

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, NOVEMBER 13, 1995

SESSION OF 1995

179TH OF THE GENERAL ASSEMBLY

No. 74

HOUSE OF REPRESENTATIVES

The House convened at 1 p.m., e.s.t.

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

PRAYER

REV. KENNETH E. SHAFFER, *Chaplain of the House of Representatives*, from Seneca, Pennsylvania, offered the following prayer:

Let us pray:

Eternal God, we come to You today in the name of our Savior, thanking You for Your undeserved love, thanking You for the daily benefits bestowed upon us. We are glad this afternoon that You love us just simply because You love us, not because of who we are, where we stand as far as our life is concerned, but You love us unconditionally. Because of that love, we have come to You; hear our prayers.

We are so glad, Father, that You created us and did not leave us to fend for ourselves, that You care for us. You care more about us as individuals than we care about ourselves. You are concerned about us, concerned about every aspect of life, every activity, every decision, every area of life, and You communicate to us. Sometimes it may be in the wind, sometimes in the rain, and sometimes like the prophet of old, You speak in a still, small voice.

I would pray today that each member of the House, as we are here collectively, that we would sense in a personal way Your care, Your concern, and Your communication. May we hear Your voice, that the activities this day would be done in such a manner as to bring glory to Your name. 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 Tuesday, October 31, 1995, will be postponed until printed. The Chair hears no objection.

JOURNALS APPROVED

The SPEAKER. Without objection, the House will approve the Journals for Tuesday, April 18; Wednesday, April 19; Monday, April 24; and Tuesday, April 25. The Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2183 By Representatives KUKOVICH, CURRY, MANDERINO, TANGRETTI, ITKIN, BELARDI, JOSEPHS, E. Z. TAYLOR, STEELMAN, STABACK, WALKO, RUDY, MELJO, CAPPABIANCA, STURLA, SHANER, ROONEY and TRELLO

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the purposes of the Juvenile Act and for the definition of "delinquent act"; adding definitions for "extended jurisdiction juvenile offender" and "extended jurisdiction juvenile prison"; and providing for extended jurisdiction juvenile offenders.

Referred to Committee on JUDICIARY, November 1, 1995.

No. 2184 By Representatives L. I. COHEN, LEDERER, STERN, McGEEHAN, BARD, MARKOSEK, MANDERINO, YOUNGBLOOD, VANCE, BELARDI, TRELLO, JOSEPHS, SERAFINI, PETRARCA, GEORGE, E. Z. TAYLOR, STEELMAN, HENNESSEY and ITKIN

An Act establishing an osteoporosis prevention and treatment program; providing for additional duties of the Department of Health; and establishing the Interagency Council on Osteoporosis and providing for its powers and duties.

Referred to Committee on HEALTH AND HUMAN SERVICES, November 1, 1995.

No. 2185 By Representatives COLAFELLA, TRELLO, CURRY, SCHRODER, COY, BELARDI, LEDERER, THOMAS, OLASZ, MANDERINO, STURLA, DEMPSEY, GANNON, TRICH, DeLUCA, ITKIN, KING and RAMOS

An Act amending the act of December 29, 1972 (P.L.1701, No.364), known as the Health Maintenance Organization Act, defining "practice parameters"; requiring certain disclosures; and further providing for filing with the Department of Health.

Referred to Committee on HEALTH AND HUMAN SERVICES, November 1, 1995.

No. 2186 By Representatives FLEAGLE, B. SMITH, GRUITZA, MAITLAND, NICKOL, HUTCHINSON, LYNCH, LEVDANSKY, CLARK, WAUGH, TRUE, E. Z. TAYLOR, DEMPSEY, EGOLF, BELFANTI, ROHRER, SAYLOR and YOUNGBLOOD

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, relating to Class A regulated fishing lakes.

Referred to Committee on GAME AND FISHERIES, November 1, 1995.

No. 2187 By Representatives GORDNER, BAKER, ALLEN, COY, McCALL, SCRIMENTI, VAN HORNE, WAUGH, MASLAND, SANTONI, WALKO, BATTISTO, SHANER, LEDERER, KUKOVICH, MELIO, ROONEY, TIGUE, ITKIN, BELFANTI, JOSEPHS, PETRARCA, RUBLEY, SAYLOR, NICKOL, STABACK, PETTIT, BELARDI, TRELLO, VEON, FAJT, STERN, DeLUCA, BROWNE, TULLI, STEELMAN, TRICH and HALUSKA

An Act providing for a small business permit information clearinghouse program and for duties of the Department of Commerce.

Referred to Committee on COMMERCE AND ECONOMIC DEVELOPMENT, November 1, 1995.

No. 2188 By Representatives ALLEN, LUCYK, GEIST, GAMBLE, DALEY, PHILLIPS, ARGALL, PERZEL, DeWEESE, FARGO, BELFANTI, STISH, McCALL, JAROLIN, ROBINSON, HANNA, SHANER, COLAIZZO, PESCI, WOZNIAC, WAUGH, HERSHEY, BROWN, BELARDI, TRELLO, HARHART and YOUNGBLOOD

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for permit for movement during course of manufacture.

Referred to Committee on TRANSPORTATION, November 1, 1995.

No. 2189 By Representatives STERN, REBER, SATHER, FARGO, SAYLOR, GEIST, PETTIT, WALKO, RUBLEY, FAIRCHILD, NAILOR, CURRY, READSHAW, LEDERER, VANCE, HESS, TIGUE, ALLEN, E. Z. TAYLOR, MUNDY, LEVDANSKY, HERSHEY, M. COHEN, STURLA, EGOLF, B. SMITH, BAKER, STABACK, NICKOL, TRELLO, BATTISTO, HALUSKA, CORRIGAN, BARD, STETLER, HENNESSEY, YOUNGBLOOD, STEELMAN and MERRY

An Act amending the act of July 5, 1989 (P.L.166, No.31), known as the Phosphate Detergent Act, changing the expiration date.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, November 1, 1995.

No. 2190 By Representatives GANNON, TRELLO, BOYES, GRUPPO, BUNT, LAWLESS, CIVERA, ADOLPH, MICOZZIE, J. TAYLOR, RAYMOND, COLAFELLA, LaGROTTA, OLASZ, VAN HORNE, TANGRETTI, DeLUCA, LEVDANSKY, GRUITZA, DERMODY, WOZNIAC, DEMPSEY, GIGLIOTTI and KENNEY

An Act amending Titles 18 (Crimes and Offenses) and 72 (Taxation and Fiscal Affairs) of the Pennsylvania Consolidated Statutes, further providing for the sale or distribution of tobacco to minors; providing for licensing of cigarette stamping agents, wholesalers and retailers; establishing the Cigarette Licensing, Marketing and Youth Protection Board and providing for its powers and duties; providing for reports, for examination of records, equipment and premises, for sales, for advertising, for good faith, for admissible evidence, for cost survey, for admissibility, for remedies, for administrative powers and duties, for violations and for inapplicability of Unfair Sales Act; prohibiting sales to minors; and making a repeal.

Referred to Committee on FINANCE, November 1, 1995.

No. 2192 By Representatives MELIO, BELARDI, JAROLIN, ITKIN, DeLUCA, TRELLO, M. COHEN and THOMAS

An Act amending the General Appropriation Act of 1995 (P.L. , No.5A), increasing the appropriation for community conservation and employment in the Department of Community Affairs.

Referred to Committee on APPROPRIATIONS, November 1, 1995.

No. 2193 By Representatives MELIO, THOMAS, ITKIN, L. I. COHEN, RAMOS and YOUNGBLOOD

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for riding on motorcycles.

Referred to Committee on TRANSPORTATION, November 1, 1995.

No. 2194 By Representatives CIVERA, FARGO, SERAFINI, BROWNE 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 personal holding company tax deduction.

Referred to Committee on FINANCE, November 1, 1995.

No. 2195 By Representatives DONATUCCI, SERAFINI, KELLER, MANDERINO, LEDERER, NICKOL, STABACK, YOUNGBLOOD, GEIST, SAYLOR, BELARDI, GODSHALL, BROWNE, BAKER, WOGAN, ITKIN, RAYMOND, BARD, THOMAS, FAJT, J. TAYLOR, RAMOS and MICOZZIE

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for unlawful advertising and providing additional penalties.

Referred to Committee on LIQUOR CONTROL, November 6, 1995.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 248 By Representatives GANNON, TRELLO, BOYES, GRUPPO, BUNT, LAWLESS, CIVERA, ADOLPH, MICOZZIE, J. TAYLOR, RAYMOND, COLAFELLA, LaGROTTA, OLASZ, VAN HORNE, TANGRETTI, DeLUCA, LEVDANSKY, GRUITZA, DERMODY, WOZNIAC, DEMPSEY, GIGLIOTTI and KENNEY

A Resolution urging the Congress of the United States to seek solutions to the issue of access to tobacco by youths.

Referred to Committee on RULES, November 1, 1995.

No. 249 By Representatives CAPPABIANCA, VEON, EVANS, LESCOVITZ, TRICH, JAROLIN, WALKO, GIGLIOTTI, BUXTON, MARKOSEK, KUKOVICH, ROONEY, COLAFELLA, PESCI, LAUGHLIN, DALEY, LaGROTTA, TANGRETTI, READSHAW, SANTONI, DeLUCA, STABACK, RUDY, MUNDY, CURRY, OLASZ, VAN HORNE, JOSEPHS, McCALL, TIGUE, MANDERINO, FAJT, BATTISTO, SAINATO, LEVDANSKY, KIRKLAND, BOSCOLA, SCRIMENTI, ITKIN, M. COHEN, THOMAS, YOUNGBLOOD, SHANER and RAMOS

A Resolution memorializing Congress to reject the proposed Federal budget cuts and to adopt a Federal budget which considers concerns of the states.

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, November 1, 1995.

SENATE BILLS FOR CONCURRENCE

The clerk of the Senate, being introduced, presented the following bills for concurrence:

SB 944, PN 1470

Referred to Committee on GAME AND FISHERIES, November 13, 1995.

SB 1243, PN 1528

Referred to Committee on INSURANCE, November 13, 1995.

FILMING PERMISSION

The SPEAKER. The Chair advises the members of the House that permission has been given to James Baron of WTAE to take videotape on the floor of the House, and permission is given to Kurt Knaus of the Democratic Legislative Information Office to take still photographs.

COMMUNICATIONS FROM GOVERNOR

APPROVAL OF HOUSE BILLS

The Speaker laid before the House communications in writing from the office of His Excellency, the Governor of the Commonwealth, advising that the following House bills had been approved and signed by the Governor:

HB 267, and HB 1488.

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.)

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 291, PN 284

By Rep. GEIST

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring road spray suppressor devices on vehicles.

TRANSPORTATION.

HB 1397, PN 2771 (Amended)

By Rep. GEIST

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for Department of Transportation records.

TRANSPORTATION.

HB 1845, PN 2770 (Amended)

By Rep. CIVERA

An Act amending the act of July 2, 1993 (P.L.345, No.48), entitled "An act empowering the General Counsel or his designee to issue subpoenas for certain licensing board activities; providing for hearing examiners in the Bureau of Professional and Occupational Affairs; providing additional powers to the Commissioner of Professional and Occupational Affairs; and further providing for civil penalties and license suspension," providing for creation and appointment, for disciplinary proceedings and hearings and for prior rules and regulations.

PROFESSIONAL LICENSURE.

HB 1897, PN 2336

By Rep. GEIST

An Act designating a section of S.R.1018, York County, as the Normandy Memorial Drive.

TRANSPORTATION.

HB 1920, PN 2376

By Rep. GEIST

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for a positive point system to reward good drivers.

TRANSPORTATION.

HB 1929, PN 2773 (Amended)

By Rep. REBER

An Act relating to the recycling and reuse of waste tires; providing for the proper disposal of waste tires and the cleanup of stockpiled tires; authorizing investment tax credits for utilizing waste tires; and providing remediation grants for the cleanup of tire piles.

ENVIRONMENTAL RESOURCES AND ENERGY.

HB 2004, PN 2485

By Rep. GEIST

An Act designating a section of US Route 15, Tioga County, as the William B. Wilson Highway.

TRANSPORTATION.

HB 2013, PN 2502

By Rep. GEIST

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for wheel chairs and electrical mobility devices.

TRANSPORTATION.

HB 2048, PN 2547

By Rep. GEIST

An Act designating a section of SR 28 in Armstrong County and Allegheny County, Pennsylvania, as Alexander H. Lindsay Highway.

TRANSPORTATION.

HB 2064, PN 2772 (Amended)

By Rep. GEIST

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for a special youth hunter and angler conservation registration plate, for the Youth Hunter and Angler Conservation Fund and for expenditures from that fund; and providing for the issuance of additional personal registration plates for certain classes of special registration plates.

TRANSPORTATION.

HB 2139, PN 2673

By Rep. GEIST

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for a speed limit for SR 0903 in Jim Thorpe Borough, Carbon County.

TRANSPORTATION.

HB 2189, PN 2763

By Rep. REBER

An Act amending the act of July 5, 1989 (P.L.166, No.31), known as the Phosphate Detergent Act, changing the expiration date.

ENVIRONMENTAL RESOURCES AND ENERGY.

SB 37, PN 1555 (Amended)

By Rep. GEIST

An Act amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for title washing and impersonating a notary public; further providing for transfer of ownership of vehicle; providing for the development of an electronic lien program; further providing for tampering with odometers; and imposing penalties.

TRANSPORTATION.

SB 654, PN 686

By Rep. REBER

An Act amending the act of February 2, 1966 (1965 P. L. 1860, No. 586), entitled "An act encouraging landowners to make land and water areas available to the public for recreational purposes by limiting liability in connection therewith, and repealing certain acts," further providing for definitions.

ENVIRONMENTAL RESOURCES AND ENERGY.

LEAVES OF ABSENCE

The SPEAKER. The Chair turns to leaves of absence and recognizes the gentleman from Lancaster, Mr. Barley.

Mr. BARLEY. Thank you, Mr. Speaker.

I have two requests. The one request is for the gentleman from Bucks County, Mr. STEIL, for the week of November 13, and for the gentelady from Delaware County, Mrs. DURHAM, for the week of November 13 as well.

The SPEAKER. Without objection, leaves will be granted. The Chair hears none.

The Chair at this time recognizes the distinguished Democratic whip pro tem, Mr. George, for the purpose of taking leaves.

Mr. GEORGE. Mr. Speaker, we are requesting a leave for the lady of Philadelphia, Mrs. LEDERER, for 11/13/95; also for the lady from Erie, Ms. BEBKO-JONES, 11/13/95; the lady from Philadelphia, Ms. BISHOP, 11/13/95; the gentleman from Allegheny, Mr. COWELL; the gentleman from Mercer, Mr. GRUITZA; the gentleman from Allegheny, Mr. MICHLOVIC; the gentleman from Butler, Mr. TRAVAGLIO; and the gentleman from Westmoreland, Mr. MIHALICH.

The SPEAKER. The Chair thanks the gentleman.

Without objection, the leaves will be granted. The Chair hears no objections.

MASTER ROLL CALL

The SPEAKER. The Chair is about to take today's master roll call. The members will proceed to vote.

The following roll call was recorded:

PRESENT-192

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

ADDITIONS-0

NOT VOTING-0

EXCUSED-10

Bebko-Jones	Durham	Michlovic	Steil
Bishop	Gruitz	Mihalich	Travaglio
Cowell	Lederer		

LEAVES ADDED-1

Lawless

CITATION PRESENTED TO
ARMSTRONG WORLD INDUSTRIES

The SPEAKER. The gentleman, Mr. Sturla.
The House will come to order. The members will please take their seats.

The members of the Lancaster County delegation who are participating in this, please come forward.

Conferences on the floor, please break up.

The Chair recognizes the gentleman, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I have the privilege of representing a district that has the world headquarters of Armstrong World Industries located in it.

Recently the Building Products Operations won the Malcolm Baldrige Award, and today we have with us James Wellendorf and Camilla Collova from Armstrong World Industries.

The members of our delegation would like to present a citation to them, which I will read at this time.

WHEREAS, Armstrong World Industries' Building Products Operations has been named a winner of the 1995 Malcolm Baldrige National Quality Award for business excellence and quality achievement; and

WHEREAS, Named in honor of the late Secretary of Commerce Malcolm Baldrige, a champion of excellence in the marketplace, the award was established in 1987 to promote quality awareness, recognize quality achievements of United States companies and publicize successful quality strategies; and

WHEREAS, Armstrong World Industries, Incorporated is headquartered in Lancaster. It has the rare distinction of being the first building materials manufacturer and marketer to win the award. It manufactures and markets interior furnishings which include floor coverings and furniture as well as ceiling and wall materials; and makes a variety of specialty products for the building, automotive, textile and other industries.

NOW THEREFORE, The House of Representatives of the Commonwealth of Pennsylvania congratulates Armstrong World Industries' Building Products Operations on the fine tribute accorded it; offers best wishes for continued success as it moves toward further thresholds of greatness well into the twenty-first century;...

And directs that a copy of this citation, sponsored by myself, Representatives Armstrong, Schuler, Hershey, Strittmatter, True, Barley, and Zimmerman on this day, be transmitted to Armstrong World Industries, Incorporated.

Mr. Speaker, I would also like to point out at this time that I just learned recently that the Beaver Falls plant was also involved in this, and while we did not have them on the citation, I think all of Pennsylvania deserves to be proud of this.

The SPEAKER. The Chair thanks the gentleman.

I would like to point out to the gentleman that Mr. Wellendorf, one of the recipients on behalf of— Now, he is not listening to me.

Mr. Wellendorf, I am pointing out to Mr. Sturla, as he is pointing something out to me, that your father taught me how to fish for walleyed pike in the summer of 1962 after I got past the primary in 1962 and prior to my general election in 1963, and he

was then a distinguished member of the Pennsylvania State Police where he served for many, many years and retired a colonel in the Pennsylvania State Police. And I welcome him and his wife, your mother, to the House as my guests today, Mr. and Mrs. Wellendorf. And I have not caught a walleyed pike since.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. I have another announcement that seems to be in vogue these days. Representative Len Gruppo, after hearing about John Barley, got to work with his family and managed to turn in the information to us today that he has become a grandfather for the first time. Leonard Gruppo III was born November 2, 1995, at Blanchfield Army Hospital in Fort Campbell, Kentucky. So, Grandpop, you look much too old to only have your first grandchild, but we will forgive you for that.

GUESTS INTRODUCED

The SPEAKER. Here today as the guests of Representative Sheila Miller are Mae and Henry Bohn of Wernersville, Berks County, participating in the National Grange celebration here in Harrisburg this week. Mr. and Mrs. Bohn, please stand. They are in the back of the House. Will they please acknowledge their presence. Mr. and Mrs. Bohn, over here in the back corner.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. For the information of the members and our guests, obviously we are undergoing some problems in the House. The balcony is closed to visitors. Anyone interested can turn around and see that it is obviously in the course of some kind of reconstruction, which it is. It will be this way for about 4 or 5 months.

For the benefit of the members, the sound system is now being operated from the far corner of the House. So if you are looking to be recognized and the sound system is not turned on, you will have to try and face that way and catch the attention of the gentleman operating the system.

GUESTS INTRODUCED

The SPEAKER. Today, as the guests of Representative Harhart, we have a group from St. John's Lutheran Church in Slatington, Pennsylvania, here seated on the floor of the House. Would that group please rise. Here in the rear of the House.

And as the guests of Representative Todd Platts, we have today with us Tim Small and his parents, George and Catherine Small. Would these folks please rise.

From Nigeria, here today as the guest of Representative Thomas Armstrong, the Reverend Victor Johnson. Reverend, please rise.

To the left of the Speaker, here today as the guests of Representative DiGirolamo, are Barry Fisher and his son, David. Barry is the chairman of the Bensalem Township Disabled Persons Advisory Board.

Now, I am not sure just where these folks are, but they are the guests of Representative Tony Melio of Bucks County — Joe Gasper, Ed Margavich, and Howard McGoldrick. They are to the left of the Speaker.

And directly in front of the Speaker, the Chair welcomes Bob Nied, who is a guest page this week, here as the guest of Representative Jerry Birmelin. Bob, please rise.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. See, I knew this was going to happen. Once it starts, you get on a roll.

I was just advised that Tracy and Andy Ashby presented Representative Tom Tigue with his first grandchild, a girl, Eastin Marie Ashby. His daughter, Tracy, and son-in-law, Andy Ashby, all are doing well. Tom goes over, babysits, and sings the baby to sleep with the Marine Corps hymn.

COMMUNICATION

LOBBYIST LIST PRESENTED

The SPEAKER. The Secretary of the Senate and the Chief Clerk of the House have filed with the Speaker, in accordance with Act No. 712, a list of lobbyists who have registered under the Lobbying Registration and Regulation Act, which the clerk will file.

The following communication was submitted:

The General Assembly of Pennsylvania
Main Capitol Building
Harrisburg, Pennsylvania 17120

November 1, 1995

To the Honorable, the Senate of the
Commonwealth of Pennsylvania

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

In compliance with Act No. 712 of the 1961 Session and Act No. 212 of the 1976 Session of the General Assembly titled the "Lobbying Registration and Regulation Act," we herewith jointly present a list containing the names and addresses of the persons who have registered from October 1, 1995 through October 31, 1995 inclusive, for the 179th Session of the General Assembly. This list also contains the names and addresses of the organizations represented by these registrants.

Respectfully submitted:
Mark R. Corrigan, Secretary
Senate of Pennsylvania

Ted Mazia, Chief Clerk
House of Representatives

(For list, see Appendix.)

REPUBLICAN CAUCUS

The SPEAKER. It is the understanding of the Chair that the leaders are prepared now to break for caucus.

The Chair recognizes the gentleman, Mr. Fargo.

Mr. FARGO. Thank you, Mr. Speaker.

You are recognizing me to make an announcement about caucus? Thank you.

The Republican members will caucus immediately upon recess. We will plan on being back on the floor at 2:30 for votes. Thank you.

DEMOCRATIC CAUCUS

The SPEAKER. The gentleman, Mr. Cohen, from Philadelphia. Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, there will also be a Democratic caucus immediately upon recess.

The SPEAKER. Will the gentleman, Mr. Cohen, tell me how much time is needed?

Mr. COHEN. I do not know, Mr. Speaker. We will endeavor to try to be back by 2:30. I do not know if that is possible or not.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Chester County, Mr. Pitts.

Mr. PITTS. Thank you, Mr. Speaker.

I would like to call a meeting of the House Appropriations Committee at 2:25 in the Appropriations conference room, rear of the House.

The SPEAKER. There is a meeting of the Appropriations Committee at 2:25 in the Appropriations Committee suites.

RECESS

The SPEAKER. Any further announcements? Does the Democratic floor leader or Republican floor leader have any further business?

Hearing none, the Chair declares this House in recess until 2:30 or until the earlier call of the Chair.

RECESS EXTENDED

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

AFTER RECESS

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

THE SPEAKER PRO TEMPORE (JOE CONTI) PRESIDING

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
November 13, 1996

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday,

November 20, 1996, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Monday, November 20, 1996, 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.

COMMUNICATION FROM GOVERNOR

APPROVAL OF HOUSE BILL

The Speaker pro tempore laid before the House a communication in writing from the office of His Excellency, the Governor of the Commonwealth, advising that the following House bill had been approved and signed by the Governor:

HB 702.

BILLS REMOVED FROM TABLE

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

Mr. PERZEL. Mr. Speaker, I move that the following bills be taken from the table:

HB 166;
HB 1142; and
SB 712.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILLS RECOMMITTED

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

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

HB 166;
HB 1142; and
SB 712.

On the question,

Will the House agree to the motion?

Motion was agreed to.

GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair is pleased to recognize some visitors to the hall of the House this afternoon.

Seated to the left-hand side of the Speaker's rostrum, the Chair welcomes Mr. Kenneth Joseph. Mr. Kenneth Joseph, would you

please rise? Mr. Joseph is a student at Moravian College in Bethlehem and is serving as an intern in Representative Corpora's district office.

The Chair would also like to recognize guest pages today. These guest pages are the guests of Representative LeAnna Washington from Philadelphia County. The Chair welcomes Courtney Weston, Jennifer Hytower, and Sheena Blue, who are students from Cecilian Academy in Philadelphia.

CALENDAR

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1524, PN 2724**, entitled:

An Act amending the act of November 24, 1992 (P.L.732, No.111), known as the Pennsylvania Quality Improvement Act, further providing for council membership and powers and duties, for the foundation and for awards; and authorizing funding by the Commonwealth.

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

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

The question is, shall the bill pass finally?

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

YEAS-192

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

- | | | | |
|------------|-----------|----------|---------------|
| Corpora | Keller | Readshaw | Washington |
| Corrigan | Kenney | Reber | Waugh |
| Coy | King | Reinard | Williams |
| Curry | Kirkland | Rieger | Wogan |
| Daley | Krebs | Roberts | Wozniak |
| DeLuca | Kukovich | Robinson | Wright, D. R. |
| Dempsey | LaGrotta | Roebuck | Wright, M. N. |
| Dent | Laughlin | Rohrer | Yewcic |
| Dermody | Lawless | Rooney | Youngblood |
| DeWeese | Leh | Rublely | Zimmerman |
| DiGirolamo | Lescovitz | Rudy | Zug |
| Donatucci | Levdansky | Sainato | |
| Druce | Lloyd | Santoni | Ryan, |
| Egolf | Lucyk | Sather | Speaker |
| Evans | Lynch | | |

NAYS-0

NOT VOTING-0

EXCUSED-10

- | | | | |
|-------------|---------|-----------|-----------|
| Bebko-Jones | Durham | Michlovic | Steil |
| Bishop | Gruitza | Mihalich | Travaglio |
| Cowell | Lederer | | |

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** pro tempore. Continuing on page 2 of today's calendar, HB 1940 is temporarily over.

BILL PASSED OVER

The **SPEAKER** pro tempore. HB 881 is over for the day.

The House proceeded to third consideration of **HB 2066, PN 2616**, entitled:

An Act amending the act of March 26, 1931 (P.L.7, No.4), entitled, "An act to cede jurisdiction to the United States over the tracts of lands and buildings occupied, or hereafter to be occupied, by the United States Northeastern Penitentiary, located in and adjacent to the Township of Kelly, County of Union," providing for the ceding of concurrent jurisdiction to the United States for land and facilities occupied by the Federal Bureau of Prisons.

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

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

The question is, shall the bill pass finally?

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

(At this point in the proceedings, the electrical power was disrupted.)

The SPEAKER pro tempore. The House will come to order, please. The House will come to order.

The House will be temporarily at ease.

ANNOUNCEMENT BY MRS. COHEN

The SPEAKER pro tempore. The Chair recognizes the lady from Montgomery County, Mrs. Cohen, for the purpose of an announcement.

The Chair is recognizing the lady from Montgomery County for the purpose of an announcement about her resolution.

Mrs. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I have put forth a resolution today that I think would be important for the House— Give me a minute to find it?

The SPEAKER pro tempore. Would the lady yield for a moment?

Mrs. COHEN. Thank you, Mr. Speaker.

The SPEAKER pro tempore. Would the House come to order, please.

The lady may proceed.

Mrs. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I would urge my fellow Representatives to adopt this resolution. It was submitted, and the book, I understand, I would ask that the book be kept open so that we can get some more signatures.

This is expressing our condolence to the people of Israel on the occasion of the assassination of their Prime Minister, Yitzhak Rabin. I think it only appropriate that we who are lawmakers and interested in— We are serving democracy. This is the only democratic government in the Middle East, and I think that it is our obligation to condemn violence in any form, and certainly the State of Israel and Yitzhak Rabin have been good friends to the United States and, of course, to this Commonwealth. Yitzhak Rabin was the first foreign head of State to come to Philadelphia in 1976 to help us celebrate the bicentennial.

So I would hope that we could have a unanimous vote today on this resolution, and anybody that is interested can go up and sign the registry to convey their condolence. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady.

PARLIAMENTARY INQUIRY

Mr. DeWEESE. Mr. Speaker?

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

Mr. DeWEESE. Mr. Speaker, a parliamentary inquiry.

What is the state of Mrs. Cohen's resolution?

The SPEAKER pro tempore. The lady has made an announcement looking for additional cosponsors.

Mr. DeWEESE. And it will not be taken under a vote today?

The SPEAKER pro tempore. No, it will not.

Mr. DeWEESE. Thank you very much, sir.

CONSIDERATION OF HB 2066 CONTINUED

The SPEAKER pro tempore. Once again, the Chair will ask you to refer to page 3, HB 2066, PN 2616.

On the question recurring,

Shall the bill pass finally?

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

YEAS-191

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

NAYS-0

NOT VOTING-1

Horsey

EXCUSED-10

Bebko-Jones	Durham	Michlovic	Steil
Bishop	Gruitza	Mihalich	Travaglio
Cowell	Lederer		

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.

PARLIAMENTARY INQUIRY

Mr. LLOYD. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. LLOYD. Mr. Speaker, I am sure I am not alone in being concerned about whether my vote is actually tabulated, and I wonder if there is a way that we could determine whose vote is on the printed page and whose vote is not so that those of us who are here and voting are not recorded as not voting.

The SPEAKER pro tempore. The Chair is informed that the totals are correct, in spite of the blinking lights that you may see on the board, that the totals are correct as on the printed page.

Mr. LLOYD. The totals coincide with the number of names which have beside them a "yes" or a "no"?

The SPEAKER pro tempore. That is correct.

Mr. LLOYD. But how, other than trying to count the blank spaces, do I know whether my vote is in the total?

The SPEAKER pro tempore. Would the gentleman approach the Speaker's rostrum, please.

(Conference held at Speaker's podium.)

The SPEAKER pro tempore. Would the House come to order, please. Would the House come to order.

The Chair wishes to advise the members of the House that as you vote today, however you vote is how you will be recorded. There are some flashing lights taking place on the board. If you push the "yea" or green button, it will be recorded that way; if you push the red or "nay," it will be recorded that way.

The House proceeded to third consideration of SB 347, PN 359, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for appeals of contempt citations and for the jurisdiction of the Philadelphia Municipal Court.

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

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

The question is, shall the bill pass finally?

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

YEAS-192

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

NAYS-0

NOT VOTING-0

EXCUSED-10

Bebko-Jones	Durham	Michlovic	Steil
Bishop	Gruitza	Mihalich	Travaglio
Cowell	Lederer		

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

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

The House proceeded to third consideration of **HB 337, PN 1323**, entitled:

An Act allocating a percentage of the net proceeds from all unclaimed funds from sheriffs' sales of residential real property to the Pennsylvania Housing Finance Agency for the purpose of assisting potential home buyers with the financing and purchase of homes at sheriffs' sales.

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

BILL RECOMMITTED

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

Mr. PERZEL. Mr. Speaker, I move that HB 337 be recommitted to the Appropriations Committee.

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

The House proceeded to third consideration of **HB 583, PN 617**, entitled:

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

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

The SPEAKER pro tempore. This bill has been considered on three different days and agreed to and is now on final passage. The question is, shall the bill pass finally?

The Chair recognizes the gentleman from Allegheny, Mr. Walko.

Mr. WALKO. Thank you, Mr. Speaker.
Rise in support of HB 583 for two basic reasons.

This will provide for property tax assessment anti-windfall protection for property-tax payers in Allegheny County. Right now with reassessments done regularly, there are tons and tons of de facto tax hikes. This will bring accountability and stop the windfall due to reassessment that hurts our county taxpayers.

And two, it will restrict the property tax exemptions which are available to residential housing facilities owned by nonprofit entities which receive Federal subsidies. In other words, this will end the windfall for the Federal Government for their Federal

subsidized housing in the city of Pittsburgh in Allegheny County with no extra cost to the tenants.

I urge your support of HB 583. Thank you, Mr. Speaker.
The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,
Shall the bill pass finally?
The SPEAKER pro tempore. Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS-191

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

NAYS-0

NOT VOTING-1

Vitali

EXCUSED-10

Bebko-Jones	Durham	Michlovic	Steil
Bishop	Gruitza	Mihalich	Travaglio
Cowell	Lederer		

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

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

* * *

The House proceeded to third consideration of **HB 1940, PN 2396**, entitled:

An Act amending the act of May 31, 1945 (P.L.1198, No.418), known as the Surface Mining Conservation and Reclamation Act, further providing for payment in lieu of bond and for reclamation bond credits.

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

Mr. **GEORGE** offered the following amendment No. **A5894**:

Amend Title, page 1, line 7, by inserting after "for" where it appears the first time

health and safety, for

Amend Sec. 1, page 1, line 10, by inserting after "Sections" 4.2(f),

Amend Sec. 1, page 1, line 12, by inserting after "Act," amended or

Amend Sec. 1, page 1, by inserting between lines 13 and 14 Section 4.2. General Rule Making; Health and Safety.—* * *

(f) (1) Any surface mining operator or any person engaged in government-financed reclamation who affects a public or private water supply by contamination or diminution shall restore or replace the affected supply with an alternate source of water adequate in quantity and quality for the purposes served by the supply. If any operator shall fail to comply with this provision, the secretary may issue such orders to the operator as are necessary to assure compliance.

(2) It shall be presumed, as a matter of law, that a surface mine operator or owner is responsible without proof of fault, negligence or causation for all pollution, except bacteriological contamination, or diminution of public or private water supplies within [one thousand (1,000)] two thousand five hundred (2,500) linear feet of the boundaries of the land affected or acreage assigned to the surface mining operation under section 4 by a permit issued by the department. There shall be only five defenses to the presumption of liability provided in this clause. A mine owner or operator must affirmatively prove by a preponderance of evidence that one of the following conditions exists:

(i) The landowner or water supply company refused to allow the surface mining operator or owner access to conduct a survey prior to commencing mining activities.

(ii) The water supply is not within [one thousand (1,000)] two thousand five hundred (2,500) linear feet of the boundaries of the land affected or acreage assigned to the surface mining operation under section 4 by a permit issued by the department.

(iii) The pollution or diminution existed prior to the surface mining activities as determined by a survey conducted prior to commencing surface mining activities.

(iv) The pollution or diminution occurred as a result of some cause other than the surface mining activities.

(v) The landowner, water supply user or water supply company refused to allow the surface mining operator or owner access to determine the cause of pollution or diminution or to replace or restore the water supply.

(3) If the secretary finds that immediate replacement of an affected water supply used for potable or domestic needs is required to protect public health or safety and the owner or operator has appealed or failed to comply with an order issued pursuant to this subsection, the secretary may restore or replace the affected water supply with an alternative source of water-utilizing moneys from the Surface Mining Conservation and Reclamation Fund. The secretary shall recover the costs of restoration or replacement, including costs incurred for design and construction of facilities, from the responsible owners or operators. Costs recovered shall be deposited in the Surface Mining Conservation and Reclamation Fund.

(4) An operator or owner aggrieved by the secretary's order issued pursuant to this subsection shall have the right within thirty (30) days of receipt of the order to appeal to the Environmental Hearing Board. The secretary's order, when appealed by the operator or owner, shall not be used to block the issuance of new permits or the release of bonds when a stage of reclamation work is completed. Hearings under this subsection shall be in accordance with the act of July 13, 1988 (P.L.530, No.94), known as the "Environmental Hearing Board Act," and 2 Pa.C.S. Ch. 5 Subch. A (relating to practice and procedure of Commonwealth agencies) and Ch. 7 Subch. A (relating to judicial review of Commonwealth agency action).

(5) A surface mining operator or owner who provides a successful defense to the presumptions of liability shall be entitled to recover the costs incurred, including, but not limited to, the costs of temporary water supply, design, construction, restoration or replacement costs, attorney fees and expert witness fees from the department.

(6) Nothing in this subsection shall prevent any landowner or water supply company who claims pollution or diminution of a water supply from seeking any other remedy that may be provided for at law or in equity.

(7) A surface mining operation conducted under a surface mining permit issued by the department before the effective date of this act shall not be subject to the provisions of clauses (2), (3), (4), (5) and (6), but shall be subject to clause (1).

* * *

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

The **SPEAKER** pro tempore. The gentleman is recognized.
Mr. **GEORGE**. Thank you, Mr. Speaker.

Mr. Speaker, I rise at this moment to offer an amendment that is relatively a very simple amendment but nevertheless very important.

As I am sure, most of the legislators that hear my voice are knowledgeable that we do have rebuttable presumption in many of our laws, the purpose of which is to protect an individual's water supply by guaranteeing replacement in those instances where for some reason a water loss can be attributed to an operation of any sort.

This amendment simply extends that matter of protection, Mr. Speaker, from 1,000 feet to 2,500 feet. So for those of us that have experienced shortages of water and know what it can do to a community or to an individual, those of us that have lost our individual supplies and were just a couple of feet out of the realm of protection would surely think, where were we yesterday when this amendment was needed very badly?

It does not impose or force any activity on any operation. It does not insist that automatically an individual will have the water restored. It simply encourages and insists that the demarcation line

is added by 1,500 more feet, and when it comes to the degradation of water, it is very important.

I ask that you support this amendment.

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

Ms. STEELMAN. Thank you, Mr. Speaker.

I just want to remind those members from urban constituencies how critically important something like this is to our rural constituents, because for many of the people who live in rural Pennsylvania, their only source of drinking water is their well, and if that well is destroyed as a result of mining operations, their house, the most valuable thing that most of them own, becomes valueless.

That is why we have felt historically that it is important to protect the residents of rural Pennsylvania against the consequences of water loss, and that is why I am asking you to support this amendment of Representative George's to extend the umbrella of rebuttable presumption to cover a wider area, an area that we believe is justified by the basic facts of hydrogeology. Thank you.

The SPEAKER pro tempore. The Chair thanks the lady.

The Chair wishes to recognize the gentleman from Clearfield County again, Mr. George.

Mr. GEORGE. Mr. Speaker, I neglected to inform my colleagues that in Act 97 and Act 108 we responsibly added the same language last year. If it is good for one, it should be good for all. It is nothing that impoverishes any operation. All it simply does is protect an individual's water supply.

Thank you very much.

The SPEAKER pro tempore. Mr. George? Mr. George, for the purpose of clarification for the members, on the board we have amendment A5894. Many of the members have a prior amendment No. A5737. Could you please describe the difference so the members know what they will be voting on?

Mr. GEORGE. Mr. Speaker, when we had the amendment drafted, they had missed the opportunity to change the 2,500-foot designation on the lower paragraph. The amendment we are now offering is just a technical amendment to correct what unfortunately was not provided to start with.

The SPEAKER pro tempore. So the gentleman is referring to line 34 of the amendment; is that correct? The gentleman nods in the affirmative; correct.

The Chair recognizes the gentleman from Jefferson County, Mr. Smith.

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

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

The language that is proposed in the amendment would significantly increase the area of the rebuttable presumption, which goes well beyond the area that is currently evaluated in the process of receiving a mining permit. When a company goes about the process of getting a permit, under current law, with the 1,000-foot area within the rebuttable presumption, they do a certain amount of evaluation of water quality and quantity within that region. To expand that rebuttable presumption to 2,500 feet would be making a significant change in the process and in fact would require a significant change in how the permitting process is handled as far as evaluating the permit.

In addition, I would like to point out to the members that while the amendment would expand the area to a distance of 2,500 feet, it would not in fact change whether or not the mining company is responsible for water replacement if some water loss was caused

outside of the current 1,000 feet. In other words, within the rebuttable presumption area, under current law at 1,000 feet, it is presumed that if loss occurs, it is due to mining, and it is up to the mining company to prove otherwise. Outside the 1,000 feet, if water loss or a problem does occur, the mining company is still responsible if it is proven that the loss of water was due to mining.

Because of that fact, Mr. Speaker, and given the significant change that this represents, the fact that it has not been, to my knowledge, substantiated as far as the technological process, scientifically speaking, I would urge the members to vote against this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman. The Chair recognizes the gentleman from Elk County, Mr. Surra.

Mr. SURRA. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the George amendment.

Mr. Speaker, under current law, as Representative George mentioned earlier, the hazardous waste law, Act 108, and the municipal waste and residual waste law, Act 97, already in those statutes the 2,500-foot provision is now enacted. All we are doing is being consistent and bringing the 2,500-foot provision under the mining law.

Mr. Speaker, for people who live in areas where there is city water, there are municipal water sources, this is not a problem, but if you represent areas — and I ask the members from the urban areas to listen to this and support this concept — if you live in a rural area where you happen to rely on a spring or you happen to rely on a deep well, Mr. Speaker, current law only gives you protection of 1,000 feet — and that is only a little over 300 yards — from a mining facility, and with some of the work and the heavy blasting that takes place, Mr. Speaker, it is not uncommon to lose or degrade a water supply that is 1,200, 1,500, 2,000 feet away.

Mr. Speaker, I have personally talked with constituents who have had good water supplies that they have utilized for 40 or 50 years, Mr. Speaker, that was their spring or their well, and a strip mine 500 yards away comes in, they start blasting, and all of a sudden their water is gone, their water is ruined. Mr. Speaker, these people have to go out and prove that the strip mine and the mining company took their water supply.

Under Representative George's amendment, we would just expand that rebuttable presumption to 2,500 feet. It makes it consistent with current law. Mr. Speaker, it is a good idea. It is good for people in rural Pennsylvania, and my colleagues from the urban areas, I appreciate your help on this. This is a good amendment, and I appreciate your vote. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the Democrat leader, the gentleman from Greene County, Mr. DeWeese.

Mr. DeWEESE. Mr. Speaker, we are in this chamber to help others. That has to be the central focus of our mission. Many of us, Democrats and Republicans alike, who live in rural settings are going to realize the diminution of property value when our mineral resources are exhausted. Coal, limestone, oil, a variety of other fossil fuels and mineral resources will be taken from us, and nothing will be there to replace them.

I think it is imperative upon us, Mr. Speaker, the General Assembly, to remember that nothing is more fundamental than the observations of Mr. Surra and Mr. George: water. It is quintessential to our existence, and in rural Pennsylvania it is being jeopardized by the day by mammoth companies, many of these companies owned by multinationals based in Europe and around

the world. I think if there is ever a point to be parochial, it should deal with our water; it should deal with our very life sustenance.

If we are not going to have an extraction tax in our State, what kind of communities will be left when water resources have been ruptured and the landscape has been fractured and seared and scarred and we in the General Assembly have done nothing to prepare for that day? Mr. George's amendment would ameliorate the difficulties that are inherent in surface mining as well as in the other forms of mining, and I believe that if 2,500 feet is an appropriate distance for the Hazardous Waste Act and 2,500 feet is an appropriate distance for the Solid Waste Act, then the gentleman from Jefferson County's argumentation is rendered comparatively vacuous. It should also be 2,500 for the strip act.

I would ask for the concurrence of Mr. George's amendment. I believe once again, sir, that water, water, is fundamental not only to all of the rural communities in our Commonwealth but inherently, secondarily, and very soon, immediately, to those of us who live in suburban and rural and urban settings also. So I would think that Mr. George's amendment is worthy and should be pursued. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair recognizes the majority whip, Mr. Barley, who places Representative LAWLESS on leave for the balance of the day.

CONSIDERATION OF HB 1940 CONTINUED

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

The following roll call was recorded:

YEAS-85

Baker	DeWeese	Maitland	Scrimenti
Bard	Donatucci	Manderino	Serafini
Battisto	Evans	McGeehan	Staback
Belardi	Fairchild	Melio	Steelman
Belfanti	Fajt	Mundy	Stetler
Blaum	Gamble	Olasz	Sturla
Boscola	George	Oliver	Surra
Butkovitz	Gigliotti	Pesci	Tangretti
Buxton	Gordner	Petrarca	Thomas
Caltagirone	Hanna	Phillips	Tigue
Cappabianca	Horsey	Pistella	Trello
Cam	Itkin	Platts	Trich
Carone	James	Preston	Van Horne
Cawley	Jarolin	Ramos	Veon
Cohen, M.	Josephs	Readshaw	Vitali
Colafella	Keller	Rieger	Walko
Corpora	Kirkland	Roebuck	Washington
Corrigan	Kukovich	Rooney	Williams
Coy	LaGrotta	Rudy	Wozniak
Curry	Laughlin	Sainato	Wright, D. R.
DeLuca	Levdansky	Santoni	Youngblood
Dermody			

NAYS-106

Adolph	Fichter	Major	Saylor
Allen	Fleagle	Markosek	Schroder
Argall	Flick	Marsico	Schuler
Armstrong	Gannon	Masland	Semmel
Barley	Geist	Mayernik	Shaner
Birmelin	Gladeck	McCall	Sheehan
Boyes	Godshall	McGill	Smith, B.
Brown	Gruppo	Merry	Smith, S. H.
Browne	Habay	Micozzie	Snyder, D. W.
Bunt	Haluska	Miller	Stairs
Chadwick	Harhart	Nailor	Stern
Civera	Hasay	Nickol	Stish
Clark	Hennessey	Nyce	Strittmatter
Clymer	Herman	O'Brien	Taylor, E. Z.
Cohen, L. I.	Hershey	Perzel	Taylor, J.
Colaizzo	Hess	Petrone	True
Conti	Hutchinson	Pettit	Tulli
Cornell	Jadlowiec	Piccola	Vance
Daley	Kaiser	Pitts	Waugh
Dempsey	Kenney	Raymond	Wogan
Dent	King	Reber	Wright, M. N.
DiGrolamo	Krebs	Reinard	Yewcic
Druce	Leh	Roberts	Zimmerman
Egolf	Lescovitz	Robinson	Zug
Fargo	Lloyd	Rohrer	
Farmer	Lucyk	Rubley	Ryan,
Feese	Lynch	Sather	Speaker

NOT VOTING-0

EXCUSED-11

Bebko-Jones	Durham	Lederer	Steil
Bishop	Gruitza	Michlovic	Travaglio
Cowell	Lawless	Mihalich	

Less than the majority having voted in the affirmative, 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 pro tempore. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

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

YEAS-190

Adolph	Evans	Maitland	Saylor
Allen	Fairchild	Major	Schroder
Argall	Fajt	Manderino	Schuler
Armstrong	Fargo	Markosek	Scrimenti
Baker	Farmer	Marsico	Semmel
Bard	Feese	Masland	Serafini
Barley	Fichter	Mayernik	Shaner
Battisto	Fleagle	McCall	Sheehan
Belardi	Flick	McGeehan	Smith, B.
Belfanti	Gamble	McGill	Smith, S. H.
Birmelin	Gannon	Melio	Snyder, D. W.
Blaum	Geist	Merry	Staback
Boscola	George	Micozzie	Stairs
Boyes	Gigliotti	Miller	Steelman

Brown	Gladeck	Mundy	Stern
Browne	Godshall	Nailor	Stetler
Bunt	Gordner	Nickol	Stish
Butkovitz	Gruppo	Nyce	Strittmatter
Buxton	Habay	O'Brien	Sturla
Caltagirone	Haluska	Olasz	Surra
Cappabianca	Hanna	Oliver	Tangretti
Carn	Harhart	Perzel	Taylor, E. Z.
Carone	Hasay	Pesci	Taylor, J.
Cawley	Hennessey	Petrarca	Thomas
Chadwick	Herman	Petrone	Tigue
Civera	Hershey	Pettit	Trelfo
Clark	Hess	Phillips	Trich
Clymer	Hutchinson	Piccola	True
Cohen, L. I.	Itkin	Pistella	Tulli
Cohen, M.	Jadlowiec	Pitts	Vance
Colafella	James	Platts	Van Horne
Colaizzo	Jarolin	Preston	Veon
Conti	Josephs	Ramos	Vitali
Cornell	Kaiser	Raymond	Walko
Corpora	Keller	Readshaw	Washington
Corrigan	Kenney	Reber	Waugh
Coy	King	Reinard	Williams
Curry	Kirkland	Rieger	Wogan
Daley	Krebs	Roberts	Wozniak
DeLuca	Kukovich	Robinson	Wright, D. R.
Dempsey	LaGrotta	Roebuck	Wright, M. N.
Dent	Laughlin	Rohrer	Yewcic
Dermody	Leh	Rooney	Youngblood
DeWeese	Lescovitz	Rublely	Zimmerman
DiGirolamo	Levdansky	Rudy	Zug
Donatucci	Lloyd	Sainato	
Druce	Lucyk	Santoni	Ryan,
Egolf	Lynch	Sather	Speaker

NAYS-0

NOT VOTING-1

Horscy

EXCUSED-11

Bebko-Jones	Durham	Lederer	Steil
Bishop	Gruitz	Michlovic	Travaglio
Cowell	Lawless	Mihalich	

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 pro tempore. The Chair wishes to inform the members that there will be no further votes taken today; there will be no further votes taken today.

VOTE CORRECTION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Pistella. For what purpose does the gentleman rise?

The gentleman, Mr. Pistella, rises to correct the record of October 25. Mr. Pistella was shown as not voting on HB 1711, and he wishes to be recorded in the affirmative.

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

HB 100, PN 2774 (Amended) By Rep. PITTS

An Act providing for a Pennsylvania Business Resource Center within the Department of Commerce; and creating the Pennsylvania Business Resource Center Advisory Board.

APPROPRIATIONS.

BILLS REREPORTED FROM COMMITTEE

HB 778, PN 2698 By Rep. PITTS

An Act providing for the establishment of the Peer Helpers Program.

APPROPRIATIONS.

HB 905, PN 2615 By Rep. PITTS

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for involuntary termination of parental rights.

APPROPRIATIONS.

HB 981, PN 1098 By Rep. PITTS

An Act establishing the Special Independent Prosecutor's Panel and providing for its powers and duties; and providing for special investigative counsel and for independent counsel.

APPROPRIATIONS.

HB 1431, PN 2025 By Rep. PITTS

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, allowing distributors of malt or brewed beverages to sell on credit.

APPROPRIATIONS.

HB 1692, PN 2586 By Rep. PITTS

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for alternative procedure for relinquishment of parental rights, for counseling in termination or relinquishment of parental rights and for home study and preplacement reports in adoption.

APPROPRIATIONS.

HB 1728, PN 2775 (Amended) By Rep. PITTS

An Act regulating probation and parole; establishing the Pennsylvania Board of Parole, the Probation and Parole Commission and the Victim Advocate and providing for their powers and duties; providing for powers and duties of the Department of Corrections, courts and district attorneys; and providing penalties.

APPROPRIATIONS.

HB 1853, PN 2751

By Rep. PITTS

An Act establishing the Kinship Care Program.

APPROPRIATIONS.

HB 2191, PN 2753

By Rep. PITTS

An Act providing for the inspection of child-care facilities.

APPROPRIATIONS.

SB 725, PN 1451

By Rep. PITTS

An Act amending the act of June 18, 1984 (P. L. 384, No. 81), entitled "Amusement Ride Inspection Act," further providing for definitions and for accident records and reports.

APPROPRIATIONS.

BILLS ON SECOND CONSIDERATION

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

HB 778, PN 2698; HB 905, PN 2615; HB 981, PN 1098; HB 1431, PN 2025; HB 1692, PN 2586; HB 1728, PN 2775; HB 1853, PN 2751; HB 2191, PN 2753; and SB 725, PN 1451.

BILL REMOVED FROM TABLE

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

Mr. PERZEL. Mr. Speaker, I move that HB 100 be removed from the table.

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

**HOUSE BILL
INTRODUCED AND REFERRED**

No. 2216 By Representatives GLADECK, PERZEL, BARLEY, PITTS, PHILLIPS, FARGO, E. Z. TAYLOR, CHADWICK, PICCOLA, LEH, MASLAND, MILLER, ARMSTRONG, CONTI, DEMPSEY, MARSICO, PETTIT, ROHRER, WAUGH, REINARD, FARMER, SAYLOR, TRUE, SATHER, HESS, MERRY, FLICK, STISH, FAIRCHILD, CLARK, ZIMMERMAN, STRITTMATTER, ADOLPH, GODSHALL, BAKER, TULLI, CORNELL, FICHTER, MCGILL, KING, BUNT, SHEEHAN, SCHRODER, CLYMER, ZUG, EGOLF, MAJOR, MAITLAND, SCHULER and FLEAGLE

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, further providing for definitions, for determining eligibility for compensation, for financial responsibility, for compensation schedules, and for wages; providing for reporting; further providing for notices; providing for verification of eligibility and for investigations; further providing for commutation of compensation, for exclusions, and for procedure; providing for informal conferences; further

providing for processing claims, for commutation petitions, for modifications and reversals, for investigations, for evidence, for appeals, for costs and attorney fees, and for insurance policies; providing for settlements and for collective bargaining; further providing for ratings organizations and for rating procedures; providing for employer association groups; further providing for safety committees, for penalties, for prosecutions, and for collection of penalties; providing for limitation of actions; further providing for assessments; and providing for workers' compensation judges.

Referred to Committee on LABOR RELATIONS, November 13, 1995.

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Fayette County, Mr. Shaner.

Mr. SHANER. Mr. Speaker, I move that this House do now adjourn until Tuesday, November 14, 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 4:05 p.m., e.s.t., the House adjourned.