA and JOSEPHS

An Act providing for Volunteer and Municipal Firefighters' and Police Officers' Memorial Day as a legal holiday.

Referred to Committee on STATE GOVERNMENT, February 14, 1995.

No. 819 By Representatives MARKOSEK, COY, BEBKO-JONES, LEVDANSKY, DALEY, LAUGHLIN, CARONE, FAIRCHILD, SHANER, MELIO, RUBLEY, BATTISTO, RAYMOND, SURRA, ROBERTS, GIGLIOTTI, HESS, LEH, STERN, TULLI, MERRY, STEIL, TRELLO, J. TAYLOR, CIVERA, MIHALICH and MAITLAND

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for four-year terms for members of the House of Representatives.

Referred to Committee on STATE GOVERNMENT, February 14, 1995.

No. 820 By Representatives MARKOSEK, CLARK, GEIST, HERMAN, LAUGHLIN, MAYERNIK, ITKIN, FLICK and TRELLO

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, prohibiting the imposition of user fees on watercraft other than motorboats.

Referred to Committee on GAME AND FISHERIES, February 14, 1995.

No. 821 By Representatives LAWLESS, THOMAS, FICHTER, GODSHALL, FARMER, TIGUE, PETTIT, LAUGHLIN, RAYMOND, COY, E. Z. TAYLOR, CORNELL, REBER, MILLER, ADOLPH, M. N. WRIGHT, STABACK, BUNT, CAWLEY, GEORGE, MARSICO, CIVERA, TULLI, HENNESSEY, TRELLO, ROBERTS, BOSCOLA, HASAY, L. I. COHEN, PETRONE, YOUNGBLOOD, WASHINGTON, BROWNE and SEMMEL

An Act providing for a freeze on real estate taxes for senior citizens and for reimbursement of local taxing authorities by the Commonwealth.

Referred to Committee on FINANCE, February 14, 1995.

No. 822 By Representatives LAWLESS, TIGUE, FARMER, PETTIT, LAUGHLIN, RAYMOND, E. Z. TAYLOR, WAUGH, REBER, READSHAW, ROONEY, SAYLOR, CLARK, HERSHEY, GEIST, KING, GEORGE, BOSCOLA, CLYMER, EGOLF, CIVERA, WOGAN, HENNESSEY, TRELLO, STERN, HASAY, O'BRIEN, YOUNGBLOOD, HORSEY, SATHER, BATTISTO, BELFANTI and MERRY

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for small estates of minors.

Referred to Committee on JUDICIARY, February 14, 1995.

No. 823 By Representatives LAWLESS, THOMAS, DENT, RAYMOND, MAITLAND, CORNELL, MILLER, ROONEY, M. N. WRIGHT, STABACK, RUDY, FLEAGLE, CAWLEY, KING, NYCE, STRITTMATTER, HALUSKA, BOSCOLA, NAILOR, ITKIN, CLYMER, TRELLO, STETLER, DRUCE, L. I. COHEN, O'BRIEN, HORSEY, BROWNE, BELFANTI, SCHULER, BARD and SEMMEL

An Act amending the act of May 29, 1956 (P.L.1804, No.600), referred to as the Municipal Police Pension Law, providing for a credit for service on a force in another borough, town or township.

Referred to Committee on LOCAL GOVERNMENT, February 14, 1995.

No. 824 By Representatives ARGALL, M. N. WRIGHT, CURRY, RAYMOND, MERRY, STURLA, TRELLO, WAUGH, MELIO, E. Z. TAYLOR, BARD and CIVERA

An Act amending the act of April 29, 1937 (P.L.487, No.115), known as The Permanent Registration Act for Cities of the Second Class, Cities of the Second Class A, Cities of the Third Class, Boroughs, Towns, and Townships, prohibiting the use of information or lists of registered electors from the general register, the district registers or street lists for nonelection purposes.

Referred to Committee on STATE GOVERNMENT, February 14, 1995.

No. 825 By Representatives REBER, GEORGE, MILLER, RUBLEY, MASLAND, DENT, COLAIZZO, FLEAGLE, BOYES, McCALL, FLICK, KUKOVICH, PESCI, KREBS, STISH, REINARD, DEMPSEY, TRELLO, TIGUE, STEELMAN, SERAFINI, HERSHEY, WOZNIAK, SATHER, HESS, LAUGHLIN, BAKER, BUNT, STERN, GODSHALL, TRUE, ROBERTS, CONTI, KING, GEIST, BARLEY, HERMAN, RAYMOND, MERRY, E. Z. TAYLOR, FARGO, S. H. SMITH, SEMMEL, CARONE, WAUGH, CIVERA, CORNELL, HENNESSEY, CLARK, M. N. WRIGHT and D. W. SNYDER

An Act amending the act of July 6, 1989 (P.L.169, No.32), known as the Storage Tank and Spill Prevention Act, further providing for definitions, for underground storage tank program requirements, for interim requirements and discontinued use, for the storage tank advisory committee, for the Underground Storage Tank Indemnification Fund and claims on that fund, for the Storage Tank Loan Fund and for powers and duties of the Underground Storage Tank Indemnification Board; and providing for the dispensing of Class II motor fuels to certain customers and for reimbursement for testing.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, February 14, 1995.

No. 826 By Representatives ARGALL, FICHTER, CLARK, TIGUE, ROBERTS, STABACK, FARGO, GEORGE, BAKER, NAILOR, RAYMOND, VANCE, TRELLO, STERN, LEH, L. I. COHEN, E. Z. TAYLOR, DRUCE, CARONE, D. W. SNYDER, STEELMAN, WOGAN and RUBLEY

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, establishing criteria to be followed by the Legislative Reapportionment Commission in performing its duties.

Referred to Committee on STATE GOVERNMENT, February 14, 1995.

No. 827 By Representatives ARGALL, CURRY, RAYMOND, STURLA, TRELLO, WAUGH, MELIO, BARD, JOSEPHS and CIVERA

An Act amending the act of March 30, 1937 (P.L.115, No.40), known as The First Class City Permanent Registration Act, prohibiting the use of information or lists of registered electors from the general register, the district registers or street lists for nonelection purposes.

Referred to Committee on STATE GOVERNMENT, February 14, 1995.

No. 828 By Representatives ARGALL, TIGUE, STABACK, CURRY, GEIST, RAYMOND, TRUE, TRELLO, YOUNGBLOOD, REBER, CARONE, JAMES and CIVERA

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, requiring notices to policyholders concerning the servicing of policies.

Referred to Committee on INSURANCE, February 14, 1995.

No. 829 By Representatives ARGALL, SANTONI, MILLER, TRELLO, YOUNGBLOOD and CIVERA

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

Referred to Committee on EDUCATION, February 14, 1995.

No. 830 By Representatives ARGALL, TIGUE, CURRY, NAILOR, RAYMOND, STURLA, TRUE, TRELLO, SCHRODER, WAUGH, MELIO and PLATTS

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, requiring the Secretary of the Budget to file records of expenditures on legislative initiatives with the Auditor General and making these records public information.

Referred to Committee on APPROPRIATIONS, February 14, 1995.

No. 831 By Representatives ARGALL, CLARK, CARONE and PLATTS

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

Referred to Committee on STATE GOVERNMENT, February 14, 1995.

No. 832 By Representatives ARGALL, M. N. WRIGHT, GEIST, RAYMOND, MERRY, MILLER, TRELLO, YOUNGBLOOD, WAUGH, MELIO, E. Z. TAYLOR and WOGAN

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for obstructing emergency services.

Referred to Committee on JUDICIARY, February 14, 1995.

No. 833 By Representatives TRUE, PITTS, BARLEY, TANGRETTI, MELIO, MERRY, STERN, LAUGHLIN, GEIST, FEESE, HERMAN, HERSHEY, STISH, TRELLO, LEH, ARMSTRONG, ZIMMERMAN, TIGUE, CARONE,

YOUNGBLOOD, MICHLOVIC, BATTISTO, STABACK, THOMAS, E. Z. TAYLOR, HENNESSEY, LAWLESS and RAYMOND

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

Referred to Committee on AGING AND YOUTH, February 14, 1995.

No. 834 By Representatives TRUE, PITTS, BARLEY, TANGRETTI, MERRY, LAUGHLIN, GEIST, FEESE, HERMAN, HERSHEY, TRELLO, LEH, ARMSTRONG, ZIMMERMAN, TIGUE, WOZNIAK, CARONE, YOUNGBLOOD, RUBLEY, BATTISTO, THOMAS, E. Z. TAYLOR, HENNESSEY, LAWLESS and RAYMOND

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

Referred to Committee on AGING AND YOUTH, February 14, 1995.

No. 835 By Representatives TRUE, PITTS, BARLEY, TANGRETTI, MELIO, MERRY, STERN, FARGO, PETTIT, LAUGHLIN, HENNESSEY, SATHER, GEIST, FEESE, FARMER, KREBS, HERSHEY, STISH, TRELLO, LEH, LAWLESS, LEVDANSKY, ARMSTRONG, ZIMMERMAN, NAILOR, WAUGH, TIGUE, WOZNIAK, MILLER, CARONE, YOUNGBLOOD, MICHLOVIC, RUBLEY, BATTISTO, STABACK, THOMAS, E. Z. TAYLOR, SCHULER, MANDERINO and RAYMOND

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for alternative procedure for relinquishment.

Referred to Committee on JUDICIARY, February 14, 1995.

No. 836 By Representatives TRUE, PITTS, SCHULER, TANGRETTI, MELIO, MERRY, STERN, SANTONI, HUTCHINSON, GORDNER, LAUGHLIN, HENNESSEY, EGOLF, BROWN, FEESE, FARMER, KREBS, HERMAN, STISH, TRELLO, LAWLESS, LEH, HASAY, ARMSTRONG, ZIMMERMAN, NAILOR, WAUGH, TIGUE, CARONE, SATHER, YOUNGBLOOD, MICHLOVIC, DeLUCA, BATTISTO, THOMAS, E. Z. TAYLOR, L. I. COHEN, MILLER, RAYMOND and GEIST

An Act amending the act of March 4, 1971 (P.L. 6, No. 2), known as the Tax Reform Code of 1971, providing for a child adoption tax credit.

Referred to Committee on FINANCE, February 14, 1995.

No. 837 By Representatives KREBS, STAIRS, SATHER, TULLI, ROBERTS, COWELL, CARONE, HANNA, STEELMAN, CURRY, DALEY, FLEAGLE, SCHULER, STURLA, STETLER and HORSEY

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

Referred to Committee on EDUCATION, February 14, 1995.

No. 838 By Representatives PICCOLA, CLARK, CALTAGIRONE, PITTS, DeLUCA, NAILOR, CONTI, PERZEL, ROONEY, GEIST, BIRMELIN, FICHTER, KREBS, HERSHEY, RAYMOND, STERN, DRUCE, RYAN, LLOYD, HANNA, KING, LYNCH, HERMAN, FARGO, TIGUE, DALEY, GODSHALL, KUKOVICH, TRELLO, SAYLOR, D. W. SNYDER, TRUE, BATTISTO, SATHER, HESS, PHILLIPS, MICOZZIE, MELIO, GRUPPO, MERRY, BELFANTI, E. Z. TAYLOR, STISH, MARSICO, FLEAGLE, TULLI, BARLEY, DEMPSEY, MASLAND, BUNT, BAKER, BLAUM, MAITLAND, SEMMEL, J. TAYLOR, FLICK, LEH, FARMER, MILLER, CHADWICK, EGOLF, SCHULER, FEESE, L. I. COHEN, RUBLEY, PETTIT, ZIMMERMAN, HARHART, M. N. WRIGHT, CIVERA, ZUG, CORNELL, PLATTS, GLADECK, BROWN and STRITTMATTER

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

Referred to Committee on JUDICIARY, February 14, 1995.

No. 839 By Representatives OLASZ, GANNON, CURRY, O'BRIEN, TRELLO, FARMER, M. COHEN, RICHARDSON, M. N. WRIGHT, CORRIGAN, PISTELLA, BELFANTI, CLARK, MIHALICH, STABACK, GORDNER, ROBERTS, KUKOVICH, SURRA, HALUSKA, PESCI, ROBINSON, STURLA, LAUGHLIN, BOSCOLA, YOUNGBLOOD, ROEBUCK, TRAVAGLIO, MERRY, HENNESSEY, TRICH, GIGLIOTTI, DeWEESE, SATHER, STERN, BAKER, JAROLIN, GAMBLE, KING, MUNDY, DALEY, PETRONE, MANDERINO, READSHAW, DeLUCA, RUDY, MICHLOVIC, ROONEY, MARKOSEK, HASAY, CIVERA, BUNT, SEMMEL, BOYES, COY and STAIRS

An Act providing for pharmacy services in health insurance policies and employee benefit plans and for the rights of pharmacists and persons enrolled in health insurance plans and employee benefit plans; and imposing penalties.

Referred to Committee on INSURANCE, February 14, 1995.

No. 840 By Representatives REINARD, CORNELL and M. N. WRIGHT

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for review of siting and construction of electric transmission lines by the Pennsylvania Public Utility Commission.

Referred to Committee on CONSUMER AFFAIRS, February 14, 1995.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 59 By Representatives MAYERNIK, WOGAN, GIGLIOTTI, HESS, SATHER, COY, ROBERTS, HERSHEY, CLARK, E. Z. TAYLOR, MERRY, McCALL, BUNT, SAYLOR, PESCI, FAIRCHILD, FLICK, NAILOR, SANTONI, COLAFELLA, LEDERER, FICHTER, PETTIT, LUCYK, FARGO, HUTCHINSON, GEORGE, SCHULER, LAUGHLIN, FAJT, GEIST, LYNCH, DALEY, READSHAW, TRUE, BAKER, ARMSTRONG, GRUPPO, ROBINSON, KING, HERMAN, BELARDI, CIVERA, DiGIROLAMO, STABACK, SEMMEL, WAUGH, KELLER, BROWN, MILLER, ADOLPH, J. TAYLOR, S. H. SMITH, DeLUCA, DONATUCCI, MICOZZIE, TRELLO, STERN, FARMER, KENNEY, YOUNGBLOOD, MARSICO, MELIO, FLEAGLE, CLYMER and PISTELLA

A Resolution memorializing the Congress of the United States to propose a Constitutional amendment to authorize a prohibition against flag desecration.

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, February 14, 1995.

VOTE CORRECTION

Mr. HORSEY. Mr. Speaker?

The SPEAKER. For what reason does the gentleman, Mr. Horsey, rise?

Mr. HORSEY. Mr. Speaker, I voted on an amendment. Can I, for the record, get that vote in because—

The SPEAKER. Is your vote referring to the regular or special session?

Mr. HORSEY. Regular session.

The SPEAKER. Go ahead.

Mr. HORSEY. It was amendment 598, Mark Cohen's, to HB 276. No vote was registered, and I voted in the affirmative, "yes."

The SPEAKER. The remarks of the gentleman will be spread upon the record.

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

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 213, PN 620**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for a speed limit of 65 miles per hour on rural interstate highways.

On the question,

Will the House agree to the bill on third consideration?

Mr. **WOZNIAK** offered the following amendment No. **A0753**:

Amend Title, page 1, line 3, by inserting after "highways"
; and requiring a study

Amend Bill, page 4, by inserting between lines 7 and 8

Section 3. The designation of a speed limit in excess of 55 miles per hour authorized upon any interstate highway or turnpike shall require the Department of Transportation and the Pennsylvania Turnpike Commission to issue a safety report to the Transportation Committee of the Senate and the Transportation Committee of the House of Representatives on the effect of such increased speed limit to be submitted at a reasonable time after the increased speed limit has been in effect for at least one year.

Amend Sec. 3, page 4, line 9, by striking out "3" and inserting

4

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Wozniak.

Mr. **WOZNIAK**. Thank you, Mr. Speaker.

This amendment was put in at the request of the AAA Association (American Automobile Association), whose membership, with over 80 percent, support raising the speed limit. They requested that annually the Department of Transportation and Turnpike Commission commit statistics to the House Transportation Committee and the Senate Transportation Committee about accidents, fatalities, and some comparisons on the raising of the speed limit, and PennDOT says that it keeps these statistics anyhow. It is a little more paperwork for them, but I think it is prudent, and we need these statistics anyhow to keep all our statisticians happy.

It is an agreed-to amendment, and I would appreciate an affirmative vote. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman, Mr. Geist.

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

This is an agreed-to amendment. We would urge a "yes" vote from everyone.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—199

Adolph	Egolf	Maitland	Sather
Allen	Evans	Major	Saylor
Argall	Fairchild	Manderino	Schroder
Armstrong	Fajt	Markosek	Schuler
Baker	Fargo	Marsico	Scrimenti
Bard	Farmer	Masland	Semmel
Barley	Feese	Mayernik	Serafini
Battisto	Fichter	McCall	Shaner
Bebko-Jones	Fleagle	McGeehan	Sheehan
Belardi	Flick	McGill	Smith, B.
Belfanti	Gamble	Melio	Smith, S. H.
Birmelin	Gannon	Merry	Snyder, D. W.
Bishop	Geist	Michlovic	Staback
Blaum	George	Micozzie	Stairs
Boscola	Gladeck	Mihalich	Steelman
Boyes	Godshall	Miller	Steil
Brown	Gordner	Mundy	Stern
Browne	Gruitza	Nailor	Stetler
Bunt	Gruppo	Nickol	Stish
Butkovitz	Habay	Nyce	Strittmatter
Buxton	Haluska	O'Brien	Sturla
Caltagirone	Hanna	Olasz	Surra
Cappabianca	Harhart	Oliver	Tangretti
Carn	Hennessey	Perzel	Taylor, E. Z.

Carone	Herman	Pesci	Taylor, J.
Cawley	Hershey	Petrarca	Thomas
Chadwick	Hess	Petrone	Tigue
Civera	Horsey	Pettit	Travaglio
Clark	Hutchinson	Phillips	Trello
Clymer	Itkin	Piccola	Trich
Cohen, L. I.	Jadlowiec	Pistella	True
Cohen, M.	James	Pitts	Tulli
Colafiglia	Jarolin	Platts	Vance
Colaizzo	Kaiser	Preston	Van Horne
Conti	Keller	Ramos	Vitali
Cornell	Kenney	Raymond	Walko
Corpora	King	Readshaw	Washington
Corrigan	Kirkland	Reber	Waugh
Cowell	Krebs	Reinard	Williams
Coy	Kukovich	Richardson	Wogan
Curry	LaGrotta	Rieger	Wozniak
Daley	Laughlin	Roberts	Wright, D. R.
DeLuca	Lawless	Robinson	Wright, M. N.
Dempsey	Lederer	Roebuck	Yewcic
Dent	Leh	Rohrer	Youngblood
Dermoddy	Lescovitz	Rooney	Zimmerman
DeWeese	Levdansky	Rubley	Zug
DiGirolamo	Lloyd	Rudy	
Donatucci	Lucyk	Sainato	Ryan,
Druce	Lynch	Santoni	Speaker
Durham			

NAYS-0

NOT VOTING-1

Josephs

EXCUSED-3

Gigliotti Hasay Veon

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

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

Mr. **WOZNIAK** offered the following amendment No. **A0695**:

Amend Title, page 1, line 3, by inserting after "highways" and certain other highways

Amend Sec. 2 (Sec. 3362), page 2, lines 16 and 17, by striking out "PASSENGER CARS, MOTORCYCLES AND" and inserting all vehicles except

Amend Sec. 2 (Sec. 3362), page 2, line 17, by striking out "NOT"

Amend Sec. 2 (Sec. 3362), page 3, lines 10 and 11, by striking out all of said lines and inserting

(b) Posting of speed limit.—

(1) No maximum speed limit established under subsection

(a)(1) or (3) shall be

Amend Sec. 2 (Sec. 3362), page 3, by inserting between lines 16 and

17

(2) No maximum speed limit established under subsection (a)(1.1) shall be effective unless posted on fixed or variable official traffic-control devices erected after each interchange on the portion of highway on which the speed limit is in effect and wherever else the department shall determine.

Amend Sec. 2 (Sec. 6110), page 4, lines 3 through 6, by striking out "FOR" in line 3 and all of lines 4 through 6 and inserting

that a 65-miles-per-hour maximum speed limit shall be established for all vehicles, except trucks with a registered gross weight of more than 9,000 pounds:

(1) on interstate highways outside of urbanized areas of population of 50,000 or more; and

(2) on other freeways where the commission has posted a 65-miles-per-hour speed limit in accordance with the provisions of 23 United States Code (relating to highways).

(a.1) Posting.—No maximum speed limit established under subsection (a)(1) or (2) shall be effective unless posted on fixed or variable official traffic-control devices erected after each interchange on the portion of highway on which the speed limit is in effect and wherever else the commission shall determine.

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

The SPEAKER. The Chair recognizes the gentleman.
Mr. WOZNIAK. Thank you, Mr. Speaker.

This amendment does a number of things. It brings the buses and RV's (recreational vehicles) up to the same speed limit as passenger cars and motorcycles. The Department of Transportation requested this because of the complexity of the signaling and trying to explain to the motoring public what is 55 and what is 65. It maintains trucks at 55 miles an hour that are over a gross vehicle weight of 9,000 pounds.

It also sets up language so that in the future we can petition the Federal Government in determining other roads that would be accessible to the 65-mile-an-hour speed limit. Roads such as Routes 219 and 220, by their nature, are four-lane, limited-access highways that are connected to interstates, and there are provisions from the IST Act (Intermodal Surface Transportation Act) that these two can be included, but we had to put language in there to enable us to petition the Federal Government to allow that to happen.

Also, it deals with the signing. If we presently use the same system that the department uses now, as putting a speed limit sign every half a mile, the cost of implementation would be \$4 million. What the Department of Transportation wants to do is put the speed limit signs at the interchanges and where they deem appropriate. By changing this they will save the State \$3 1/2 million or better and bring the cost of the signage down to \$400,000.

This is an agreed-to amendment, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman, Mr. Geist.
Mr. GEIST. Thank you, Mr. Speaker.

This is an amendment that was worked out with the committee and with PennDOT, and I would urge an affirmative vote.

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

The following roll call was recorded:

YEAS-194

Adolph	Durham	Lynch	Santoni
Allen	Egolf	Maitland	Sather
Argall	Evans	Major	Saylor
Armstrong	Fajt	Manderino	Schroder
Baker	Fargo	Markosek	Schuler
Bard	Farmer	Marsico	Scrimenti
Barley	Feese	Masland	Semmel
Battisto	Fichter	Mayermik	Serafini
Bebko-Jones	Fleagle	McCall	Shaner

Belardi	Flick	McGeehan	Sheehan
Belfanti	Gamble	McGill	Smith, B.
Birmelin	Gannon	Melio	Smith, S. H.
Bishop	Geist	Merry	Snyder, D. W.
Blaum	George	Michlovic	Staback
Boscola	Gladeck	Micozzie	Stairs
Boyes	Godshall	Mihalich	Steelman
Brown	Gordner	Miller	Steil
Browne	Gruitza	Nailor	Stern
Burt	Gruppo	Nickol	Stetler
Butkovitz	Habay	Nyce	Stish
Buxton	Haluska	O'Brien	Strittmatter
Caltagirone	Hanna	Olasz	Sturla
Cappabianca	Harhart	Oliver	Surra
Carn	Hennessey	Perzel	Tangretti
Carone	Herman	Pesci	Taylor, E. Z.
Cawley	Hershey	Petrarca	Taylor, J.
Chadwick	Hess	Petrone	Thomas
Civera	Horsely	Pettit	Travaglio
Clark	Hutchinson	Phillips	Trello
Clymer	Itkin	Piccola	Trich
Cohen, L. I.	Jadlowiec	Pistella	True
Cohen, M.	James	Pitts	Tulli
Colafella	Jarolin	Platts	Van Home
Colaizzo	Josephs	Preston	Vitali
Conti	Kaiser	Ramos	Walko
Cornell	Keller	Raymond	Washington
Corpora	Kenney	Readshaw	Waugh
Corrigan	King	Reber	Williams
Coy	Kirkland	Reinard	Wogan
Curry	Krebs	Richardson	Wozniak
Daley	Kukovich	Rieger	Wright, D. R.
DeLuca	LaGrotta	Roberts	Wright, M. N.
Dempsey	Laughlin	Robinson	Yewcic
Dent	Lawless	Roebuck	Youngblood
Dermody	Lederer	Rohrer	Zimmerman
DeWeese	Leh	Rooney	Zug
DiGirolamo	Lescovitz	Rublely	
Donatucci	Levdansky	Rudy	Ryan,
Druce	Lucyk	Sainato	Speaker

NAYS-6

Cowell	Lloyd	Tigue	Vance
Fairchild	Mundy		

NOT VOTING-0

EXCUSED-3

Gigliotti	Hasay	Veon
-----------	-------	------

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

On the question recurring,

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

Mr. NICKOL offered the following amendment No. A0759:

Amend Sec. 2, page 2, line 6, by inserting after "3362"
 , 3368(c)

Amend Sec. 2, page 3, by inserting between lines 22 and 23
 § 3368. Speed timing devices.

(c) Mechanical, electrical and electronic devices authorized.-

(1) Except as otherwise provided in this section, the rate of speed of any vehicle may be timed on any highway by a police officer using a mechanical or electrical speed timing device.

(2) Except as otherwise provided in paragraph (3), electronic devices such as radio-microwave devices (commonly referred to as electronic speed meters or radar) may be used only by members of the Pennsylvania State Police.

(3) Electronic devices which calculate speed by measuring elapsed time between measured road surface points by using two sensors and devices which measure and calculate the average speed of a vehicle between any two points may be used by any police officer.

(4) [No] Except as provided in paragraph (5), no person may be convicted upon evidence obtained through the use of devices authorized by paragraphs (2) and (3) unless the speed recorded is six or more miles per hour in excess of the legal speed limit. Furthermore, no person may be convicted upon evidence obtained through the use of devices authorized by paragraph (3) in an area where the legal speed limit is less than 55 miles per hour if the speed recorded is less than ten miles per hour in excess of the legal speed limit. This paragraph shall not apply to evidence obtained through the use of devices authorized by paragraph (3) within a school zone.

(5) A person may be convicted upon evidence obtained through the use of devices authorized by paragraphs (2) and (3) in an area where the legal speed limit is greater than 55 miles per hour if the speed recorded is in excess of the legal speed limit by an amount promulgated by the department in a regulation.

Amend Sec. 3, page 4, line 9, by striking out "IN 90 DAYS." and inserting as follows:

(1) This section shall take effect immediately.

(2) The remainder of this act shall take effect on the effective date of regulations promulgated under 75 Pa.C.S. § 3368(c)(5).

On the question,

Will the House agree to the amendment?

The SPEAKER. On the question of the adoption of the amendment, the Chair recognizes the gentleman, Mr. Nickol.

Mr. NICKOL. Thank you, Mr. Speaker.

Pennsylvania is one of only eight States in the Nation that restricts motor vehicle travel to 55 miles an hour. As posted, yes, this is correct. Pennsylvania has a 55-mile-an-hour speed limit, but I have done some serious field studies on our current maximum speed limit within the borders of our State, much of my study between my home in Hanover and this fine State Capitol Building. I have determined exactly what most of my constituents have concluded: Pennsylvania, for all intents and purposes, already has a 65-mile-per-hour speed limit.

Why do we have such a gap between speed limits and enforcement in Pennsylvania? I invite you to look in the Vehicle Code at section 3368. You will find the language appears on my amendment. Unlike other States, Pennsylvania has padded its law with an additional 6-mile-per-hour cushion before our police can enforce a speed limit using radar or other electronic devices. Add to this an additional 2 to 3 miles an hour the police factor in for equipment variability and accuracy, and you are so near 65 that this, 65, is the speed most police officers begin to enforce our 55-mile-an-hour speed limit.

If we raise the speed limit to 65 and we fail to adjust this cushion, we are creating an effective speed limit of 75 miles an hour

in Pennsylvania. Let us eliminate this 6-mile-an-hour cushion, unique to Pennsylvania law, at least for these higher speeds. We can still require the department to retain a factor to adjust for speed-testing equipment accuracy and make our 65-mile-an-hour speed limit a more honest speed limit.

As the argument goes, Pennsylvania is one of only eight States with a 55-mile-an-hour maximum speed limit. Let us not become the only State with an effective 75-mile-an-hour speed limit for enforcement purposes, the highest in the Nation.

Thank you, Mr. Speaker. I ask the members to please support my amendment.

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

Mr. GEIST. Thank you, Mr. Speaker.

I rise to oppose the Nickol amendment. The Nickol amendment is explained one way and written another way. I do not believe the amendment will accomplish what he wants to accomplish.

Secondly, the very last sentence would make this delay the 65 until regulations are promulgated by PennDOT. That could be well over a year.

For those reasons I urge a "no" vote.

The SPEAKER. The Chair recognizes the gentleman, Mr. Wozniak.

Mr. WOZNIAK. Thank you, Mr. Speaker.

I also rise to oppose the Nickol amendment.

We are adjudicating responsibility to the Department of Transportation. They do not want to do this. This was originally put in because of a court case in which the validity or the differential in radar was questioned, so they put that in so that they can make legal speeding busts and that they can be held up under our courts of Pennsylvania.

In talking with Governor Ridge, he has requested that we keep this bill clean so that he will have an opportunity to sign it, and I personally talked to him yesterday.

I would appreciate a negative vote.

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

The following roll call was recorded:

YEAS-35

Argall	Godshall	Michlovic	Stern
Battisto	Jadlowiec	Mundy	Stetler
Bishop	Jarolin	Nailor	Sturla
Blaum	Josephs	Nickol	Tigue
Buxton	Krebs	Platts	Vance
Cappabianca	Levdansky	Rudy	Vitali
Cawley	Lynch	Sather	Waugh
Egolf	Manderino	Saylor	Williams
Fairchild	Masland	Snyder, D. W.	

NAYS-163

Adolph	Durham	Lloyd	Rubley
Allen	Evans	Lucy	Sainato
Armstrong	Fajt	Maitland	Santoni
Bard	Fargo	Major	Schroder
Barley	Farmer	Markosek	Schuler
Bebko-Jones	Feese	Marsico	Scrimenti
Belardi	Fichter	Mayermik	Semmel
Belfanti	Fleagle	McCall	Serafini
Birmelin	Flick	McGeehan	Shaner

Boscola	Gamble	McGill	Sheehan
Boyes	Gannon	Melio	Smith, B.
Brown	Geist	Merry	Smith, S. H.
Browne	George	Micozzie	Stairs
Bunt	Gladeck	Mihalich	Steelman
Butkovitz	Gordner	Miller	Steil
Caltagirone	Gruitza	Nyce	Stish
Carn	Gruppo	O'Brien	Strittmatter
Carone	Habay	Olasz	Surra
Chadwick	Haluska	Oliver	Tangretti
Civera	Hanna	Perzel	Taylor, E. Z.
Clark	Harhart	Pesci	Taylor, J.
Clymer	Hennessey	Petrarca	Thomas
Cohen, L. I.	Herman	Petrone	Travaglio
Cohen, M.	Hershey	Pettit	Trello
Colafella	Hess	Phillips	Trich
Colaizzo	Horsey	Piccola	True
Conti	Hutchinson	Pistella	Tulli
Cornell	Itkin	Pitts	Van Horne
Corpora	James	Preston	Walko
Corrigan	Kaiser	Ramos	Washington
Cowell	Keller	Raymond	Wogan
Coy	Kenney	Readshaw	Wozniak
Curry	King	Reber	Wright, D. R.
Daley	Kirkland	Reinard	Wright, M. N.
DeLuca	Kukovich	Richardson	Yewcic
Dempsey	LaGrotta	Rieger	Youngblood
Dent	Laughlin	Roberts	Zimmerman
Dermody	Lawless	Robinson	Zug
DeWeese	Lederer	Roebuck	
DiGirolamo	Leh	Rohrer	Ryan,
Donatucci	Lescovitz	Rooney	Speaker
Druce			

NOT VOTING-2

Baker	Staback
-------	---------

EXCUSED-3

Gigliotti	Hasay	Veon
-----------	-------	------

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

FILMING PERMISSION

The SPEAKER. The Chair wants to advise the members that permission has been granted to Leslie Shrader of WGAL-TV to take videotaping on the floor.

CONSIDERATION OF HB 213 CONTINUED

On the question recurring,

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

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Kukovich, who wishes to offer amendment A0902.

Mr. Kukovich, I am advised that it will be necessary for you to suspend the rules because this amendment was filed late.

Mr. KUKOVICH. I understand, Mr. Speaker. I had a discussion with the Parliamentarian.

Amendment 902 was circulated - if I may have leave to explain before I make the motion - was circulated with an okay by the

Parliamentarian. Upon further review, he decided that by correcting the error that was made in the Legislative Reference Bureau, some substantive rather than technical changes were made. As a result, it was classified as not being timely filed, I believe is the ruling.

MOTION TO SUSPEND RULES

Mr. KUKOVICH. That being the case — and I have no intention of trying to appeal that — I would like to move to suspend as a matter of courtesy. Since this amendment was circulated about 5 days ago, the intention is the same.

I would ask leave of the minority leader to allow me a few minutes to have his time to discuss the motion to suspend to allow amendment 902 to be offered.

The SPEAKER. The minority leader indicates he has yielded to you.

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

The SPEAKER. The question before the House is the suspension of rules, and on that question, the gentleman, Mr. Kukovich, is recognized.

Mr. KUKOVICH. Thank you, Mr. Speaker.

Primarily, why the time is so important now is that the bill that we passed last November, actually overriding Governor Casey's veto — and some of you remember it — HB 1514, in essence created a moratorium. The timeframe of that moratorium lapses at the end of March. Roughly, it looks like we only have about 11 session days left until that deadline.

Obviously, I am hopeful, as we all are, that the administration is having some successful negotiations with EPA (Environmental Protection Agency), that they will come out with a plan that is more acceptable to us. There are some indications that that may not occur. If that is the case, it is imperative, I think, that the legislative branch in this State play a more active role in this problem. There are about 176 districts in this State that will be affected by this plan. I think we have an obligation in representing our constituents, as they spoke to us last summer and last fall, to become a player in that process.

If we do not take some action, it is possible that by April 1, what would occur might be beyond our control. Another plan might be offered that would not be to our liking that could create the fire storm that we witnessed last summer and last fall. I think it is only reasonable to say that we now repeal that program that was passed in 1992. I am not so sure I was willing to say that back in November, whenever we passed and overrode on HB 1514, but since then a number of things have occurred —

POINT OF ORDER

Mr. GEIST. Mr. Speaker, point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. GEIST. On the motion, the gentleman is debating the amendment.

The SPEAKER. I am inclined to agree with the gentleman, Mr. Geist.

Stick to the subject of suspension of the rules, please.

Mr. KUKOVICH. Thank you, Mr. Speaker.

We need to move to suspend this because of information that has come before us since November, and the fact that with only 11 session days left, we are running out of time to do anything in an affirmative sense to deal with this problem. We must deal now.

I think because of that and because of the rather technical reason that A0902 was ruled out of order, I would ask for the common courtesy normally supplied in these cases and allow the rule to be suspended solely for the purpose of debating this amendment, which I think over 170 members of this chamber would support, and I would ask for such a courtesy.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Geist.

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

I yield to Representative Wozniak for the moment.

The SPEAKER. The Chair recognizes the gentleman, Mr. Wozniak.

Mr. WOZNIAK. Thank you, Mr. Speaker.

I rose — Yeah, I am standing here. I rise not to suspend the rules. Although I share the Representative's concern, in speaking with the Governor, they are working through the legal labyrinth of the auto emissions issue. We do still have time, and I will guarantee you that this issue that I have spearheaded since 1987 will be sunk in the bottom of the Susquehanna River if we suspend the rules and are successful in dealing with this very emotionally charged and sexy issue.

The amendment that the gentleman speaks of is not technical in nature. There were major deletions of substantial pieces of that amendment that changed exactly what it does. There were chunks removed from it so that the two amendments are not the same and the issues that were juxtaposed or set in there are not just technical in nature.

So that being the case, the 24-hour rule should sustain itself and we should not move to suspend the rules, and I would appreciate a negative vote, and I think that that is agreed to by Chairman Geist.

The SPEAKER. The Chair recognizes Mr. Geist.

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

As chairman of the Transportation Committee, I can assure all of you that this issue will be addressed.

Mr. KUKOVICH. Mr. Speaker?

Mr. GEIST. I also would like to say that I —

The SPEAKER. Will the gentleman yield.

PARLIAMENTARY INQUIRY

The SPEAKER. For what purpose does the gentleman rise?

Mr. KUKOVICH. A point of parliamentary inquiry.

Last week, in discussing a motion to suspend the rules, I think we were told that it could only be debated by leaders or a designee. Can we have multiple designees? Is that the rule?

The SPEAKER. No. I was recognizing Mr. Geist on behalf of Mr. Perzel.

Mr. KUKOVICH. And on whose behalf was Mr. Wozniak recognized?

The SPEAKER. You know, you are right, but you were slow. Go ahead, Mr. Geist.

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

Like Representative Wozniak, I believe I am still standing, and while I am still standing, I would also like to urge a "no" vote.

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

The following roll call was recorded:

YEAS—76

Battisto	DeLuca	Lucyk	Rieger
Bebko-Jones	DeWeese	Manderino	Robinson
Belardi	Evans	Markosek	Roebuck
Bishop	Fajt	Mayernik	Shaner
Blaum	Gamble	McGeehan	Staback
Boscola	George	Melio	Steelman
Butkovitz	Gruitza	Michlovic	Stetler
Buxton	Hanna	Mihalich	Sturla
Cappabianca	Itkin	Mundy	Tangretti
Carn	James	Olasz	Thomas
Cawley	Josephs	Oliver	Tigue
Cohen, M.	Kaiser	Pesci	Trello
Colafiglia	Keller	Petrarca	Trich
Colaizzo	Kirkland	Petrone	Van Horne
Corpora	Kukovich	Pistella	Walko
Corrigan	Laughlin	Preston	Washington
Cowell	Lederer	Ramos	Williams
Curry	Lescovitz	Readshaw	Yewcic
Daley	Levdansky	Richardson	Youngblood

NAYS—124

Adolph	Fargo	Major	Schuler
Allen	Farmer	Marsico	Scrimenti
Argall	Feese	Masland	Semmel
Armstrong	Fichter	McCall	Serafini
Baker	Fleagle	McGill	Sheehan
Bard	Flick	Merry	Smith, B.
Barley	Gannon	Micozzie	Smith, S. H.
Belfanti	Geist	Miller	Snyder, D. W.
Birmelin	Gladeck	Nailor	Stairs
Boyes	Godshall	Nickol	Steil
Brown	Gordner	Nyce	Stern
Browne	Gruppo	O'Brien	Stish
Bunt	Habay	Perzel	Strittmatter
Caltagirone	Haluska	Pettit	Surra
Carone	Harhart	Phillips	Taylor, E. Z.
Chadwick	Hennessey	Piccola	Taylor, J.
Civera	Herman	Pitts	Travaglio
Clark	Hershey	Platts	True
Clymer	Hess	Raymond	Tulli
Cohen, L. I.	Horsey	Reber	Vance
Conti	Hutchinson	Reinard	Vitali
Cornell	Jadlowiec	Roberts	Waugh
Coy	Jarolin	Rohrer	Wogan
Dempsey	Kenney	Rooney	Wozniak
Dent	King	Rubley	Wright, D. R.
Dermody	Krebs	Rudy	Wright, M. N.
DiGrolamo	LaGrotta	Sainato	Zimmerman
Donatucci	Lawless	Santoni	Zug
Druce	Leh	Sather	
Durham	Lloyd	Saylor	Ryan, Speaker
Egolf	Lynch	Schroder	
Fairchild	Maitland		

NOT VOTING—0

EXCUSED—3

Gigliotti	Hasay	Veon
-----------	-------	------

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

On the question recurring,

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

Mr. DeWEESE. Mr. Speaker ?

The SPEAKER. Mr. DeWeese, for what purpose do you rise ?

Mr. DeWEESE. I would like to make a 30-second observation for the record, and would it be appropriate to ask for a point of personal privilege, or what would be the correct parliamentary motion to ask for, sir ?

The SPEAKER. It sounds like unanimous consent. That sounds like the direction you are headed.

Mr. DeWEESE. I would ask for unanimous consent.

Under unanimous consent, Mr. Speaker, I would like to say that the gentleman, Mr. Kukovich's request for a suspension of the rules was somewhat unusual in that he had an amendment prepared many days ago, and I would like the record to reflect that it was a decision of the Chair, supported by the Parliamentarian, that disallowed the gentleman's amendment from being considered today.

I would just like for that to be put upon the record, sir. Thank you.

The SPEAKER. The record should also reflect that the amended amendment that the gentleman submitted was entirely different from the first amendment that the gentleman submitted, and that was the reason for the ruling, and if the gentleman, Mr. DeWeese, wants to appeal that ruling, he should have done it in a timely fashion, which he well knows, rather than simply putting it on the record as if I had ruled improperly. There is a course of action open to you, which you did not choose to avail.

Mr. DeWEESE. The Chair is absolutely, precisely accurate in his commentary, and I am also, under unanimous consent, asking that some observations be placed upon the record for the Journal's safekeeping. I just believe that the gentleman, Mr. Kukovich's request was somewhat different than most requests, and I wanted to differentiate that, and I thank the gentleman for allowing me to do so.

Mr. KUKOVICH. Mr. Speaker ?

The SPEAKER. The Chair recognizes the gentleman.

Mr. KUKOVICH. I would request unanimous consent just to make sure the record is clear.

The amendment that was originally drafted—

The SPEAKER. No. Mr. Kukovich—

Mr. KUKOVICH. Mr. Speaker, I think it is important, and I am not going to quibble. I just want to make sure the record is very clear. I am not refuting your ruling.

The SPEAKER. All right. I am withdrawing unanimous consent for 1 second until I get my oar in the water.

We are not going to open up a debate at this point on my ruling. If you were not happy with my ruling — and you stood here; you understood the ruling; it is not like it was a snap decision — you filed your amendment a day late, a pound short and a day late, and you had every opportunity to appeal my ruling. That did not happen.

Now, you have my consent, if I am part of the unanimous consent, to state something for the record.

Mr. KUKOVICH. Thank you, Mr. Speaker.

Mr. Speaker, I am well aware of your Irish temper, and that is why I certainly did not challenge your ruling, and I am not quibbling with your ruling, but I think the record should accurately reflect, the way the amendment was drafted was overly drawn by LRB to repeal too many other things. It was not a totally different amendment, as you said. I am not challenging your ruling. The amendment was redrafted so it would only affect the centralized emission program. It was not a totally different amendment, and I think the record would be much more accurate if that is placed on it.

That is all I wish under unanimous consent.

The SPEAKER. Thank you.

You have not seen my Irish temper.

Mr. KUKOVICH. Oh, I have seen it in the past, Mr. Speaker.

The SPEAKER. The day you see it, you will recognize it and know it forever.

On the question recurring,

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

Mr. **D. R. WRIGHT** offered the following amendment No. **A0764**:

Amend Title, page 1, line 3, by inserting after "highways"
; providing for seasonal registration plates; and
further providing for required financial
responsibility

Amend Bill, page 2, by inserting between lines 5 and 6

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

§ 1358. Seasonal plates.

(a) Availability.—Upon application, the department shall issue a seasonal registration plate valid only for the period beginning May 1 and ending October 31 for passenger cars, motorcycles, antique cars, classic cars and trucks having a registered gross weight of not more than 9,000 pounds and such other vehicles as the department shall determine.

(b) Surrender of plates.—Persons who have a valid seasonal license plate shall not be required to surrender their plates upon termination of liability coverage, as long as the termination of liability coverage coincides with the expiration of the seasonal plate.

(c) Registration plates.—The seasonal registration plate and sticker shall be of a different color to distinguish it from a year-round registration plate and sticker.

(d) Fee.—The fee for a plate under this section shall be 50% of the appropriate fee under Subchapter B of Chapter 19 (relating to registration fees).

Section 3. Section 1786 of Title 75 is amended by adding a subsection to read:

§ 1786. Required financial responsibility.

(i) Seasonal plates.—For a registration plate under section 1358 (relating to seasonal plates), financial responsibility shall be required only for the period in which the registration plate is valid.

Amend Sec. 2, page 2, line 6, by striking out "2" and inserting
4

Amend Sec. 3, page 4, line 9, by striking out all of said line and inserting

Section 5. This act shall take effect as follows:

(1) The addition of 75 Pa.C.S. §§ 1358 and 1786(i) shall take effect in 60 days.

(2) This section shall take effect immediately.

(3) The remainder of this act shall take effect in 90 days.

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman.

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

This is an amendment that has bipartisan support. A number of you have indicated an interest in this amendment. It would simply create a seasonal license plate for Pennsylvanians who do not use their vehicle during the winter months. This has the support of the Department of Transportation.

The way it is now, it creates a substantial inconvenience for people who have motorcycles and antique cars and classic cars and trucks that weigh less than 9,000 pounds, and it would be a great benefit to them if we could have this amendment.

The SPEAKER. On the question of the adoption of the amendment, the Chair recognizes the gentleman, Mr. Wozniak.

Mr. WOZNIAK. Thank you, Mr. Speaker.

I am not so sure that this amendment has the support of the Department of Transportation. They told me that while the concept has merit, the language of the amendment is complex, tremendous paperwork would ensue, and it needs some work. I am a cosponsor of this amendment because it came past the desk and it does make some sense, but as I talked to the Department of Transportation, it needs some work and it should stand as a separate bill.

Once again I ask you to vote in the negative to allow this issue— The Governor said keep the bill clean and to vote "no" on this amendment. I am sure it has merit, but the language in it needs to be worked on, and as it is stated now, it just is not going to work through the Department of Transportation. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Geist.

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

Representative Wozniak said it all. We oppose the amendment.

AMENDMENT WITHDRAWN

The SPEAKER. On the question of the adoption of the amendment, the Chair recognizes the gentleman, Dr. Wright.

Mr. D. R. WRIGHT. I have been impressed by the fealty of the gentleman, Mr. Wozniak, to the Governor, and in honor of his newfound appreciation, I withdraw the amendment.

On the question recurring,

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

Mr. **KUKOVICH** offered the following amendment No. **A0754**:

Amend Title, page 1, line 3, by inserting after "highways"
; and further providing for the enhanced vehicle
emission inspection program

Amend Sec. 2, page 2, line 6, by striking out "SECTIONS 3362 AND 6110(A) OF TITLE 75 ARE" and inserting
Section 3362 of Title 75 is

Amend Bill, page 3, by inserting between lines 22 and 23

Section 3. Section 4706(g) of Title 75, amended November 16, 1994 (P.L.614, No.95), is amended to read:

§ 4706. Prohibition on expenditures for emission inspection program.

(g) Alternative enhanced emission inspection program.—Notwithstanding the provisions of subsection (f), the department shall comply with all of the following requirements:

(1) The department shall immediately suspend the development and implementation of a centralized, test-only vehicle emission inspection program until [March] December 31, 1995.

(2) The department shall immediately notify the Environmental Protection Agency that the Commonwealth is developing an alternative vehicle emission program and intends to seek its approval of the plan in accordance with the requirements of the Federal law.

(3) No later than March 1, 1995, the department shall develop and submit to the Environmental Protection Agency an alternative enhanced vehicle emission inspection program for approval which meets the requirements of Federal law and consists of a decentralized test and repair program or a hybrid program which combines both decentralized test and repair and test-only components. The decentralized test program may contain an additional component which will test and repair only those components necessary to achieve compliance with Federal clean air standards. As part of this decentralized test program, the department shall utilize the newest and most efficient technologies, including, but not limited to, remote roadside testing, identification and targeting of gross polluting vehicles and alternative equipment to existing inspection technology. The department may incorporate pilot programs and demonstration projects which achieve and enhance vehicle emissions reductions.

(4) On the effective date of this subsection, the department shall be immediately prohibited from expending any funds or allowing any other action in furtherance of the development and implementation of a centralized, test-only vehicle emission inspection program until the Environmental Protection Agency approves the decentralized or hybrid system proposed under paragraph (3). Any funds expended by the department after the approval of the program by the Environmental Protection Agency shall be limited to the implementation of the revised vehicle inspection program.

Section 4. Section 6110(a) of Title 75 is amended to read:

Amend Sec. 3, page 4, line 9, by striking out all of said line and inserting

Section 5. This act shall take effect as follows:

(1) The amendment of 75 Pa.C.S. § 4706(g) shall take effect immediately.

(2) This section shall take effect immediately.

(3) The remainder of this act shall take effect in 90 days.

On the question,

Will the House agree to the amendment?

The SPEAKER. On the question of the adoption of the amendment, the Chair recognizes the gentleman, Mr. Kukovich.

Mr. KUKOVICH. Thank you, Mr. Speaker.

Let us work on your temper a little bit more. That is not fair because he is not feeling well. I do not think— You have got more arms than I do; I understand that.

One of the problems with this whole centralized emission issue is that a lot of the decisionmaking that created this program some years ago was done behind closed doors, so to speak. A lot of the information we got from the Environmental Protection Agency we found out to be erroneous. My concern at this point is that *April Fools' Day comes around and we are the ones who are going to look like fools*, because either we are going to lapse back to the old Envirotest plan if nothing happens, or if something does happen, there may be a plan which we have had no input into and yet may be very unpopular. I think it is again very imperative that this House of Representatives play some role in what happens with this program.

All this amendment does is change the moratorium deadline from the end of March until the end of this year. If we do that, then we at least avoid some potential problems on April 1 and maybe just give the administration even more time and allow us to be more of a player in this process. I think this is eminently reasonable. I do not know anybody who would be opposed to this.

I would also call to the members' attention that just this week in the State of Minnesota, which has the same equipment as Envirotest wants to use here, EPA gave that State a waiver that says the five newest model cars do not have to be inspected at all because they all pass. It points out the absurdity of putting Pennsylvania vehicles through a system so a private company can make money when there is no reason for them to go through the system. It is absurd on its face.

I have a list here in this week's New York Times, and I am not going to run through it, but there are about 10, 11, 12 States that are either suing EPA or putting up a fight and have changed their program. There is no reason why Pennsylvania should be singled out because we were misled back in the early nineties and in 1992, and this is maybe our only opportunity before April 1 to do anything about this problem. All I am asking for is a delay past March to the end of the year so the administration and maybe the legislature can play a role.

It should be an easy vote. It should have no impact whatsoever on the 65-mile-per-hour speed limit, and I would ask for an affirmative vote.

GERMANENESS QUESTIONED

The SPEAKER. The Chair recognizes the gentleman, Mr. Wozniak.

Mr. WOZNIAK. Thank you, Mr. Speaker.

I realize that this is a Title 75, but we are trying to take the efficiency of the internal combustion engine and tie it somehow into the legal speed limit, and I want to question the germaneness of this issue, Mr. Speaker.

QUESTION OF GERMANENESS WITHDRAWN

Mr. WOZNIAK. All right. I am going to withdraw that motion.

The SPEAKER. The friend of the Governor withdraws his question of germaneness.

Mr. WOZNIAK. Out of consideration for the longest-standing, freely elected body in the Western Hemisphere.

On the question recurring,

Will the House agree to the amendment?

Mr. WOZNIAK. On the amendment?

The SPEAKER. On the amendment, the gentleman is in order.

Mr. WOZNIAK. Thank you, Mr. Speaker.

I know that this is an emotionally charged issue. The administration once again is working through — I know because it is back home — is working through with DER (Department of Environmental Resources), EPA, Envirotest, and it is a very difficult road to hoe here.

I would appreciate, however, that this has to be discussed at another time, at another place. The chairman of the Transportation Committee has given the commitment to give this issue a fair hearing, and we still have time. We still have until March 31, and

we are going to be here in plenty of time to accomplish that goal and give more time if necessary.

Once again, I want to ask each and every one of you to keep this bill clean and move it on to the Senate and vote "no" on the Kukovich amendment. Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. McCall, from Carbon County.

Mr. McCALL. Thank you, Mr. Speaker.

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

Mr. Speaker, the Kukovich amendment gets us nowhere. We passed an extension to the emissions inspection bill back in November that extended the program to March 31 of 1995, and at that time the arguments were made that we just need up until March 31 to reassess where we are going on emissions inspections in the Commonwealth of Pennsylvania.

Most recently, Secretary Mallory, the new Secretary of Transportation, testified before the Senate during his confirmation hearings telling the State Senate that if he needs legislation to extend this program, that he would notify the legislature for the need to extend this program.

The Department of Transportation right now as I speak is currently in negotiations with the EPA. The Department of Transportation will in fact submit a proposal to this legislature sometime before the March 31 deadline. With that submission, the Secretary has told the public that it will be a user-friendly program for emissions inspection, but remember, the Environmental Protection Agency has stepped back. They are going to give more flexibility to the States in putting together this program. But you have to remember one thing, and everybody keeps on ignoring one thing, that the performance standard and the Federal law still has not changed; that sometime in 1995, if we go to an annual test — and that is what will be required probably — if we have to go to an annual test, we are still going to have to test 30 percent of the vehicles in the Commonwealth. If we stay with a biennial test, which is once every 2 years, we are still required to test 15 percent of the vehicles this year in the Commonwealth of Pennsylvania no matter what extension is granted.

We are still required and we still have certain and set reductions in VOC's, which are volatile organic compounds. We still have set reductions that we have to meet under the Clean Air Act amendments. We have to reduce hydrocarbons, we have to reduce carbon monoxide, and we have to reduce nitrogen oxide. We have to do that in 1995. The EPA will be issuing new guidance documents in March. We will be moving forward with a much more user-friendly program sometime in March.

I would ask that we not delay this program and defeat the Kukovich amendment.

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

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

I agree with the previous two speakers, especially Representative McCall.

The negotiations are currently going on. This is the wrong amendment at the wrong time. It is not a breath of fresh air.

I urge a "no" vote.

The SPEAKER. Does the gentleman, Mr. Kukovich, seek recognition? The gentleman is recognized.

Mr. KUKOVICH. Thank you, Mr. Speaker.

This is like *deja vu*. I can remember last June whenever we found out that there was a problem, when we found out we were misled, and we tried to bring an amendment to the floor then. We heard some of the same arguments — the administration is taking care of it; we have to do this. We found out that simply was not the case.

I am a very trusting person, but it is kind of — It has been very difficult to find anybody to trust on this issue. I think that we have got to make a stand right now. Right here behind me there are 60,000 names on petitions from about 8 counties. That is not counting about another 30,000 from other counties in this State, close to 100,000 names all told probably by today from all over this State.

I think it is imperative that people understand that if they vote against this amendment, you are taking a risk, because what you could be doing is either voting for the centralized emission test, which most of you voted against overwhelmingly last November, or it might be for another plan that you do not know about. Now, they say it might be user-friendly. I mean, I have listened to some of these folks from PennDOT in the past administration, and I am hearing some of the same words now.

What is at stake here — and maybe some of you fans of the 10th Amendment might want to pay attention — what is at stake here is whether this State is going to be dictated to and given some plan that we and our constituents have had no say over. That is what this comes down to.

I do not think it takes a whole lot of courage to vote for an amendment that just buys us a little more time just in case, just in case once again we have been misled, and if you look at the past history, I think the odds are that we will probably be misled again. Let us not give them that opportunity, and vote "yes" for this amendment.

The SPEAKER. The Chair recognizes the gentleman, Mr. Wozniak.

Mr. WOZNIAK. One last time, Mr. Speaker.

I am asking you to vote "no" on this amendment.

We have time. The administration is working on this issue. The committee chairman has given his commitment that this will be aired. There is no need to create an air of crisis in Pennsylvania on the auto emissions. We are going to be back to face this thing. This is not the vehicle to do it through. This issue is not going to move forward by this legislation or this amendment being placed into it. All it will do is be deep-sixed someplace.

I would appreciate it if we would have the courage to vote "no," knowing that we have time and that we will face up to our responsibilities and deal in a prudent manner with the auto emissions situation in Pennsylvania. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman, Mr. Geist.

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

The gentleman, Mr. Wozniak, is absolutely right. This bill currently is in committee. In bill form there are other bills. We will have an administration bill, I am sure, to bring back on the floor of the House, and at that time we can address it.

For those reasons I would urge a "no" vote on the Kukovich amendment. Thank you.

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

The following roll call was recorded:

YEAS-66

Bebko-Jones	Evans	Lucyk	Readshaw
Belardi	Fajt	Manderino	Richardson
Bishop	Gamble	Markosek	Roberts
Blaum	George	Mayernik	Robinson
Boscola	Gruitza	Melio	Serafini
Cappabianca	Hanna	Mihalich	Shaner
Cawley	Horsey	Nickol	Staback
Cohen, M.	Itkin	Olasz	Steelman
Colafiglia	James	Oliver	Stetler
Colaizzo	Jarolin	Pesci	Sturla
Corpora	Kaiser	Petrarca	Tangretti
Corrigan	Kirkland	Petrone	Thomas
Cowell	Krebs	Pistella	Trich
Curry	Kukovich	Platts	Walko
Daley	Laughlin	Preston	Washington
DeLuca	Lescovitz	Ramos	Yewcic
DeWeese	Levdansky		

NAYS-134

Adolph	Egolf	Major	Scrimenti
Allen	Fairchild	Marsico	Semmel
Argall	Fargo	Masland	Sheehan
Armstrong	Farmer	McCall	Smith, B.
Baker	Feese	McGeehan	Smith, S. H.
Bard	Fichter	McGill	Snyder, D. W.
Barley	Fleagle	Merry	Stairs
Battisto	Flick	Michlovic	Steil
Belfanti	Gannon	Micozzie	Stern
Birmelin	Geist	Miller	Stish
Boyes	Gladeck	Mundy	Strittmatter
Brown	Godshall	Nailor	Surra
Browne	Gordner	Nyce	Taylor, E. Z.
Bunt	Gruppo	O'Brien	Taylor, J.
Butkovitz	Habay	Perzel	Tigue
Buxton	Haluska	Pettit	Travaglio
Caltagirone	Harhart	Phillips	Trello
Carn	Hennessey	Piccola	True
Carone	Herman	Pitts	Tulli
Chadwick	Hershey	Raymond	Vance
Civera	Hess	Reber	Van Home
Clark	Hutchinson	Reinard	Vitali
Clymer	Jadlowiec	Rieger	Waugh
Cohen, L. I.	Josephs	Roebuck	Williams
Conti	Keller	Rohrer	Wogan
Cornell	Kenney	Rooney	Wozniak
Coy	King	Rubley	Wright, D. R.
Dempsey	LaGrotta	Rudy	Wright, M. N.
Dent	Lawless	Sainato	Youngblood
Dermody	Lederer	Santoni	Zimmerman
DiGirolamo	Leh	Sather	Zug
Donatucci	Lloyd	Saylor	
Druce	Lynch	Schroder	Ryan,
Durham	Maitland	Schuler	Speaker

NOT VOTING-0

EXCUSED-3

Gigliotti	Hasay	Veon
-----------	-------	------

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

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

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?

The Chair recognizes the gentleman, Mr. Fairchild.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

First, I would like to thank the Pennsylvania Department of Transportation for providing me with statistics, as well as a couple insurance companies, as well as some other reports that I was able to garner.

The Federal Government set the speed limit at 55 in an effort to conserve fuel in 1974. Congress overrode President Reagan's veto and allowed States to individually set the speed limit on rural areas of interstate highways. While the primary concern of 1974 was resource conservation, the outcome proved not only a wise environmental decision but also a wise and lifesaving safety decision.

A report issued by the National Highway Traffic Safety Administration in October 1989 on the 65-mile-an-hour speed limit provided definitive results. The study, using the most sophisticated analysis, which estimated the relationship between rural interstate fatalities and fatalities on other roads for each year since 1975, yielded a significant finding. This analysis indicated that in the first 3 months—

The SPEAKER. Will the gentleman please yield.

Conferences on the floor, please break up. Conferences around the Speaker's rostrum, please break up.

The gentleman may proceed.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

This issue— By the way, we have had a lot of friendly banter on the floor this evening. This issue is a life-and-death issue. Whether you care to pay attention or not, I do not know, and quite frankly, I really do not care. You are the ones who are going to have to make the vote.

I would like to just present some statistics to you and then you make the vote. But I hope the media out there, I hope the one thing they do is they call you tomorrow or they call the Senator that represents your district and say, what facts did you have before you voted last night? I think it is the only sensible question. So with that said, I am going to continue. Thank you.

This analysis indicated that in the first 3 months of higher speed limits, rural interstate fatalities were 21 percent higher than expected.

In the 38 States where speed limits were raised in 1987 to 65 miles an hour, deaths increased 34 percent in 1988 compared with 1982 to 1986. Deaths increased 4 percent during the same time period on roads other than rural interstates in these same 38 States. Studies by the U.S. Department of Transportation as well as the Insurance Institute for Highway Safety estimate that deaths on rural interstates that can be attributed to the higher speed limits are between 20 and 30 percent. Sixty-five-mile-an-hour speed limits caused more than 700 additional deaths on rural interstate highways during 1987 and 1988 in the States that raised their speed limits, according to the institute research. This dramatic increase in deaths is only occurring on rural interstates with 65-mile-an-hour speed limits.

For all fatalities, the odds ratio of deaths on rural interstates versus other rural roads was 15 percent greater in 1987 than the average for 1982 to 1986. This difference was significant with a

95-percent confidence interval of 6 to 24 percent. The odds ratio for passenger vehicle occupant deaths showed a similar increase of 16 percent. The 95-percent confidence interval is 6 to 28 percent. There were 25 percent more passenger vehicle occupant fatalities on rural interstates in 1987 than the average of the previous 5 years, while on other rural roads the increase was only 8 percent.

These analyses indicate that fatalities on rural interstates in the 38 States which set higher speed limits in 1987 were 21 percent greater than originally estimated for rural interstates posted at 65. The increase in fatalities probably underestimates the true effect of the 65-mile-per-hour limits because of spillover from interstates to other highways. Research has shown that motorists traveling for long periods at particular speeds tend to adapt to these speeds, and when they move to other roads, their speeds will be influenced by their previous speeds. If the limit is selectively raised to 65 miles per hour, we can expect a spillover of that speed to adjacent highways. One can conclude that major arterial roads connecting to these high-speed roads will statistically increase their accident rate. Factors such as traffic volume, commercial and residential development, and limited versus unlimited access will have a direct effect.

The Insurance Institute published a study in February of 1990 which specifies that far more drivers, including truck drivers, travel at higher speeds on rural interstate highways with 65-mile-per-hour speed limits, compared with drivers in those States which have retained the 55-mile-per-hour speed limits. In States where the 55 miles per hour has been retained on all roads, the percentage of passenger cars exceeding 70 miles per hour on rural interstates ranges from 8 to 14 percent. This compares with a range of 19 to 32 percent of cars exceeding 70 miles per hour on rural interstates which are posted with 65-mile speed limits.

Advocates of higher speed limits frequently claim that motorists choose travel speeds they feel comfortable with, independent of posted limits, and therefore, that higher speed limits do not result in faster travel speeds. The evidence from the Insurance Institute's recent study is contrary to these claims since it reveals that lower speed limits hold down the number of motorists who would otherwise drive faster than 70 miles per hour. Public welfare, not motorists' preferences, should be the determining factor in the establishment of highway speed limits.

Another claim from advocates of higher speed travel is that because the design speed of most U.S. interstate highways is 70 miles per hour, 65- or even 70-mile-per-hour speed limits are appropriate. Contrary to this claim, however, a highway's design speed is not the one that motorists should routinely travel. According to the American Association of State Highway and Transportation Officials, it is "the maximum safe speed that can be maintained over a specified section of highway when conditions are so favorable that the design features of the highway govern."

The design speed is the one that should never be exceeded. The 55-mile-per-hour speed limits keep most motorists traveling under the design speed. Sixty-five-mile-per-hour limits mean many motorists exceed highway design speeds.

In Pennsylvania, over 80 percent of our rural interstate fatalities involve one or more of the following factors: tractor-trailers, hours of darkness, and adverse surface conditions. Increasing speeds when any one of these factors is present increases the potential for a serious accident.

Pennsylvania has a large number of senior citizens and in fact is ranked second in the U.S. as to the number of citizens over the age

of 65. Some of our senior drivers are not comfortable with the higher speeds. Doctors point out that as we naturally age, we do not have the same depth perception, reaction time, and vision as we had when younger. Good vision, perception, and reaction time become vitally important as speed increases. Both the Transportation Research Council and the National Research Council conclude that elderly motorists are, quote, "more apt to have an accident anytime they drive," unquote, and are also near the top of the list when comparing accidents per driven mile. Many of these people are going to feel that they must keep up with traffic flows between the speeds of 65 to 75 miles per hour — a tragedy waiting to happen.

Pennsylvania's rolling terrain and limited recovery areas in comparison to the South and Midwest, which have relatively flat terrain and excellent recovery areas, may mean a substantial increase in fatalities which could occur with minor speed increases particularly when trucks and/or darkness and/or adverse weather conditions are involved.

The average number of fatalities on Pennsylvania's rural interstate highways has been reduced by 35 percent since the speed limit was reduced to 55 miles per hour in late 1973. The average fatality rate for every 1 million vehicle miles traveled on rural interstate highways in the 5 years prior to reducing the speed limit was 2.011 compared to 1.061 for the 18 years since the limit was reduced.

The introduction of different speed limits on segments of the same highway, which this bill mandates, would make it more difficult to communicate the speed limit on each segment to the driving public and to enforce those speed limits. The most frequent complaint heard in the 42 States which have increased their speed limit is the confusion over varying speed limits. Drivers do not seem to understand that the increase applies to only the rural sections of an interstate. Because of the confusion over varying speed limits, increased enforcement would be needed not only on the segments with higher limits but also on those where the existing 55-mile-per-hour limit would be retained.

There are two reasons why the 55-mile-per-hour speed limit has improved highway safety. It reduced the average driving speed and it reduced the variation in driving speed. Driving at lower average speeds is inherently less risky because a driver has more time to perceive a problem and react, a driver's ability to negotiate roadway geometrics is improved, the required vehicle braking distance is less, and the crash severity of an impact is less. Less variation in speeds also makes driving safer because there is less need to weave through traffic and/or change lanes.

Insurance rates are actuarially determined by statistical analysis. Given the certainty of more deaths and increased severity of high-speed accidents, are you or your constituents willing to pay higher rates for auto insurance which continues to spiral upward? Remember, these rates will be apportioned to every driver in your district even if he or she never drives on sections where the speed limit has been increased.

According to the bill analysis for this proposal, quote, "Insurance premiums also increased by 10% or more in higher speed limit states," unquote. If you vote for this measure, you may be voting to increase your constituents' vehicle insurance rates by 10 percent or more.

Pennsylvania has many laws. However, few save as many lives and suffering as the 55-mile-per-hour speed limit now in force. It may take a few more minutes to get to your destination, but that price is offset by the human factor of lives saved.

An analogy that I have heard goes something like this: If we could figure a way to speed up an airplane ride, we would do it, but if we increased that speed at the expense of one airplane crash per year, we would quickly and rightly revert to a safer airplane.

As you may know, we now have buses included, and maybe some of you do not know that schoolbuses are going to be included now under the provisions of this bill. I think we send a wrong message to schoolbus drivers, to those parents who are concerned about school safety, and please do not tell me that schoolbuses do not use the interstates or the turnpike. They most certainly do. A lot of times if it is not between the school or it is not within the school district, it is going to athletic events and other events within the Commonwealth.

An administrator from one of the largest trauma center hospitals in Pennsylvania wrote me concerning a previous House vote on raising the speed limit. He wrote, quote, "The Pennsylvania House made a sound decision when they defeated the speed limit proposal. In my estimation, your action protected the lives and safety of hundreds of citizens traveling on Pennsylvania highways."

Today we need to make another sound decision. I ask that we defeat HB 213. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Lancaster County, Mr. Sturla.

Mr. STURLA. Mr. Speaker, will the prime sponsor of the bill rise for a brief interrogation?

Mr. WOZNIAK. Sure.

The SPEAKER. The gentleman, Mr. Wozniak, will stand for interrogation. You may begin.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, the question I have deals with the posting of signs at the interchanges, and they are only going to be 65 in areas that are not within a metropolitan area of 50,000. Is that correct?

Mr. WOZNIAK. Correct.

Mr. STURLA. Is there the potential for us then essentially on the turnpike, which passes nearby small metropolitan areas of 50,000-plus as it proceeds west, that you would be going from 55 to 65 to 55 to 65 to 55 to 65 from interchange to interchange?

Mr. WOZNIAK. There is, but we are expecting that PennDOT is going to work to try to alleviate that difficulty by either posting them clearly or by designating whole areas of 55-mile-an-hour zones.

Mr. STURLA. But there are no guarantees in the bill that that is going to happen or that we are going to have additional signage to measure.

Mr. WOZNIAK. No. There will be additional signage wherever the department deems necessary. What they are trying to do is prevent it from every half a mile when it is a long stretch and you know that that is what it is and save a tremendous amount of money.

In your particular situation, if they do indeed go 55, 65, 55, 65, those would be clearly delineated, and I think that if you have a stretch that is almost interchange to interchange to interchange, the chances are they, just for safety's sake, chances are — and I cannot speak on their behalf — but knowing that they are going to be cautious on it, we are going to designate the one flat 55-mile-an-hour speed until you get out of that anomaly.

Mr. STURLA. Okay. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Geist.

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

We have been— Since I have been on the Transportation Committee since Representative Wozniak came into the House, he has been a proponent of the 65-mile-an-hour speed limit. The first time he ever put the amendment up in committee, it received two votes and a lot of chuckles. This time his bill came out of our committee with a 19-to-2 vote, and yes, everybody knows the inherent risk with speed, but we also know that what we are voting tonight is a speed limit. It says nothing about you have to go 65 miles an hour. It says you are allowed to go 65 miles an hour.

The citizens of Pennsylvania have been voting with their right foot. They have sent us a message. They sent a message in this last gubernatorial election. They want the right to drive 65 miles an hour on the interstates and class 1 highways in this State. I think it is time that we give them the 65.

I urge an affirmative vote.

The SPEAKER. On final passage, the gentleman has spoken two times, I believe, have you not? Three times.

Mr. WOZNIAK. I just wanted—

The SPEAKER. The question is, shall the bill pass finally?

Mr. WOZNIAK. I just want to thank Chairman Geist and the majority leader, John Perzel, for their consideration in helping me through with this bill, Mr. Speaker.

Mr. GEIST. And your friend, Tom.

Mr. WOZNIAK. Roll it, Mr. Speaker.

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.

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER. I am sorry. The clerk will strike the board.

The Chair recognizes the gentleman, Mr. Fairchild.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

I just want to clarify a couple of things that—

The SPEAKER. The House will come to order. The gentleman will yield.

We will be a foot deep in snow, but we are going to get this bill done. Then we can drive 65 miles an hour home in the snow — in our sleds.

The Chair recognizes the gentleman.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

I just want to make a couple of comments.

I understand Mr. Wozniak's connection with the administration, but I find it very odd that for the past 8 years we had the Department of Transportation and the State Police lobbying against this.

Let me just read you a quote from a Department of Transportation spokesman. Quote: "We do have statistics that show conclusively that there's a greater risk of injury and death with increased speed limits. We certainly want to avoid that sort of thing." There are all kinds of quotes in my files from these types of statements.

In closing, whatever we do with this bill tonight, if we do pass it, I am going to read you a passage or two out of Governor Ridge's stance on this issue. Quote: "In the Ridge Administration, safety will be the top priority of PennDOT." Quote: "As Governor, regardless

of what transportation proposal I pursue, safety will never be compromised. In working toward enhancing our transportation system I will seek to reduce significantly death and injury on all transportation modes..." It seems like we have a conflict of facts, and if we are going to be here and we are going to vote on fact, then I expect that that is what we should do.

I am not going to take up any more of your time, but if anyone is interested, if anyone is interested, here is a factsheet from other States that have passed it that shows that there is definitely an increase in fatalities and injuries.

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-154

Adolph	Egolf	Masland	Saylor
Allen	Fajt	Mayernik	Schroder
Argall	Fargo	McCall	Scrimenti
Armstrong	Farmer	McGeehan	Semmel
Baker	Feese	McGill	Serafini
Bard	Fichter	Melio	Shaner
Barley	Fleagle	Merry	Sheehan
Bebko-Jones	Flick	Michlovic	Smith, B.
Belfanti	Gamble	Micozzie	Smith, S. H.
Birmelin	Gannon	Mihalich	Snyder, D. W.
Bishop	Geist	Miller	Stairs
Boscola	Gladeck	Nailor	Steelman
Boyes	Godshall	Nyce	Steil
Brown	Gordner	Olasz	Stern
Browne	Gruitza	Oliver	Stetler
Bunt	Habay	Perzel	Stish
Butkóvitz	Haluska	Pesci	Strittmatter
Caltagirone	Hanna	Petrarca	Surra
Carn	Harhart	Petrone	Tangretti
Carone	Hennessey	Pettit	Taylor, E. Z.
Chadwick	Herman	Phillips	Taylor, J.
Civera	Hershey	Piccola	Travaglio
Clark	Horsey	Pistella	Trello
Clymer	Hutchinson	Pitts	Trich
Cohen, L. I.	Itkin	Preston	Tulli
Colafella	Jarolin	Raymond	Van Horne
Conti	Kaiser	Readshaw	Walko
Cornell	Keller	Reber	Washington
Cowell	LaGrotta	Reinard	Williams
Coy	Laughlin	Richardson	Wozniak
Daley	Lawless	Rieger	Wright, D. R.
Dempsey	Lederer	Roberts	Wright, M. N.
Dent	Leh	Robinson	Yewcic
Dermody	Lescovitz	Roebuck	Youngblood
DeWeese	Levdansky	Rohrer	Zimmerman
DiGirolamo	Maitland	Rooney	Zug
Donatucci	Major	Rublely	
Druce	Markosek	Sainato	Ryan,
Durham	Marsico	Santoni	Speaker

NAYS-46

Battisto	Evans	Kukovich	Sather
Belardi	Fairchild	Lloyd	Schuler
Blaum	George	Lucyk	Staback
Buxton	Gruppo	Lynch	Sturla
Cappabianca	Hess	Manderino	Thomas
Cawley	Jadlowiec	Mundy	Tigue
Cohen, M.	James	Nickol	True
Colaizzo	Josephs	O'Brien	Vance
Corpora	Kenney	Platts	Vitali

Corrigan	King	Ramos	Waugh
Curry	Kirkland	Rudy	Wogan
DeLuca	Krebs		

NOT VOTING-0

EXCUSED-3

Gigliotti	Hasay	Veon
-----------	-------	------

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

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

BILL ON FINAL PASSAGE POSTPONED

BILL PASSED OVER

The SPEAKER. The Chair turns to page 2 of today's calendar. HB 39 is over.

RESOLUTIONS

Mr. ROHRER called up **HR 37, PN 572**, entitled:

A Resolution providing for an investigation of the impact of recent changes in law, regulation and policy at the Federal and State level relating to education standards and goals and to student social, emotional and behavioral development upon the system of public education at the local level.

On the question,
Will the House adopt the resolution?

Mr. STAIRS offered the following amendment No. **A0758**:

Amend First Resolve Clause, page 4, lines 27 and 28, by striking out "select committee be created and be authorized and directed" and inserting
Education Committee of the House of Representatives create a select subcommittee

Amend First Resolve Clause, page 5, line 21, by inserting after "foregoing"
and to the ACCESS program

Amend Second Resolve Clause, page 5, lines 28 through 30; page 6, lines 1 through 5, by striking out all of said lines and inserting

RESOLVED, That the select subcommittee be composed of seven members of the Education Committee of the House of Representatives with four members of the majority party to be appointed by the chairman of the committee and three members of the minority party to be appointed by the minority chairman of the committee; and be it further

Amend Third Resolve Clause, page 6, line 6, by striking out "Speaker of the House" and inserting

Chairman of the House Education Committee

Amend Third Resolve Clause, page 6, line 7, by striking out "committee" and inserting
subcommittee

Amend Third Resolve Clause, page 6, line 8, by striking out "committee" and inserting
select subcommittee

Amend Fourth Resolve Clause, page 6, line 9, by striking out "committee" and inserting

subcommittee

Amend Fourth Resolve Clause, page 6, line 22, by striking out "committee" and inserting

subcommittee

Amend Resolution, page 6, by inserting between lines 24 and 25

RESOLVED, That the Appropriations Committee, the Education Committee and the Health and Human Services Committee assist the select subcommittee to the full extent practicable; and be it further

Amend Fifth Resolve Clause, page 6, line 29, by striking out "committee" and inserting

subcommittee

Amend Fifth Resolve Clause, page 7, line 1, by removing the period after "date" and inserting

to the House of Representatives.

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman, Mr. Stairs.

Mr. STAIRS. Thank you, Mr. Speaker.

I offer this amendment to the resolution to have a body of seven members of the Education Committee - four members of the majority, three members of the minority - to take up the resolution and to report to the full chamber once we do the study on the resolution.

The SPEAKER. The Chair recognizes the gentleman, Mr. Cowell, on the amendment.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, the Stairs amendment, in my opinion, substantially improves the resolution that is before us by appropriately giving the charge of this assignment to the Education Committee. I would urge that we approve the amendment.

The SPEAKER. On the question, the Chair recognizes the Democratic floor leader, Mr. DeWeese.

Mr. DeWEESE. One quick, 30-second point.

I would like to concur with the gentleman, Mr. Cowell, and the gentleman, Mr. Stairs. I think it echoes a sentiment that the gentleman from Delaware, Mr. Ryan, has averred over his span of years at the Republican leader's podium, and that is that if at all possible, we should continue to do what we are doing tonight, and that is allowing our standing committees, allowing our standing committees to be the focal point of the actions that we take here in this chamber. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-200

Adolph	Egolf	Maitland	Sather
Allen	Evans	Major	Saylor
Argall	Fairchild	Manderino	Schroder
Armstrong	Fajt	Markosek	Schuler
Baker	Fargo	Marsico	Scrimenti
Bard	Farmer	Masland	Sennel
Barley	Feese	Mayernik	Serafini
Battisto	Fichter	McCall	Shaner

Bebko-Jones	Fleagle	McGeehan	Sheehan
Belardi	Flick	McGill	Smith, B.
Belfanti	Gamble	Melio	Smith, S. H.
Birmelin	Gannon	Merry	Snyder, D. W.
Bishop	Geist	Michlovic	Staback
Blaum	George	Micozzie	Stairs
Boscola	Gladeck	Mihalich	Steelman
Boyes	Godshall	Miller	Steil
Brown	Gordner	Mundy	Stern
Browne	Gruitza	Nailor	Stetler
Bunt	Gruppo	Nickol	Stish
Butkovitz	Habay	Nyce	Strittmatter
Buxton	Haluska	O'Brien	Sturla
Caltagirone	Hanna	Olasz	Surra
Cappabianca	Harhart	Oliver	Tangretti
Carn	Hennessey	Perez	Taylor, E. Z.
Carone	Herman	Pesci	Taylor, J.
Cawley	Hershey	Petrarca	Thomas
Chadwick	Hess	Petrone	Tigue
Civera	Horsey	Pettit	Travaglio
Clark	Hutchinson	Phillips	Trello
Clymer	Itkin	Piccola	Trich
Cohen, L. I.	Jadlowiec	Pistella	True
Cohen, M.	James	Pitts	Tulli
Colafella	Jarolin	Platts	Vance
Colaizzo	Josephs	Preston	Van Horne
Conti	Kaiser	Ramos	Vitali
Cornell	Keller	Raymond	Walko
Corpora	Kenney	Readshaw	Washington
Corrigan	King	Reber	Waugh
Cowell	Kirkland	Reinard	Williams
Coy	Krebs	Richardson	Wogan
Curry	Kukovich	Rieger	Wozniak
Daley	LaGrotta	Roberts	Wright, D. R.
DeLuca	Laughlin	Robinson	Wright, M. N.
Dempsey	Lawless	Roebuck	Yewcic
Dent	Lederer	Rohrer	Youngblood
Dermody	Leh	Rooney	Zimmerman
DeWeese	Lescovitz	Rublely	Zug
DiGirolamo	Levdansky	Rudy	
Donatucci	Lloyd	Sainato	Ryan,
Druce	Lucyk	Santoni	Speaker
Durham	Lynch		

NAYS-0

NOT VOTING-0

EXCUSED-3

igliotti Hasay Veon

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

On the question,

Will the House adopt the resolution as amended?

The SPEAKER. The Chair recognizes the gentleman, Mr. Cowell, who offers amendment 873--

Mr. COWELL. Mr. Speaker?

The SPEAKER. I am sorry; 573.

The Chair recognizes the gentleman, Mr. Cowell.

Mr. COWELL. Mr. Speaker, I would like to withdraw amendments 573 and 739, and before proceeding to the last amendment that I had circulated, amendment 0888, I would ask if Mr. Rohrer would stand for interrogation.

The SPEAKER. The gentleman, Mr. Rohrer, indicates he will stand for interrogation. The gentleman, Mr. Cowell, may begin.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, the amendment that I may yet offer — and I do not want to get into a long discussion about it; it would be inappropriate — is an amendment that was an attempt, from my point of view, to try to get this resolution more focused.

My concern is about some of the general language, what I consider to be very general language, in the resolution as you have drafted it and as it stands as amended by Jess Stairs' amendment which we just approved, and I wanted to ask you about your intent.

The language with the "resolve" clauses that begin on page 5, and I am looking particularly now— Excuse me. It begins on page 4, and I am beginning to raise a question about language, for instance, that starts on line 28 on page 4 — and similar language is reflected after we have approved the Stairs amendment — language which says we are going to "examine, investigate and make a complete study" of all of the things that follow.

Now, I understand, I interpret that to mean that you expect, you anticipate, that this study by the committee, this investigation, this examination, is going to be very, very comprehensive. Is that your intent?

Mr. ROHRER. Mr. Speaker, the intent is to allow latitude within the resolution to pursue avenues that may be opened up within the intent. The intent is not to go any broader than necessary but simply to allow it should that be the desire of the committee.

Mr. COWELL. Well, immediately I am getting a little bit concerned that you have said one thing but your language in the resolution says something else.

You just said that the intent is that we make it as broad as necessary but not more broad than is necessary, but the language in the resolution says that the committee is going to "examine, investigate and make a complete study" of, and then the language on page 5 includes things like the use of public schools for mental health school-based programs and for programs dealing with behavioral and emotional problems of students.

Now, that language alone, as I interpret it, will have the Education Committee now conducting an examination, investigation, and complete study of programs that involve our local MH/MR (mental health/mental retardation) agencies, which in many places have relationships with our school districts. It will have us conducting a thorough examination, investigation, and complete study of the student assistance programs, which I think exist now in all 501 school districts, which certainly go beyond traditional counseling. Even the language that we approved here last week concerning alternative education programs uses the term "change the behavior of" students. Of course, we were talking about disruptive students.

I am concerned that this charge that you give to the committee is without end, certainly because the charge is so comprehensive. The suicide prevention programs that occur in some school districts, or the special teams that, for instance in western Pennsylvania, Western Psychiatric Institute and Clinic will send into a school district following some tragedy — i.e., a shooting that occurs, or the USAir tragedy that occurred at the Greater Pitt Airport last year — those are all the kinds of things that seem to be covered by your first paragraph.

Can you tell me where there are limiting factors in your language that would not have us feel compelled, cause me to feel compelled, to have the committee investigate all of these things to

make sure that the "examination, investigation and complete study" is thorough?

Mr. ROHRER. Mr. Speaker, in reading the "whereas" clauses within the resolution, we intended to be very clear from the standpoint of the exact areas that would fall within the scope of the investigation.

The numerous things that you have mentioned, student disruption and so forth and so on, are not at all within the scope of this resolution, and it would not be the intent to pursue those areas at all. It is the intent of the resolution, though, to focus on those things that do impact the areas of the psychological, the emotional, and the testing revolving around that, plus some of those things obviously that fall within what you read, but it does not go beyond to include those things that you have mentioned.

Mr. COWELL. Well, Mr. Speaker, I appreciate your explanation about what is in the "whereas" clauses, but we really need to look at the specific direction that is given to the committee in the "be it resolved" clauses, and they are very broad and very mandatory.

Let me go a little bit further. On page 5, beginning with line 8 and going to line 19, you again charge the Education Committee with the responsibility to examine, investigate, and make a complete study of "the adequacy of existing safeguards and procedures for protecting the privacy of students and their families..." in a whole host of things. Your language is "...with respect to the full range of school activities which touch upon sensitive privacy concerns affecting students and their families, including, but not limited to..." Well, again, when I read that, I interpret that to mean that we are going to be looking at whatever sensitive privacy concerns in this full range of school activities that may be raised in areas such as health-care programs, counseling programs, what is going on in the locker room in the gymnasium, because some people are sensitive to privacy concerns there. Where in that paragraph, where you also specifically mention things like IEP's (individualized education plans) and IST's (instructional support teams) and IFSP's (individual family service plans), where is there anything limiting there? It seems pretty broad to me.

Mr. ROHRER. Mr. Speaker, as you know, the concern for safeguards for privacy, for parental consent, that affect a lot of these areas, some of which you touched on, have existed for a long time. You yourself have been one that has expressed concerns about this area. These questions have continued to come forward from parents across this State, from school board members, from others that are involved within all of the processes, with all of the details listed within that paragraph.

To this date, answers, frankly, have not been forthcoming. I do not know that safeguards in fact do exist, and if they do, I do not know where they are, and to that extent, this paragraph is there precisely to look at those areas that are in a position within the school setting to impact and to collect that type of information that would possibly be sensitive in nature, things that would be of concern to a parent if they were collected, things that should be concerning to a child. So therefore, yes, those things that are limited in that paragraph and are called out there are things that do in fact deal with the topic and, therefore, definitely fall within the scope, and therefore, for that purpose, they are there.

Mr. COWELL. Now, Mr. Speaker, on line 16 of page 5, you want us to investigate student participation in an IEP. Could you tell us what the IEP is?

Mr. ROHRER. Mr. Speaker, I believe that you know also what that is, but for the benefit of the House, for those who do not know, that is an individual education plan. And if you want me to explain more, I can, but—

Mr. COWELL. Is it not true that that is something that is initially provided for as a matter of Federal law, and it is intended to protect the interests of students rather than force students to do something or force their families? The IEP is all about protecting the interests of the student, the special ed student, and the parent of the special ed student?

Mr. ROHRER. If the study would indicate that that is true and that there—

Mr. COWELL. Well, do you dispute that? Sorry to interrupt—

Mr. ROHRER. Go ahead.

Mr. COWELL. —but do you dispute that?

Mr. ROHRER. I do not know that I can guarantee in fact that it is not happening. I do not know whether you can guarantee that the IEP fully protects and that the parent is fully knowledgeable of activities with their child. But questions have surfaced; therefore, the study would indicate whether or not that is happening.

Mr. COWELL. And could you tell us what the IST is?

Mr. ROHRER. The IST is the instructional support teams that are in the elementary schools, implemented a couple of years ago under chapter 5 modifications.

Mr. COWELL. And what are we going to investigate there?

Mr. ROHRER. Well, if you would like, we could get into that, but we are going to investigate the purposes for the IST, the exact activities in which they are involved with the students, the types of information that they collect from the students, and what is done with that information. And in fact I do believe very clearly that there are in fact not safeguards, that there is no privacy nor parental consent in regard to certain activities with the IST. So that is why they are there.

Mr. COWELL. Mr. Speaker, the third major paragraph of charge to the committee appears on page 5, lines 20 and 21, and again you use very broad, all-inclusive language. It says, "any and all fiscal, regulatory, privacy, informed consent issues and other issues..." whatever other issues, but we are going to get all of them, any and all of them. Why do you use such broad language, and what is the intent of that?

The SPEAKER. The gentleman will yield.

If the gentleman, Mr. Cowell, knows the answers to his own questions, and I suspect he does, I would rather he make argument with it than take up the House's time with what appear to be *rhetorical questions*, so that the storm coming in from the west that we have been talking about all night does not end up in Ireland before we get a chance to get out of here.

Mr. COWELL. Mr. Speaker, I just spoke with my son in Pittsburgh. He assures me that warm weather is following the storm, so if we stay a little longer, the sun will shine.

Mr. Speaker, I do not know the answer to the question. I honestly want to know why, would like to know why the maker of this language wants the committee to investigate any and all fiscal, regulatory, and all other issues related to this host of things that I have tried to suggest we are going to be getting into — MH/MR programs, alternative ed, student assistance programs. We got MADD and SADD programs in our schools — Mothers Against Drunk Driving, Students Against Drunk Driving. That is all about student behavior. We are going to look at the health-care issues and

locker-room issues and counseling and curriculum and all these special ed issues.

Mr. Speaker, let me ask it a different way. Do you really want me and a couple of other Democrats along with four of you to conduct this wholesale investigation of the Ridge administration so early in its term? Do you really want us to do that?

Mr. ROHRER. Mr. Speaker, first of all, this does not deal with the Ridge administration. Number two, the issues that are here — fiscal, regulatory, privacy, other consent issues — are directly involved with the purpose for the resolution. They are very simple, and they are very focused.

Mr. COWELL. Mr. Speaker, the way the resolution is written, we do not file a report until—

The SPEAKER. Has the gentleman concluded his interrogation?

Mr. COWELL. No, I am continuing the interrogation, Mr. Speaker.

Mr. Speaker, the way the resolution is written, as I understand it, the committee is not obliged to file a report until the earliest practical time, which is possibly November 30 of 1996, and it seems to me we are going to have a couple years of the Ridge administration under our belt by then and there will be quite a bit of Ridge administration ownership for all of this activity.

I do not see how we could avoid pursuing in a most serious way the activities and the policies and the practices of this new administration with respect to all of these open-ended, all-inclusive items that you are putting on the plate of the Education Committee.

The SPEAKER. The gentleman will yield.

The characterizations that the gentleman, Mr. Cowell, makes are argument. Now, if you have a question about what is in the resolution, ask the question. If you have argument, make it as part of an argument. You have not offered an amendment yet.

Now, I am not going to allow you to spend the rest of the evening in interrogation and then decide whether you are or are not going to offer an amendment. If you have legitimate interrogation, interrogate, not argue. You know better, Mr. Cowell, because you are too smart, and that is what is bothering me.

Mr. COWELL. Mr. Speaker, I was just—

The SPEAKER. I know what you were just doing.

Mr. COWELL. Mr. Speaker, I was just amazed that the majority party would hand us this kind of opportunity for this kind of investigation of the Ridge administration—

The SPEAKER. Mr. Cowell—

Mr. COWELL. —which we did not see—

The SPEAKER. Mr. Cowell—

Mr. COWELL. —yet we will take as unconstitutional—

The SPEAKER. The gentleman will yield.

Mr. Cowell, you are now doing something that one would do under unanimous consent. That is not interrogation, and there is nothing on the board for you to be arguing.

Now, you have to make up your mind to either go by the rules or try and slip one by me.

Mr. COWELL. Mr. Speaker, I would not do that. I am sorry.

The SPEAKER. Promise?

Mr. COWELL. I do wish to turn to amendment 0888 then to expedite things. That is the only other amendment that you still have before you.

The SPEAKER. The clerk will read the amendment.

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

Mr. **COWELL** offered the following amendment No. **A0888**:

Amend Title, page 1, line 2, by striking out “, regulation and policy” and inserting

and regulation

Amend Title, page 1, lines 3 through 5, by striking out all of said lines and inserting

which may have an impact on the privacy rights of parents and children.

Amend Resolution, page 1, lines 6 through 18; pages 2 through 6, lines 1 through 30; page 7, line 1, by striking out all of said lines on said pages and inserting

WHEREAS, The Federal Government and the Commonwealth of Pennsylvania have recently enacted laws or promulgated regulations which direct or otherwise impact on the provision of services to children and their parents; and

WHEREAS, Concerns have been raised regarding the adequacy of State laws to protect the privacy rights of children and their families; therefore be it

RESOLVED, That the Education Committee review the adequacy of Federal and State laws to define and protect the privacy rights of all children and their parents; and be it further

RESOLVED, That the committee shall report to the House of Representatives its findings and legislative recommendations no later than September 30, 1995.

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

The **SPEAKER**. On the question of the adoption of the amendment, the Chair recognizes, on the amendment, on the amendment, the gentleman, Mr. Cowell.

Mr. **COWELL**. Thank you, Mr. Speaker.

Mr. Speaker, I also want to thank Representative Rohrer for his answers to the questions that I raised.

The amendment that I am offering is an attempt to make this resolution more focused, to give a more narrow, more specific charge to the Education Committee to examine those issues that specifically pertain to the privacy rights of students and their families.

The amendment which has been circulated today is much shorter than the original resolution. It would take out the language of the resolution as it has been presented, which, in my opinion, is very open-ended, and would have us investigate every imaginable education issue — and I assure you we will if we are given that assignment; some of us will, if not all of us — it would have us investigate every imaginable issue sometime between now and the end of November of 1996.

I do not think that is very smart that we do that. I do not think it is very fair to this new Governor that we would be put in that position and put him and his administration in that position. My amendment, instead, is an attempt to have the committee focus specifically on the concerns which have been raised about the adequacy of State laws to protect the privacy rights of children and their families, and it simply says that the Education Committee should review the adequacy of Federal and State laws to define and to protect the privacy rights of children and their parents and that we should report back to the House with our findings and our legislative recommendations no later than September 30, 1995. If

we do that, then I think that we could well serve what I understand to be much of the emphasis for HR 37, and that was a concern about privacy rights of children and their parents.

I think that the language I offer has us do that in a targeted, focused way. It charges the committee to complete its work over the next 7 or 8 months rather than over the next 21 or 22 months. It is an attempt to insure that the work of the committee with this investigation is more focused and more useful in the long run.

If we do not approve this amendment, then what will stand, as I suggested with my questions to Representative Rohrer, is perhaps a well-intentioned but an unfocused yet very general and, by its mandatory nature, all-inclusive investigation by the Education Committee of practically anything you want to imagine that has to do with curriculum; that has to do with the full range of school activities; that has to do with sensitive privacy concerns — that is all language from the resolution — that has to do with programs that deal with the behavioral and emotional problems of school children; that has to do with any and all fiscal, regulatory, and any other issues related to all of this stuff; that has to do with the impact of recent changes, whatever that means, of Federal and State laws dealing with curriculum and outcomes and educational standards and goals and anything affecting the personal and social growth of students.

I had suggested to some of my constituents at a recent meeting when we were talking about this that this is probably about 8 years' worth of work for the Education Committee if we take all of this literally, and we must take it literally because the introductory language says the committee shall examine, investigate, and make a complete study of all of these issues.

I do not think it is wise that we do that. I do not think that it is useful that we do that. I think it would be much more useful and much more fair to all that are involved if we would vote this on the privacy issues, and that is the purpose of the amendment that I offer. Thank you, Mr. Speaker.

The **SPEAKER**. The Chair recognizes the gentleman, Mr. Stairs.

Mr. **STAIRS**. Thank you, Mr. Speaker.

On this amendment that is being offered, I oppose this amendment. I oppose it for several reasons, the first being it really guts the resolution and it directs the Education Committee to review the adequacy of State and Federal laws that protect the privacy rights of students and parents, and that very much limits the resolution that is being offered, and more so, the committee has a deadline of September 30 of this year.

On that deadline issue, I recall just at the end of last session, a deadline was placed on the Higher Education Subcommittee, and unfortunately, the deadline was very difficult to meet and did not result in completing the study of the committee. So I think having an artificial deadline on an investigation will certainly be detrimental to this resolution.

The amendment that is offered that we have in front of us eliminates all references to the ACCESS program, and the ACCESS program is one of the primary concerns and the issues of the prime sponsor, Mr. Rohrer, of this resolution, and I feel that the ACCESS program should specifically be mentioned in the resolution.

The resolution that we have in front of us goes much beyond the privacy rights of this amendment. It talks about policies, policies set up by the department as well as activities being undertaken by the school districts — i.e., mental health and other noneducational services in a district, assessment of students, and curricular investigation.

In addition, the sponsor of the resolution wants to look at fiscal and local concerns because we have received letters and comments from the districts, particularly requesting that we would eliminate certain instructional support mandates, particularly since these are not fully funded by the State.

I really have to say this: Why should an investigation be limited solely to privacy issues, and does the sponsor of the amendment fear that curriculum regulations, maybe OBE (outcome-based education) and other areas, cannot withstand further scrutiny? It is unusual that in the last task force that the Education Committee was a part of with other committees, we had an investigation of all higher education funding; everything was on the table. Why should we try now on this resolution or this task force we are going to set up to limit to just a few issues and not investigate all of the issues that may be on the table that we should look into?

So I would urge my colleagues on the floor to oppose this amendment so we can have a full and thorough investigation by the special committee on education to look into this matter.

The SPEAKER. The Chair recognizes the lady from Indiana County, Ms. Steelman.

Ms. STEELMAN. Thank you, Mr. Speaker.

I rise in support of the amendment to the resolution, because I think it is important, since the question has been raised about the adequacy of protection of privacy of parents and students in the public schools, that we appoint a select committee to examine that question. I think that is worthwhile. What I am not at all sure of when I look at the original resolution is whether it is going to be possible for a select committee to fulfill a mandate as broad as the one that is outlined in HR 37, and that is why I think that the resolution amended, as proposed by Representative Cowell, offers an area that a select committee can usefully work within, and let me give you two reasons for that.

One of those reasons is the experience that I had last year as a member of the select committee to study nonpreferred appropriations. The nonpreferred appropriations select committee had a clearly defined and limited task of analysis, and we had a limited period within which to accomplish that. I think we did a pretty good job with the charge that was given to us by the House of Representatives, but I think we did a good job because we were able to focus on a specific topic, we were able to gather together a reasonably comprehensive data base on that topic, and we were just physically able to get the seven members of the committee in the same room at the same time often enough to carry out some discussions on the subject.

If you take a look at HR 37, what it suggests that the select committee do is examine, for example, any and all matters pertaining to student participation in instructional support teams. I do not know how many of the members of the House have had occasion to talk to faculty in their districts about the instructional support teams, but working with the reading council in Indiana County, the impression that I have had is that the instructional support team, which is essentially a group of teachers working together to try and develop individualized programs for students in the early elementary grades, particularly those who are having trouble with reading, to try and catch them up, is that because each of the programs for each student focuses on what that child's particular strengths are, if you start looking at how an instructional support team works within a district, what you are going to wind up with is a series of case studies. If you are going to try to sum all of those case studies across 501 districts, you are going to wind up

with several hundred at least, possibly several thousand, pieces of data that the members of the select committee need to take a look at and try to analyze.

That is just with regard to the instructional-support-team issue. If you go on to looking at individualized education plans, there again, every single one of those is a separate case study across 501 school districts. I do not think, even with the greatest respect for the probable members of this select committee, that there are seven members on the Education Committee who have the time and strength to look at thousands and thousands of individual case studies in trying to fulfill this mandate to examine any and all matters, and that is just with regard to two elements in the resolution.

The previous speaker has suggested that we should not narrow the resolution because there are many issues in education that we should examine, but I would say, in response to that, that the Education Committee of the House of Representatives is charged to oversee the operation of the Department of Education and, very broadly, to oversee the operation of the 501 school districts in Pennsylvania. There is nothing, as far as I can tell, that prohibits the Education Committee as a whole from holding hearings, from investigating any or even all, if we have the strength for it, of the issues that are raised in HR 37, and I would suggest that the Education Committee as a whole is perhaps the most appropriate vehicle from which to try to direct this kind of investigation of the educational establishment in Pennsylvania and that the select committee is an appropriate vehicle for studying the specific, focused issue of privacy concerns, which are very real, which deserve to be addressed, and which deserve to be addressed adequately by a committee that has a clear-cut goal that can be achieved within a reasonable amount of time. Thank you.

The SPEAKER. On the question of the adoption of the Cowell amendment, does the gentleman, Mr. Gamble, desire recognition? The gentleman is in order.

Mr. GAMBLE. Mr. Speaker, I rise to oppose the Cowell amendment.

What this is all about, pure and simple, Mr. Speaker, is outcome-based education and whether we are going to allow the select committee, made up of the members of the Education Committee, to investigate it. This House voted repeatedly to oppose the implementation of outcome-based education in the last couple of years. Nevertheless, the bureaucrats slipped OBE through the regulatory process in defiance of the wishes of the membership of this House. Now the gentleman, Mr. Rohrer, is making the entirely appropriate request that we investigate the effect of this and other experiments to which our children are being subjected, and once again, Mr. Speaker, there are those who do not want OBE to be subjected to the light of day and for obvious reasons. Without exaggeration, we all know OBE is an experiment, and there are those out there who do not want you to find out the failure that this experiment has been.

I ask the members to oppose the Cowell amendment for that reason. Vote "no."

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Yewcic.

Mr. YEWIC. Thank you, Mr. Speaker.

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

Over the last several years, we have seen many regulations come through the State — OBE, for instance, which the majority of us voted against here in the House — and yet I do not think a majority

of us here in the House understand what they mean or the implications. Certainly we do not know what happened with the Federal enabling legislation for Goals 2000, how it impacts on local schools or our families. The original intent of the resolution should be protected to take a strong look at the many programs that it talks about as it relates to these regulations. We should keep in the resolution dealing with mental health programs, the ACCESS program, and medicaid reimbursements.

We need to take a strong look at how this impacts our families. We owe it to ourselves to go back to our districts so we understand these issues. We should not try to hide what we do not understand. I would like to have a lot of answers myself on what these regulations mean to my children and my school as well as everybody else's. I think it benefits all of us to let the Education Committee do its job, do the investigation, and report back to us so we can report back to the people of Pennsylvania.

I think we were misled and the Department of Education did a lousy job in telling us what OBE means and other regulations. We need to get these answers back to the public, because right now the public has many questions over the assessment test and what the new regulations mean.

Therefore, I stand to oppose the Cowell amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Mihalich.

Mr. MIHALICH. Thank you, Mr. Speaker.

I have one question for the sponsor of the resolution, if he would be kind enough to answer it.

The SPEAKER. The gentleman, Mr. Rohrer, consents to interrogation. You may proceed.

Mr. MIHALICH. Mr. Speaker, previous speakers have said that their interpretation of your resolution is single-purposed in that it is out to question and perhaps do away with outcome-based education. Would you characterize your resolution that way?

Mr. ROHRER. Mr. Speaker, I could not hear you. Could you repeat that, please.

Mr. MIHALICH. Yes.

Two previous speakers have characterized your resolution as being designed to do one thing, basically, and that is to reexamine and to possibly eliminate or whatever outcome-based education, OBE. Is that the thrust of your resolution?

Mr. ROHRER. Mr. Speaker, it is not the intent purpose of the resolution to specifically focus on OBE.

Mr. MIHALICH. Then you disagree with the previous speakers?

Mr. ROHRER. No. I do; I do agree with them. However, the scope of the resolution allows for that to be considered because the effect of the regulations directly affect the implementation of programs that affect the issues of privacy and parental consent and impact on those issues that have raised questions across the State repeatedly, and for the sake of our families and for the sake of this General Assembly, we need to have the answers which we have not to this date been provided. This resolution therefore does take that into account, but it is not the specific intent.

Mr. MIHALICH. Thank you for your answer, Mr. Speaker, although your answer differs from the thrust of the two previous speakers, who targeted outcome-based education, and if in fact — and I am not the one that chose these words — but if there is a hidden agenda here, I think this House and the people of Pennsylvania should know what it is, and if that is what it is and it is a

single-purpose resolution, let us revisit OBE; let us do it out in the open. Let us do it out in the open, in the full light of day, with everybody allowed to participate, rather than having a hidden agenda, as has been implied here.

I thank you for your response, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—62

Battisto	Evans	Mundy	Scrimenti
Bebko-Jones	George	Oliver	Shaner
Belfanti	Haluska	Pesci	Steelman
Bishop	Horsey	Pistella	Stetler
Buxton	Itkin	Preston	Sturla
Caltagirone	James	Ramos	Surra
Cappabianca	Jarolin	Richardson	Thomas
Carn	Josephs	Rieger	Tigue
Cohen, L. I.	Kirkland	Roberts	Trich
Cohen, M.	Kukovich	Robinson	Van Horne
Corpora	LaGrotta	Roebuck	Vitali
Cowell	Lucyk	Rooney	Washington
Curry	Manderino	Rudy	Williams
Daley	McCall	Sainato	Wright, D. R.
DeLuca	Michlovic	Santoni	Youngblood
DeWeese	Mihalich		

NAYS—138

Adolph	Egolf	Lescovitz	Sather
Allen	Fairchild	Levdinsky	Saylor
Argall	Fajt	Lloyd	Schroder
Armstrong	Fargo	Lynch	Schuler
Baker	Farmer	Maitland	Semmel
Bard	Feese	Major	Serafini
Barley	Fichter	Markosek	Sheehan
Belardi	Fleagle	Marsico	Smith, B.
Birmelin	Flick	Masland	Smith, S. H.
Blaum	Gamble	Mayernik	Snyder, D. W.
Boscola	Gannon	McGeehan	Staback
Boyes	Geist	McGill	Stairs
Brown	Gladeck	Melio	Steil
Browne	Godshall	Merry	Stern
Bunt	Gordner	Micozzie	Stish
Butkovitz	Gruitza	Miller	Strittmatter
Carone	Gruppo	Nailor	Tangretti
Cawley	Habay	Nickol	Taylor, E. Z.
Chadwick	Hanna	Nyce	Taylor, J.
Civera	Harhart	O'Brien	Travaglio
Clark	Hennessey	Olasz	Trello
Clymer	Herman	Perzel	True
Colaella	Hershey	Petrarca	Tulli
Colaizzo	Hess	Petrone	Vance
Conti	Hutchinson	Pettit	Walko
Cornell	Jadlowiec	Phillips	Waugh
Corrigan	Kaiser	Piccola	Wogan
Coy	Keller	Pitts	Wozniak
Dempsey	Kenney	Platts	Wright, M. N.
Dent	King	Raymond	Yewcic
Dermody	Krebs	Readshaw	Zimmerman
DiGirolo	Laughlin	Reber	Zug
Donatucci	Lawless	Reinard	
Druce	Lederer	Rohrer	Ryan,
Durham	Leh	Rubley	Speaker

NOT VOTING—0

EXCUSED-3

Gigliotti

Hasay

Veon

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

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

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

Mr. STURLA. To interrogate the prime sponsor of the resolution on final passage.

The SPEAKER. The gentleman may proceed.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, it would seem to me that one of the things that is mentioned in several places is the ACCESS program, and having only served on the Education Committee for close to a year now, I am not all that familiar with it, but I believe I have some clue as to what it is about.

My question is, on page 1 of your resolution, you say that one of the things we are looking to do is to try and make sure that these programs "...comport with the policy judgments of the General Assembly and values of the general public,..." and I guess my question is, if we, after this investigation, find that, say, something like the ACCESS program does not comport with the policy judgments of the General Assembly and the values of the general public, what happens then?

Mr. ROHRER. It would be the intent of this committee to bring back that information for the purpose of informing the full House, in addition to keeping the entire Education Committee up to date on the things that are being learned.

The ACCESS program is but a part of the intent of this resolution, and to this date, the implementation of that program and what it entails has not gone through this General Assembly, has not even gone through regulation, and I only became aware of it when I stumbled upon it, when several board members called me just about a year ago, and thereupon, I began to try and find out what in the world are we talking about. After going to four of our House committees who did not know anything, one thing led to another, and now we have resulting in what we are talking about here today.

Now is the time, now is the time to study and bring back the facts to this House before the program is fully implemented, because we do not know what the impact is going to be upon our school districts, we do not know what the impact is going to be fiscally upon this State, and we do not know what the impact is going to be fully upon the issues of privacy and parental consent for the kids and the parents involved.

Mr. STURLA. The ACCESS program that is referred to in your resolution, is this something that the State mandates that local school districts do?

Mr. ROHRER. This is a program that the Commissioner of Education, in several memos, recommended highly to the school districts that they implement. In addition, it is a program that is being strongly, strongly encouraged in every district in this State by the Department of Education and the Department of Welfare.

Mr. STURLA. But it is up to the local school districts to decide whether they want to implement it, even though it may be strongly recommended. Is that correct?

Mr. ROHRER. That is correct. They have an option of whether or not to join. However, they are being strongly encouraged, and to my information, they are not being provided in fact the full details for what the ramifications and obligations to that district will be should they join up and begin to bill medicaid for programs. So full disclosure, to this date, has not been provided, and that is part of my concern. If a school district wants to do it, that is fine, but they need to be told up front what the obligation is, and they are not being told.

Mr. STURLA. Thank you.

So then it is your intent that we go through it and find what the full impact of this would be, and I will play devil's advocate here for a second and assume that we find that there is all sorts of corruption and that this does not comport with policy judgments of the General Assembly and values of the general public. We come back and we say, as a State, we do not like the ACCESS program. Would we attempt to do anything that would preclude local school districts from participating, even if they knew all these things going into the program?

Mr. ROHRER. If the information comes back in fact that that is the case, then we should at least inform them of what is taking place, yes.

Mr. STURLA. Okay. But it would just be to inform them, not to preclude them from participating if they so chose to do at a local level. Is that correct?

Mr. ROHRER. The General Assembly is here to make law and to put things in statute. It is our determination, it is our responsibility, as the General Assembly, to set educational direction. If after we consider it we feel that it is something that is what we want to do, then that is fine. If this body determines that that is not the case, then we, yes, have every right to change that.

Mr. STURLA. So you would then be taking what is now local control away from the local school districts in determining whether or not they want to participate in this program. Is that correct?

Mr. ROHRER. Sir, there is nobody more in favor of local control than I. I would have no intent in taking away the school district's right. They should have the right to do whatever. What I am saying is, they need to know the full intent and obligations of what they are signing, because in fact when they agree to become a part of the program, they sign a written guarantee. It is a guaranteed contract with the State that they will implement a full array of programs. That is in the contract. They are not being told this right now, and I am very much afraid that our school districts are going to be encumbering significant fiscal problems or other matters down the road for which they will not be able to very quickly respond and back up from.

Mr. STURLA. Okay. Thank you.

The SPEAKER. On the question, the Chair recognizes the lady from Butler, Ms. Carone.

Ms. CARONE. Mr. Speaker, I would appreciate being able to question the prime sponsor of the resolution.

The SPEAKER. The gentleman concurs. The lady may proceed.

Ms. CARONE. Mr. Speaker, my questions are basically twofold. We just finished discussing ACCESS, and I commend you for having brought that to the attention of the General Assembly in your resolution, and I support that portion of your resolution.

My question, Mr. Speaker, is, with the change in administration, since this was a Casey administration initiative, have you contacted the Ridge administration to determine if they are going to continue to pursue the ACCESS?

Mr. ROHRER. In answer to your question, I have had contact with the administration, and they were not aware of the program either, so to the extent that information can be collected from this body, it serves to benefit the administration.

Ms. CARONE. I would like to take a second approach.

I have also been concerned about the full intent of the resolution in addition to ACCESS because of the general language that was raised by previous speakers in questioning you. I would like to take the initial five lines that begin the resolution, where you describe the need to investigate "...the impact of recent changes in law, regulation and policy at the Federal and State level relating to...standards and goals and to student social, emotional and behavioral development upon the system of public education at the local level."

Could you specifically give me two or three or several examples of these policies and regulations that you believe need to be investigated?

Mr. ROHRER. I think I can give a couple.

Number one, and I will cite for you— Actually, a couple of things I can bring. One was with a memo from the department on July 12, 1994, where they say this: "...I am pleased to announce a Request for Proposals to provide School Based Mental Health Services...." They are providing seed money for startup programs. "We urge all districts to cooperate with local providers and/or county...health offices...."

They talk about the integration of mental health services into the school environment. They talk about the primary goal of the school-based mental health program being to provide a range of mental health services within the school setting, the integration of students with mental health needs into the classroom. They talk about providing community-based, needs-driven care for emotional problems, for mental health problems. They talk about the school staff having to view mental health services as an integral part of their overall program.

The memo says, "Student social, emotional, and behavioral development must be seen as a primary goal of the school." Have we made that judgment as a part of this Assembly? It has been my feeling and, I think, most people's feeling that the primary purpose of the school is to provide academic, quality instruction, not emotional and behavioral development.

In addition, we could go on to many other things as well.

Ms. CARONE. I would appreciate that. That is one major policy issue you brought to our attention. What I am trying to do is to understand the parameters under which the committee will be studying, so it is important to me to have you give me two or three others — Federal, perhaps, as well as State.

Mr. ROHRER. Okay. A second memo from the department, from Commissioner Bard, on October 5, 1994. It says, "We have been working aggressively with school districts to access...Medical Assistance funds...." He wants us to assure that school nurses participate in the planning and implementation of plans for students. They want service agreements for Chapter 15 students, for non-special education students with health problems. They want IEP's developed for Chapter 14 students. They want intervention strategies developed for students referred to the student assistance

programs. They want intervention strategies for students participating in "at-risk" programs.

He recommends strongly that funds are to increase, and he says this: The school districts should expend the funds to increase present health staff, including clerical support; to go out and hire health room paraprofessionals; to purchase health suite furniture and equipment; to start or increase school mental health services and programs; and to supplement and start other programs relating to student assistance. So that was one in October 1994.

In addition, you get into the current obligations from such programs as your IST, which the specific purpose for that is not just academic remediation but to screen emotional and mental health needs of the kids in the classroom. So we are dealing with regulations that have been in place; policies, not regulations, that have been recommended to the schools since that point. So it is kind of all wrapped up together. So these are just a few.

Ms. CARONE. Okay. You also ask for an investigation of recent changes in law and regulation at the Federal level. What Federal programs or what Federal policy or regulation do you intend to have this committee investigate?

Mr. ROHRER. Federal programs that I have in mind are two: the Goals 2000 legislation; the Individuals With Disabilities Education Act is another one. Both of them have and initiate Federal regulations that directly impact States and school districts that utilize Federal moneys, that require them to do a list of things, some of which are included in what we are talking about right here. I do not know all of them, but I do know that there are a list of things that are obligated to the State that takes the money and the school districts that take the money. So those are some.

Ms. CARONE. The intent of my questioning is to determine the scope that the committee has to work under, because you have not set a date certain for the report to come back. Normally we have a date, and this indicates "at the earliest practicable date," and the agenda that you have just listed is a sizeable one. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

The Chair recognizes the gentleman, Mr. Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, just two points to be clarified. Mr. Rohrer, in responding to the questions, spoke about a couple of examples where there are Federal regulations that require school districts to do things, and Goals 2000 and the special education laws at the Federal level were cited as the examples. The fact is there are no regulations with Goals 2000. The Federal Government has promulgated no regulations at all and has made it clear they do not intend to promulgate any regulations and has made it clear that anything that is to be said has been said in the statute. It is an example of people creating arguments where there are none, creating mythical regulations or mandates where there are none.

Secondly, Mr. Speaker, there has been some discussion about the purpose of this resolution, and I certainly do not intend to put words into the mouth of the maker of the resolution, but in the memo that he circulated on January 31 of 1995, which all of us received when we were invited to become cosponsors of HR 37, when he indicated that he had hoped that it would be considered on February 1, there was no mention made of OBE. It was all about the ACCESS program. It talked about a program that was being promoted in school districts and IU's (intermediate units), and it had to do with mental health clinics and school-based health clinics and a complete array of other school-based programs funded

through Federal and State medicaid reimbursements. It talked about a fiscal impact on the Commonwealth and districts. It said that we have not been notified as members of the General Assembly and that we ought to look at this. It never said anything about OBE. This resolution, as I suggested earlier, is so broadly written that it can mean anything to anybody. It can be interpreted in any way that you choose to interpret it.

Mr. Speaker, I am going to encourage members on the Democratic side to vote in favor of this, and frankly, I want to thank the majority party for giving us this opportunity. It is usually the minority party that would try to get something through like this, something that was open-ended, something that gave us a free hand, and something that required that we do everything, that we get into each and every one of these issues. You have set an agenda through this resolution that we could not possibly have set as a minority party. You have given us a forum and you will give us a forum and you will give all of us together a mandate that we examine each and every one of these issues, and these are not discretionary. The language in this resolution is very clear, it is very mandatory, and as I suggested, it is very inclusive, and it will be about the Ridge administration as well as anything that has come before it.

Mr. Speaker, actually, I am almost looking enthusiastically toward the work of the committee. I assure you, Mr. Speaker, and I assure the majority members of the committee and the majority leadership that we will require ourselves and you to work very, very hard on this extensive agenda, and we are going to require that together we be very, very, very thorough in examining all of these issues, and we will not allow anyone to pick and choose those issues that may be their favorites. We will do everything that this resolution tells the committee that it must do. This is going to be a most interesting process, Mr. Speaker. Mr. Speaker, again, as I suggested, we will take it very literally; we will insist that we do what the resolution says we must do.

With those thoughts, Mr. Speaker, I would urge that we approve the resolution. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS-175

Adolph	Evans	Maitland	Sainato
Allen	Fairchild	Major	Santoni
Argall	Fajt	Manderino	Sather
Armstrong	Fargo	Markosek	Saylor
Baker	Farmer	Marsico	Schroder
Bard	Feese	Masland	Schuler
Barley	Fichter	Mayernik	Scrimenti
Battisto	Fleagle	McCall	Semmel
Belardi	Flick	McGeehan	Serafini
Belfanti	Gamble	McGill	Shaner
Birmelin	Gannon	Melio	Sheehan
Blaum	Geist	Merry	Smith, S. H.
Boscola	George	Michlovic	Snyder, D. W.
Boyes	Gladeck	Micozzie	Staback
Brown	Godshall	Mihalich	Stairs
Browne	Gordner	Miller	Steil
Bunt	Gruitza	Mundy	Stern
Butkovitz	Gruppo	Nailor	Stish
Caltagirone	Habay	Nickol	Strittmatter
Cappabianca	Harhart	Nyce	Surra
Carone	Hennessey	O'Brien	Tangretti
Cawley	Herman	Olasz	Taylor, E. Z.

Chadwick	Hershey	Perzel	Taylor, J.
Civera	Hess	Pesci	Thomas
Clark	Hutchinson	Petrarca	Tigue
Clymer	Itkin	Petrone	Travaglio
Cohen, M.	Jadlowiec	Pettit	Trello
Colafella	Jarolin	Phillips	Trich
Colaizzo	Kaiser	Piccola	True
Conti	Keller	Pistella	Tulli
Cornell	Kenney	Pitts	Vance
Corpora	King	Platts	Walko
Corrigan	Krebs	Preston	Waugh
Cowell	Kukovich	Raymond	Wogan
Coy	LaGrotta	Readshaw	Wozniak
Daley	Laughlin	Reber	Wright, D. R.
DeLuca	Lawless	Reinard	Wright, M. N.
Dempsey	Lederer	Rieger	Yewcic
Dent	Leh	Roberts	Youngblood
Dermody	Lescovitz	Robinson	Zimmerman
DiGirolamo	Levdansky	Rohrer	Zug
Donatucci	Lloyd	Rooney	
Druce	Lucyk	Rublely	Ryan,
Durham	Lynch	Rudy	Speaker
Egolf			

NAYS-25

Bebko-Jones	Haluska	Oliver	Stetler
Bishop	Hanna	Ramos	Sturla
Buxton	Horsey	Richardson	Van Horne
Carn	James	Roebuck	Vitali
Cohen, L. I.	Josephs	Smith, B.	Washington
Curry	Kirkland	Steelman	Williams
DeWeese			

NOT VOTING-0

EXCUSED-3

Gigliotti	Hasay	Veon
-----------	-------	------

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

Mrs. BROWN called up **HR 28, PN 312**, entitled:

A Concurrent Resolution reasserting State sovereignty.

On the question,
Will the House adopt the resolution?

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

Mr. COHEN. To offer an amendment, Mr. Speaker.

The SPEAKER. The gentleman's amendments were not submitted in accordance with our rules. It will be necessary for you to first suspend the rules.

Mr. COHEN. Mr. Speaker, these amendments have been submitted in a timely fashion.

The SPEAKER. According to the records of the House, they were filed today at 10:21, which is much too late.

Mr. COHEN. Mr. Speaker, I do not think those records are accurate.

The SPEAKER. I am sorry?

Mr. COHEN. I do not believe those records are accurate.

The SPEAKER. Well, they are the official records of the House. I mean, we did not make them up.

Mr. COHEN. Okay. Mr. Speaker, in that case, I will speak against the resolution.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes Representative Brown.

Mrs. BROWN. Thank you, Mr. Speaker.

Because of the late hour of the evening, I would like to keep this very brief.

Some interesting information about this concurrent resolution is that on October 4, 1994, this exact, very similar resolution was adopted unanimously, 197 to 0. It was a similar resolution sponsored by Representative Ron Gamble. The difference between mine and his resolution is that mine is a concurrent resolution, and the reason that I felt that it was important to do it at this time is because we have a new Congress now with Republican leadership; we have a new makeup, so it is worth reinstating this idea of reasserting the State's sovereignty.

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, this is a resolution reasserting State sovereignty. This is not a concept that has been very familiar to people, and I think we have to explore what that means as it is defined by this resolution.

Beginning on the first page of the resolution, I call your attention to page 1, lines 10, 11, and 12, which says, "The scope of Federal power defined by the Tenth Amendment means that the Federal Government was created by the states specifically to be an agent of the states."

This is a historical error. The U.S. Government was not created to be an agent of the States. There is not a council of Governors that makes the laws of the United States; there is a U.S. Congress elected by the people that makes the laws of the States. There is not a council of State Supreme Court justices that interprets the Constitution of the United States; there is a United States Supreme Court. The U.S. census is not conducted by each individual State; it is conducted by the Federal Government. The U.S. Army is not merely composed of State militia; it is also composed and primarily composed of the national service corps — the Army, Navy, and Marines. It was not the intention of the U.S. Constitution to make the Federal Government just the agent of the States. It was the intention of the U.S. Constitution to create a Federal Government.

This amendment seems to confuse the Federal Government created in the Constitution of 1787 with the constitution creating the Articles of Confederation, which was a document that pretty much limited the Federal Government to being an agent of the States. That experiment failed after a very short period of time, and that gives us our present Constitution.

Now, what is the significance of discussing at 10:20 at night American history? Well, the real practical significance of this comes out when we deal with the rest of this resolution, the rest of this resolution going on to page 2. It takes this myth that the Federal Government was created as an agent of the States and says things as to why this is no longer believed.

I call your attention to lines 3, 4, 5, 6, 7, on page 2, which say that "interpretations of the 'commerce clause' which go beyond any reasonable conception and in effect authorize Federal preemption with respect to any issue for which some faint or circuitous connection can be made to interstate commerce." Now, that sounds

good, but what does that mean? What are some examples of laws which are based on the commerce clause of the United States Constitution, which was placed in the Constitution before the 10th Amendment was placed in as part of the Constitution?

All civil rights laws, all civil rights laws are based on the commerce clause in terms of what their statutory authorization is. All consumer protection laws are based on the commerce clause in terms of their statutory protection. All environmental laws, all air pollution laws, all water pollution laws are based on the commerce clause in terms of their constitutional authorization. When you start saying that the commerce clause, the interpretation of the commerce clause, in matters not intended by the Founding Fathers is wrong, you are attacking, you are attacking all civil rights laws, all labor laws, all environmental laws, all consumer protection laws.

Then we go on and we indicate that "by threat of withholding, withdrawing...Federal funds to coerce compliance with Federal policies." We are now talking about all transportation laws, all laws setting up interstate highways. We are talking, in other words, about a very, very strong attack on the whole consensus of Federal policies over the last 60 years.

This is an extremist document. This is not merely an assertion that the 10th Amendment has been ignored. This is a wholesale attack on Federal power over the last 60 years and even before that. It attacks regulation of railroads, which goes far before the New Deal. It attacks antitrust laws, which are only allowed under the commerce clause which goes before the 20th century. This is a very, very strong resolution which is more fitting to the John Birch Society than it is for the Pennsylvania House of Representatives.

Now, continuing with what this resolution says, it says, "...states are demonstrably treated as agents of the Federal Government." That is not really true, and to a degree we are treated as agents of the Federal Government because we have lobbyists in Washington demanding that we be the ones who administer Federal programs.

The SPEAKER. Will the gentleman yield.

There are some students of the law here who would like to hear the gentleman's debate. Please, the gentleman is entitled to be heard.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, the rest of the resolution is a bunch of very, very vague statements that have no specific meaning but when tied into the rest of this document have the meaning of trying to discredit the entire scope of Federal activity. You know, it is one thing to say that affirmative action has gone too far despite some specific case; it is another thing to say there ought to be no civil rights laws whatever. It is one thing to say the EPA has gone too far; it is another thing to say there ought to be no air pollution laws whatsoever. It is one thing to say that some consumer protection regulation has gone too far; it is another thing to say there ought to be no consumer protection regulations whatever. It is one thing to say that some highway administrator withheld Federal funds when he should not have; it is another thing to say there ought to be no Federal highways.

Though normally it does not really make much difference what a resolution says — these resolutions have no binding power; these resolutions do not really mandate very much — but every once in a while there is some resolution that is so extreme, so outrageous in terms of the conduct and the context of American politics, that it cries out for attention, and this is such a resolution.

Now, we are doing other things that are fully legitimate and that are worth supporting. HR 29, which we passed, calls on the Intergovernmental Affairs Committee to review current Federal-State relations in terms of regulations and unfunded mandates. HR 30 calls for a national convention of States to discuss the unfunded mandate problem. HR 31—

Mr. Speaker, I am informed by Mr. Snyder that this resolution is going to be passed over temporarily, and therefore, I withdraw these comments.

The SPEAKER. They surrendered.

RESOLUTION PASSED OVER

The SPEAKER. Without objection, HR 28 is passed over.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 455, PN 475

By Rep. BOYES

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, eliminating the tax on admission to ski facilities; and further providing for collection of taxes.

FINANCE.

HB 544, PN 926 (Amended)

By Rep. BOYES

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, further providing for the powers and duties of the Secretary of Revenue.

FINANCE.

VOTE CORRECTIONS

The SPEAKER. The Chair recognizes the gentleman, Mr. Baker.

Mr. BAKER. Thank you, Mr. Speaker.

Mr. Speaker, my switch did not function on HB 213, amendment A0759. I would like to be recorded in the negative. Thank you.

The SPEAKER. The Chair thanks the gentleman.

Are there any corrections to the record in regular session?

The Chair recognizes the gentleman from Bucks, Mr. Corrigan.

Mr. CORRIGAN. Thank you, Mr. Speaker.

On HB 213, A0695, I was recorded as a "yes" vote, and I would like to be recorded in the negative. Thank you.

The SPEAKER. The remarks of the gentleman will be spread upon the record.

The Chair recognizes the gentleman, Mr. Wogan. For what purpose does the gentleman rise?

Mr. WOGAN. In order to correct the record, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. WOGAN. Mr. Speaker, on HB 213, I was inadvertently recorded incorrectly I guess with a little help from my friends. I would like to be recorded in the affirmative.

The SPEAKER. The remarks of the gentleman will be spread upon the record.

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

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

The SPEAKER. The gentleman may proceed.

Mr. KIRKLAND. Mr. Speaker, on HR 37 my switch malfunctioned. Mr. Speaker, I would like to be recorded in the affirmative.

The SPEAKER. The remarks of the gentleman will be spread upon the record.

Mr. KIRKLAND. Thank you.

The SPEAKER. The Chair thanks the gentleman.

Any further corrections, reports of committees? Are there any bills or amendments to be introduced?

Does the majority leader or minority leader have any further business in the regular session?

The Chair recognizes the Democratic floor leader, Mr. DeWeese.

Mr. DeWEESE. Thank you, Mr. Speaker.

Just one question for the gentleman from Philadelphia, Mr. Perzel.

For tomorrow, if you are able, please identify the bills that will be advanced during token session so that amendments that may be drafted will have a time certain that they should be prepared by so that we might be in order for our return.

The SPEAKER. Will the gentleman, Mr. Perzel, read from that supplemental calendar.

Mr. PERZEL. We are not moving any bills tomorrow, Mr. Speaker. The calendar that is on the computer is the calendar we are going with.

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. PERZEL. Mr. Speaker, I move that the following bills be removed from the table and placed on the active calendar:

HB 172;
HB 513; and
HB 544.

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

BILLS RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.

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

HB 172;
HB 513; and
HB 544.

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

HOUSE BILLS INTRODUCED AND REFERRED

No. 841 By Representatives LAWLESS, BELARDI, FARGO, STABACK, SATHER, BAKER, TRELLO, DiGIROLAMO, OLASZ, ARMSTRONG, SCRIMENTI, YOUNGBLOOD, PITTS, DeLUCA, LEH, HENNESSEY, LAUGHLIN, ROHRER and E. Z. TAYLOR

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting pornographic computer communications to minors.

Referred to Committee on JUDICIARY, February 14, 1995.

No. 842 By Representatives LAWLESS, BOYES, GODSHALL, PETTIT, LYNCH, LEH, L. I. COHEN, GORDNER, KUKOVICH, HERMAN, ROBERTS, HUTCHINSON, ROONEY, ARMSTRONG, KING, COY, FAJT, GEIST, RAYMOND, COLAFELLA, TRELLO, HERSHEY, KENNEY, STERN, FARMER, DRUCE, RUBLEY, WOGAN, FLEAGLE, E. Z. TAYLOR, STEELMAN, MERRY, FARGO, BROWN, CLYMER, SERAFINI, DEMPSEY, MILLER, ADOLPH, S. H. SMITH, BAKER, J. TAYLOR, HENNESSEY, SEMMEL, BROWNE, CIVERA, SCHULER, LAUGHLIN and SCHRODER

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, removing the \$500,000 cap on net loss deductions.

Referred to Committee on FINANCE, February 14, 1995.

No. 843 By Representatives DRUCE, PERZEL, DeWEESE, LYNCH, GEIST, DENT, MASLAND, SCRIMENTI, MELIO, CLARK, ARGALL, FARGO, PLATTS, SCHRODER, HENNESSEY, SAYLOR, FICHTER, FAIRCHILD, STISH, STEIL, L. I. COHEN, CONTI, RUBLEY, NAILOR, MICHLOVIC, BARD, CORRIGAN, COY, STURLA, DeLUCA, TIGUE, NICKOL, SATHER, VANCE, MERRY, WOGAN, BELFANTI, E. Z. TAYLOR, ROBERTS, CARONE, KREBS, HUTCHINSON, YOUNGBLOOD, M. N. WRIGHT, KING, HERSHEY, BUNT, MILLER, HERMAN, HANNA, BATTISTO, DEMPSEY, ITKIN, ADOLPH, S. H. SMITH, TRELLO, STETLER, McCALL, COWELL, STERN, WAUGH, TRUE, FLICK, MAITLAND, SEMMEL, CORNELL, CIVERA, CLYMER and WALKO

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for special elections for senators and representatives in the General Assembly.

Referred to Committee on STATE GOVERNMENT, February 14, 1995.

No. 844 By Representatives MILLER, BUNT, LEH, HERSHEY, PETTIT, FICHTER, E. Z. TAYLOR, SCHULER, CONTI, ZIMMERMAN, MELIO, ZUG, GEIST, KAISER, HENNESSEY, CLARK, GAMBLE, GORDNER, ARMSTRONG, SAYLOR, RUBLEY, BAKER, ARGALL, TIGUE, YOUNGBLOOD, B. SMITH, SATHER, DeLUCA, ROBERTS, STAIRS, LAUGHLIN, TRELLO, FEESE, SEMMEL, WAUGH and WALKO

An Act providing for Pennsylvania Turnpike farmers' markets; and conferring powers and duties on the Department of Agriculture and the Pennsylvania Turnpike Commission.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, February 14, 1995.

No. 845 By Representatives CIVERA, LLOYD, WAUGH, BOYES, SHEEHAN, KING, ALLEN, VANCE, FAIRCHILD, FLICK, LAWLESS, RAYMOND and GANNON

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

Referred to Committee on PROFESSIONAL LICENSURE, February 14, 1995.

No. 846 By Representatives CIVERA, LLOYD, WAUGH, BOYES, KING, ALLEN, FAIRCHILD, FLICK, LAWLESS, RAYMOND and GANNON

An Act amending the act of May 11, 1889 (P.L.188, No.210), entitled "A further supplement to an act, entitled 'An act to establish a board of wardens for the Port of Philadelphia, and for the regulation of pilots and pilotage, and for other purposes,' approved March twenty-ninth, one thousand eight hundred and three, and for regulating the rates of pilotage and number of pilots," further providing for pilotage rates.

Referred to Committee on PROFESSIONAL LICENSURE, February 14, 1995.

No. 847 By Representatives FICHTER, ALLEN, LEDERER, McCALL, BARD, DONATUCCI, MUNDY, LEH, TRELLO, HERMAN, WAUGH, SCHULER, FAIRCHILD, STABACK, KELLER, KREBS, MICHLOVIC, FARGO, ROONEY, KENNEY, RAYMOND, RUBLEY, E. Z. TAYLOR, MELIO, FAJT, BATTISTO, ITKIN, CLARK and MILLER

An Act prohibiting the use of a document facsimile production, or fax machine, to transmit unsolicited advertising messages.

Referred to Committee on CONSUMER AFFAIRS, February 14, 1995.

No. 848 By Representatives PHILLIPS, FAIRCHILD, ALLEN, HESS, FICHTER, PETTIT, L. I. COHEN, SATHER, FARMER, MILLER, BARD, MERRY, HERMAN, RUBLEY, BAKER, COY, TIGUE, NAILOR, J. TAYLOR, SAYLOR, TULLI, STABACK, GEIST, BUNT, TRELLO and STEELMAN

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for contributions to State park programs; and making a repeal.

Referred to Committee on FINANCE, February 14, 1995.

No. 849 By Representatives PHILLIPS, McCALL, ALLEN, GEIST, FICHTER, FARGO, FAIRCHILD, STISH, BELFANTI and TRELLO

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for the resettlement date for certain corporate taxes.

Referred to Committee on FINANCE, February 14, 1995.

No. 850 By Representatives PHILLIPS, GEORGE, DEMPSEY, HERMAN, CLARK, FAIRCHILD, SATHER, YOUNGBLOOD, BUNT, TRELLO, MARKOSEK, KING, JAROLIN, BAKER, MILLER, BELFANTI, HALUSKA, MERRY, STERN and STEELMAN

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for dirt and gravel road maintenance.

Referred to Committee on TRANSPORTATION, February 14, 1995.

No. 851 By Representatives PHILLIPS, TRELLO, FAIRCHILD, SATHER, HESS, KING, STABACK, DEMPSEY, CIVERA, BAKER, E. Z. TAYLOR, STERN, WAUGH, YOUNGBLOOD, SCHULER, JAROLIN, MILLER and MERRY

An Act amending the act of June 1, 1945 (P.L.1242, No.428), known as the State Highway Law, providing for the maintenance of certain pedestrian crosswalks.

Referred to Committee on TRANSPORTATION, February 14, 1995.

No. 852 By Representatives PHILLIPS, TULLI, GEIST, LAUGHLIN, FICHTER, COLAIZZO, LYNCH, HENNESSEY, BUNT, FAIRCHILD, SCHULER, SAYLOR, PETTIT, MAITLAND, FARMER, ARMSTRONG, TRELLO, HERSHEY, PLATTS, GANNON, STEELMAN, E. Z. TAYLOR and WAUGH

An Act repealing the act of June 17, 1913 (P.L.507, No.335), referred to as the Intangible Personal Property Tax Law.

Referred to Committee on FINANCE, February 14, 1995.

No. 853 By Representatives PHILLIPS, PETTIT, RUBLEY, TIGUE, NYCE, FARGO, WAUGH, SATHER, SAYLOR and ALLEN

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for payment of salaries in cases of sickness, injury or death.

Referred to Committee on EDUCATION, February 14, 1995.

No. 854 By Representatives PHILLIPS, TRELLO, BAKER, CLARK, HERSHEY, HUTCHINSON, STABACK, SAYLOR, CIVERA, E. Z. TAYLOR, HALUSKA, STERN, JAROLIN, MILLER and GRUITZA

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for the organization of the Pennsylvania Game Commission.

Referred to Committee on GAME AND FISHERIES, February 14, 1995.

No. 855 By Representatives PHILLIPS, COY, BELFANTI, FLEAGLE, CLARK, HERSHEY, KING, TIGUE, STABACK, SAYLOR, TRELLO, NYCE, CIVERA, BAKER, E. Z. TAYLOR, WAUGH, HUTCHINSON, FARGO, JAROLIN, MILLER, STERN and GRUITZA

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for the organization of the Pennsylvania Fish and Boat Commission.

Referred to Committee on GAME AND FISHERIES, February 14, 1995.

No. 856 By Representatives PHILLIPS, JAROLIN, E. Z. TAYLOR, CIVERA, ROHRER, HUTCHINSON, COY, TRELLO, LEVDANSKY, STERN, WAUGH, YOUNGBLOOD, FARGO, MILLER, GRUITZA and MERRY

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for license costs and fees.

Referred to Committee on GAME AND FISHERIES, February 14, 1995.

No. 857 By Representatives PHILLIPS, FARGO, GRUITZA, MILLER, CLARK, HESS, FICHTER, HERSHEY, KING, STABACK, READSHAW, SAYLOR, TRELLO, MAITLAND, CIVERA, BAKER, LEVDANSKY, SURRA, STERN, WAUGH, BROWN, BELFANTI, NAILOR, JAROLIN, MERRY and B. SMITH

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for license revocation.

Referred to Committee on GAME AND FISHERIES, February 14, 1995.

No. 858 By Representatives PHILLIPS, B. SMITH, STABACK, GEIST, HESS, TRELLO, CIVERA, JADLOWIEC, PETRONE, YOUNGBLOOD, GODSHALL, BELFANTI, ROHRER, MILLER, GRUITZA and MERRY

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for taxidermy permits.

Referred to Committee on GAME AND FISHERIES, February 14, 1995.

No. 859 By Representatives PHILLIPS, B. SMITH, LEVDANSKY, BELFANTI, REBER, PETTIT, FARGO, CLARK, NAILOR, PLATTS, STABACK, GEIST, FICHTER, RUBLEY, D. R. WRIGHT, DRUCE, TULLI, CARONE, FLEAGLE, FAIRCHILD, GRUPPO, BAKER, NICKOL, LYNCH, PETRONE, E. Z. TAYLOR, OLASZ, TIGUE, TRELLO, SAYLOR, DeLUCA, KING, HESS, SATHER, GRUITZA, HASAY, CIVERA, STEELMAN and BROWN

An Act making an appropriation to the Pennsylvania Fish and Boat Commission to cover the costs of certain free fishing licenses.

Referred to Committee on APPROPRIATIONS, February 14, 1995.

No. 860 By Representatives STETLER, TRELLO, COY, MUNDY, BELARDI, COLAIZZO, VAN HORNE, DEMPSEY, BATTISTO, BAKER, PETTIT, McCALL, FAJT, STURLA, ROONEY, STEELMAN, JOSEPHS, HUTCHINSON, COLAFELLA, PISTELLA, BELFANTI, TIGUE, CIVERA, CARONE, TULLI, TRICH, HALUSKA, RICHARDSON, PESCI, MIHALICH, MICHLOVIC, MELIO, D. W. SNYDER, LEVDANSKY and GORDNER

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for the calculation of the sales factors for business income.

Referred to Committee on FINANCE, February 14, 1995.

No. 861 By Representatives HANNA, LYNCH, RUDY, JADLOWIEC and LLOYD

An Act amending the act of May 17, 1929 (P.L.1798, No.591), referred to as the Forest Reserves Municipal Financial Relief Law, increasing the amount paid by the Commonwealth.

Referred to Committee on FINANCE, February 14, 1995.

SUNSHINE NOTICE

The SPEAKER. The clerk will read the sunshine notice in the regular session.

The following communication was read:

House of Representatives
Commonwealth of Pennsylvania
Harrisburg

NOTICE
SESSION TIME
HOUSE OF REPRESENTATIVES

Notice is hereby given, in accordance with the Act of July 3, 1986, P.L. 388, No. 84, that the House of Representatives will convene in open session in the Hall of the House on the following date and time:

WEDNESDAY, FEBRUARY 15, 1995 AT 11 A.M.

Ted Mazia
Chief Clerk
House of Representatives

February 14, 1995

The SPEAKER. Does the majority leader or minority leader have any further business in regular session?

ANNOUNCEMENT BY MINORITY LEADER

The SPEAKER. The Chair recognizes the gentleman, Mr. DeWeese.

Mr. DeWEESE. Just a 15-second announcement, and I would like to make certain that all Democratic members are aware that the amendments that will be offered on February 27, Monday, must be prepared by 2 p.m. tomorrow. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

ADJOURNMENT

The SPEAKER. Does the majority leader have any further business?

Hearing none, the Chair recognizes the lady from Susquehanna, Miss Major.

Miss MAJOR. Mr. Speaker, I move that this House do now adjourn until Wednesday, February 15, 1995, at 11 a.m., e.s.t., unless sooner recalled by the Speaker.

On the question.

Will the House agree to the motion?

Motion was agreed to, and at 10:36 p.m., e.s.t., the House adjourned.