

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, DECEMBER 12, 1995

SESSION OF 1995

179TH OF THE GENERAL ASSEMBLY

No. 80

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (MATTHEW J. RYAN)
PRESIDING

PRAYER

REV. FEDERICO A. BRITTO, Chaplain of the House of Representatives and pastor of St. Ignatius Church, Philadelphia, Pennsylvania, offered the following prayer:

Let us pray:

Psalm 100 says, "Sing joyfully to the Lord, all you lands; serve the Lord with gladness; come before him with joyful song."

Father God, this Assembly gathers in the name of the peoples of this State but we also gather in Your name. We call upon You to be present during our meetings and decisionmakings. Touch our minds and hearts so that our decisions may be for the advantage of the peoples of this State.

Guide the leaders of this State, Governor Ridge and Speaker of the House Ryan. Be present to our Representatives. Help them to make the right decisions that will affect our elderly, our young, our poor, and our disadvantaged. Bless those who assist the Representatives and those who help to keep the process of business flowing. Bless those who give of their time, talent, and gifts to make our State benevolent. Strengthen this Assembly with Your grace and wisdom, for You are God forever.

In You, Lord, our God, all things have their beginning, continuation, and end. Grace us with Your saving presence, aid us with Your constant help, and let us glorify You now and forever. 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, December 11, 1995, will be postponed until printed. The Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2258 By Representatives SCHULER, COY, FAIRCHILD, HERSHEY, FLEAGLE, YOUNGBLOOD, WAUGH, SAYLOR, BARLEY, GEIST, STRITTMATTER, TRUE, PLATTS, TRELLO, CLYMER and ZIMMERMAN

An Act amending the act of December 17, 1981 (P.L.435, No.135), known as the Race Horse Industry Reform Act, providing for public hearings for proposed nonprimary pari-mutuel locations.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, December 12, 1995.

No. 2259 By Representatives SCHULER, BIRMELIN, BAKER, NAILOR, HERSHEY, FARGO, MAITLAND, CLYMER, BROWNE, ITKIN, HENNESSEY, STURLA, B. SMITH, SAYLOR, GEIST, E. Z. TAYLOR, TRUE, PETTIT, TRELLO, STISH, CORNELL, BARD, MILLER, ZIMMERMAN, LEH, MERRY and EGOLF

An Act establishing the Private Sector Prison Industry Board and providing for its powers and duties; providing for employment of inmates by private industry and for subcontracts with correctional agencies; establishing guidelines for inmate compensation; providing for location of private sector prison industry; and authorizing superintendents, wardens and other officials in charge of correctional institutions to establish inmate work force programs.

Referred to Committee on JUDICIARY, December 12, 1995.

No. 2260 By Representatives HERSHEY, CLYMER, ITKIN, BUNT, HENNESSEY, SCHRODER, LYNCH, BAKER, ARGALL, MAITLAND, GODSHALL, FEESE, MASLAND, SAYLOR, STERN, GEIST, FAIRCHILD, TRELLO, SEMMEL, NICKOL, FICHTER, STEELMAN, YOUNGBLOOD, ROHRER, SERAFINI, STEIL and MERRY

An Act amending the act of June 30, 1981 (P.L.128, No.43), known as the Agricultural Area Security Law, further providing for purchase of agricultural conservation easements.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, December 12, 1995.

No. 2261 By Representatives HERSHEY, PITTS, FLICK, HENNESSEY, E. Z. TAYLOR, RUBLEY, SCHRODER, WALKO, HESS, MARKOSEK, BUNT, HASAY, FICHTER, BAKER, DiGIROLAMO and SATHER

An Act designating a certain bridge on S.R. 0010 in Parkesburg Borough, Chester County, as the William E. Wilson Memorial Bridge.

Referred to Committee on TRANSPORTATION, December 12, 1995.

No. 2262 By Representatives CLYMER, CONTI, NICKOL, TRELLO, LEVDANSKY, HENNESSEY, HERSHEY, YOUNGBLOOD, STEELMAN, BROWNE, MELIO, STISH, STEIL and MICHLOVIC

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, providing additional notification to contractors who received nonbid contract awards.

Referred to Committee on STATE GOVERNMENT, December 12, 1995.

No. 2263 By Representatives COLAIZZO, MARKOSEK, STABACK, PETTIT, DeLUCA, TRELLO, TANGRETTI and M. COHEN

An Act making an appropriation to the Department of Education for payment for costs of a certain school district.

Referred to Committee on APPROPRIATIONS, December 12, 1995.

No. 2264 By Representatives CURRY, THOMAS, LEDERER, JAROLIN, GODSHALL, TANGRETTI, BELARDI, SHANER, TRELLO, VAN HORNE, ROBERTS, PETRARCA, YOUNGBLOOD, LaGROTTA, McGEEHAN, ITKIN, McCALL, ROEBUCK, HENNESSEY, LAUGHLIN, KUKOVICH, RUBLEY, BARD, BATTISTO, SCHULER, STURLA, WALKO, BOSCOLA, LEVDANSKY, L. I. COHEN, MICOZZIE, WASHINGTON, J. TAYLOR, CARONE, LUCYK, TRICH, CIVERA and M. COHEN

An Act providing school district property tax exemption to certain senior citizens, widows, widowers and permanently disabled persons with limited incomes; providing for in-lieu-of-tax payments; and providing for State reimbursement.

Referred to Committee on FINANCE, December 12, 1995.

No. 2265 By Representative READSHAW

An Act designating certain property as multijurisdictional development sites; and establishing a county zoning board.

Referred to Committee on LOCAL GOVERNMENT, December 12, 1995.

No. 2266 By Representatives BUXTON, ITKIN, YOUNGBLOOD, WALKO, MARKOSEK, FAJT, HENNESSEY, McGEEHAN, LEDERER, RUDY, READSHAW, STABACK, SHANER, PISTELLA, VAN HORNE, DALEY, SERAFINI, PETTIT, STEELMAN, MELIO, STURLA, THOMAS, WASHINGTON, BELFANTI, SAINATO, BROWNE, TRELLO and RAMOS

An Act providing for the establishment of a Statewide program to match community volunteers with mental health care recipients and for powers and duties of the Secretary of Public Welfare; and making an appropriation.

Referred to Committee on HEALTH AND HUMAN SERVICES, December 12, 1995.

No. 2267 By Representatives CAPPABIANCA, ITKIN, GEORGE, COY, CURRY, BELARDI, McCALL, HERMAN, CAWLEY, BOSCOLA, BEBKO-JONES, MARKOSEK, GORDNER, PESCI, SHANER, BUXTON, LEDERER, MANDERINO and LAUGHLIN

An Act amending the act of June 30, 1995 (P.L. , No.5A), known as the General Appropriation Act of 1995, further providing an appropriation for the Low-Income Home Energy Assistance Program.

Referred to Committee on APPROPRIATIONS, December 12, 1995.

No. 2268 By Representatives SCHRODER, HESS, DEMPSEY, PETTIT, HERSHEY, TRELLO, LYNCH, RUBLEY, STERN, STISH, WOGAN, YOUNGBLOOD, E. Z. TAYLOR, CLARK, MILLER, MERRY and HENNESSEY

An Act providing for the modification of fees collected by county row officers for the costs of providing certain products and services.

Referred to Committee on LOCAL GOVERNMENT, December 12, 1995.

No. 2270 By Representatives D. W. SNYDER and DENT

An Act authorizing the Township of South Whitehall, County of Lehigh, to sell and convey a certain parcel of property located in South Whitehall Township free of the Project 70 restrictions imposed by the Project 70 Land Acquisition and Borrowing Act, and requiring that the proceeds from the sale be used exclusively for the improvement of the Covered Bridge Park in South Whitehall Township, Lehigh County.

Referred to Committee on STATE GOVERNMENT, December 12, 1995.

No. 2271 By Representatives STISH, MICOZZIE, FARGO, E. Z. TAYLOR, FICHTER, DENT, WAUGH, DRUCE, BROWN, B. SMITH, DiGIROLAMO, SAYLOR, GEIST, SATHER, PLATTS, PETTIT, SERAFINI, LYNCH, STERN, WOGAN, ARGALL, CLYMER, McGEEHAN, L. I. COHEN, O'BRIEN, BELARDI, LUCYK, MUNDY, GIGLIOTTI, TRELLO, THOMAS, PISTELLA and RAMOS

An Act providing for a waiver of tuition and other fees for children of certain deceased police officers and firefighters at community colleges and State-owned and State-related institutions of higher education; and providing for additional powers and duties of the Pennsylvania Higher Education Assistance Agency and the Department of General Services.

Referred to Committee on APPROPRIATIONS, December 12, 1995.

No. 2272 By Representatives SAINATO, McGEEHAN, MARKOSEK, DeLUCA, READSHAW, DiGIROLAMO, STABACK, SHANER, LaGROTTA, PISTELLA, ROONEY, DALEY, WALKO, E. Z. TAYLOR, HALUSKA, STURLA, WASHINGTON, YOUNGBLOOD, TRICH, BELFANTI, SERAFINI, LAUGHLIN, JAROLIN, TRAVAGLIO, BOSCOLA, PETRARCA, TANGRETTI, COLAIZZO, BEBKO-JONES, VEON and HABAY

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for offenses against elderly persons.

Referred to Committee on JUDICIARY, December 12, 1995.

No. 2273 By Representatives DRUCE, REINARD, CORNELL and CONTI

An Act providing financial assistance to school districts adversely impacted by the closing of a military base.

Referred to Committee on EDUCATION, December 12, 1995.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 261 By Representatives BEBKO-JONES, CAPPABIANCA, SCRIMENTI, COY, ITKIN, EVANS, SANTONI, READSHAW, WALKO, BELARDI, ROEBUCK, BISHOP, RUDY, OLASZ, LAUGHLIN, JOSEPHS, TRELLO and PISTELLA

A Resolution urging the Governor to convene an Economic Summit for the purpose of bringing together business, labor and government representatives to work to assure long-term stability of employment for Pennsylvania workers.

Referred to Committee on RULES, December 12, 1995.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 2205, PN 2789 By Rep. O'BRIEN

An Act establishing a grant program for volunteer fire companies; and making an appropriation by referendum.

VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS.

SB 698, PN 1205 By Rep. O'BRIEN

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for educational aid for certain members of the Pennsylvania National Guard; and conferring powers and duties on the Adjutant General, the Department of Military Affairs and the Pennsylvania Higher Education Assistance Agency.

VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS.

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
December 11, 1996

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Tuesday, January 2, 1996, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the Senate adjourns on January 2, 1996 it reconvene on Monday, January 22, 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 Tuesday, January 2, 1996, unless sooner recalled by the Speaker of the House of Representatives; and be it further

RESOLVED, That when the House of Representatives adjourns on January 2, 1996 it reconvene on Monday, January 22, 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.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 2189, PN 2878**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to Senate amendments by further amending House amendments to Senate amendments to **HB 215, PN 2882**.

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

GUESTS INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today nine students from Villanova University who are visiting as guests of Representative Colleen Sheehan. The Villanovans, who have a pretty fair basketball team this year, I might add, are seated to the rear of the House over in the far corner here, my alma mater, I might also add. Welcome to the House. Please rise.

The Chair is also pleased to welcome to the hall of the House a group of 50 students from the West Creek Hills Elementary School, here today as the guests of Representative Patricia Vance. Will these students please rise.

ACTUARIAL NOTE

The SPEAKER. The Chair acknowledges receipt of an actuarial note for amendment 6376 to SB 652, PN 1582.

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

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the Republican whip, Mr. Barley, who requests a leave of absence for the gentleman from Luzerne, Mr. HASAY, for today's session.

Without objection, the leave is granted.

The Chair recognizes the Democratic whip, Mr. Itkin, who requests leave for the gentleman, Mr. KELLER, and the gentleman, Mr. MIHALICH, for today's session.

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

VOTE CORRECTIONS

The SPEAKER. The Chair recognizes the gentleman, Mr. Tangretti, for the purpose of correcting the record.

Mr. TANGRETTI. Thank you, Mr. Speaker.

On yesterday's vote on final passage of HB 2191, I was not recorded. I would like to be recorded in the affirmative. Thank you.

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

Mr. TRAVAGLIO. Mr. Speaker?

The SPEAKER. The gentleman, Mr. Travaglio, seeks recognition.

Mr. TRAVAGLIO. Yesterday on amendment 5996 to HB 2191, I was not recorded. I would like to have a "yes" vote on that.

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

Mr. TRAVAGLIO. Thank you.

The SPEAKER. For the information of the House, the Republican caucus is just breaking up. That is the reason for the delay. The House will be temporarily at ease.

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—199

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

ADDITIONS—0**NOT VOTING—0**

EXCUSED—3

Hasay Keller Mihalich

LEAVES ADDED—1

Rieger

LEAVES CANCELED—1

Keller

GUESTS INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today Charles Clark, the Boyertown borough manager, and Svetlana Solozhenyts, a schoolteacher from Bhhodukhiv, Ukraine, Boyertown's sister city. They are here today as the guests of Representative Leh, sitting here to the left of the Speaker. Will the guests please rise and wave to the members.

CALENDAR

BILLS ON SECOND CONSIDERATION

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

SB 1303, PN 1577; HB 28, PN 2890; and HB 1896, PN 2335.

BILLS ON THIRD CONSIDERATION

BILL PASSED OVER

The SPEAKER. Page 2 of today's calendar, HB 1601. This bill is over.

BILL PASSED OVER TEMPORARILY

The SPEAKER. HB 1929. This bill is over temporarily.

BILL PASSED OVER

The SPEAKER. SB 654. This bill is over.

The House proceeded to third consideration of **HB 2223, PN 2899**, entitled:

An Act implementing the provisions of section 2(b)(ii) of Article VIII of the Constitution of Pennsylvania by authorizing cities of the first class to provide for special tax provisions relating to real property taxes for certain persons who meet the established standards and qualifications for age and poverty.

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?

The gentleman, Mr. Vitali, is recognized in connection with final passage of HB 2223.

Mr. VITALI. I apologize, Mr. Speaker.

I just wanted a brief explanation of the bill from the appropriate person, the prime sponsor.

The SPEAKER. The gentleman, Mr. Kenney, agrees to give you an explanation. The gentleman, Mr. Kenney, is recognized.

Mr. KENNEY. Thank you, Mr. Speaker.

Mr. Speaker, HB 2223 authorizes and allows the city of Philadelphia to enact ordinances providing for special property tax provisions for low-income senior citizens. Those seniors that would be eligible would be eligible under the same guidelines as the PACE (Pharmaceutical Assistance Contract for the Elderly) program.

The SPEAKER. Mr. Vitali is recognized.

Mr. VITALI. Thank you, Mr. Speaker.

Could you thresh that out a bit? What is the nature of the discount?

Mr. KENNEY. Mr. Speaker, within the State Constitution, we are allowed to create special tax provisions for certain persons who meet established standards and qualifications for age and poverty.

What the city of Philadelphia would like to do — and it is agreed to by the city administration — is they want to pass ordinances which allow those seniors that now qualify for PACE, that they could hold and freeze their property taxes.

Mr. VITALI. Okay.

Does your bill get specific as to whether it is a freeze or does it just allow for city ordinances to thresh that out?

Mr. KENNEY. No. I believe that we have — This bill allows you to freeze or refund specifically just under the PACE guidelines. So the city cannot go beyond the legislation of providing tax breaks for seniors that make more than \$16,200 for a couple or \$13,000 for a single person who owns any property.

Mr. VITALI. Okay. You say freeze or refund?

Mr. KENNEY. That would be determined by the city. They do not have to do either, but it enables them, if they want to, they could do either.

Mr. VITALI. Is there a reason this legislation was limited to the city of Philadelphia?

Mr. KENNEY. Well, the reason is the city council earlier this year did pass an ordinance asking that this be done, and we have been looking at it, myself and Representative Oliver, in a bipartisan manner to address this issue. So they have already moved in this direction. So the city asked for this enabling legislation, and that is what this bill does — enables the city to do this because we must do that. We must allow the city to do this, and the only reason we held it to the city of Philadelphia is because that is the only group that requested it.

Mr. VITALI. Thank you.

That concludes my questioning, Mr. Speaker.

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

Mr. OLIVER. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of HB 2223.

This bill, when it is passed, will certainly benefit our senior citizens in the city of Philadelphia. 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—181

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

NAYS—18

Brown	Hutchinson	Marsico	Rohrer
Carone	Jadlowiec	Merry	Schroder
Clark	King	Nailor	Vance
Egolf	Krebs	Reber	Zug
Fichter	Lynch		

NOT VOTING—0

EXCUSED—3

Hasay

Keller

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.

* * *

BILLS PASSED OVER

The SPEAKER. On page 3 of today's calendar, HB 1468 and HB 497 are over.

* * *

The House proceeded to third consideration of **HB 1182, PN 2801**, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, authorizing police officers to record certain oral communications; providing for authority to purchase surveillance devices; and providing for windshield obstructions and wipers.

On the question,

Will the House agree to the bill on third consideration?

Mr. **MAYERNIK** offered the following amendment No. **A6110**:

Amend Sec. 5 (Sec. 4524), page 5, line 7, by striking out "**EMERGENCY**" and inserting

police or sheriff

Amend Sec. 5 (Sec. 4524), page 5, line 10, by striking out "**AN EMERGENCY**" and inserting

a police or sheriff

On the question,

Will the House agree to the amendment?

The SPEAKER. On the question of the Mayernik amendment, the Chair recognizes the gentleman from Allegheny.

Mr. **MAYERNIK**. Thank you, Mr. Speaker.

This amendment is put in at the request of PennDOT.

It would narrow the definition only for this portion of Title 18, narrow the definition of "emergency vehicle" to include that of a police vehicle and a sheriff vehicle. This is agreed to by the F.O.P. (Fraternal Order of Police) as well as at the request of the Pennsylvania Department of Transportation. If we did not narrow this definition, then it would include vehicles such as EMS (emergency medical services) vehicles, ambulances, fire trucks, rescue squads.

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

The SPEAKER. The gentleman, Mr. Gannon, from Delaware.

Mr. **GANNON**. Mr. Speaker, this amendment is agreed to.

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—199

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

NAYS—0

NOT VOTING—0

EXCUSED—3

Hasay Keller Mihalich

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—197

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

NAYS—0

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

NOT VOTING—2

Boyes Horsey

EXCUSED—3

Hasay Keller 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 House proceeded to third consideration of **HB 1692, PN 2586**, entitled:

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.

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

Mrs. TRUE offered the following amendment No. **A5837**:

Amend Title, page 1, line 2, by inserting after "for"
hearings,

Amend Sec. 1, page 1, line 9, by inserting after "Sections"
2503(d),

Amend Sec. 1, page 1, by inserting between lines 11 and 12
§ 2503. Hearing.

(d) Putative father.—

(1) If a putative father will not file a petition to voluntarily relinquish his parental rights pursuant to section 2501 (relating to relinquishment to agency) or 2502 (relating to relinquishment to adult intending to adopt child), has been given notice of the hearing being held pursuant to this section and fails to either appear at that hearing for the purpose of objecting to termination of his parental rights or file a written objection to such termination with the court prior to the hearing and has not filed an acknowledgment of paternity or claim of paternity pursuant to section 5103, the court may enter a decree terminating the parental rights of the putative father pursuant to subsection (c).

(2) If a putative father will not file a petition to voluntarily relinquish his parental rights pursuant to section 2501 or 2502, regardless of whether he has filed acknowledgment of paternity or claim of paternity pursuant to section 5103 and has been served with notice of hearing, the court may enter a decree terminating the parental rights of the putative father pursuant to subsection (c) under any of the following circumstances:

(i) The putative father has not made substantial and ongoing provisions for the child's care or has caused the child to be without essential parental care, control or subsistence necessary for the child's physical or mental well-being and did not provide support for the mother during her pregnancy.

(ii) The putative father has failed to appear at the hearing for the purpose of objecting to the termination of his parental rights or has failed to file a written objection to such termination with the court prior to the hearing.

Amend Sec. 1 (Sec. 2504), page 2, lines 22 through 26, by striking out all of said lines

Amend Sec. 1 (Sec. 2505), page 3, line 9, by inserting after "may"
petition or

Amend Sec. 1 (Sec. 2505), page 3, line 16, by inserting after "may"
petition or

Amend Sec. 2 (Sec. 2530.1), page 4, line 23, by inserting after "INCLUDE"

a home visit and a suggested inquiry into

Amend Sec. 2 (Sec. 2530.1), page 4, line 23, by striking out "ARE" and inserting

is

Amend Sec. 2 (Sec. 2530.1), page 5, line 2, by removing the colon after "origin" and inserting a period

Amend Sec. 2 (Sec. 2530.1), page 5, lines 3 through 5, by striking out all of said lines

Amend Sec. 2 (Sec. 2530.1), page 5, lines 12 and 13, by striking out all of line 12 and "(B)" in line 13 and inserting

(A)

Amend Sec. 2 (Sec. 2530.1), page 5, lines 14 through 16, by striking out all of lines 14 and 15 and "(E)" in line 16 and inserting

(B)

Amend Sec. 2 (Sec. 2530.1), page 5, line 23, by striking out all of said line

Amend Sec. 2 (Sec. 2530.1), page 5, line 27, by removing the colon after "origin" and inserting a period

Amend Sec. 2 (Sec. 2530.1), page 5, lines 28 through 30, by striking out all of said lines

Amend Sec. 2 (Sec. 2530.1), page 6, lines 7 and 8, by striking out all of line 7 and "(B)" in line 8 and inserting

(A)

Amend Sec. 2 (Sec. 2530.1), page 6, lines 9 through 11, by striking out all of lines 9 and 10 and "(E)" in line 11 and inserting

(B)

Amend Sec. 2 (Sec. 2530.1), page 6, line 18, by striking out all of said line

Amend Sec. 2 (Sec. 2530.1), page 6, lines 20 through 30; pages 7 and 8, lines 1 through 30; page 9, lines 1 through 24, by striking out all of said lines on said pages and inserting

(i) Prior marriage history.

(ii) Marital roles.

(iii) Marital conflicts and resolutions.

(iv) Expectations of spouse.

(v) Infertility and family planning.

(5) Children.—Matters relating to the following:

(i) Physical description.

(ii) Family membership through birth, adoption or marriage.

(iii) School, including academics, peers and interests.

(6) Single parent adoption.—Matters relating to the following, if applicable:

(i) Motivation for adoption.

(ii) Attitudes toward adoption and adoption process.

(iii) Anticipated adjustments and change.

(7) Special needs adoption.—Matters relating to the following, if applicable:

(i) Ability to provide necessary resources.

(ii) Ability to adapt to child's special needs.

(iii) Prior experience with or exposure to a special needs child.

- (8) Readiness to adopt.—Matters relating to the following:
- (i) Motivation for adoption.
 - (ii) Attitude toward adoption and adoption process.
 - (iii) Anticipated adjustments and change.
- (9) Attitudes on parenting.—Matters relating to the following:
- (i) Nurturance and bonding.
 - (ii) Short-term and long-term expectations.
 - (iii) Teaching.
 - (iv) Discipline.
- (10) Attitudes of adopting parent.—Matters relating to the following:
- (i) Attitude toward birth parents.
 - (ii) Willingness to share information with birth family.
 - (iii) Attitude on helping children understand adoption.
 - (iv) Expectations of child and birth parent.
- (11) Finances and employment.—Matters relating to the following:
- (i) Current employment.
 - (ii) Earned and unearned income.
 - (iii) Debts.
- (12) Family health.—Matters relating to the following:
- (i) Statement of health.
 - (ii) Documentation from health care providers.
 - (iii) Specific health issues.
- (13) Religion.—Matters relating to the following:
- (i) Membership.
 - (ii) Involvement.
- (14) Home.—Matters relating to the following:
- (i) Description of home, inside and out.
 - (ii) Neighborhood.
 - (iii) Proximity to resources.
- (15) References.—Matters relating to the following:
- (i) References received.
 - (ii) Assessment of family.
- (16) Criminal history.—Matters relating to criminal history record information, including any information relating to child abuse.
- (17) Type of child requested.—Matters relating to the following:
- (i) Request, past and current.
 - (ii) Age, sex and race, and rationale.
 - (iii) Social worker recommendations regarding type of child.
- (18) Summary and recommendations.—Matters relating to

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

The SPEAKER. On the question of amendment 5837, the Chair recognizes the lady, Mrs. True.

Mrs. TRUE. Thank you, Mr. Speaker.

I am not sure if my amendment has been distributed. Has it?

The SPEAKER. Yes.

Mrs. TRUE. Okay. Thank you.

Mr. Speaker, this amendment was worked on in cooperation with Representative Blaum's staff on Aging and Youth. It kind of tightens up the bill and made it even better, I believe.

We had a meeting— Excuse me, Mr. Speaker.

AMENDMENT WITHDRAWN

Mrs. TRUE. Mr. Speaker, the wrong amendment number is up on the board.

The SPEAKER. Which amendment did you want called up?

Mrs. TRUE. It should be 6382, Mr. Speaker. I will withdraw 5837.

The SPEAKER. Will the lady yield.

The clerk will read 6382.

On the question recurring,

Will the House agree to the bill on third consideration?

Mrs. TRUE offered the following amendment No. **A6382**:

Amend Title, page 1, line 2, by inserting after "providing" for definitions, for hearings for relinquishment of parental rights,

Amend Title, line 5, by striking out "and" and inserting a comma

Amend Title, page 1, line 6, by removing the period after "adoption" and inserting

, for reports of intention to adopt and for intermediary reports in adoption.

Amend Bill, page 1, lines 9 through 11, by striking out all of said lines and inserting

Section 1. The definition of "agency" in section 2102 of Title 23 of the Pennsylvania Consolidated Statutes is amended and the section is amended by adding definitions to read:

§ 2102. Definitions.

The following words and phrases when used in this part shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Agency." Any incorporated or unincorporated organization, society, institution or other entity, public or voluntary, which may receive or provide for the care of children, [supervised] approved by the Department of Public Welfare and providing adoption services in accordance with standards established by the department.

"Home study." An agency's formal assessment of the capacity and readiness of prospective adoptive parents to adopt a child. The term includes the agency's written report and recommendations conducted in accordance with the regulations of the Department of Public Welfare.

"Preplacement report." A preliminary home study.

"Putative father." The alleged father of a child conceived or born out of wedlock.

Section 2. Sections 2503(d), 2504(c), 2505(a) and (d), 2530(a), (b) and (c)(2) and (3), and 2531(b) of Title 23 are amended to read:

(d) Putative father.—If a putative father will not file a petition to voluntarily relinquish his parental rights pursuant to section 2501 (relating to relinquishment to agency) or 2502 (relating to relinquishment to adult intending to adopt child), regardless of whether he has filed an acknowledgment of paternity or claim of paternity under section 5103, and has been given notice of the hearing being held pursuant to this section [and], the court may enter a decree terminating his parental rights under subsection (c) if any of the following apply:

(1) The putative father fails to [either]:

(i) appear at that hearing for the purpose of objecting to termination of his parental rights; or

(ii) file a written objection to such termination with the court prior to the hearing [and has not filed an acknowledgment of paternity or claim of paternity pursuant

to section 5103, the court may enter a decree terminating the parental rights of the putative father pursuant to subsection (c)].

(2) The court determines, after hearing, that the putative father has failed to:

- (i) provide substantial financial support for the child; or
- (ii) make substantial and ongoing provision for the child's care.

Amend Sec. 1 (Sec. 2504), page 1, lines 14 and 15, by striking out all of line 14 and "(1)" in line 15 and inserting

(c) Putative father.—If

Amend Sec. 1 (Sec. 2504), page 1, line 16, by inserting after "2711," regardless of whether he has filed an acknowledgment of paternity or a claim of paternity under section 5103 (relating to acknowledgment and claim of paternity), and

Amend Sec. 1 (Sec. 2504), page 1, line 17, by inserting a bracket before "and"

Amend Sec. 1 (Sec. 2504), page 1, line 18, by striking out "fails to either appear" and inserting], the court may enter a decree terminating his parental rights under subsection (b) if any of the following apply:

- (1) The putative father fails to [either]:
- (i) appear

Amend Sec. 1 (Sec. 2504), page 2, lines 1 and 2, by striking out "or file a written" and inserting
; or

- (2) file a written

Amend Sec. 1 (Sec. 2504), page 2, lines 3 and 7, by inserting a bracket before "and" in line 3 and after "(b)" in line 7

Amend Sec. 1 (Sec. 2504), page 2, lines 8 through 30; page 3, line 1, by striking out all of said lines on said pages and inserting

(2) The court determines, after hearing, that the putative father has failed to:

- (i) provide substantial financial support for the child; or
- (ii) make substantial and ongoing provision for the child's care.

Amend Sec. 1 (Sec. 2505), page 3, by inserting between lines 3 and 4

(a) [List of counselors] Information.—Any hospital or other facility providing maternity care shall provide to its maternity patients who are known to be considering relinquishment or termination of parental rights pursuant to this part a list of available counselors and counseling services compiled pursuant to subsection (b) [to its maternity patients who are known to be considering relinquishment or termination of parental rights pursuant to this part] and information about the counseling fund and how to access it for patients who are unable to pay for counseling. The patient shall sign an acknowledgment of receipt of such list prior to discharge, a copy of which receipt shall be provided to the patient.

Amend Sec. 1 (Sec. 2505), page 3, lines 15 through 20, by striking out all of said lines and inserting

(2) A parent who is contemplating relinquishment or termination of parental rights may apply to the court for referral to a qualified counselor, counseling services or adoption agency identified by subsection (b) for the purpose of obtaining counseling concerning relinquishment or termination of parental rights or the alternatives. Costs approved by the court for counseling may be paid from the counseling fund established in subsection (e).

Amend Sec. 1 (Sec. 2530), page 4, line 1, by inserting brackets before and after the comma and inserting immediately thereafter

or

Amend Sec. 1 (Sec. 2530), page 4, line 1, by inserting a bracket before "OR"

Amend Sec. 1 (Sec. 2530), page 4, line 2, by striking out the bracket before "SUCH"

Amend Sec. 1 (Sec. 2530), page 4, lines 2 through 4, by striking out "[A STUDY]" in line 2, all of line 3 and "STUDY" in line 4

Amend Sec. 1 (Sec. 2530), page 4, line 6, by inserting brackets before and after "or person"

Amend Sec. 1 (Sec. 2530), page 4, line 7, by striking out all of said line and inserting

(1) The preplacement report shall set forth all pertinent information relating to the fitness of the adopting parents as parents.

Amend Sec. 1 (Sec. 2530), page 4, line 8, by striking out the bracket before "be"

Amend Bill, page 4, lines 16 through 30; pages 5 through 9, lines 1 through 30; page 10, line 1, by striking out "] contain those elements, as applicable, described" in line 16, all of lines 17 through 30, page 4, all of lines 1 through 30, pages 5 through 9 and line 1, page 10 and inserting

(3) The preplacement report shall include a determination regarding the fitness of the adopting parents as parents.

(4) The preplacement report shall be dated and verified.

(c) Interim placement.—Where a home study required under this section is in process, but not yet completed, an intermediary may place a child in the physical care or custody of a prospective adoptive parent or parents if all of the following conditions are met:

(2) The [individual or] agency conducting the home study assents to the interim placement.

(3) The intermediary immediately notifies the court of the interim placement and the identity of the [individual or] agency conducting the home study. If at any time prior to the completion of the home study the court is notified by the [individual or] agency conducting the home study that it withdraws its assent to the interim placement, the court may order the placement of the child in temporary foster care with an agency until a favorable recommendation for placement is received.

§ 2531. Report of intention to adopt.

(b) Contents.—The report shall set forth:

(1) The circumstances surrounding the persons receiving or retaining custody or physical care of the child, including the date upon which a preplacement investigation was concluded.

(2) The name, sex, racial background, age, date and place of birth and religious affiliation of the child.

(3) The name and address of the intermediary.

(4) An itemized accounting of moneys and consideration paid or to be paid to the intermediary.

(5) Whether the parent or parents whose parental rights are to be terminated have received counseling with respect to the termination and the alternatives thereto. If so, the report shall state the dates on which the counseling was provided and the name and address of the counselor or agency which provided the counseling.

(6) The name, address and signature of the person or persons making the report. Immediately above the signature of the person or persons intending to adopt the child shall appear the following statement:

I acknowledge that I have been advised or know and understand that the natural parent may revoke the consent to the adoption of this child until a court has entered a decree terminating the parental rights and, unless a decree terminating parental rights has been entered, the natural parent may revoke the consent until a court enters the final adoption decree.

(7) A copy of the preplacement report prepared pursuant to section 2530 (relating to home study and preplacement report). A copy of the home study must be provided to the court within 30 days of filing the report.

When a person receives or retains custody or physical care of a child from an agency, the report shall set forth only the name and address of the agency, the circumstances surrounding such person receiving or retaining custody or physical care of the child and a copy of the preplacement report or home study prepared pursuant to section 2530.

Section 3. Section 2533(d) of Title 23 is amended by adding a paragraph to read:

§ 2533. Report of intermediary.

(d) Permissible reimbursement of expenses.—Payments made by the adoptive parents to an intermediary or a third party for reimbursement of the following expenses, calculated without regard to the income of the adoptive parents, are permissible and are not in violation of 18 Pa.C.S. § 4305 (relating to dealing in infant children):

(3.1) Reasonable expenses incurred by the natural parent for counseling services regarding relinquishment or termination of parental rights or the alternatives.

Section 4. (a) Within six months of the effective date of this act, the Department of Public Welfare shall submit to the Aging and Youth Committee of the Senate and the Aging and Youth Committee of the House of Representatives a detailed summary of specific recommendations for improvement in existing adoption agency service regulations that reflect the comments and suggestions of individuals and providers interested in adoption issues. The committees, either jointly or separately, shall hold public hearings to gather additional information and suggestions which can be forwarded to the department.

(b) The department shall initiate the rulemaking process so that final regulations implementing this act are submitted, within 18 months of the effective date of this act, to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.

Amend Sec. 3, page 10, line 2, by striking out "3" and inserting

5

On the question,

Will the House agree to the amendment?

The SPEAKER. The lady may proceed.

Mrs. TRUE. Okay. Thank you, Mr. Speaker.

I will try to be brief.

I just wanted the members to know that there have been several months of a lot of good conversation with the Allegheny Orphans' Court division and the Pennsylvania Council of Children's Services, the County Children and Youth Association, and we have the support of the judicial court, the Judges Commission.

Mostly what this does is make it easier to adopt children and make it easier for parents that would like to put their child up for adoption.

I urge your support.

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

Mr. BLAUM. Thank you, Mr. Speaker.

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

I think it does make a very good bill even a little bit better. Representative True has worked hard on this issue, and I thank her for her initiative and ask the members for their support.

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—199

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

NAYS—0

NOT VOTING—0

EXCUSED—3

Hasay	Keller	Mihalich
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The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

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

The SPEAKER. Mrs. True, do you have additional amendments?

Mrs. TRUE. No, sir.

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?

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

YEAS—199

Adolph	Egolf	Lynch	Saylor
Allen	Evans	Maitland	Schroder
Argall	Fairchild	Major	Schuler
Armstrong	Fajt	Manderino	Scrimenti
Baker	Fargo	Markosek	Semmel
Bard	Farmer	Marsico	Serafini
Barley	Feese	Masland	Shaner
Battisto	Fichter	Mayernik	Sheehan
Bebko-Jones	Fleagle	McCall	Smith, B.
Belardi	Flick	McGeehan	Smith, S. H.
Belfanti	Gamble	McGill	Snyder, D. W.
Birmelin	Gannon	Melio	Staback
Bishop	Geist	Merry	Stairs
Blaum	George	Michlovic	Steelman
Boscola	Gigliotti	Micozzie	Steil
Boyes	Gladeck	Miller	Stern
Brown	Godshall	Mundy	Stetler
Browne	Gordner	Myers	Stish
Bunt	Gruitza	Nailor	Strittmatter
Butkovitz	Gruppo	Nickol	Sturla
Buxton	Habay	Nyce	Surra
Caltagirone	Haluska	O'Brien	Tangretti
Cappabianca	Hanna	Olasz	Taylor, E. Z.
Carn	Harhart	Oliver	Taylor, J.
Carone	Hennessey	Perzel	Thomas
Cawley	Herman	Pesci	Tigue
Chadwick	Hershey	Petrarca	Travaglio
Civera	Hess	Petrone	Trello
Clark	Horsey	Pettit	Trich
Clymer	Hutchinson	Phillips	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	Kenney	Readshaw	Washington
Corrigan	King	Reber	Waugh
Cowell	Kirkland	Reinard	Williams
Coy	Krebs	Rieger	Wogan
Curry	Kukovich	Roberts	Wozniak
Daley	LaGrotta	Robinson	Wright, D. R.
DeLuca	Laughlin	Roebuck	Wright, M. N.
Dempsey	Lawless	Rohrer	Yewcic
Dent	Lederer	Rooney	Youngblood
Dermody	Leh	Rubley	Zimmerman
DeWeese	Lescovitz	Rudy	Zug
DiGirolamo	Levdansky	Sainato	

Donatucci	Lloyd	Santoni	Ryan,
Druce	Lucyk	Sather	Speaker
Durham			

NAYS—0

NOT VOTING—0

EXCUSED—3

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

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

The SPEAKER. The Chair recognizes the lady, Mrs. True.

I suspect I owe the lady an apology. Were you seeking recognition prior to final passage?

Mrs. TRUE. That is all right, Mr. Speaker. I just would like to thank Representative Blaum and all the members for the support they have given me on this bill. Thank you very much.

The SPEAKER. Thank you.

* * *

The House proceeded to third consideration of **SB 619, PN 1566**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for confidential mediation communications and documents.

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

Mr. **MAYERNIK** offered the following amendment No. **A6211**:

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

; and further providing for collection of restitution, reparation, fees, costs, fines and penalties.

Amend Bill, page 3, by inserting between lines 17 and 18

Section 2. Section 9728 of Title 42 is amended to read:

§ 9728. Collection of restitution, reparation, fees, costs, fines and penalties.

(a) General rule.—All restitution, reparation, fees, costs, fines and penalties shall be collectible in any manner provided by law. However, such restitution, reparation, fees, costs, fines and penalties are part of a criminal action or proceeding and shall not be deemed debts. A sentence, pretrial disposition order or order entered under section 6352 (relating to disposition of delinquent child) for restitution, reparation, fees, costs, fines or penalties shall, together with interest and any additional costs that may accrue, be a judgment in favor of the probation department upon the person or the property of the person sentenced or subject to the order.

(b) Procedure.—The county [probation department or other appropriate governmental agency] clerk of courts shall, upon sentencing, pretrial disposition or other order, transmit to the prothonotary of the respective county certified copies of all judgments for restitution, reparation, fees, costs, fines and penalties which, in the aggregate, exceed

\$1,000, and it shall be the duty of each prothonotary to enter and docket the same of record in his office and to index the same as judgments are indexed, without requiring the payment of costs as a condition precedent to the entry thereof. The clerk of courts, in consultation with other appropriate governmental agencies, may transmit to the prothonotary of the respective county certified copies of all judgments for restitution, reparation, fees, costs, fines and penalties which, in the aggregate, do not exceed \$1,000, and, if so transmitted, it shall be the duty of each prothonotary to enter and docket the same of record in his office and to index the same as judgments are indexed, without requiring the payment of costs as a condition precedent to the entry thereof. The total amount for which the person is liable pursuant to this section may be entered as a judgment upon the person or the property of the person sentenced or ordered, regardless of whether the amount has been ordered to be paid in installments.

(c) Period of time.—Notwithstanding section 6353 (relating to limitation on and change in place of commitment) or 18 Pa.C.S. § 1106(c)(2) (relating to restitution for injuries to person or property), the period of time during which such judgments shall have full effect may exceed the maximum term of imprisonment to which the offender could have been sentenced for the crimes of which he was convicted or the maximum term of confinement to which the offender was committed.

(d) Priority.—Notwithstanding any other statutory provisions in this or any other title, any lien obtained under this section shall maintain its priority indefinitely and no writ of revival need be filed.

(e) Preservation of assets subject to restitution.—Upon application of the Commonwealth, the court may enter a restraining order or injunction, require the execution of a satisfactory performance bond or take any other action to preserve the availability of property which may be necessary to satisfy an anticipated restitution order under this section:

(1) upon the filing of a criminal complaint, information or indictment charging a criminal violation or a petition alleging delinquency for which restitution may be ordered and alleging that the property with respect to which the order is sought appears to be necessary to satisfy such restitution order and judgment; and

(2) if, after notice to persons appearing to have an interest in the property and an opportunity for a hearing, the court determines that:

(i) there is a substantial probability that:

(A) the Commonwealth will prevail on the underlying criminal charges or allegation of delinquency;

(B) restitution will be ordered exceeding \$10,000 in value;

(C) the property appears to be necessary to satisfy such restitution order; and

(D) failure to enter the order will result in the property being destroyed, removed from the jurisdiction of the court or otherwise made unavailable for payment of the anticipated restitution order; and

(ii) the need to preserve the availability of the property through the entry of the requested order outweighs the hardship on any party against whom the order is to be entered.

(f) Temporary restraining order.—A temporary restraining order under subsection (e) may be entered upon application of the Commonwealth without notice or opportunity for a hearing, whether or not a complaint, information, indictment or petition alleging delinquency has been filed with respect to the property, if the Commonwealth demonstrates that there is probable cause to believe that the property with respect to which the order is sought appears to be necessary to satisfy an anticipated restitution order under this section and that provision of notice will jeopardize the availability of the property to satisfy such restitution order and judgment. Such a temporary order shall expire not more than ten days after the date on which it is entered, unless extended for good cause shown or unless the party against whom it is entered consents to an

extension for a longer period. A hearing requested concerning an order entered under this subsection shall be held at the earliest possible time and prior to the expiration of the temporary order.

(g) Costs, etc.—Any sheriff's costs, filing fees and costs of the county probation department, clerk of courts or other appropriate governmental agency shall be borne by the defendant and shall be collected by the county probation department or other appropriate governmental agency along with the total amount of the judgment and remitted to the appropriate agencies at the time of or prior to satisfaction of judgment.

(h) Effect on contempt proceedings.—This section shall not affect contempt proceedings mandated by 18 Pa.C.S. § 1106(f).

Amend Sec. 2, page 3, line 18, by striking out "2" and inserting

3

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman, Mr. Mayernik, on the amendment.

Mr. MAYERNIK. Thank you, Mr. Speaker.

Currently, Title 42 requires the county probation department or other appropriate governmental agency upon sentencing to transmit to the prothonotary certified copies of all judgments for restitution — fees, costs, fines, and penalties. The prothonotary is required then to docket these items as a judgment against the individual.

We have looked into this matter, and most counties, including Allegheny, are not complying with the existing law because it is very impractical to implement. The probation office is not the initial repository of the information, so it is not required to be transmitted by them. Rather, the information is filed in the clerk of courts' office. Additionally, the cost and work involved in transmitting the information and indexing judgments for smaller amounts of money are not cost-effective.

This amendment is supported by the Pennsylvania Clerk of Courts Association. It intends to keep the judgment system in place in a more practical and efficient manner. It requires that when the required information is to be transmitted to the prothonotary, it is transmitted by the clerk of courts, and additionally, transmittal of the information, filing of the judgment, would still be required in all instances where the aggregate amount is in excess of \$1,000.

I would ask for an affirmative vote on this amendment, Mr. Speaker.

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

Mr. GANNON. Mr. Speaker, this amendment is agreed to.

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—197

Adolph	Durham	Lynch	Schroder
Allen	Egolf	Maitland	Schuler
Argall	Evans	Major	Scrimanti
Armstrong	Fairchild	Manderino	Semmel
Baker	Fajt	Markosek	Serafini
Bard	Fargo	Marsico	Shaner
Barley	Farmer	Masland	Sheehan
Battisto	Fichter	Mayernik	Smith, B.
Bebko-Jones	Fleagle	McCall	Smith, S. H.
Belardi	Flick	McGeehan	Snyder, D. W.

Belfanti	Gamble	McGill	Staback
Birmelin	Gannon	Melio	Stairs
Bishop	Geist	Merry	Steelman
Blaum	George	Michlovic	Steil
Boscola	Gigliotti	Micozzie	Stern
Boyes	Gladeck	Miller	Stetler
Brown	Godshall	Mundy	Stish
Browne	Gordner	Myers	Strittmatter
Bunt	Gruitza	Nailor	Sturla
Butkovitz	Gruppo	Nickol	Surra
Buxton	Habay	Nyce	Tangretti
Caltagirone	Haluska	O'Brien	Taylor, E. Z.
Cappabianca	Hanna	Olasz	Taylor, J.
Carn	Harhart	Perzel	Thomas
Carone	Hennessey	Pesci	Tigue
Cawley	Herman	Petrarca	Travaglio
Chadwick	Hershey	Petrone	Trello
Civera	Hess	Pettit	Trich
Clark	Horsey	Phillips	True
Clymer	Hutchinson	Pistella	Tulli
Cohen, L. I.	Itkin	Pitts	Vance
Cohen, M.	Jadlowiec	Platts	Van Horne
Colaella	James	Preston	Veon
Colaizzo	Jarolin	Ramos	Vitali
Conti	Josephs	Raymond	Walko
Cornell	Kaiser	Readshaw	Washington
Corpora	Kenney	Reber	Waugh
Corrigan	King	Reinard	Williams
Cowell	Kirkland	Rieger	Wogan
Coy	Krebs	Roberts	Wozniak
Curry	Kukovich	Robinson	Wright, D. R.
Daley	LaGrotta	Roebuck	Wright, M. N.
DeLuca	Laughlin	Rohrer	Yewcic
Dempsey	Lawless	Rooney	Youngblood
Dent	Lederer	Rubley	Zimmerman
Dermody	Leh	Rudy	Zug
DeWeese	Lescovitz	Sainato	
DiGirolamo	Levdansky	Santoni	Ryan,
Donatucci	Lloyd	Sather	Speaker
Druce	Lucyk	Saylor	

NAYS-1

Feese

NOT VOTING-1

Oliver

EXCUSED-3

Hasay Keller Mihalich

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS-199

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

NAYS-0

NOT VOTING-0

EXCUSED-3

Hasay Keller 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 return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

The House proceeded to third consideration of **SB 1052, PN 1163**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for criminal victim aid good Samaritan civil immunity.

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

Mr. **KREBS** offered the following amendment No. **A6028**:

Amend Title, page 1, line 2, by inserting after "for"
immunity of physicians who provide free medical
clinic services and for

Amend Sec. 1, page 1, line 7, by striking out "a section" and
inserting
sections

Amend Sec. 1, page 1, by inserting between lines 8 and 9
§ 8331.2. Immunity of physicians who provide free medical clinic
services.

(a) General rule.—Any physician who, in good faith, provides medical treatment, diagnoses or advice as part of the services of an established free medical clinic providing care to medically indigent patients, which is limited to care which does not require the services of a licensed hospital or ambulatory surgical treatment center, and who receives no fee or compensation from that source shall not be liable for civil damages as a result of acts or omissions, except any acts or omissions intentionally designed to harm or any acts or omissions that constitute gross negligence or willful, wanton or reckless conduct, on the part of the physician in providing the medical treatment, diagnoses or advice.

(b) Nonapplication.—This section shall not apply unless the free medical clinic posts in a conspicuous place on its premises an explanation of the exemption from civil liability provided under subsection (a).

(c) Definition.—As used in this section, the term "free medical clinic" means an organized community-based program providing, without charge, medical care to individuals unable to pay for their own care. Medical care does not include the use of general anesthesia or require an overnight stay in a health care facility.

Amend Sec. 1 (Sec. 8331.2), page 1, line 8, by striking out "8331.2" and inserting

8331.3

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

The **SPEAKER**. The Chair recognizes the gentleman.

Mr. **KREBS**. Mr. Speaker, this amendment would allow a physician who in good faith provides care or advice through a—

The **SPEAKER**. The gentleman will yield.

The House will come to order. Conferences on the floor must cease. There are entirely too many conferences.

The lady, Ms. Manderino, apparently does not have a copy of the amendment.

Mr. **KREBS**. Mr. Speaker, this amendment was distributed yesterday.

The **SPEAKER**. Ms. Manderino, the amendment apparently was distributed yesterday.

The gentleman is recognized.

Mr. **KREBS**. Under this amendment, a physician who provides care or advice at a free medical clinic to indigent persons would receive civil immunity.

What this is aimed at is for retired physicians to provide care at free medical clinics, because most of them no longer have insurance to cover this type of liability, but it also means that the free medical clinic would have to post that the person doing this would have a civil exemption from liability.

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

The following roll call was recorded:

YEAS—199

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

NAYS—0

NOT VOTING—0

EXCUSED—3

Hasay Keller Mihalich

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—199

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

DiGirolamo	Levdansky	Sainato	
Donatucci	Lloyd	Santoni	Ryan,
Druce	Lucyk	Sather	Speaker
Durham			

NAYS—0

NOT VOTING—0

EXCUSED—3

Hasay Keller 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 return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

BILLS PASSED OVER

The SPEAKER. HB 552 and SB 652 are over.

The House proceeded to third consideration of **HB 1571, PN 2820**, entitled:

An Act providing for a real estate transfer disclosure statement.

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	Saylor
Allen	Evans	Maitland	Schroder
Argall	Fairchild	Major	Schuler
Armstrong	Fajt	Manderino	Scrimenti
Baker	Fargo	Markosek	Semmel
Bard	Farmer	Marsico	Serafini
Barley	Feese	Masland	Shaner
Battisto	Fichter	Mayernik	Sheehan
Bebko-Jones	Fleagle	McCall	Smith, B.
Belardi	Flick	McGeehan	Smith, S. H.
Belfanti	Gamble	McGill	Snyder, D. W.
Birmelin	Gannon	Melio	Staback
Bishop	Geist	Merry	Stairs
Blaum	George	Michlovic	Steelman
Boscola	Gigliotti	Micozzie	Steil
Boyes	Gladeck	Miller	Stern
Brown	Godshall	Mundy	Stetler
Browne	Gordner	Myers	Stish
Bunt	Gruitza	Nailor	Strittmatter

Butkovitz	Gruppo	Nickol	Sturla
Buxton	Habay	Nyce	Surra
Caltagirone	Haluska	O'Brien	Tangretti
Cappabianca	Hanna	Olasz	Taylor, E. Z.
Carn	Harhart	Oliver	Taylor, J.
Carone	Hennessey	Perzel	Thomas
Cawley	Herman	Pesci	Tigue
Chadwick	Hershey	Petrarca	Travaglio
Civera	Hess	Petrone	Trello
Clark	Horshey	Pettit	Trich
Clymer	Hutchinson	Phillips	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	Kenney	Readshaw	Washington
Corrigan	King	Reber	Waugh
Cowell	Kirkland	Reinard	Williams
Coy	Krebs	Rieger	Wogan
Curry	Kukovich	Roberts	Wozniak
Daley	LaGrotta	Robinson	Wright, D. R.
DeLuca	Laughlin	Roebuck	Wright, M. N.
Dempsey	Lawless	Rohrer	Yewcic
Dent	Lederer	Rooney	Youngblood
Dermody	Leh	Rublely	Zimmerman
DeWeese	Lescovitz	Rudy	Zug
DiGirolamo	Levdansky	Sainato	
Donatucci	Lloyd	Santoni	Ryan,
Druce	Lucyk	Sather	Speaker
Durham			

NAYS-0

NOT VOTING-0

EXCUSED-3

Hasay Keller 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.

* * *

BILLS PASSED OVER

The SPEAKER. HB 664 and SB 238 are over.

GUEST INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today, as the guest of Representative Jeff Habay, Flagg Pavlik, president of the Baldwin Township board of commissioners. The gentleman is seated to the left of the Speaker. Please rise.

HB 1182 RECONSIDERED

The SPEAKER. The Chair recognizes the gentleman, Mr. Nyce, who moves that the vote by which HB 1182 was passed on the 12th day of December be reconsidered.

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

The following roll call was recorded:

YEAS-198

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

NAYS-0

NOT VOTING-1

Rooney

EXCUSED-3

Hasay

Keller

Mihalich

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

On the question recurring,
Shall the bill pass finally?

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

YEAS-199

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

NAYS-0

NOT VOTING-0

EXCUSED-3

Hasay

Keller

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. Do the Republican floor leaders have any further business prior to a luncheon break? Do the Democratic floor leaders have any business prior to a luncheon break until 1:30?

Are there any corrections of the record or announcements prior to a luncheon break?

VOTE CORRECTIONS

The SPEAKER. The gentleman, Mr. Thomas.

There will be no votes, and I will put the House in recess until 1:30 as soon as I complete the business with Mr. Thomas.

Go ahead, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, on reconsideration of HB 1182, my button malfunctioned. I would like to be recorded in the negative.

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

Mrs. TAYLOR. Mr. Speaker?

The SPEAKER. The Chair recognizes the lady, Mrs. Taylor.

Mrs. TAYLOR. Thank you, Mr. Speaker.

On HB 881, which was voted on Monday, December 11, I was not recorded. I would like to be recorded in the affirmative.

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

The gentleman, Mr. Pistella.

Mr. PISTELLA. For the purpose of correcting the record, Mr. Speaker.

Yesterday I was not voted on amendment A6010 to HB 2073, the amendment introduced by Representative Veon. I wish to be recorded in the affirmative. Thank you, Mr. Speaker.

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

Ms. Steelman.

Ms. STEELMAN. To correct the record, Mr. Speaker.

Yesterday my affirmative vote on amendment 6014 to HB 881 was not recorded.

The SPEAKER. Had it been recorded?

Ms. STEELMAN. My affirmative vote, I said.

The SPEAKER. Forgive me. The remarks of the lady will be spread upon the record.

Anything further from the Republican or Democratic leaders?

RECESS

The SPEAKER. Hearing none, this House stands in recess until 1:30 unless sooner recalled by the Speaker.

AFTER RECESS

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

**THE SPEAKER PRO TEMPORE
(J. SCOT CHADWICK) PRESIDING**

SENATE MESSAGE

**AMENDED HOUSE BILLS RETURNED
FOR CONCURRENCE AND
REFERRED TO COMMITTEE ON RULES**

The clerk of the Senate, being introduced, returned **HB 602, PN 2903; and HB 1582, PN 2905**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

CALENDAR CONTINUED**RESOLUTION PURSUANT TO RULE 35**

Mrs. BROWN called up **HR 260, PN 2886**, entitled:

A Resolution proclaiming December 11 through 18, 1995, as "Snowmobile Safety Awareness Week."

On the question,
Will the House adopt the resolution?

The SPEAKER pro tempore. On that question, the Chair recognizes the lady, Mrs. Brown.

Mrs. BROWN. Thank you, Mr. Speaker.

This resolution was introduced as a noncontroversial resolution under rule 35 on Thursday, December 7. I would ask that this resolution be kept open for additional cosponsors, and I ask that my colleagues on both sides of the aisle support my resolution. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair must unfortunately advise the lady that since the resolution is already in print, it is really not possible to leave it at the desk that way for additional sponsors. They would have to use the other process.

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

The following roll call was recorded:

YEAS—199

Adolph	Egolf	Lynch	Saylor
Allen	Evans	Maitland	Schroder
Argall	Fairchild	Major	Schuler
Armstrong	Fajt	Manderino	Scrimenti
Baker	Fargo	Markosek	Semmel

Bard	Farmer	Marsico	Serafini
Barley	Feese	Masland	Shaner
Battisto	Fichter	Mayernik	Sheehan
Bebko-Jones	Fleagle	McCall	Smith, B.
Belardi	Flick	McGeehan	Smith, S. H.
Belfanti	Gamble	McGill	Snyder, D. W.
Birmelin	Gannon	Melio	Staback
Bishop	Geist	Merry	Stairs
Blaum	George	Michlovic	Steelman
Boscola	Gigliotti	Micozzie	Steil
Boyes	Gladeck	Miller	Stern
Brown	Godshall	Mundy	Stetler
Browne	Gordner	Myers	Stish
Bunt	Gruitza	Nailor	Strittmatter
Butkovitz	Gruppo	Nickol	Sturla
Buxton	Habay	Nyce	Surra
Caltagirone	Haluska	O'Brien	Tangretti
Cappabianca	Hanna	Olasz	Taylor, E. Z.
Carn	Harhart	Oliver	Taylor, J.
Carone	Hennessey	Perzel	Thomas
Cawley	Herman	Pesci	Tigue
Chadwick	Hershey	Petrarca	Travaglio
Civera	Hess	Petrone	Trello
Clark	Horsey	Pettit	Trich
Clymer	Hutchinson	Phillips	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	Kenney	Readshaw	Washington
Corrigan	King	Reber	Waugh
Cowell	Kirkland	Reinard	Williams
Coy	Krebs	Rieger	Wogan
Curry	Kukovich	Roberts	Wozniak
Daley	LaGrotta	Robinson	Wright, D. R.
DeLuca	Laughlin	Roebuck	Wright, M. N.
Dempsey	Lawless	Rohrer	Yewcic
Dent	Lederer	Rooney	Youngblood
Dermody	Leh	Rublely	Zimmerman
DeWeese	Lescovitz	Rudy	Zug
DiGirolamo	Levdansky	Sainato	
Donatucci	Lloyd	Santoni	Ryan, Speaker
Druce	Lucyk	Sather	
Durham			

NAYS—0**NOT VOTING—0****EXCUSED—3**

Hasay	Keller	Mihalich
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair is pleased to announce that on the House floor today, as the guests of Representative Leo Trich, are Mr. Richard Case, the president of USA Baseball, headquartered in Trenton, New Jersey, and Mr. Abraham Key, president of PONY Baseball and Softball, headquartered in Washington, Pennsylvania. Representative Trich himself is a former vice president of USA Baseball, the governing body

for the sport of baseball on the U.S. Olympics Committee. Would Mr. Case and Mr. Key please stand and be recognized. Welcome to the hall of the House.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 725, PN 1451**, entitled:

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.

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

Ms. **BOSCOLA** offered the following amendment No. **A5279**:

Amend Sec. 1 (Sec. 2), page 1, by inserting between lines 17 and 18 "ASTM standards." Standards promulgated by the ASTM entitled Standard Guide for the Classification of Amusement Ride and Device Related Injuries and Illnesses, designated ASTM F 1305, or its successor, which provide procedures for the uniform classification of data related to amusement ride and device injuries and illnesses.

Amend Sec. 1 (Sec. 2), page 2, line 13, by striking out "and" and inserting

or

Amend Sec. 2 (Sec. 13), page 2, line 18, by striking out "An" and inserting

(a) Report of certain injuries required.—An

Amend Sec. 2 (Sec. 13), page 2, line 26, by striking out "accident and shall include" and inserting accident. Accidents and injuries required to be reported to the department under this subsection shall be recorded and classified in accordance with ASTM standards and shall include

Amend Sec. 2 (Sec. 13), page 3, by inserting between lines 2 and 3

(b) Records.—The owner or lessee shall retain at all times up-to-date maintenance and inspection records for each amusement ride and amusement attraction in accordance with any regulations the department may prescribe. Such records shall be made available to the department upon reasonable request.

(c) Manufacturers.—An owner or lessee shall notify the appropriate manufacturer of an accident which results in serious injury or illness within 48 hours of discovering the serious injury or illness.

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

The **SPEAKER** pro tempore. On that question, the Chair recognizes Ms. Boscola.

Ms. **BOSCOLA**. I have been working on a House bill similar to Senator Greenleaf's, and after meeting with the Amusement Ride Safety Board, we agreed that in order to establish accident reporting procedures which are uniform and consistent with nationally adopted standards, it would be prudent to model amendments to the Amusement Ride Inspection Act after the American Society for Testing Materials standards, ASTM.

ASTM standards are reviewed every 5 years, and this amendment would make the bill more consistent. It would make the bill an even better bill, because there are going to be certain ride developments, new ride developments, in the future, and this would keep the bill current and always up to date.

This bill came out of the Tourism Committee. Representative Godshall and I discussed this amendment, and it is an agreed-to amendment. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—198

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

NAYS—0

NOT VOTING—1

Roebuck

EXCUSED-3

Hasay Keller Mihalich

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS-198

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

Donatucci
Druce

Levdansky
Lloyd

Santoni
Sather

Ryan,
Speaker

NAYS-0

NOT VOTING-1

Roebuck

EXCUSED-3

Hasay

Keller

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 return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

* * *

The House proceeded to third consideration of **HB 1897, PN 2336**, entitled:

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

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-199

Adolph	Egolf	Lynch	Saylor
Allen	Evans	Maitland	Schroder
Argall	Fairchild	Major	Schuler
Armstrong	Fajt	Manderino	Scrimenti
Baker	Fargo	Markosek	Semmel
Bard	Farmer	Marsico	Serafini
Barley	Feese	Masland	Shaner
Battisto	Fichter	Mayernik	Sheehan
Bebko-Jones	Fleagle	McCall	Smith, B.
Belardi	Flick	McGeehan	Smith, S. H.
Belfanti	Gamble	McGill	Snyder, D. W.
Birmelin	Gannon	Melio	Staback
Bishop	Geist	Merry	Stairs
Blaum	George	Michlovic	Steelman
Boscola	Gigliotti	Micozzie	Steil
Boyes	Gladeck	Miller	Stern
Brown	Godshall	Mundy	Stetler
Browne	Gordner	Myers	Stish
Bunt	Gruitza	Nailor	Strittmatter
Butkovitz	Gruppo	Nickol	Sturla
Buxton	Habay	Nyce	Surra
Caltagirone	Haluska	O'Brien	Tangretti
Cappabianca	Hanna	Olasz	Taylor, E. Z.
Carn	Harhart	Oliver	Taylor, J.
Carone	Hennessey	Perzel	Thomas
Cawley	Herman	Pesci	Tigue

Chadwick	Hershey	Petrarca	Travaglio
Civera	Hess	Petrone	Trello
Clark	Horsey	Pettit	Trich
Clymer	Hutchinson	Phillips	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	Kenney	Readshaw	Washington
Corrigan	King	Reber	Waugh
Cowell	Kirkland	Reinard	Williams
Coy	Krebs	Rieger	Wogan
Curry	Kukovich	Roberts	Wozniak
Daley	LaGrotta	Robinson	Wright, D. R.
DeLuca	Laughlin	Roebuck	Wright, M. N.
Dempsey	Lawless	Rohrer	Yewcic
Dent	Lederer	Rooney	Youngblood
Dermody	Leh	Rublely	Zimmerman
DeWeese	Lescovitz	Rudy	Zug
DiGirolamo	Levdansky	Sainato	
Donatucci	Lloyd	Santoni	Ryan,
Druce	Lucyk	Sather	Speaker
Durham			

NAYS-0

NOT VOTING-0

EXCUSED-3

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

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

* * *

The House proceeded to third consideration of **HB 2004, PN 2485**, entitled:

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

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-199

Adolph	Egolf	Lynch	Saylor
Allen	Evans	Maitland	Schroder
Argall	Fairchild	Major	Schuler
Armstrong	Fajt	Manderino	Scrimenti
Baker	Fargo	Markosek	Semmel
Bard	Farmer	Marsico	Serafini

Barley	Feese	Masland	Shaner
Battisto	Fichter	Mayernik	Sheehan
Bebko-Jones	Fleagle	McCall	Smith, B.
Belardi	Flick	McGeehan	Smith, S. H.
Belfanti	Gamble	McGill	Snyder, D. W.
Birmelin	Gannon	Melio	Staback
Bishop	Geist	Merry	Stairs
Blaum	George	Michlovic	Steelman
Boscola	Gigliotti	Micozzie	Steil
Boyes	Gladeck	Miller	Stern
Brown	Godshall	Mundy	Stettler
Browne	Gordner	Myers	Stish
Bunt	Gruitza	Nailor	Strittmatter
Butkovitz	Gruppo	Nickol	Sturla
Buxton	Habay	Nyce	Surra
Caltagirone	Haluska	O'Brien	Tangretti
Cappabianca	Hanna	Olasz	Taylor, E. Z.
Carn	Harhart	Oliver	Taylor, J.
Carone	Hennessey	Perzel	Thomas
Cawley	Herman	Pesci	Tigue
Chadwick	Hershey	Petrarca	Travaglio
Civera	Hess	Petrone	Trello
Clark	Horsey	Pettit	Trich
Clymer	Hutchinson	Phillips	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	Kenney	Readshaw	Washington
Corrigan	King	Reber	Waugh
Cowell	Kirkland	Reinard	Williams
Coy	Krebs	Rieger	Wogan
Curry	Kukovich	Roberts	Wozniak
Daley	LaGrotta	Robinson	Wright, D. R.
DeLuca	Laughlin	Roebuck	Wright, M. N.
Dempsey	Lawless	Rohrer	Yewcic
Dent	Lederer	Rooney	Youngblood
Dermody	Leh	Rublely	Zimmerman
DeWeese	Lescovitz	Rudy	Zug
DiGirolamo	Levdansky	Sainato	
Donatucci	Lloyd	Santoni	Ryan,
Druce	Lucyk	Sather	Speaker
Durham			

NAYS-0

NOT VOTING-0

EXCUSED-3

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

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

* * *

BILL PASSED OVER

The SPEAKER pro tempore. HB 337 is over for today.

* * *

The House proceeded to third consideration of **HB 1943, PN 2399**, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, extending the expiration date of the Pennsylvania Veterans' Memorial Commission.

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—199

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

Donatucci
Druce
Durham

Lloyd
Lucyk

Santoni
Sather

Ryan,
Speaker

NAYS—0

NOT VOTING—0

EXCUSED—3

Hasay

Keller

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.

LEAVE OF ABSENCE CANCELED

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

Mr. ITKIN. Mr. Speaker, I hereby request that the Representative from Philadelphia, Mr. Keller, be taken off the leave of absence list and placed on the master roll.

The SPEAKER pro tempore. The Chair thanks the gentleman.

BILL ON THIRD CONSIDERATION

BILL PASSED OVER

The SPEAKER pro tempore. SB 712 is over for today.

BILL ON CONCURRENCE IN SENATE AMENDMENTS TO HOUSE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to House amendments to **SB 432, PN 1615**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for grounds for involuntary termination of parental rights; providing for mediation in divorce and custody matters and for disclosure of child support arrearage information; and adding the definition of "consumer reporting agency".

On the question,

Will the House concur in Senate amendments to House amendments?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Luzerne County, Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, the members of the House may remember back on November 21 when, by a substantial margin, the House included an amendment in SB 432 dealing with the unified child support collection system, in which Pennsylvania was going to join with in excess of 20 other States in putting together a system by which child support collections could be enhanced when deadbeat parents

legislation and Representative Blaum's amendment, and permit us to agree appropriately in that.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Somerset, Mr. Lloyd, for the second time.

Mr. LLOYD. Mr. Speaker, this amendment, which was added in the House, is the product of the National Conference of Commissioners on Uniform State Laws. As I indicated previously, the National Conference of Commissioners on Uniform State Laws is an organization which has as its responsibility trying to find common ground among the States so that we can enact legislation and have cooperation without Federal preemption. It is an organization which is made up of law professors, legislators, judges from around the country. I am one of Pennsylvania's commissioners. There is a law professor from the University of Pennsylvania, there is a practitioner in private practice in Harrisburg who was in the Thornburgh administration, and there is a representative from the Governor's General Counsel's Office.

Mr. Speaker, a suggestion was made that if we pass this, somehow we are going to have to come back and tinker with this very quickly, and I will concede that there has been some considerable confusion about that. I talked this morning to a man named John McCabe, and Mr. McCabe is in Chicago and is the legislative director of the National Conference of Commissioners on Uniform State Laws. He advised me that at this point it is impossible to know what is going to happen in Washington with regard to mandates, because this welfare legislation was all folded into the budget reconciliation bill which the President vetoed last week.

The second thing he told me was that they thought they had had an agreement with the House and Senate leadership in Washington to stick exactly to the language which is in this bill; that at the last minute, in a conference committee, somebody put in an amendment that dealt with the subject of choice of law on issues involving direct income withholding. Now, that is a fairly esoteric topic. He said they picked the wrong rule if they were going to follow it. He believes that there is a chance that that will not be part of the final package, but even if it is, that is a relatively simple thing to correct if we have to correct it. That is no reason not to enjoy the benefits of being able to collect more money from fathers and mothers who have gone out of this State and who are not meeting their child support obligations and, as a result of their failure to meet their child support obligations, are putting a burden on the medical assistance and public assistance rolls in this State and are costing the taxpayers money.

Now, when we voted on welfare reform earlier this year, we passed all kinds of things which were designed to try to tighten up the welfare system, and the one thing that we absolutely must do, if we are serious about welfare reform, is to make sure that those people who bring children into this world take responsibility for those children and that they meet their support obligations. Unfortunately, when those parents are out of State and one parent is in Pennsylvania or the child is in Pennsylvania with or without that parent, it is very difficult to collect those obligations. Enacting this bill as it passed the House would make that a lot easier.

I ask that we nonconcur, send this bill back to the Senate, and allow the Senate to reconsider its position. Thank you, Mr. Speaker.

GUEST INTRODUCED

The SPEAKER pro tempore. The Chair would like to welcome Charles Spencer, who is here as the guest of Representative Ellen M. Bard. He is located in the rear of the House. Welcome to the hall of the House. Please rise.

CONSIDERATION OF SB 432 CONTINUED

The SPEAKER pro tempore. The Chair recognizes the gentleman from Luzerne County, Mr. Blaum, for the second time.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, I ask for the attention of the members of the House as we conclude this debate and cast a vote.

What we are voting on right here is, do we concur, do we agree with the actions of the Senate in removing the unified child support language from that bill?

On November 21 we voted quite strongly to say that Pennsylvania should join the 26 other States that have enacted this kind of protection for mothers and their children by creating stronger weapons to go after deadbeat fathers throughout this country. These kinds of issues have never been political in this General Assembly. These issues dealing with kids have never been, and yesterday and today, you know they were not on the floor of this House. We passed some darn good pieces of legislation on an overwhelmingly bipartisan basis, as this House of Representatives did on November 21. But the Senate took it out for no good reason.

The very idea that millions of dollars will be lost to Pennsylvania if this bill is not passed as it is not true. That is gross misinformation being spread by people employed by the Department of Welfare to coerce and make you think that you should vote for this.

Anybody who thinks that Bill Clinton and that administration are going to impose penalties on Pennsylvania to the tune of \$90 million, not \$140 but to \$90 million, does the word "emissions" mean anything to you? There have been no penalties imposed for that disaster. There are going to be no penalties for this when Pennsylvania, when the members of the House of Representatives in Pennsylvania are fighting to improve and include in that bill tougher weapons for the collection of child support payments from deadbeat dads who run to other States. You cannot buy that argument.

What I heard by one of the speakers that we have until 1998 to pass this legislation is a shame. I do not think single mothers on welfare and their kids think we have until 1998 to pass legislation to go after these characters who are avoiding their responsibilities, and we know by increasing the amount of support payments that we collect, we are removing single mothers and their children from welfare.

This is good stuff. This is model legislation that Pennsylvania and 26 other States have adopted, and I urge everybody in the House who voted "yes" on November 21 to stand tall once again and—

Mrs. VANCE. Mr. Speaker?

The SPEAKER pro tempore. For what purpose does the lady, Mrs. Vance, rise?

Mrs. VANCE. For the purpose of making a motion, Mr. Speaker.

The SPEAKER pro tempore. The lady is not in order to make a motion at this time.

Mrs. VANCE. Okay. Thank you.

The SPEAKER pro tempore. The gentleman may continue.

Mr. BLAUM. Thank you, Mr. Speaker.

And so finally, let me conclude and just ask the members who voted for this language on November 21 to do so again by voting to nonconcur.

This discrepancy between the two chambers can be very quickly corrected, whether it is this month, next month, or the month after. Pennsylvania is not going to face any penalties, and in fact, we are going to increase the amount of money not only that will go to families who rely on child support payments, but also, I think it will accrue to the Commonwealth savings from reduced welfare payments.

So I ask the members to nonconcur and to send a message that simply we are not, just for an arbitrary reason, going to ignore this good legislation, and I ask the members to nonconcur. Thank you very much, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

BILL PLACED ON POSTPONED CALENDAR

The SPEAKER pro tempore. The Chair recognizes the lady from Cumberland, Mrs. Vance, for the second time.

Mrs. VANCE. Thank you, Mr. Speaker.

We have heard a lot of talk, and obviously, there is a lot of discussion both ways about this bill. One thing that has not been mentioned is that the Blaum amendment as it is now written will result in treating out-of-State plaintiffs much differently and more fairly than Pennsylvania residents.

I think there are many things in this bill that are not favorable to our constituents, and because of this and because of the length of the amendment, I make a motion to postpone to a later date.

The SPEAKER pro tempore. The question before the House is a motion to postpone consideration of SB 432. The motion is debatable.

On the question,

Will the House agree to the motion?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Luzerne, Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

I would just ask all the members of the House to take a good look at what is going on here and to vote "no" on postponing.

PARLIAMENTARY INQUIRY

Mr. GANNON. Mr. Speaker? Mr. Speaker?

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Gannon, on the motion.

Mr. GANNON. Point of parliamentary inquiry, sir.

The SPEAKER pro tempore. The gentleman will state the point.

Mr. GANNON. Is not a motion to postpone the same as a motion to lay on the table?

The SPEAKER pro tempore. No.

Mr. GANNON. Mr. Speaker, on page 231 of Mason's Manual, it says, "The motion to lay on the table is also sometimes called the motion to postpone temporarily." Section 2 says, "The same rules apply to the motion by whichever name it may be known," and under that same section, it says that a motion to lay on the table is not debatable.

The SPEAKER pro tempore. Our House rules do supersede Mason's Manual, and rule 55 does state, "Debate on the motion to postpone shall be confined to the question of the postponement and shall not include discussion of the main question."

Mr. GANNON. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Blaum, for the second time.

Mr. BLAUM. Thank you, Mr. Speaker.

Once again, 2 minutes ago we were faced with losing a bazillion dollars. I told you that was a lie, that that is not true, that that is not going to happen. Now, apparently they believe it, because now they want to postpone.

All I ask is, yesterday this chamber put kids first; today we should do the same thing. Let us vote not to postpone, vote "no" on the motion to postpone, and then let us vote to nonconcur, and we will have sent from this chamber a very strong message to deadbeat fathers who have left their kids and their wives and are ignoring their responsibilities. Thank you, Mr. Speaker.

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

Mr. PERZEL. Mr. Speaker, this is simply a memo from the Department of Public Welfare. It says, "Concurrence and adoption of SB 432 in its present form will make Pennsylvania eligible for \$140 million in child support enforcement funds to counties statewide." I did not make it up. It came from the Department of Public Welfare, Mr. Speaker.

We just want a few minutes, or a day if it takes a day, to work with the other side of the aisle so that we can pass this piece of legislation and get Pennsylvania and the Department of Public Welfare \$140 million. That is what we are attempting to do, Mr. Speaker.

I would urge a concurrence on the motion.

The SPEAKER pro tempore. The Chair recognizes the lady, Ms. Steelman.

Ms. STEELMAN. Thank you, Mr. Speaker.

It would appear that if we can take a day to hold SB 432 over to try and fix it in the House, why can we not hold it over for a day to fix it with the Senate?

Let us go ahead, vote to nonconcur now, go to the conference committee, come back tomorrow, and draw down not only the \$140 million from the Federal Government but uncounted millions of dollars from those deadbeat parents who have fled Pennsylvania. Vote "no."

The SPEAKER pro tempore. The Chair recognizes the gentleman from Northumberland County, Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, I would hate to see the Commonwealth lose these funds. However, I agree with many of the other speakers. I think we have two additional opportunities to both secure those funds and to pass the legislation that this House had passed previously.

I am going to ask the members to vote "no" on the postponement motion, but I would like to then return and request that a motion be accepted to revert to a prior printer's number. That then gives the Senate the opportunity to immediately vote on this

bill without it going to a conference committee and have one more opportunity to pass the legislation as this chamber originally passed, and also insures that we will not lose those funds.

So I am asking for a "no" vote on this motion.

On the question recurring,

Will the House agree to the motion?

(Members proceeded to vote.)

Mr. DeWEESE. Mr. Speaker, only members in their seats will be voting, I assume; Mr. Speaker, only members in their seats will be voting.

The SPEAKER pro tempore. Only members in their seats may vote.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS-99

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

NAYS-94

Battisto	Donatucci	McCall	Scrimenti
Bebko-Jones	Evans	McGeehan	Shaner
Belardi	Fajt	Melio	Staback
Belfanti	Gamble	Michlovic	Steelman
Blaum	George	Mundy	Stetler
Boscola	Gigliotti	Myers	Sturla
Butkovitz	Gordner	Olasz	Surra
Buxton	Gruitza	Oliver	Tangretti
Caltagirone	Haluska	Pesci	Thomas
Cappabianca	Hanna	Petrarca	Tigue
Carn	Itkin	Petrone	Travaglio
Cawley	James	Pistella	Trello
Cohen, M.	Jarolin	Preston	Trich
Colafrilla	Josephs	Ramos	Van Horne
Colaizzo	Kirkland	Readshaw	Veon
Corpora	Kukovich	Rieger	Vitali
Corrigan	LaGrotta	Roberts	Walko

Cowell	Laughlin	Robinson	Washington
Coy	Lederer	Roebuck	Williams
Curry	Lescovitz	Rooney	Wozniak
Daley	Lloyd	Rudy	Wright, D. R.
DeLuca	Lucyk	Sainato	Yewcic
Dermoddy	Manderino	Santoni	Youngblood
DeWeese	Markosek		

NOT VOTING-7

Bishop	Kaiser	Levdansky	Strittmatter
Horsey	Keller	Serafini	

EXCUSED-2

Hasay	Mihalich
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The majority having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

RESOLUTION ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HR 31, PN 2650**, entitled:

A Concurrent Resolution urging members of the Pennsylvania Congressional delegation to meet periodically with the General Assembly regarding unfunded Federal mandates and other related issues.

On the question,

Will the House concur in Senate amendments?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Schuylkill County, Mr. Argall.

Mr. ARGALL. Thank you, Mr. Speaker.

The Senate added a brief amendment to this resolution that was passed by the House. It would note that when the congressional delegation from Pennsylvania comes to meet with all the members of the Pennsylvania House and the Pennsylvania Senate here in Harrisburg, that we would talk about, in addition to unfunded Federal mandates, we would also talk about other related issues rather than allow the discussion to be solely limited to unfunded Federal mandates. It would also note that while the House version would suggest two times, two meetings per year, it was decided by the Senate that once each year would probably be more advantageous given the limitations of time. It would also finally note that such a session would be held not in 1995 as originally envisioned by the House but, once again given the limitations of time, once during the 1995-96 session.

I would ask for a concurrence vote, Mr. Speaker.

On the question recurring,

Will the House concur in Senate amendments?

The following roll call was recorded:

YEAS-200

Adolph	Egolf	Lynch	Saylor
Allen	Evans	Maitland	Schroder
Argall	Fairchild	Major	Schuler
Armstrong	Fajt	Manderino	Scrimenti
Baker	Fargo	Markosek	Semmel
Bard	Farmer	Marsico	Serafini
Barley	Feese	Masland	Shaner
Battisto	Fichter	Mayermik	Sheehan
Bebko-Jones	Fleagle	McCall	Smith, B.
Belardi	Flick	McGeehan	Smith, S. H.
Belfanti	Gamble	McGill	Snyder, D. W.
Birmelin	Gannon	Melio	Staback
Bishop	Geist	Merry	Stairs
Blaum	George	Michlovic	Steelman
Boscola	Gigliotti	Micozzie	Steil
Boyes	Gladeck	Miller	Stern
Brown	Godshall	Mundy	Stetler
Browne	Gordner	Myers	Stish
Bunt	Gruitza	Nailor	Strittmatter
Butkovitz	Gruppo	Nickol	Sturla
Buxton	Habay	Nyce	Surra
Caltagirone	Haluska	O'Brien	Tangretti
Cappabianca	Hanna	Olasz	Taylor, E. Z.
Carr	Harhart	Oliver	Taylor, J.
Carone	Hennessey	Perzel	Thomas
Cawley	Herman	Pesci	Tigue
Chadwick	Hershey	Petrarca	Travaglio
Civera	Hess	Petrone	Trello
Clark	Horsey	Pettit	Trich
Clymer	Hutchinson	Phillips	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
Cowell	King	Reinard	Williams
Coy	Kirkland	Rieger	Wogan
Curry	Krebs	Roberts	Wozniak
Daley	Kukovich	Robinson	Wright, D. R.
DeLuca	LaGrotta	Roebuck	Wright, M. N.
Dempsey	Laughlin	Rohrer	Yewcic
Dent	Lawless	Rooney	Youngblood
Dermody	Lederer	Rubley	Zimmerman
DeWeese	Lch	Rudy	Zug
DiGirolamo	Lescovitz	Sainato	
Donatucci	Levdansky	Santoni	Ryan,
Druce	Lloyd	Sather	Speaker
Durham	Lucyk		

NAYS-0

NOT VOTING-0

EXCUSED-2

Hasay Mihalich

The majority required 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.

GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair would like to welcome Old Paths Baptist Church school students – David Tolbert, Jason Gleyze, and Adam Cusumano – who are here today as guest pages of Representative Todd Platts. The students are chaperoned by Mrs. Donna Stroupe. Welcome to the hall of the House.

The Chair would also like to welcome, as a guest page for Representative Bruce Smith, Kristin Sonne, who is a senior at Red Land High School. Welcome to the hall of the House.

SUPPLEMENTAL CALENDAR C

RESOLUTION PURSUANT TO RULE 35

Mr. O'BRIEN called up HR 262, PN 2925, entitled:

A Resolution commending the men and women of the 111th Fighter Wing of the Pennsylvania Air National Guard for their service in Operation Southern Watch.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-197

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

Curry	Kukovich	Roberts	Wozniak
Daley	LaGrotta	Robinson	Wright, D. R.
DeLuca	Laughlin	Roebuck	Wright, M. N.
Dempsey	Lawless	Rohrer	Yewcic
Dent	Lederer	Rooney	Youngblood
Dermody	Leh	Rubley	Zimmerman
DeWeese	Lescovitz	Rudy	Zug
DiGirolamo	Levdansky	Sainato	
Donatucci	Lloyd	Santoni	Ryan,
Druce	Lucyk	Sather	Speaker
Durham	Lynch	Saylor	

NAYS-0

NOT VOTING-3

Carn Josephs Keller

EXCUSED-2

Hasay Mihalich

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

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

Mr. PERZEL. Thank you, Mr. Speaker.

I thought for the information of the members, SB 432, which we did postpone, I wanted to make it known to the members we will be in next week for at least 3 days and we will be in the week after that until we pass SB 432 or until our member that is sick finally gets done being sick and gets here on the floor of the House, Mr. Speaker.

This is an important issue. And Mr. Blaum is right; Ms. Steelman is right. We should be looking at it. We have plenty of time. So please expect to be here for 3 days next week and the week after that, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the Democratic leader, Mr. DeWeese.

Mr. DeWEESE. Would the gentleman, Mr. Perzel, submit to interrogation?

The SPEAKER pro tempore. Does the gentleman, Mr. Perzel, consent to interrogation?

Mr. PERZEL. Yes, Mr. Speaker.

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

Mr. DeWEESE. The gentleman is well aware that the week following next week is Christmas and Monday is Christmas day. I was just curious as to what days that week the gentleman from Philadelphia would request that we return to the chamber.

Mr. PERZEL. I apologize, Mr. Speaker. We will make it Tuesday and Wednesday. We will take off Monday.

Mr. DeWEESE. I am going to conclude my interrogation, Mr. Speaker, and as floor leader make an observation—

The SPEAKER pro tempore. You are in order.

Mr. DeWEESE. —that I believe this quest for vouchers that the Governor is pursuing reminds me of the actions of a squirrel. They absolutely make no sense at all. If you have seen a squirrel in your yard or on a wire in front of your home, the squirrel's animations, gesticulations, vexations are omnipresent. The squirrel does not know what the squirrel is going to do next, and this seems to be,

this seems to be an apt metaphor for the moment as evinced by the rather melancholy and absurd remarks of the gentleman from Philadelphia. Thank you.

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1929, PN 2822**, entitled:

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.

On the question,

Will the House agree to the bill on third consideration?

Mr. ARGALL offered the following amendment No. **A6174**:

Amend Table of Contents, page 2, line 11, by striking out all of said line and inserting

Section 13. Commonwealth recycling and use of waste tires.

Amend Sec. 13, page 13, lines 9 through 13, by striking out all of said lines and inserting

Section 13. Commonwealth recycling and use of waste tires.

(a) Use of waste tires by Commonwealth agencies.—Within two years after the effective date of this act, the Department of Conservation and Natural Resources, the Department of Environmental Protection and the Department of Transportation shall, to the maximum extent practicable and feasible, give due consideration and preference to the use of waste tires in all construction and engineering activities which are paid with public funds.

(b) Reports.—Within three years after the effective date of this act, the Department of Conservation and Natural Resources, the Department of Environmental Protection and the Department of Transportation shall submit a report to the Environmental Resources and Energy Committee of the Senate and the Environmental Resources and Energy Committee of the House of Representatives concerning the implementation of this section. The report shall include a description of what actions the agencies have taken in the previous two years to implement this section.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Schuylkill County, Mr. Argall.

Mr. ARGALL. Mr. Speaker—

The SPEAKER pro tempore. Will the gentleman suspend.

There is entirely too much noise in the hall of the House. Members will please take their seats. The House will come to order.

We are facing a very long day, and delaying this debate will only make it longer.

Members will please take their seats. Conversations in the aisles will break up.

The Chair recognizes the gentleman, Mr. Argall.

Mr. ARGALL. Thank you, Mr. Speaker.

Mr. Speaker, HB 1929 is the proposed Waste Tire Recycling Act, the result of about a year of bipartisan public hearings and workshops by the members and staff of the Joint Legislative

Air and Water Pollution Control and Conservation Committee which, in the interest of time, I will hereby refer to as the Joint Conservation Committee.

The effort to pass this law is part of a 10-year attempt to clean up huge piles of scrap tires which litter our State from one end to the other. They have been described in some cases as a simple eyesore while actually, in many cases, they are environmental nightmares waiting to happen.

The ideas incorporated in this amendment were brought to our attention after the vote of the House Environmental Resources and Energy Committee, and I would briefly like to discuss the amendment.

The amendment would require that the new Department of Conservation and Natural Resources, the DEP (Department of Environmental Protection), and PennDOT, to the maximum extent practicable and feasible, give due consideration and preference to the use of waste tires in all construction and engineering activities paid for with public funds. It would also require those agencies to report back to the Environmental Committees of the House and the Senate.

Mr. Speaker, you are going to hear it time and time again today that there are some existing markets for scrap tires, but unfortunately, they are not large enough to solve the problem of how to eliminate millions and millions and millions of scrap tires all across Pennsylvania. That is the purpose of this amendment — to create new markets and to expand existing markets through the recycling and reuse of these tires, and hopefully in the process, to create some much-needed new jobs for Pennsylvanians. Thank you, Mr. Speaker.

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

Mr. VITALI. Thank you, Mr. Speaker.

I would first like to congratulate Representative Argall on the hard work he has put in on this bill. It is certainly a serious problem, and he has put a lot of effort in, and we will, as the debate progresses, discuss some of the aspects where we disagree.

With regard to this particular amendment, I do in fact support this amendment and do ask for a "yes" vote even though the amendment does have problems. The amendment basically is better than no language at all to this effect. Additional amendments will be offered which try to force PennDOT to do more as far as using scrap tires in roadway materials.

It is my experience in dealing with PennDOT and discussing it with them and discussing it with others that PennDOT will only do what they are forced to do, and unfortunately, the language of this amendment is weak and there is a lot of wiggle room.

Although I am asking for a "yes" vote on this, I would also ask for consideration of future amendments which would tighten this up.

I also would like to point in passing, I want to make it clear — I also am a member of the Joint Conservation Committee, and Chairman Argall can correct me if I am wrong — the committee did not vote on this bill. We did not approve this bill in final form. There is no imprimatur from that committee that this is what we are satisfied with, albeit the language and the stationery he used.

Having cleared that, I would ask for a "yes" vote on this amendment. Thank you.

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

The following roll call was recorded:

YEAS—200

Adolph	Egolf	Lynch	Saylor
Allen	Evans	Maitland	Schroder
Argall	Fairchild	Major	Schuler
Armstrong	Fajt	Manderino	Scrimenti
Baker	Fargo	Markosek	Semmel
Bard	Farmer	Marsico	Serafini
Barley	Feese	Masland	Shaner
Battisto	Fichter	Mayernik	Sheehan
Bebko-Jones	Fleagle	McCall	Smith, B.
Belardi	Flick	McGeehan	Smith, S. H.
Belfanti	Gamble	McGill	Snyder, D. W.
Birmelin	Gannon	Melio	Staback
Bishop	Geist	Merry	Stairs
Blaum	George	Michlovic	Steelman
Boscola	Gigliotti	Micozzie	Steil
Boyes	Gladeck	Miller	Stern
Brown	Godshall	Mundy	Stetler
Browne	Gordner	Myers	Stish
Bunt	Gruitza	Nailor	Strittmatter
Butkovitz	Gruppo	Nickol	Sturla
Buxton	Habay	Nyce	Surra
Caltagirone	Haluska	O'Brien	Tangretti
Cappabianca	Hanna	Olasz	Taylor, E. Z.
Carn	Harhart	Oliver	Taylor, J.
Carone	Hennessey	Perzel	Thomas
Cawley	Herman	Pesci	Tigue
Chadwick	Hershey	Petrarca	Travaglio
Civera	Hess	Petrone	Trello
Clark	Horsey	Pettit	Trich
Clymer	Hutchinson	Phillips	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
Cowell	King	Reinard	Williams
Coy	Kirkland	Rieger	Wogan
Curry	Krebs	Roberts	Wozniak
Daley	Kukovich	Robinson	Wright, D. R.
DeLuca	LaGrotta	Roebuck	Wright, M. N.
Dempsey	Laughlin	Rohrer	Yewcic
Dent	Lawless	Rooney	Youngblood
Dermody	Lederer	Rubley	Zimmerman
DeWeese	Leh	Rudy	Zug
DiGirolamo	Lescovitz	Sainato	
Donatucci	Levdansky	Santoni	Ryan,
Druce	Lloyd	Sather	Speaker
Durham	Lucyk		

NAYS—0

NOT VOTING—0

EXCUSED—2

Hasay Mihalich

The majority having voted in the affirmative, 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. VITALI offered the following amendment No. A6158:

Amend Title, page 1, line 4, by striking out "and"
Amend Title, page 1, line 5, by removing the period after "piles" and inserting
; and providing for demonstration road projects.
Amend Table of Contents, page 2, by inserting between lines 11 and 12
Section 14. Demonstration projects.
Amend Table of Contents, page 2, line 12, by striking out "14" and inserting

15

Amend Bill, page 13, by inserting between lines 13 and 14
Section 14. Demonstration projects.

The Secretary of Transportation shall create demonstration projects in three selected transportation districts, one each in the southeast, the southwest and northcentral regions of this Commonwealth, which shall use rubber-modified asphalt for road repair and construction and for transportation-related civil engineering applications. The Secretary of Transportation shall report annually to the General Assembly study results of each demonstration district, including the performance of the asphalt pavement containing recycled rubber under various climate and use conditions.

Amend Sec. 14, page 13, line 14, by striking out "14" and inserting
15

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

AMENDMENT WITHDRAWN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware, Mr. Vitali.

Mr. VITALI. Mr. Speaker, I will be withdrawing this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Mr. VITALI offered the following amendment No. A6159:

Amend Sec. 9, page 9, by inserting between lines 16 and 17
(i) Exception.—For the purposes of this section, the terms "reducing," "reusing" or "recycling" shall not be construed to include incineration of or burning tires for fuel.

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

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Delaware County, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

What this amendment does— Well, by way of background, HB 1929 attempts to deal with the problem of scrap tires, piles of tires, in one of two ways. One way is to offer tax credits, a tax investment credit for companies that purchase equipment that, quote, unquote, "reduce, reuse, and recycle tires," and I agree with

that concept. I think it is a good concept. I think we ought to — and that is the essence of my position — we ought to be encouraging more reduce, reuse, and recycling of tires.

What this amendment does is it makes clear that reducing, reusing, and recycling of scrap tires does not include incineration of scrap tires. If we vote on this amendment, it will prohibit the tax credit for incineration.

Now, I am not suggesting that in every case it is wrong to incinerate scrap tires. In fact, I think in some cases it is appropriate where you have tires sitting in piles for some years. Sometimes that is the only appropriate means. But I do not think that we ought to be encouraging, encouraging scrap tires, and we ought to be— The tires right now are in fact being incinerated without this tax credit.

I think the direction we want to take and to be clear with regard to this bill, I think we are at a crossroads. I think what the State of Pennsylvania has to do is take a course in dealing with these tires. One course is to incinerate; the other course is to develop markets. I think that market development is what I am trying to do. I fear that the bill as written and the bill without this amendment simply will foster more incineration.

I just want members to know that there are in fact many companies in the State, perhaps in some of your own districts, who in fact do recycle these products. In Chambersburg there is Baker Rubber that uses scrap tires for recycling. They might benefit from that tax credit. There is Fox Recycling in Everett, PA; there is Carlisle Tire & Rubber in Carlisle; there is Trafcon Industries, Inc., in Mechanicsburg; there is Dodge Regupol in Lancaster. All these companies can benefit. All these companies now take these scrap tires and they recycle. That is what we want to do. We want more of this sort of recycling. We do not want incineration any more than is necessary.

So I would ask that in order to not subsidize incineration, that you vote "yes" on amendment 6159.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Schuylkill County, Mr. Argall.

Mr. ARGALL. Thank you, Mr. Speaker.

Mr. Speaker, we have incineration in Pennsylvania of tires. They are called tire fires, and they have broken out all over the State and caused a great deal of economic and environmental degradation.

Ask Representative Hershey about his experience near his farm, or ask some of the Representatives from Luzerne County where a fire burned for days and days and days. It took countless volunteer firemen and the National Guard a great deal of time, money, and effort, putting themselves at considerable risk until that fire was put out. That is why this bill has been introduced.

The use of scrap tires as a fuel, however, is very different than simple incineration. It is very different than a field full of tires burning out of control.

The Joint Conservation Committee, I believe, works in as bipartisan a fashion as any panel here in the Capitol Building. Many Republicans and Democrats have come to the conclusion over the past few years, as different panels have studied legislation such as this, that in order to solve our scrap tire problem once and for all, we have to have a market-friendly solution, not another government mandate.

This is not a new conclusion. If I may, I would like to share with you the report of the House Mines and Energy Management Committee's study of the feasibility of establishing powerplants

fueled by old tires pursuant to HR 202, November 1988, chaired by current Representative Petrarca's father, Representative Petrarca.

From the "Conclusions and Recommendations" section, "The Committee concludes that the Commonwealth must act expeditiously" — well, we have obviously failed there; this was from 1988 — "to address the various waste tire problems by developing informed policy and regulations. Further, it is anticipated that demonstration projects and pilot ventures will further substantiate the feasibility of tires-to-energy facilities. Cooperative efforts involving federal and state policymakers...private industry, and affected/interested communities should be encouraged." That is what HB 1929 does, and that is why we have to keep the flexibility in accordance with market realities in the legislation.

At the public hearing of the Mines and Energy Committee in 1988, chaired by Representative Petrarca's father, we were told at that time, yes, there are many alternatives to solving the problem of scrap tires, but tires-to-energy is the answer that provides the largest percentage of scrap tire use, and that has not changed since 1988.

The General Assembly has been unable to pass a comprehensive solution to this tire problem for the last 10 years while many other States have moved ahead. It is time for Pennsylvania to solve this issue, but in order to solve it, our legislation has to work with the existing market. We cannot pretend that the free market does not exist. We have to look at potential markets; we have to look at new markets, but first we have to build on the existing markets. This cannot be a government-directed mandate.

This amendment, unfortunately, would seriously damage the intent and potential for success of the proposed law, and with that in mind, I would have to ask for a negative vote.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Chester County, Mr. Hershey.

Mr. HERSHEY. Thank you, Mr. Speaker.

I wish to make some comments concerning this amendment.

About 6 years ago on a property neighboring our farm, there were 8 acres of tires; they were piled 20 feet high. The man was burning some wood in the field, and the wind, in March, blew sparks into that field and that pile of tires burnt for a week. Now, I submit to you that there is more degradation to the air by these uncontrolled fires, by these tire piles that are lying around in these dumps, than there is ever going to be if we incinerate.

Incineration is safe. We need to turn these into other products, many products, and when I saw that threat over our farm and our buildings for a week, I know this amendment is not needed. I ask for the defeat of this amendment. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Cohen.

Mr. COHEN. Thank you.

Mr. Speaker, will the gentleman, Mr. Vitali, consent to interrogation?

The SPEAKER pro tempore. The gentleman indicates he will. You are in order.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, is this amendment a mandate?

Mr. VITALI. No, it is not. It simply clarifies the definition of "reduce, reuse, recycle" as defined in the bill.

Mr. COHEN. And the purpose of this clarification, Mr. Speaker, is in order to determine who is eligible for a tax credit? Is that correct?

Mr. VITALI. That is correct.

The purpose of the amendment is to shape — and I am in agreement with Representative Hershey in that we have to create a demand for these tires; we have to use them up so we do not have the piles — but the purpose of this amendment is to shape that demand in such a way that we are recycling instead of incinerating. That is the purpose of the amendment.

Mr. COHEN. Mr. Speaker, we have heard comments about the high tire piles. Is this amendment going to keep high tire piles up?

Mr. VITALI. No, it is not, Mr. Speaker.

The purpose of this amendment— This amendment, well, this section of the bill rather, whether my amendment gets in or not, only has \$2 million in tax credits. That is all she wrote no matter whether you recycle or use it in a nonrecycling way. So it is only going to have that \$2-million tax credit used, and I think the environmental community can consider a better purpose, which is recycling as opposed to incineration.

To be quite frank, Mr. Speaker, in response to your question about the tire piles, it appears that the substance of this bill, both with regard to the tax credits and with regard to the grant program, are really insufficient to deal with the problem.

Mr. COHEN. Thank you, Mr. Speaker.

May I address the subject?

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I believe Mr. Vitali has dealt very clearly and very adequately with the concerns that were raised about his amendment.

His amendment will help this bill. It will focus where the effort in recycling is going. It will strengthen the environmental impact of this bill — get rid of the tires and get rid of the tires with the State tax credits in the manner that least adversely affects the environment. Obviously, getting rid of the tires helps clean up the environment, and Mr. Vitali's amendment will help the environment even more.

I strongly urge everyone to support the Vitali amendment.

The SPEAKER pro tempore. Does the gentleman, Mr. Vitali, wish to speak for the second time?

Mr. VITALI. Very briefly, Mr. Speaker. Thank you.

The SPEAKER pro tempore. You are in order.

Mr. VITALI. I just want to note for the record that the Clean Air Council opposes using tire-derived fuel in incineration. They may have circulated a letter to you. I will just read one sentence of that letter. After they state their opposition to burning tires, I quote, "Even with today's state of the art technologies, burning waste tires would unnecessarily add to the state's air emissions inventory and would pose an undue threat to human and environmental health."

Finally, Clean Water Action has also expressed their opposition to the incineration of tires, and I will quote very briefly in a letter you have probably received. They say, "There are still many unresolved questions about toxic emissions from tire incineration, and until they are resolved, we believe that tire incineration should not be promoted or financed by the state." They go on to talk about the problem with heavy metals — 17 heavy metals in tires — PCB's (polychlorinated biphenyls), dioxins, volatile organic compounds and such.

Tire incineration will happen, but we should not be encouraging it with our tax dollars. So I would ask for a "no" vote. Thank you, Mr. Speaker.

Mr. ARGALL. Mr. Speaker?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Schuylkill, Mr. Argall, for the second time.

Mr. ARGALL. Mr. Speaker, I have a section here from Waste Age magazine's October 1995 issue: "...while 34 states have developed programs for scrap tires, only Florida, Illinois, Minnesota, Oregon, and Wisconsin have 'aggressively' tackled the problem. According to the article, in these five states it was found that the only viable way to reduce large quantities" — and I think you could figure our 36 million tires scattered across the State as a minimum plus 11 to 12 million generated every year, I think that we could say that we have large quantities in Pennsylvania — "the only viable way to reduce large quantities of tires was through energy reuse. In each state, projects using tires for energy reuse were started to eliminate stockpiles of tires. For example, Florida has been able to eliminate half of its stockpiled tires through energy reuse. According to the article, there are not" — and I will emphasize that — "there are not enough high-end markets for scrap tires to take care of the day-to-day generation of the tires and clean up the existing stockpiles."

I wish that these were not the facts; this legislation would be a lot easier to pass today. But we cannot ignore the realities of the marketplace, and if we are going to solve Pennsylvania's tire problem, we are going to have to work with existing markets.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny County, Mr. Michlovic.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, before I attempt to address part of that, I would like to yield a moment to the gentleman, Mr. Vitali, although he has spoken twice; made a mistake on his instruction before he left his speech.

The SPEAKER pro tempore. The Chair would point out that the gentleman, Mr. Vitali, has spoken twice and is not permitted to speak again.

Mr. MICHLOVIC. Well, then I will speak for him. I believe he meant to say that the members of the House should support his amendment rather than vote against it. So I think he wishes to make that point, and I will make it for him.

But I want to address the issue of other States and what Pennsylvania is doing, because this January we will be opening in my legislative district in the town of Braddock a new tire recycling facility that will take as many as 3 million tires a year out of that market. There are other ways; there are ways other than incinerating tires that we can remove them from the market. This will be a freezing process. It is a process that is in use in Europe, in France, and we are very excited about it. It is a \$70-million project taken on by a company called Rochez Brothers, and I believe that it points out that Pennsylvania is doing the right thing in its tire recycling program. The Department of Natural Resources participated to the tune of \$800,000 in supporting this new technology, and it is, I believe, about a \$3-million project overall, and I think that is the way we ought to go. We ought not allow tax credits or encourage in any way the burning of tires. We ought to encourage the recycling of tires, and I think we are doing that. It is not quite on line yet, but within a couple months we will start using this new technology to recycle tires in western Pennsylvania. I wanted the members of the House to know that before we took this vote. Thank you, Mr. Speaker.

I urge support for the Vitali amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lancaster, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

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

In my district I have an end user of recycled tires that is perhaps on the forefront of what we can do with some of these used tires and stockpiles, and I had the opportunity to talk to the owner of this business earlier today and ask for his opinions about various things that we can do with tires and ways that we can increase the reuse of tires as opposed to incineration. He told me about legislation that was passed in Virginia several years ago that has significantly reduced the piles of tires in Virginia, and what they simply do is they provide a \$20-per-ton fee to those people who use tires coming out of gas stations and other sort of end-source uses and \$40 per ton to manufacturers that use tires coming out of piles. He has a business in Lancaster County, Pennsylvania, and they go to Virginia to get tires. He would be more than happy to take tires from Pennsylvania if we were willing to give him \$40 a ton to do it, which is what Virginia is willing to do.

Also, he pointed out that currently in several States, ground tires — reused, recycled tires ground up — are used for pipe bedding, when you lay pipes, which we currently do not allow in Pennsylvania. In many other States, ground tires are used for cover of landfills at night, which we do not allow in this State. So the idea that there is not enough demand for the end product is simply because we do not allow there to be enough demand.

We do not need to be incinerating tires in Pennsylvania; what we do need to be doing is figuring out better and more creative ways to recycle them. The Vitali amendment would force us to find those better and more useful ways. Thank you.

The SPEAKER pro tempore. The Chair recognizes the lady from Butler County, Ms. Carone.

Ms. CARONE. Thank you, Mr. Speaker.

It is with great pleasure that I hear my colleagues talking about the importance of dealing with the scrap tire problem we have in this Commonwealth. We have chosen not to address this issue since 1990 when the House did pass a bill, I think unanimously or with only four dissenting votes, to try to seriously address the issue.

However, in 1991 we lost the dollar fee per tire to mass transit in the highway transit funding bill. Then no one here was willing to address the issue to find a way to use taxpayer money, and if anybody in the hall wants to continue to pursue something beyond Representative Argall's bill, then certainly I encourage them to do it. I will be with you.

However, I would like to address the specifics of this amendment or the issue. Scrap tire piles that have been gathering for decades are old tires that are dirty, filled with mud, are simply not good for end use for those companies and those industries that are making fine products from them, whether they be mats or playground equipment. Scrap tire piles simply have to go to limited use, and one of the best uses is for fuel.

I encourage us to stick with the nature of the bill, which is to clean up the scrap tire piles, and this bill will begin to do that. It certainly will not be the final end result. I ask you to vote negatively for this amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-95

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

NAYS-104

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

NOT VOTING-1

Fajt

EXCUSED-2

Hasay

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 as amended?

Mr. VITALI offered the following amendment No. A6160:

Amend Sec. 10, page 10, lines 19 through 22, by striking out "RECYCLING FUND CREATED BY" in line 19 and all of lines 20 through 22 and inserting

General Fund.

Amend Sec. 10, page 11, line 1, by striking out "SOLID WASTE ABATEMENT FUND;" and inserting

General Fund.

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

AMENDMENT PASSED OVER TEMPORARILY

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Delaware County, Mr. Vitali.

Mr. VITALI. Mr. Speaker, if I may, the approach I used to address this amendment is also addressed by Democratic Chairman George, and I think it is addressed in a very proficient way.

I would ask that this amendment be passed over until amendment A6163 is considered by the House, and if in fact Representative George's amendment 6163 in fact becomes part of the bill, I will be withdrawing this amendment.

The SPEAKER pro tempore. Amendment 6160 will be over temporarily.

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

Mr. VITALI offered the following amendment No. A6177:

Amend Sec. 11, page 12, lines 2 and 3, by striking out "recycling or energy recovery in that order." and inserting

or recycling. No grant money shall be awarded where tires shall be incinerated or otherwise used as a tire derived fuel.

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

AMENDMENT WITHDRAWN

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

Mr. VITALI. Mr. Speaker, I withdraw this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Mr. VITALI offered the following amendment No. A6179:

Amend Title, page 1, line 4, by striking out "and"

Amend Title, page 1, line 5, by removing the period after "piles" and inserting

; and providing for demonstration road projects.

Amend Table of Contents, page 2, by inserting between lines 11 and 12

Section 14. Demonstration projects.

Amend Table of Contents, page 2, line 12, by striking out "14" and inserting

15

Amend Bill, page 13, by inserting between lines 13 and 14

Section 14. Demonstration projects.

Within one year of the effective date of this act the Secretary of Transportation shall establish not less than six demonstration projects which use asphalt modified with product derived from waste tires for road repair and construction. The projects shall test the performance of the modified asphalt under various climates and use conditions. These projects shall be in addition to any other projects previously established. Additionally, the Secretary of Transportation shall give due consideration and preference for the use of waste tires in transportation-related civil engineering applications throughout this Commonwealth. The Secretary of Transportation shall report annually to the General Assembly study results of each demonstration project and on the usage of waste tires in transportation-related civil engineering applications.

Amend Sec. 14, page 13, line 14, by striking out "14" and inserting

15

On the question,

Will the House agree to the amendment?

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

Mr. VITALI. Thank you, Mr. Speaker.

I think this comes to a key part of this bill and a key part of dealing with the stockpile problems in the State, which I wholeheartedly agree with Representative Argall need to be addressed, creating demand for these scrap tires. We are not going to solve the problem unless we create a demand.

Now, one way to increase demand which has been used with some success in other States is to use scrap tires in roadway material. There are various States; the city of Phoenix, Arizona, for example, has been using scrap tires in roadway material since 1971, and in fact the city of Phoenix has used over 3,600 lane-miles of roadway material using parts of these tires. That is in contrast to Pennsylvania, which in fact has about 500 feet in Avondale, Chester County, and another couple hundred feet in Fayette County. That is it for Pennsylvania, just a couple hundred feet on each end of the State.

California, for example, has been using tires in roadway material since 1978. I have spoken with the California Department of Transportation, and they feel that tires add to the performance of roadways. Forget environmental considerations, forget dealing with the stockpiles; strictly on performance, strictly on a cold business decision, strictly on a cost-benefit analysis, using scrap tires in roadway material is better, better than not using it, and they have been doing this since 1978. And the State of California has used it in mountain passes, Donner pass, which has received some notoriety, and other cold-weather locations in California. Pennsylvania is lagging behind.

Now, what this amendment would do — and it is very simple — what this amendment would do would be to require Pennsylvania

to undertake six more demonstration projects in various parts of the State — just six. This is very reasonable compared to what has been suggested by other people. A fellow in Chester County suggested you ought to do 300 lane-miles and others have suggested more, but this is simply asking PennDOT within the next year to start six more projects.

PennDOT will say this is still experimental. I think the experience of California, the experience of Phoenix, the experience of other States has shown that we are well beyond the experimental stage. Unfortunately, my judgment and opinion based on talking with PennDOT is they will not do this unless forced.

As I talk to various experts on this issue, there is also a darker political reason for not using tires: because this product, as confirmed by California, as confirmed by Phoenix, lasts twice as long as asphalt without it. It will only require half of the road paving. Therefore, some with paving interests oppose this, because it will halve some of the work involved. Also, some special interests in the asphalt industry, because less asphalt will be used, will oppose it. I am suggesting to you that some of the opposition you hear to using more rubber in roadways is unsubstantive; it is strictly for political reasons.

In addition to this amendment requiring PennDOT to use this material in asphalt, it is also asking PennDOT to use it in civil engineering applications. Enormous amounts of tire product can be used in road embankments, in backfill and retaining walls, in thermal installation under roads. This is one way to increase demand so we can deal with Representative Hershey's problem of tire fires and deal with other of your problems with these piles throughout the State.

We need to increase demand. It is better to do that in a nonburning way. It is fiscally sound to increase the performance of our roadways. I ask for a "yes" vote on amendment 6179. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Schuylkill County, Mr. Argall.

Mr. ARGALL. Thank you, Mr. Speaker.

Those of you that know me well know that I have zero credits in highway construction or aggregate chemistry or tire chemistry. What we did with the Joint Conservation Committee when we decided that we wanted to solve once and for all Pennsylvania's tire problem, we brought a lot of people to the table. Some of those people that came to that table were from the Department of Transportation. I figured these are the folks that should be able to tell me if this works or not.

What they had suggested to me and to the other members there was that we go the way of my original amendment, which this House, I believe, unanimously passed not all that long ago. I agree with Representative Vitali; there is an incredible amount of potential for using scrap tire pieces in civil engineering along roadways, a lot of things that perhaps I did not understand fully, but the professionals from the department came and said, yes, this will work. That is why that amendment was drafted that you have already voted on.

I would like to share with you a letter from the Secretary's office at PennDOT on this subject:

"The department believes that Amendment A6158, which is to be offered by Representative...Vitali, is unnecessary because such demonstration projects have already been commenced.

"The department constructed a project in Fayette County in October, 1991 using crumb tire rubber supplied by Rouse Rubber Industries, Inc. This project consisted of placing a rubber-modified

wearing surface and a control section of the department's standard ID-2 wearing surface. The evaluation period for the project is five years, which means the final review is scheduled for October, 1996. The simple addition of rubber increased the cost of the asphalt by about 15 percent. Other methods documented nationwide have caused costs to more than double.

"To date, the rubber-modified section has appeared coarser and shown considerably more distress than the control section. The distress has consisted of mostly raveling (loss of aggregate) and longitudinal cracking. Engineering District 12-0 had to crack seal the rubber-modified section in October, 1994.

"The Department is currently working with a company, Tyrex, which has a different process to produce crumb rubber and which may result in better performance. An experimental site was constructed on Route 41 in Chester County this past summer. The evaluation period for this project is also five years, which means the final review is scheduled for October, 2000. We are actively planning on adding other sites next year."

"The Department has also used crumb rubber as part of the bituminous base course in other projects as part of the effort to comply with the crumb rubber asphalt mandate established in ISTEA, which has been repealed by the recently enacted federal National Highway System Designation Act of 1995."

"...The federal legislation is sufficient to give the Commonwealth the impetus to participate in such a program. Therefore, the need for any state legislation mandating demonstration projects is unnecessary."

"...As a matter of fact, there is over fifty million dollars currently being expended nationally on research to include crumb rubber in asphalt road surfaces."

With all of that in mind, once again, Mr. Speaker, I would have to reluctantly ask for a negative vote.

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

Mr. VITALI. Very quickly, Mr. Speaker.

I would ask you to contrast the several hundred feet in Chester County and the several hundred feet in Fayette with the 3,600 miles in Phoenix, Arizona, and ask yourself, is PennDOT doing enough? I think the answer clearly is no. If in fact there are problems, as Mr. Argall suggests, then it seems the logical conclusion from that is we need to experiment more. You know, we are going to experiment in Avondale, and then we are going to wait until 2000, and if we see adjustments, okay, then you start from the beginning in the year 2000. With that, we will never get this thing done in adequate time.

What we need to do is take an aggressive approach, the approach other States have taken. We are over 20 years behind. We have to put PennDOT's feet to the fire, because clearly they are not doing it themselves.

Six experimental projects is very modest, very reasonable, and could reap great benefits in the future. So for this experimental measure, I would ask for a "yes" vote.

The SPEAKER pro tempore. The Chair recognizes the lady from Butler, Ms. Carone.

Ms. CARONE. Mr. Speaker, would the maker of the amendment please stand for interrogation?

The SPEAKER pro tempore. The gentleman indicates that he is willing to stand for interrogation. You are in order and may proceed.

Ms. CARONE. Mr. Speaker, I would like to know if there is any specific amount of feet or miles required in any of the demonstration projects by means of your amendment?

Mr. VITALI. No. The amendment simply requires that within the next year, the Department of Transportation start at least six demonstration projects. There is no requirement with regard to length of project— The only requirements are that they test under various climates and use conditions. There are no feet requirements or cubic yardage of asphalt requirements, only a half a dozen, and I did this in consultation with a college professor knowledgeable on the issue, and it in fact was less than what other people had been asking. I in fact have visited Tyrex, examined their facilities, and after visiting that, I have come to the conclusion that for people like Tyrex to do more, we need more experimentation, and the only way we are going to do that is if we try this in a couple of different places.

Ms. CARONE. Mr. Speaker, I believe you have a fiscal note on this amendment. Could you tell us what the fiscal impact to the State would be?

Mr. VITALI. Give me just a second. I do not believe it has been spelled out, but let me just doublecheck. If you could just give me a minute.

Ms. CARONE. Mr. Speaker, while you are locating that information, I would like to share with our colleagues that a recycling tire manufacturer several years ago got a contract with our neighbor, West Virginia, to sell many tons of the material for putting into the asphalt, because West Virginia was choosing to try to meet what was then required of them from the Federal Government. I do believe the West Virginia project is working, and they are, of course, close to us as far as climate and terrain.

I now have a copy, Mr. Speaker, of the fiscal note, and it indicates, Mr. Speaker, that there is minimal cost. The direct statement is, "As it now stands, there may be some minimal costs to the motor license fund to implement these test projects...."

Mr. Speaker, I would like to support the amendment, because I have waited for the Department of Transportation to really seriously—

The SPEAKER pro tempore. Is the lady still interrogating?

Ms. CARONE. I am sorry. My apologies. I am no longer interrogating.

The SPEAKER pro tempore. Would the lady like to make a statement?

Ms. CARONE. Thank you. Yes, Mr. Speaker.

The SPEAKER pro tempore. You are in order and may proceed.

Ms. CARONE. I would like to argue, the Department of Transportation has been so unwilling to move on this issue during the Casey administration, that with the Ridge administration's interest and with their being told to go ahead and do some projects that will cost very little and will give us more information as to how successful it can be, and they may use new techniques that the previous two projects have not used because the technology continues to change, I would argue for an affirmative vote. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—122

Baker	Druce	Lucyk	Sainato
Bard	Evans	Manderino	Santoni
Battisto	Fairchild	Markosek	Schroder
Bebko-Jones	Fajt	Marsico	Scrimenti
Belardi	Feese	Masland	Shaner
Belfanti	Gamble	Mayernik	Staback
Bishop	George	McGeehan	Stairs
Blaum	Gigliotti	McGill	Steelman
Boscola	Gordner	Melio	Stetler
Bunt	Gruitza	Michlovic	Strittmatter
Butkovitz	Gruppo	Mundy	Sturla
Buxton	Habay	Myers	Surra
Caltagirone	Haluska	Nailor	Tangretti
Cappabianca	Hanna	Olasz	Thomas
Carn	Hennessey	Oliver	Tigue
Carone	Horsey	Pesci	Travaglio
Cawley	Itkin	Petrarca	Trello
Cohen, L. I.	James	Petrone	Trich
Cohen, M.	Jarolin	Pistella	Tulli
Colafella	Josephs	Platts	Vance
Colaizzo	Kaiser	Preston	Van Horne
Corpora	Keller	Ramos	Veon
Corrigan	Kirkland	Readshaw	Vitali
Cowell	Krebs	Rieger	Walko
Coy	Kukovich	Roberts	Washington
Curry	LaGrotta	Robinson	Williams
Daley	Laughlin	Roebuck	Wozniak
DeLuca	Lederer	Rooney	Wright, D. R.
Dermody	Lescovitz	Rubley	Yewcic
DeWeese	Levdansky	Rudy	Youngblood
Donatucci	Lloyd		

NAYS—77

Adolph	Fargo	Maitland	Serafini
Allen	Farmer	Major	Sheehan
Argall	Fichter	Merry	Smith, B.
Armstrong	Fleagle	Micozzie	Smith, S. H.
Barley	Flick	Miller	Snyder, D. W.
Birmelin	Gannon	Nickol	Steil
Boyes	Geist	Nyce	Stern
Brown	Gladeck	O'Brien	Stish
Browne	Godshall	Perzel	Taylor, E. Z.
Chadwick	Harhart	Pettit	Taylor, J.
Civera	Herman	Phillips	True
Clark	Hershey	Pitts	Waugh
Clymer	Hess	Raymond	Wogan
Conti	Hutchinson	Reber	Wright, M. N.
Cornell	Jadlowiec	Reinard	Zimmerman
Dempsey	Kenney	Rohrer	Zug
Dent	King	Sather	
DiGirolamo	Lawless	Saylor	Ryan,
Durham	Leh	Schuler	Speaker
Egolf	Lynch	Semmel	

NOT VOTING—1

McCall

EXCUSED—2

Hasay Mihalich

On the question recurring,

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

Mr. VITALI offered the following amendment No. A6157:

Amend Sec. 9, page 8, line 19, by striking out "10%" and inserting 90%

Amend Sec. 9, page 8, line 29, by striking out "25%" and inserting 90%

On the question,

Will the House agree to the amendment?

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

Mr. VITALI. Thank you, Mr. Speaker.

Again, the purpose of this bill is to deal with the stockpiled tires throughout the State. There are 36 million stockpiled tires throughout the State. They do in fact pose health hazards and environmental hazards.

What this amendment would do would be that in order to get the tax credit that is in this bill, and you get the tax credit for purchasing machinery and infrastructure that, quote, unquote, "reduces, reuses, recycles" tires, in order to get that tax credit, the tires you use have to come from the stockpiles. Unless we—Rather, 90 percent have to come from the stockpiles.

The bill as currently drafted requires only 10 percent in year 1 to come from the stockpiles and 25 percent in year 2. I would suggest that is inadequate. If the State is to impact its treasury by giving tax credits, it should get some bang for its buck, and the only way it is going to do that is if we focus in on the stockpiles. If the stockpiles are not going to be used up, we are just wasting our time, wasting our money, wasting our tax credits. If we are just giving tax credits to companies who are not going to be helping—

Well, I would just ask that we keep our eye on the ball. The ball is the stockpiles. Let us not give our tax credit away unless these people who buy the machinery and get the tax credit take from the stockpiles. So I would ask for a "yes" vote. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Schuylkill, Mr. Argall.

Mr. ARGALL. Thank you, Mr. Speaker.

Mr. Speaker, I reviewed this amendment, as I have all of these amendments, with the staff of the joint committee, the House standing committee, the relevant State departments, and some people in the private sector that work with scrap tires every day, and they all tell me that, unfortunately, this amendment does not meet the current realities of the market.

Remember, there is a reason, there is a very good reason why we have 36 million, at minimum. It could easily be much, much more. I really do not think we have a firm handle on that number yet. But the reason we have so many million tires littering our landscape in big piles and down holes and down old strip mines is because it costs more to transport old, dirty tires, perhaps from an isolated tire pile out in the middle of the rural countryside, than it does to use the tires fresh off your car or mine. You know, we all create scrap tires. It has been estimated that every man, woman, and child in Pennsylvania produces one scrap tire each year, and so in addition to the 36 million minimum that are sitting out there, we also have an 11 or 12 million coming off line, if you will, every

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

year. So in order to eliminate these hazards, we need to keep this bill market-oriented.

Please understand, this is not a new message. We have known it for some time. In looking through all my files on this, I found more notes from a tire hearing that we did at the request of Representative Stuban up in Bloomsburg and Representative George, chairing the House Conservation Committee, on a bill known as HB 1059. The people from Scrap Tire News came in and said that "Markets are critical — no disposal program will work without a viable, economically workable marketplace." I feel like my economics professor back at college.

This amendment is well intentioned, but it simply, according to the people that deal with this every day, will not work, and perhaps what is more dangerous is that it could very well render the heart of the legislation, the tax credit incentive, practically useless. The people that we have interviewed, we found very few people, if any, that could hope to take advantage of these tax credits if amended in this way by Representative Vitali. The 90-percent figure is simply too high. The best that we are told we can hope for is 10 percent from the existing piles in the first year, 25 percent in the second. I wish I could negotiate on these numbers. My job would be a lot easier over here today. I have spent more time at this microphone today than I probably have in the last 10 years combined, but these numbers are what the people in the marketplace tell us will make this bill work, and that is our goal.

The SPEAKER pro tempore. Does the gentleman, Mr. Vitali, seek recognition for the second time?

Mr. VITALI. Thank you, Mr. Speaker. I do.

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

Mr. VITALI. If in fact Representative Argall is correct in that these companies simply are not interested in the stockpiled tires, then I think we are just wasting our time with this tax credit. Let us not bother with it, because the freshly generated scrap tires are not the problem. We visited a cement kiln which seeks these tires, on the joint committee. I have been to tire processors who take these freshly generated tires. There is no problem with the tires that are coming freshly off cars. We use about 12 million a year. We generate about 12 million a year, and we use them. That is not the problem.

What this bill may do is gratuitously give a tax credit to deal with a problem that is not there, to needlessly enrich a company that does not need enriching. I do not doubt that people in the marketplace are saying, we do not want to take a lot of scrap tires. Sure, they are going to say that. No one wants the things. What are they going to tell you — yes, we do want them? No. They want a tax credit to do what is most profitable for them, not what is going to solve Pennsylvania's problems. So I would look to what the people in the marketplace say with some skepticism, because they certainly have their pecuniary interests in mind when they are telling you this.

I also want to point out that the Joint Conservation Committee as a committee has never considered this specific issue nor this specific bill. I certainly have during my tenure on this committee. I think that the only way we can insure that this tax credit is going to where the problem is, is to require they use the stockpiled tires. If there are no takers, fine; we have not lost anything; we have not given away a tax credit.

So I would ask for a "yes" vote. Thank you.

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

The following roll call was recorded:

YEAS—86

Bebko-Jones	Donatucci	Manderino	Rudy
Belardi	Evans	Markosek	Sainato
Belfanti	Fairchild	Mayernik	Shaner
Bishop	Gamble	McCall	Staback
Blaum	George	McGeehan	Steelman
Boscola	Gigliotti	Melfio	Sturla
Butkovitz	Haluska	Mundy	Surra
Caltagirone	Horsey	Myers	Tangretti
Cappabianca	Itkin	Olasz	Thomas
Carn	James	Oliver	Travaglio
Cawley	Jarolin	Pesci	Trelo
Cohen, M.	Josephs	Petrarca	Trich
Colafella	Kaiser	Petrone	Van Horne
Colaizzo	Keller	Preston	Veon
Corpora	Kirkland	Ramos	Vitali
Corrigan	Kukovich	Readshaw	Walko
Cowell	LaGrotta	Rieger	Washington
Coy	Laughlin	Roberts	Williams
Curry	Lederer	Robinson	Wozniak
Daley	Lescovitz	Roebuck	Wright, D. R.
Dermody	Levdansky	Rooney	Youngblood
DeWeese	Lucyk		

NAYS—114

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

NOT VOTING—0

EXCUSED—2

Hasay	Mihalich
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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 as amended?

Mr. GEORGE offered the following amendment No. A6165:

Amend Sec. 7, page 6, by inserting between lines 24 and 25

(c) Municipal notification.—For the purposes of section 12, the department shall notify in writing the counties and municipalities of the waste tire sites selected to be listed on the priority enforcement list that are located within their borders.

On the question,

Will the House agree to the amendment?

Mr. VITALI. Mr. Speaker?

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

Mr. VITALI. Mr. Speaker, I would like to make a suggestion. I apologize to my colleague, Chairman George, and I will defer to him if he wishes to go with this amendment, but the same issue that we just dealt with is also dealt with in amendment A6466; only the numbers are different. The issue is the same, but the numbers are different. It might be appropriate to do it now, but if Representative George wants to proceed, I defer to him.

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

Mr. GEORGE. I would be most happy to yield to the gentleman, if I may.

The SPEAKER pro tempore. The gentleman is not yielding. He is asking you to offer your amendments in a different order.

Will the gentleman, Mr. Vitali, let Mr. George know which amendment it is you want him to offer now.

Mr. VITALI. Mr. Speaker, I apologize. I was not clear on that. I was asking for the courtesy of being allowed to run my own amendment 6466 next because it deals with the identical issue. The numbers are just a little different. But again, I yield to Chairman George if he wishes to go. I thought it might be more logically consistent to stick with this same issue until we have done it, until we have completed it.

The SPEAKER pro tempore. Will the gentleman suspend for a moment.

The Chair would advise the gentleman, Mr. George, that we were not aware that there was one more Vitali amendment. With his permission, we are going to run the last Vitali amendment at this point.

Mr. GEORGE. Mr. Speaker, I have no objection.

On the question recurring,

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

Mr. VITALI offered the following amendment No. A6466:

Amend Sec. 9, page 8, line 19, by striking out "10%" and inserting 40%

Amend Sec. 9, page 8, line 29, by striking out "25%" and inserting 65%

On the question,

Will the House agree to the amendment?

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

Mr. VITALI. Thank you, Mr. Speaker, and thank you, Chairman George, for deferring.

What amendment 6466 does, anticipating that the previous amendment would be rejected — and the previous amendment required that in order to get the tax credit, 90 percent of the tires would come from stockpiles — now, in the spirit of compromise, I have reduced that in this amendment, so in order to get the tax credit, you would only have to take 40 percent of the tires from stockpiles in year 1 and 65 percent of the stockpiled tires in year 2.

The arguments are the same. We do not want to gratuitously give our tax credits away. We do want to keep our eye on the ball. We do want to deal with the stockpiled tires, but hey, if you want this tax credit, you have to use some of these piles, not just 10 and 25 percent; you need to use 40 and 65 percent.

So I think amendment A6466 is simply a compromise amendment, and I would ask for the House's support. Thank you.

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

Mr. ARGALL. Mr. Speaker, I like to think that I am a reasonable guy, but this is not a legislative poker game. We have been dealing with the people in the departments, in the industry, that tell us that 10 percent in the first year and 25 percent in the second year is the best that we can hope to do for the foreseeable future. I would love to have put higher numbers in the original bill, and I think if you would check with the staff, you would find out that I tried to do that. However, we were told that the market realities are something that we can simply not ignore, we cannot pretend they do not exist, and so I must once again reluctantly ask for a negative vote on this amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—89

Belardi	Evans	Manderino	Rooney
Belfanti	Fairchild	Markosek	Rudy
Bishop	Gamble	Mayernik	Sainato
Blaum	George	McCall	Shaner
Boscola	Gigliotti	McGeehan	Staback
Butkovitz	Gruitza	Melio	Steelman
Caltagirone	Haluska	Michlovic	Sturla
Cappabianca	Horsey	Mundy	Surra
Carn	Itkin	Myers	Tangretti
Cawley	James	Olasz	Thomas
Cohen, M.	Jarolin	Oliver	Travaglio
Colafella	Josephs	Pesci	Trello
Colaizzo	Kaiser	Petrarca	Trich
Corpora	Keller	Petrone	Van Horne
Corrigan	Kirkland	Pistella	Veon
Cowell	Kukovich	Preston	Vitali
Coy	LaGrotta	Ramos	Walko
Curry	Laughlin	Reashaw	Washington
Daley	Lederer	Rieger	Williams
DeLuca	Lescovitz	Roberts	Wozniak
Dermody	Levdansky	Robinson	Wright, D. R.
DeWeese	Lucyk	Roebuck	Youngblood
Donatucci			

NAYS-111

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

NOT VOTING-0

EXCUSED-2

Hasay 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 as amended?

Mr. GEORGE reoffered the following amendment No. A6165:

Amend Sec. 7, page 6, by inserting between lines 24 and 25

(c) Municipal notification.—For the purposes of section 12, the department shall notify in writing the counties and municipalities of the waste tire sites selected to be listed on the priority enforcement list that are located within their borders.

On the question recurring,

Will the House agree to the amendment?

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

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, A6165 requires the DEP to notify in writing the counties and municipalities that have priority sites, and I would believe this is agreed to.

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

Mr. ARGALL. Mr. Speaker, Chairman George is correct. This is an agreed-to amendment. I would like to thank him for improving the bill. You know, we have municipalities all across the State — 3 million in Bucks County, 6.1 million out in Columbia County, 3.2 in Fayette County — and local governments need to be our partners in this regard, and I thank him for the suggestion.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-200

Adolph	Egolf	Lynch	Saylor
Allen	Evans	Maitland	Schroder
Argall	Fairchild	Major	Schuler
Armstrong	Fajt	Manderino	Scrimenti
Baker	Fargo	Markosek	Semmel
Bard	Farmer	Marsico	Serafini
Barley	Feese	Masland	Shaner
Battisto	Fichter	Mayermik	Sheehan
Bebko-Jones	Fleagle	McCall	Smith, B.
Belardi	Flick	McGeehan	Smith, S. H.
Belfanti	Gamble	McGill	Snyder, D. W.
Birmelin	Gannon	Melio	Staback
Bishop	Geist	Merry	Stairs
Blaum	George	Michlovic	Steelman
Boscola	Gigliotti	Micozzie	Steil
Boyes	Gladeck	Miller	Stern
Brown	Godshall	Mundy	Stetler
Browne	Gordner	Myers	Stish
Bunt	Gruitza	Nailor	Strittmatter
Butkovitz	Gruppo	Nickol	Sturla
Buxton	Habay	Nyce	Surra
Caltagirone	Haluska	O'Brien	Tangretti
Cappabianca	Hanna	Olasz	Taylor, E. Z.
Carn	Harhart	Oliver	Taylor, J.
Carone	Hennessey	Perzel	Thomas
Cawley	Herman	Pesci	Tigue
Chadwick	Hershey	Petrarca	Travaglio
Civera	Hess	Petrone	Trello
Clark	Horsey	Pettit	Trich
Clymer	Hutchinson	Phillips	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
Cowell	King	Reinard	Williams
Coy	Kirkland	Rieger	Wogan
Curry	Krebs	Roberts	Wozniak
Daley	Kukovich	Robinson	Wright, D. R.
DeLuca	LaGrotta	Roebuck	Wright, M. N.
Dempsey	Laughlin	Rohrer	Yewcic
Dent	Lawless	Rooney	Youngblood
Dermody	Lederer	Rubley	Zimmerman
DeWeese	Leh	Rudy	Zug
DiGirolamo	Lescovitz	Sainato	
Donatucci	Levdansky	Santoni	Ryan,
Druce	Lloyd	Sather	Speaker
Durham	Lucyk		

NAYS-0

NOT VOTING—0

EXCUSED—2

Hasay

Mihalich

The majority having voted in the affirmative, 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. **GEORGE** offered the following amendment No. **A6167**:

Amend Sec. 9, page 9, line 9, by inserting after "credits."

The department shall not disburse more than 25% of funds available under subsection (e) for the purposes of shredding, chopping or splitting of whole used or waste tires to be disposed in landfills.

On the question,

Will the House agree to the amendment?

AMENDMENT PASSED OVER TEMPORARILY

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

Mr. **GEORGE**. Mr. Speaker, I ask your indulgence that we go over this momentarily, A6167, and if you would, sir, we would like to take up A6161.

The **SPEAKER** pro tempore. Amendment 6167 will be over temporarily.

On the question recurring,

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

Mr. **GEORGE** offered the following amendment No. **A6161**:

Amend Sec. 6, page 5, by inserting between lines 20 and 21

(c) Municipal waste landfills.—Municipal waste landfills shall be prohibited from accepting whole used or waste tires or tires that have been shredded, chopped or split except to implement the provisions of subsection (b)(2) and (3).

Amend Sec. 6, page 5, line 21, by striking out "(c)" and inserting (d)

Amend Sec. 6, page 6, line 1, by striking out "(d)" and inserting (e)

On the question,

Will the House agree to the amendment?

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

Mr. **GEORGE**. Mr. Speaker, this amendment prohibits the disposal of whole waste tires and shredded tires in our municipal landfills.

This amendment is critical to this bill for two reasons:

First of all, the intent of the bill is to encourage reuse and recycling of our waste tires. It is not meant to encourage businesses to shred these tires and dump them into our municipal landfills.

Second and most importantly, Mr. Speaker, the fact that DEP already classifies waste tires as residual waste, the department prohibits the dumping of residual waste in our municipal landfills, so this amendment is entirely consistent with the department policy. There is absolutely no reason to change course and begin to allow the dumping of tires, especially with a bill designed to encourage reuse.

I ask for an affirmative vote, Mr. Speaker, on this amendment.

The **SPEAKER** pro tempore. The Chair recognizes the gentleman from Schuylkill County, Mr. Argall.

Mr. **ARGALL**. Thank you, Mr. Speaker.

Mr. Speaker, the bill currently prohibits the landfilling of whole tires, whole tires, so that part of the amendment certainly would be agreed to and perhaps even unnecessary. Page 5, line 5, of the bill indicates that "Owners or operators of landfills shall not accept whole used or waste tires for disposal."

However, as far as chopped, shredded, or split tires, the bill would permit those to be landfilled for one primary reason. As we went around and around and around in some of these workshops, I was told that this needs to be permitted, although my original goal was to prohibit this as well, as a last-ditch option, because the unfortunate fact is that until markets further develop and expand for scrap tires, you just cannot let them sit around. Our goal is no tire piles — no tire piles in landfills, no tire piles out littering the landscape — but for some time we may have to choose between an unsafe tire pile or a safe, permitted tire pile at a landfill. I hope not for long, but it is impossible to predict with any notion of accuracy how the markets are going to respond.

I think you have seen us make some great strides in paper recycling and some of the other recycling efforts that we have taken on in the last few years. You know that a few years ago you could not give the stuff away, and now people are actively fighting for it.

So what we have asked you to do in this bill would be to allow that flexibility for scrap tires, after they have been split, to be stored at a landfill until those markets develop, and so I would have to ask for a negative vote on this amendment.

The **SPEAKER** pro tempore. The gentleman, Mr. George, is recognized for the second time.

Mr. **GEORGE**. Mr. Speaker, I would like to remind the sponsor that the reason for this bill is that at no time did any of us want to see waste tires composited in a wastefill commonly known as municipal waste. Anyone that has been here as long as the gentleman, Mr. Argall, and myself knows the problems that the public entertains with the opening of a municipal landfill. An argument I make and I am sure it cannot be broken down is, a tire by any other name, shredded or otherwise, is a waste tire, and I believe we should adopt this amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—133

Armstrong	Gamble	Markosek	Semmel
Baker	Geist	Marsico	Serafini
Bard	George	Mayernik	Shaner
Battisto	Gigliotti	McCall	Snyder, D. W.
Bebko-Jones	Gordner	McGeehan	Staback
Belardi	Gruitza	Melio	Stairs

Belfanti	Gruppo	Michlovic	Steelman
Bishop	Habay	Mundy	Steil
Blaum	Haluska	Myers	Stern
Boscola	Hanna	Nailor	Stetler
Butkovitz	Herman	Olasz	Stish
Buxton	Hess	Oliver	Strittmatter
Caltagirone	Horsey	Pesci	Sturla
Cappabianca	Hutchinson	Petrarca	Surra
Carn	Itkin	Petrone	Tangretti
Carone	Jadlowiec	Phillips	Thomas
Cawley	James	Pistella	Tigue
Cohen, M.	Jarolin	Pitts	Travaglio
Colafella	Josephs	Platts	Trello
Colaizzo	Kaiser	Preston	Trich
Corpora	Keller	Ramos	True
Corrigan	King	Readshaw	Vance
Cowell	Kirkland	Rieger	Van Home
Coy	Kukovich	Roberts	Veon
Curry	LaGrotta	Robinson	Vitali
Daley	Laughlin	Roebuck	Walko
DeLuca	Lederer	Rooney	Washington
Dermoddy	Lescovitz	Rudy	Williams
DeWeese	Levdansky	Sainato	Wozniak
Donatucci	Lloyd	Santoni	Wright, D. R.
Egolf	Lucyk	Sather	Wright, M. N.
Evans	Lynch	Schuler	Yewcic
Fairchild	Manderino	Scrimenti	Youngblood
Fajt			

NAYS-67

Adolph	DiGirolamo	Lawless	Rohrer
Allen	Druce	Leh	Rubley
Argall	Durham	Maitland	Saylor
Barley	Fargo	Major	Schroder
Birmelin	Farmer	Masland	Sheehan
Boyes	Feese	McGill	Smith, B.
Brown	Fichter	Merry	Smith, S. H.
Browne	Fleagle	Micozzie	Taylor, E. Z.
Bunt	Flick	Miller	Taylor, J.
Chadwick	Gannon	Nickol	Tulli
Civera	Gladeck	Nyce	Waugh
Clark	Godshall	O'Brien	Wogan
Clymer	Harhart	Perzel	Zimmerman
Cohen, L. I.	Hennessey	Pettit	Zug
Conti	Hershey	Raymond	
Cornell	Kenney	Reber	Ryan,
Dempsey	Krebs	Reinard	Speaker
Dent			

NOT VOTING-0

EXCUSED-2

Hasay Mihalich

The majority having voted in the affirmative, 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. **GEORGE** offered the following amendment No. **A6163**:

Amend Sec. 10, page 10, lines 19 through 22, by striking out "RECYCLING FUND CREATED BY" in line 19, all of lines 20 through 22 and inserting

Hazardous Sites Cleanup Fund established under section 901 of the act of October 18, 1988 (P.L.756, No.108), known as the Hazardous Sites Cleanup Act.

On the question,

Will the House agree to the amendment?

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

Mr. **GEORGE**. Thank you, Mr. Speaker.

Mr. Speaker, according to the gentleman, Mr. Argall's bill, we will be taking \$1 million per year out of the Recycling Fund to pay for the tax credits spelled out in his legislation. The problem with that provision is apparent. Act 101 calls for 25 percent of all municipal waste to be recycled by January 1, 1997. We are currently siting at about 17 percent, which means we have a long way to go in the next year. Now is not the time for us to take \$1 million a year for the next 3 years out of this fund. Waste tires are not municipal waste and therefore will not even help us reach that 25-percent goal. I would also add that the Lieutenant Governor's Office has made reaching the 25-percent goal one of its top priorities.

The mountains of waste tires sitting around the State, as the gentleman insisted, pose a serious health hazard to our communities, in addition to being eyesores. It is for this reason that if we need to find money to help remediate the situation, it should be coming directly out of the Hazardous Sites Cleanup Fund and not the Recycling Fund. Pennsylvania's recycling program is a successful one, and we should not be raiding its funding at this time. My amendment simply would shift the appropriation from the Recycling Fund to the Hazardous Sites Cleanup Fund.

I ask for an affirmative vote.

The **SPEAKER** pro tempore. The Chair recognizes the gentleman from Schuylkill, Mr. Argall.

Mr. **ARGALL**. Thank you, Mr. Speaker.

As I have noted probably too many times now, in putting this bill together earlier this year, we brought a lot of people to the table. Of course, some of those people were representatives, recycling specialists, from the Department of Environmental Protection. It was at a hearing of the House Environmental Resources and Energy Committee in September that James Snyder, the director of the Bureau of Land Recycling and Waste Management for DEP, brought to us this suggestion. This current part of the bill of taking \$1 million out of the Recycling Fund is there, I want to emphasize, at the suggestion of the department. This is not something we did to them. This is something that they asked to be included in the bill. And if I may quote, "A number of educational outreach and market development techniques were blended with financial incentives to develop a formula that over time converted the paper problem to one of our most notable achievements under the Act 101 recycling program. We believe that these same techniques are equally appropriate in helping solve the tire problem and can be integrated with the tax incentive and the disposal of whole tire provisions of the bill...."

"The Department would like to suggest that you consider building on the financial incentives contained in this bill by providing funding to be offered as grants, seed money, to facilitate the clean up of abandoned tire piles. While stimulating the market at the same time, the funds for this 'one time' grant program could possibly be made available from the Recycling Fund created under Act 101."

I should also note that the department has already given grants out of the Recycling Fund for scrap tire projects, so we are not entirely breaking new ground here. I should also note that I think one of the reasons why the department believes the Recycling Fund could withstand the withdrawal of \$1 million each year for the next 5 years is because in 1993 there was \$42 million in the Recycling Fund; in 1994-95 it went up to \$47.8 million; and in the 1995-96 budget, it is at \$48 million. So if you will, we are not taking a huge amount of money out of the Recycling Fund. The staff and I have talked to several recycling coordinators. They felt that this did not threaten their programs in any way. It was done at the suggestion of the department, and that is why it is in the bill.

The SPEAKER pro tempore. The Chair recognizes the lady from Butler, Ms. Carone.

Ms. CARONE. Mr. Speaker, I would appreciate the maker of the amendment to stand for interrogation.

The SPEAKER pro tempore. The gentleman, Mr. George, indicates that he is willing to stand for interrogation. You are in order and may proceed.

Ms. CARONE. Thank you, Mr. Speaker.

Mr. Speaker, we have heard the prime sponsor of the bill describe why the Recycling Fund can handle the amount of money, the \$1 million, to be taken from that without harming recycling.

Mr. Speaker, could you indicate why you think the Hazardous Sites Cleanup Fund is sufficient in revenues that it can be used instead? Could you give me any numbers to back it up?

Mr. GEORGE. Mr. Speaker, I am told that the fund that I am asking we utilize has about \$70 million and the Recycling Fund has \$53 million. If you were here when we passed Act 101 — and at that time the gentleman, Mr. Hasay, and I were the chairmen of the committee — we worked very hard and were never very optimistic in that the percentage was going to hit 25 percent, as now the Lieutenant Governor wishes and all of us do wish, as far as recycling. But the truth of the matter is, if we are going to do what the purpose of Act 101 is, in no way should we be raiding a funding mechanism that we hope someday will achieve what it is we want it to do, but rather, we should tap a fund that really has been somewhat dormant. I would like to know the last time that that fund went to work and helped you or me or any other legislator in our area where there were problems that could not be remediated and should have been remediated out of the fund that I am asking you to share with me to fund this program.

Ms. CARONE. Mr. Speaker, in further interrogation, in lieu of what you have just said, is there a specific reason why you chose not to raise the amount of money from \$1 million to \$2 or \$3 million, picking a number that might get the ability to be able to move more tires off of scrap tire piles? A million dollars does not seem like a great deal of money for this issue.

Mr. GEORGE. Mr. Speaker, I did not choose to question the gentleman, Mr. Argall, or anyone else that may have had input. If you read and you heard, the gentleman said that he and the membership of the Legislative Air and Water had come about this proposal. Today I saw a letter that was distributed by the gentleman that supports Mr. Argall's position from the

Legislative Air and Water. I am a member also of that body, and I do not remember us having a vote and where we have, in a unified way, endorsed every specific of the bill. I am just trying to make his bill better.

I recognize that you have tires in your district, but I want to remind you there are 25 counties that have 100,000 tires or more, and I will be providing an amendment in a few minutes that will protect the other counties that may not be helped if in fact we just delve into this million and give it all to one county, but that will come next. I believe what we are doing is responsible.

Ms. CARONE. Thank you, Mr. Speaker. This ends the interrogation.

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

Mr. VITALI. Very quickly, I rise in support of the George amendment.

As he said, we have fallen short of our recycling goals, and I know a lot of municipalities are having trouble with their recycling programs, the prices of paper and so forth. I talked with my township manager on this last week, and he said one way you could help us, one way you could help the municipalities, by increasing the moneys for performance grants from the Recycling Fund. In other words, if we took more money from that Recycling Fund and gave it to townships based on how much they recycle, we would up that recycling. Right now your municipality and mine are currently getting about \$5 a ton. As the price of paper drops, that is causing problems for us. There is a relationship between the money in the Recycling Fund and the amount we recycle. We need the money in that fund to enhance recycling. It could help all our municipalities.

We are setting a very bad precedent by taking moneys from the Recycling Fund. Taking it for the burning of plastics, is that next? I think Representative George in taking it from the Hazardous Sites Cleanup Fund has made a good move in that it is appropriate that it come from that because tire piles are more akin to a hazardous site. That fund is more able to endure the impact of a \$5-million hit.

So I think it is that the George amendment is a good amendment, and I urge a "yes" vote.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Argall, for the second time.

Mr. ARGALL. Mr. Speaker, let me reiterate again why that section is in the bill. It is in the bill because the recycling people in the Department of Environmental Protection believe that it should be coming out of the Recycling Fund. It was not our idea; it was their idea. When asked, they told us they did not believe that it would pose any kind of hazard to the State reaching its recycling goals; otherwise, I would suspect they would not have suggested it.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—104

Baker	DeWeese	Levdansky	Rudy
Battisto	Donatucci	Lloyd	Sainato
Bebko-Jones	Evans	Lucyk	Santoni
Belardi	Fairchild	Manderino	Scrimenti
Belfanti	Fajt	Markosek	Shaner

Bishop	Feese	Mayernik	Staback
Blaum	Gamble	McCall	Steelman
Boscola	George	McGeehan	Stetler
Butkovitz	Gigliotti	Melio	Sturla
Buxton	Gordner	Michlovic	Surra
Caltagirone	Gruitza	Mundy	Tangretti
Cappabianca	Haluska	Myers	Thomas
Carn	Hanna	Olasz	Tigue
Carone	Horsey	Oliver	Travaglio
Cawley	Itkin	Pesci	Trello
Cohen, M.	James	Petrarca	Trich
Colaella	Jarolin	Petrone	Van Home
Colaizzo	Josephs	Pistella	Veon
Corpora	Kaiser	Preston	Vitali
Corrigan	Keller	Ramos	Walko
Cowell	Kirkland	Readshaw	Washington
Coy	Kukovich	Rieger	Williams
Curry	LaGrotta	Roberts	Wozniak
Daley	Laughlin	Robinson	Wright, D. R.
DeLuca	Lederer	Roebuck	Yeweic
Dermody	Lescovitz	Rooney	Youngblood

NAYS-96

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

NOT VOTING-0

EXCUSED-2

Hasay	Mihalich
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The majority having voted in the affirmative, 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. GEORGE offered the following amendment No. A6164:

Amend Sec. 9, page 9, line 9, by inserting after "credits."

The department shall not disburse more than 25% of funds available under subsection (e) for the purpose of incineration as a means of whole used or waste tire reduction.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Clearfield, Mr. George.

Mr. GEORGE. Thank you, Mr. Speaker.

The amendment goes far to help this become a very good bill. This amendment will help to build a very important safeguard into this legislation.

Currently this bill allows DEP to decide who will be the recipients of the tax credits for the removal of tires. However, the bill also allows people to receive tax credits for incinerating waste tires. My amendment would prohibit the DEP from designating more than 25 percent of this funding of the total credits to companies that are going to simply incinerate these tires. There are companies all over the Commonwealth that already incinerate tires. All it takes is a permit from DEP. Why should we pay them to pollute our air?

The title of this bill is the Waste Tire Recycling Act. Burning tires is not recycling tires. Giving money to folks who burn them is taking money away from legitimate businesses that are truly recycling tires.

I ask for an affirmative vote.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Schuylkill County, Mr. Argall.

Mr. ARGALL. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is somewhat similar in its intent to legislation that we have already defeated as suggested by Representative Vitali.

Now, as I have said probably too many times, the joint committee's findings on this issue were that to solve our scrap tire problem, we need flexibility, and the largest market for scrap tires is used as a fuel. It has been for some time, dating all the way back to those public hearings in 1988 and 1989, and this is true, as I have noted in my testimony earlier, not only in Pennsylvania but across the country.

If I can, I would like to share one additional item with you from the Pennsylvania Energy Office in 1991. "Electric utility companies are finding that scrap vehicle tires make a good fuel source.... The most attractive feature of using waste tires to produce electricity is that it reduces the multitude of tires taking up space in landfills. The U.S. Environmental Protection Agency estimates that about 234 million tires...are discarded in landfills or illegally dumped and that there are at least two billion waste tires sitting around.... However, environmental officials are excited about reducing a public health threat (from disease transmitting mosquitoes), while at the same time decreasing the number of tires being dumped in dwindling landfill space."

Once again, this is not exactly a Republican Party organ. This is from the Pennsylvania Energy Office in 1991, then chaired by Lieutenant Governor Mark Singel, now chairman of the Democratic State Committee.

Our bill is designed to let the recycling specialists within DEP, people who work with the recycling markets every day who understand the ups and downs of the market, work with business, large and small, to decide how to best provide the necessary incentives to get rid of these millions and millions of tires. This amendment, once again, unfortunately, would greatly limit the ability of the recycling division within DEP to utilize the largest market for scrap tires.

Once again — I think I said it earlier — my job would be a lot easier if the largest market for scrap tires were making doormats or something like that. Unfortunately, the largest market is use for energy, and that is why we cannot close our eyes and pretend that is not so, and so I must ask for a negative vote.

The SPEAKER pro tempore. There are several other members seeking recognition. Does the gentleman, Mr. George, want to wait until last?

The Chair thanks the gentleman and recognizes the gentleman from Delaware County, Mr. Vitali.

Mr. VITALI. Very briefly, Mr. Speaker.

Will Representative Argall stand for brief interrogation?

The SPEAKER pro tempore. The gentleman indicates that he is willing to stand for interrogation. You are in order and may proceed.

Mr. VITALI. Mr. Speaker, Representative Argall has repeatedly referred to the findings of the Joint Conservation Committee, and I have repeatedly expressed my dismay at that because that committee consists of a number of Representatives, a number of Senators, and I have tried to be an active member of that committee, but I at no time recall voting on the issue of using tax credit for incineration. Has there been any committee function while I have been a member of that committee that I have missed, Mr. Speaker?

Mr. ARGALL. I do not believe you were at the original workshop. I do not know if you were there when we met with the businesses across the State and the environmental groups early on, and this was one of many subjects that was discussed.

I can also point out and I have said to the executive secretary of the committee that, of course, this committee, we are trying to revitalize it, and I would suggest that the next time that we introduce a bill, that in addition to going around and asking for cosponsors, as we did — and almost every member of the joint committee in the House and Senate endorsed the legislation — we should call for a meeting. I think that is a good idea. No meeting was requested. No meeting was called to formally vote on the contents of HB 1929, and I agree that that would be helpful in the future.

Mr. VITALI. Well, you indicate this is the findings of us, the committee. Now, what was the committee vote on this particular subject?

Mr. ARGALL. I have already explained that. There was no committee vote or was none requested.

Mr. VITALI. Would you conclude from that then there is no finding on the issue?

Mr. ARGALL. Would you prefer if I said the committee staff?

Mr. VITALI. Yes, I guess.

Mr. ARGALL. All right. That would also be accurate.

Mr. VITALI. I have no further inquiry.

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

Mr. SURRA. Thank you, Mr. Speaker.

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

I think what we are all forgetting here is that incineration is not recycling. The burning of tires is not recycling, and Representative George does not disallow the incineration of tires. He just does not let the entire amount of the tax credit be gobbled up to the companies that will incinerate tires. Twenty-five percent of the tax credit will still be allowed to go to these companies, but

it will encourage some of that money to go to sincere, real recycling efforts.

Incineration is not recycling and it is not disallowed by the George amendment, but we should attempt to recycle tires and that is what this amendment would encourage, and I think it goes along with the intent of the bill. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the lady from Butler, Ms. Carone.

Ms. CARONE. Thank you, Mr. Speaker.

I rise to oppose this amendment.

I want to remind our colleagues of some of the arguments given before that scrap tires that have been in piles for many years simply do not fit being used easily in the recycling process other than being used for tire-derived fuel.

I would also like to say that in the western part of the State, there is no facility presently able and permitted to burn tires or scrap tires. I believe this legislation, HB 1929, gives us the opportunity to be able to get one or perhaps two facilities, two manufacturers or a powerplant, willing to help clean up some of the largest tire piles that are in the western part of the State. I argue that the idea of using tires for scrap for fuel does make sense.

I would argue that this amendment should receive a "no" vote. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Clearfield County, Mr. George, for the second time.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, in answer to the lady and to the gentleman, Mr. Argall, no way do we attempt to eliminate the process of burning that is now continual.

Mr. Argall's study of Lieutenant Governor Singel in 1991 is not the most accurate study. The study we have is that in this country of ours, we burn annually 119 million tires, some of them in controlled burn units and the majority of them not.

Now, this is a recycling measure. In my area alone, there is a small company that is making moldboards for snowplows that are out at the national airport in Pittsburgh, and they have proven to be very successful in that they do not tear up the pavement and they do not wear down the steel moldboards.

America and Pennsylvanians have a unique way to rise to the occasion when they know that their government is behind them. We need to find ways to recycle these tires, not to continue to encourage and get into the old facet of simply burning what seemingly is not necessary.

I believe this amendment is not similar to the gentleman, Mr. Vitali's. It is an amendment that is conducive to the facts and the figures of the percentage of the tires that are recycled in regard to not only what is already burned but the amount of money that we want to protect so that we can allow entities around Pennsylvania to go into various experimentals so that we can do something good in regard to recycling these tires. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-97

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

NAYS-103

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

NOT VOTING-0

EXCUSED-2

Hasay	Mihalich
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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 as amended?

Mr. **GEORGE** offered the following amendment No. **A6166**:

Amend Sec. 9, page 9, line 9, by inserting after "credits."

In making this determination, the department shall not award more than 10% of the total available funds to any one county which has taxpayers engaged in the business of whole used or waste tire reduction, reuse or recycling applying for the investment tax credits.

On the question,

Will the House agree to the amendment?

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

Mr. **GEORGE**. I attempted to protect the counties in Pennsylvania that need our help with the last amendment. I am attempting to do that with this one, and this amendment is simply designed to make sure that this program benefits all areas of our Commonwealth and not just a select few.

There are piles of waste tires in every county in Pennsylvania. Some have a few hundred tires, some have thousands. Amendment 6166 will insure that DEP does not earmark more than 10 percent of the tax credits to a business in any one county. The purpose of this bill is not to clean up one or two tire piles across our State or to help one or two selected businesses. This program should help all Pennsylvanians, not just those in the urban areas.

I ask for an affirmative vote.

The **SPEAKER** pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Schuylkill County, Mr. Argall.

Mr. **ARGALL**. Mr. Speaker, Representative George, Representative Vitali, I think all the members of the joint committee, all the members of the standing committee share the same goal. We are looking for a solution to tire piles, and I think that we understand that it has to be a multiple solution. The existing problem, whether it is 30 million, 40 million, 50 million tires out there, it requires a very flexible solution — multiple sites, multiple markets, multiple solutions.

My fear on this amendment is that by capping the tax credit at \$200,000 per county, my concern is this: What if some individuals in the same county, different individuals, have some really, really innovative ideas and the tax credit is the difference between success and failure? I think we know what failure means; we know what failure looks like. Our current scrap tire efforts in this State are a failure, and no one wants to have those huge tire piles remain as health risks, as potential environmental nightmares.

I hope that the department receives a lot of good, innovative applications to eliminate these eyesores from all across the State, from counties all across the State, and funds a wide variety of projects. Some people have already come forward. We have heard from Domino Salvage down in Conshohocken that is looking at using 2 to 5 million tire pieces per year for power utilities. We have talked about Tyreplex down in Downingtown, Lafarge cement over in Whitehall, but unfortunately, as you know, not enough good, innovative people have come forward. That is why we have the problem today. That is the reason for the introduction of HB 1929.

And so my concern with this amendment is that it needlessly limits the options of the department in this regard, and it might

unnecessarily deny some very promising solutions to our scrap tire problems just because of an invisible county line. And with that in mind, I would ask for a negative vote.

The SPEAKER pro tempore. The Chair recognizes the lady from Butler, Ms. Carone.

Ms. CARONE. Thank you, Mr. Speaker.

I would like to argue that you do not want to have this amendment. Because I am in Butler County, my scrap tire pile is in Butler County, but I will not have any objection to the business in Representative Michlovic's district in Allegheny County receiving a sizable grant or tax credit if that company is also going to be looking at my tire dump, to come and get tires for their purpose — and in fact, one of the staff from that very recycling effort has been out to my district — or if a Beaver County company chooses to retrofit their cement kiln operation to take scrap tires, I will be pleased that the DEP will see a grant, a tax credit, for them so that my tires, scrap tires, can be used. I do not want to see it spread so thinly that we do not create viable, good projects for cleaning up scrap tires.

I rise in opposition to the amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. George, for the second time.

Mr. GEORGE. Mr. Speaker, I will not need another time.

I just tried to make the case for the 25 individuals that represent the 25 counties out of our 67 who have individual piles of more than 100,000 tires. It should not be DEP's judgment on which should get it. It ought to be our purpose and interest to see that as many counties as possible are helped with this bill. If in fact it is a bill that intends to help all the people in Pennsylvania, then the way it has been designed and without this amendment, there will be many counties where you will have citizens banging at your door wanting to know where the money is that unfortunately was used up with two or three counties.

I think we ought to adopt this amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—94

Bebko-Jones	Evans	Manderino	Scrimenti
Belardi	Fajt	Markosek	Shaner
Belfanti	Gamble	Mayernik	Staback
Bishop	George	McCall	Steelman
Blaum	Gigliotti	McGeehan	Stetler
Boscola	Gruitza	Melio	Sturla
Butkovitz	Haluska	Mundy	Surra
Caltagirone	Hanna	Myers	Tangretti
Cappabianca	Horsey	Olasz	Thomas
Carn	Itkin	Oliver	Tigue
Cawley	James	Pesci	Travaglio
Cohen, M.	Jarolin	Petrarca	Trello
Colafratta	Josephs	Pistella	Trich
Colaizzo	Kaiser	Preston	Van Horne
Corpora	Keller	Ramos	Veon
Corrigan	Kirkland	Readshaw	Vitali
Cowell	Kukovich	Rieger	Walko
Coy	LaGrotta	Roberts	Washington
Curry	Laughlin	Robinson	Williams
Daley	Lederer	Roebuck	Wozniak
DeLuca	Lescovitz	Rooney	Wright, D. R.
Dermody	Levdansky	Rudy	Yewcic

DeWeese
Donatucci

Lloyd
Lucyk

Sainato

Youngblood

NAYS—106

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

NOT VOTING—0

EXCUSED—2

Hasay

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 as amended?

The SPEAKER pro tempore. Does the gentleman, Mr. George, have any further amendments?

Mr. GEORGE. Mr. Speaker, we are withdrawing 6167, but we are offering 6168.

The SPEAKER pro tempore. The gentleman, Mr. George, offers amendment A6168, which the clerk will read.

On the question recurring,

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

Mr. GEORGE offered the following amendment No. A6168:

Amend Sec. 6, page 5, by inserting between lines 20 and 21

(c) Municipal and residual waste landfills.—The department shall not approve applications for permit modifications for municipal or residual waste landfills that propose to accept and dispose of any hazardous waste.

Amend Sec. 6, page 5, line 21, by striking out "(c)" and inserting (d)

Amend Sec. 6, page 6, line 1, by striking out "(d)" and inserting (c)

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Clearfield, Mr. George.

Mr. GEORGE. Mr. Speaker, for those members who may not be aware, the Department of Environmental Protection has started a very troubling policy. According to the DEP, a policy change is being planned within the department that will change the way we deal with hazardous waste in Pennsylvania. Currently no hazardous waste is permitted in municipal landfills, and for good reason. No matter how safe we feel that our municipal landfills are, there is no way that we can stop hazardous waste from entering our aquifers and our groundwater. That is why we prohibit the practice.

The DEP, however, has decided that we can begin to allow small quantities, small-quantity generators to dump over 200 pounds of hazardous waste per month in our municipal landfills. Is 200 pounds per month a great amount, many will ask? If you have 10 of these so-called small-quantity generators in your district, you are looking at a ton a month placed into a municipal landfill that should not in any way, according to DEP's own language, harm our groundwater unless we allow hazardous material to percolate into our aquifers. Are you ready to let a ton of hazardous waste a month be dumped next to your homes or your schools and your businesses? My amendment will prohibit the DEP from allowing this practice to become a reality.

We have an obligation to deal with hazardous waste in this Commonwealth. You and I cannot even throw an old can of paint into the trash, but the DEP is going to let businesses dump hazardous waste into our landfills. A vote against this amendment tells the people back home that you do not care what businesses dump in your landfills. It tells the people back home that their water supply can be endangered. You are telling them that you do not care if hazardous chemicals are dumped in the same landfills that are designed to handle only municipal waste.

The DEP has no business instituting a policy such as this one without first consulting the General Assembly. They know, however, that we in this chamber would never stand for it. That is why they chose to do it by policy, avoiding this chamber at all costs.

This amendment will put a stop to this destructive policy before it starts, and I respectfully ask for the consideration of all of you that have a legitimate concern about your folks back home.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Schuylkill, Mr. Argall.

Mr. ARGALL. Thank you, Mr. Speaker.

I have several concerns about this amendment. I have to admit that this is a very new subject for many members of the General Assembly. This amendment is the result of I think a September vote by the EQB (Environmental Quality Board). I had not even heard of this action by the EQB, which is related, I am told, to some recommendations by the Federal EPA, until Representative George had introduced this amendment, and I suspect that most members of the House find themselves in the same situation that I find myself in today. Quite frankly, I would like to learn more about the issue.

My second concern is that I know very well from my tenure here how controversial the subject of hazardous waste can be, and my fear is that if this section is included in the bill, this bill, which is now limited solely to tires, I am afraid that this scrap tire bill may never become law. I have already told you of the public hearings and the meetings dating back to 1988. I have a newspaper clipping here from Schuylkill County which says the "Tire recycling bill calls for immediate action." Well, that was May 11, 1990, and it is 5 years later and we still do not have a law. I am very, very much afraid that just as we failed in 1990, I do not want to wait until the next century to solve the problem of scrap tires, and I am very, very fearful that that is what will happen if we lose our focus on scrap tires and begin to delve into other issues at this time.

Please remember that the title of this proposed new law is the Waste Tire Recycling Act, "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."

Tires are not hazardous waste; let me repeat, tires are not hazardous waste. If they were, I suspect most of us would not tolerate storing them in our garages and basements where we are now forced to keep them because they are not the easiest things to dispose of under our current system.

GERMANENESS QUESTIONED

Mr. ARGALL. Because tires are not hazardous waste and because HB 1929 is limited solely to tires, I must question the germaneness of this amendment under rule 27, Mr. Speaker.

The SPEAKER pro tempore. Under rule 27, the question of germaneness is for the members to decide, and the question is debatable.

On the question,

Will the House sustain the germaneness of the amendment?

The SPEAKER pro tempore. Are there any members seeking recognition on the question of germaneness?

The Chair recognizes the gentleman, Mr. George.

Mr. GEORGE. Mr. Speaker, a while ago this House felt it was proper to adopt Mr. Argall's argument in regard to what this bill is called, a recycling measure, yet we continue to be devoid of what recycling means. It is not burning.

In an attempt to be fair about it and get it resolved, no one tried to eliminate burning, but we did insist that cutting up tires and shredding, whether they be in incrementations of a couple ounces or a whole tire, those tires are residual waste, and if they are residual waste placed into municipal waste, I would hope the gentleman, Mr. Argall, would have stood up and questioned the integrity of his own argument, and that should not have been germane either.

Now, if you do not want to vote and let the people know whether or not you stand for them on the issue of whether you want 5,000 generators, is what there is in Pennsylvania, placing material that is not only hazardous but devastating to our water aquifers, if that is the way you want to be devoid of your responsibility, by insisting it is not germane, then you do it. But I am going to insist that not only is it germane but it is the right thing to do.

The SPEAKER pro tempore. Does the gentleman, Mr. Argall, seek recognition for the second time?

Mr. ARGALL. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman is in order.

Mr. ARGALL. Mr. Speaker, some of you who know me well know that my father-in-law is a turkey farmer, and from time to time some people come to visit the farm and they are a little confused, that they think turkeys and chickens are the same thing. We have a couple of resident experts here — Representative Zimmerman, Representative Godshall — who could tell you that turkeys are not chickens and chickens are not turkeys. We are faced with the same basic principle on this amendment.

Tires are not hazardous waste. Tires are clearly not hazardous waste. This bill today applies only to tires. That is why in making my argument earlier I tried to show you that this amendment is clearly not germane to the remainder of the legislation.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I agree that turkeys are not chickens and chickens are not turkeys, and neither of them are pigs, nor are they other farm animals. But nevertheless, we have laws that apply to all farms, and, you know, this bill deals with air quality, it deals with environmental quality, and Mr. George's amendment deals with air quality, it deals with environmental quality. It is up to us in the House to determine whether it is germane or not.

I would suggest that we use the power we have under our own rules to determine germaneness in the interests of a cleaner environment for all Pennsylvanians. Vote "yes" on germaneness, and allow a vote on the George amendment.

The SPEAKER pro tempore. On the question of germaneness, the Chair recognizes the gentleman from Elk County, Mr. Surra.

Mr. SURRA. Thank you, Mr. Speaker.

Mr. Speaker, I believe that the George amendment is germane. We made attempts to make it illegal after this bill would become law to dispose of shredded tires in municipal landfills, and Mr. George's amendment deals with the disposal of hazardous waste in municipal landfills. I think those are similar interests, and I would ask the members to vote that it is indeed germane. Thank you, Mr. Speaker.

The SPEAKER pro tempore. On the question of germaneness, those who believe the amendment to be germane will vote "aye;" those who believe the amendment to be not germane will vote "no."

On the question recurring,

Will the House sustain the germaneness of the amendment?

The following roll call was recorded:

YEAS—100

Battisto	DeWeese	Lloyd	Sainato
Bebko-Jones	Donatucci	Lucyk	Santoni
Belardi	Evans	Manderino	Scrimenti
Belfanti	Fajt	Markosek	Shaner
Bishop	Gamble	Mayemik	Staback
Blaum	George	McCall	Steelman
Boscola	Gigliotti	McGeehan	Stetler
Butkovitz	Gordner	Melio	Sturla
Buxton	Gruitza	Michlovic	Surra
Caltagirone	Haluska	Mundy	Tangretti
Cappabianca	Hanna	Myers	Thomas

Cam	Horsey	Olasz	Tigue
Carone	Itkin	Oliver	Travaglio
Cawley	James	Pesci	Trello
Cohen, M.	Jarolin	Petrarca	Trich
Colafella	Josephs	Pistella	Van Horne
Colaizzo	Kaiser	Preston	Veon
Corpora	Keller	Ramos	Vitali
Corrigan	Kirkland	Readshaw	Walko
Cowell	Kukovich	Rieger	Washington
Coy	LaGrotta	Roberts	Williams
Curry	Laughlin	Robinson	Wozniak
Daley	Lederer	Roebuck	Wright, D. R.
DeLuca	Lescovitz	Rooney	Yewcic
Dermody	Levdansky	Rudy	Youngblood

NAYS—100

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

NOT VOTING—0

EXCUSED—2

Hasay Mihalich

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was declared not germane.

POINT OF ORDER

Mr. COHEN. A point of order, Mr. Speaker.

The SPEAKER pro tempore. Does the gentleman want to raise a point of order?

Mr. COHEN. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state the point.

Mr. COHEN. Mr. Speaker, the motion was made that this was not germane. The motion failed on a vote of 100 to 100. It requires a majority of the vote for any motion to pass.

The SPEAKER pro tempore. A question is always put in the affirmative. The gentleman, Mr. Argall, raised the question of

germaneness, and the question was put, those who believe the amendment to be germane will vote "aye"; those opposed, "nay"; less than a majority having voted in the affirmative, the amendment was not germane.

Mr. COHEN. The way you have described it, the question was not put any way. It was just 100— You just expressed it neutrally. The fact is, Mr. Argall made a motion. The reason we were faced with that question is Mr. Argall made a motion.

The SPEAKER pro tempore. The gentleman, Mr. Argall, raised the issue of germaneness; he did not make a motion. There was no motion on the issue. He simply raised the issue, and on the question, less than a majority having voted that it was germane, it is not germane.

On the question recurring,

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

AMENDMENT A6159 RECONSIDERED

The SPEAKER pro tempore. The gentleman, Mr. Vitali, moves that the vote by which amendment No. 6159 was defeated to HB 1929, PN 2822, be reconsidered.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—138

Baker	Druce	Manderino	Sather
Bard	Egolf	Markosek	Scrimenti
Barley	Evans	Masland	Serafini
Battisto	Fairchild	Mayernik	Shaner
Bebko-Jones	Fajt	McCall	Sheehan
Belardi	Feese	McGeehan	Snyder, D. W.
Belfanti	Gamble	Melio	Staback
Bishop	Geist	Merry	Steelman
Blaum	George	Michlovic	Stern
Boscola	Gigliotti	Mundy	Stetler
Boyes	Gladeck	Myers	Sturla
Butkovitz	Gordner	O'Brien	Surra
Buxton	Gruitza	Olasz	Tangretti
Caltagirone	Haluska	Oliver	Taylor, E. Z.
Cappabianca	Hanna	Perzel	Taylor, J.
Carn	Herman	Pesci	Thomas
Carone	Horse	Petrarca	Tigue
Cawley	Itkin	Petrone	Travaglio
Clymer	James	Phillips	Trello
Cohen, L. I.	Jarolin	Pistella	Trich
Cohen, M.	Josephs	Pitts	Van Horne
Colafella	Kaiser	Platts	Veon
Colaizzo	Keller	Preston	Vitali
Conti	Kenney	Ramos	Walko
Corpora	Kirkland	Readshaw	Washington
Corrigan	Krebs	Reinard	Williams
Cowell	Kukovich	Rieger	Wogan
Coy	LaGrotta	Roberts	Wozniak
Curry	Laughlin	Robinson	Wright, D. R.
Daley	Lederer	Roebuck	Wright, M. N.
DeLuca	Lescovitz	Rooney	Yewcic
Dermod	Levdansky	Rubley	Youngblood
DeWeese	Lloyd	Rudy	
DiGirolamo	Lucyk	Sainato	Ryan,
Donatucci	Maitland	Santoni	Speaker

NAYS—62

Adolph	Farmer	Leh	Schroder
Allen	Fichter	Lynch	Schuler
Argall	Fleagle	Major	Semmel
Armstrong	Flick	Marsico	Smith, B.
Birmelin	Gannon	McGill	Smith, S. H.
Brown	Godshall	Micozzie	Stairs
Browne	Gruppo	Miller	Steil
Bunt	Habay	Nailor	Stish
Chadwick	Harhart	Nickol	Strittmatter
Civera	Hennessey	Nyce	True
Clark	Hershey	Pettit	Tulli
Cornell	Hess	Raymond	Vance
Dempsey	Hutchinson	Reber	Waugh
Dent	Jadlowiec	Rohrer	Zimmerman
Durham	King	Saylor	Zug
Fargo	Lawless		

NOT VOTING—0

EXCUSED—2

Hasay Mihalich

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

On the question recurring,

Will the House agree to the amendment?

The clerk read the following amendment No. A6159:

Amend Sec. 9, page 9, by inserting between lines 16 and 17

(i) Exception.—For the purposes of this section, the terms "reducing," "reusing" or "recycling" shall not be construed to include incineration of or burning tires for fuel.

On the question recurring,

Will the House agree to the amendment?

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

Mr. VITALI. Thank you, Mr. Speaker.

Very quickly, what this amendment did, as you will recall, it dealt with that section of the bill that dealt with tax credits, and what the bill as stated says, to get the tax credit you would have to either buy equipment that either reduces, reuses, or recycles. Now, this amendment simply clarifies that to make it clear that "reduce, reuse, recycle" does not include incineration.

I think there is one point I would like to make very clear: This bill only has a total of \$2 million in tax credits. It is not a lot of tax credits, so we have to put it in the best places, and I submit to you that the best places for these tax credits are companies like Baker Rubber, which recycles, companies like Carlisle Tire & Rubber, companies like Fox Recycling, and all the other places that are trying to do the right thing.

We just have a limited amount of tax credits here. Let us try to develop those industries that are really going to deal with the problems. We do not want to use tax moneys to encourage incineration. Let us put those limited dollars into recycling, and I would ask for an affirmative vote. Thank you.

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

Mr. ARGALL. To restate my argument against this well-intentioned amendment, it is simply not in touch with the current realities of the marketplace. The most active use for scrap tires in Pennsylvania today, as in many other States, is for uses of fuel, and I simply cannot understand why we would want to eliminate from any tax credit consideration the largest market for using up these scrap tires in Pennsylvania.

Representative Carone is also correct in noting that many of these old rotting tires cannot have any other use except as a fuel. We cannot turn them into doormats. And so this amendment, if adopted, would strike at the very heart of the legislation.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lancaster County, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I cannot for the life of me figure out why, if the largest market for these tires is to use them as fuel, why would we be encouraging tax credits for the market that already exists? What we need to do is encourage the tax credits for the market that does not exist, that needs to be developed, which is the recycling market, which is precisely what Representative Vitali is trying to do.

I urge an affirmative vote on the Vitali amendment. Thank you.

The SPEAKER pro tempore. The Chair recognizes the lady from Butler County, Ms. Carone.

Ms. CARONE. Mr. Speaker, I continue to argue in opposition to this amendment.

If we are going to clean up those scrap tire piles, we have to be able to focus on those industries that are willing to come out and take their resources and clean them up. This is not a cheap operation. The tax credit will hopefully attract some of them to want to come out and work at this.

I argue once again for a negative vote. Thank you.

The SPEAKER pro tempore. Does the gentleman, Mr. Vitali, seek recognition?

Mr. VITALI. Yes, Mr. Speaker.

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

Mr. VITALI. One final point: There is another provision of this bill — and I would like to bring that to Representative Carone's attention, Mr. Speaker — that deals with the stockpiled tires, and that is the grant section. The grant money, the \$5-million grant money, has to be used for the stockpiled scrap tires.

So I appreciate her concerns, but with regard to the tax credits, I do not think it is appropriate to use them for incineration. The grant moneys will take care of that. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—97

Bebko-Jones	Fajt	Manderino	Sainato
Belardi	Feese	Markosek	Scrimenti
Bishop	Gamble	Mayernik	Shaner
Blaum	George	McCall	Staback
Boscola	Gruitza	McGeehan	Steelman
Boyes	Haluska	Melio	Stetler
Butkovitz	Hanna	Michlovic	Sturla
Caltagirone	Horsey	Mundy	Surra
Cappabianca	Itkin	Myers	Tangretti
Carn	James	Olasz	Thomas

Cawley	Jarolin	Oliver	Tigue
Cohen, M.	Josephs	Pesci	Travaglio
Colafrella	Kaiser	Petrarca	Trello
Colaizzo	Keller	Petrone	Trich
Corpora	Kirkland	Pistella	Van Horne
Corrigan	Krebs	Preston	Veon
Cowell	Kukovich	Ramos	Vitali
Coy	LaGrotta	Readshaw	Walko
Curry	Laughlin	Rieger	Washington
Daley	Lederer	Roberts	Williams
Dermody	Lescovitz	Robinson	Wozniak
DeWeese	Levdansky	Roebuck	Wright, D. R.
Donatucci	Lloyd	Rooney	Yewcic
Evans	Lucyk	Rudy	Youngblood
Fairchild			

NAYS—103

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

NOT VOTING—0

EXCUSED—2

Hasay 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 as amended?

GERMANENESS OF AMENDMENT A6168 RECONSIDERED

The SPEAKER pro tempore. The gentleman, Mr. Surra, moves that the vote by which the question of germaneness to amendment A6168 was defeated to HB 1929, PN 2822, be reconsidered.

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

The following roll call was recorded:

YEAS—134

Armstrong	Donatucci	Lucyk	Santoni
Baker	Druce	Maitland	Scrimenti
Bard	Egolf	Manderino	Serafini
Barley	Evans	Markosek	Shaner
Battisto	Fairchild	Mayernik	Snyder, D. W.
Bebko-Jones	Fajt	McCall	Staback
Belardi	Feese	McGeehan	Steelman
Belfanti	Gamble	Melio	Stetler
Bishop	George	Michlovic	Strittmatter
Blaum	Gigliotti	Mundy	Sturla
Boscola	Godshall	Myers	Surra
Boyes	Gordner	Nickol	Tangretti
Bunt	Gruitza	O'Brien	Taylor, J.
Butkovitz	Habay	Olasz	Thomas
Buxton	Haluska	Oliver	Tigue
Caltagirone	Hanna	Perzel	Travaglio
Cappabianca	Herman	Pesci	Trello
Carn	Horsey	Petrarca	Trich
Carone	Itkin	Petrone	Van Horne
Cawley	James	Phillips	Veon
Cohen, M.	Jarolin	Pistella	Vitali
Colafella	Josephs	Platts	Walko
Colaizzo	Kaiser	Preston	Washington
Conti	Keller	Ramos	Waugh
Corpora	Kenney	Readshaw	Williams
Corrigan	Kirkland	Reinard	Wogan
Cowell	Krebs	Rieger	Wozniak
Coy	Kukovich	Roberts	Wright, D. R.
Curry	LaGrotta	Robinson	Wright, M. N.
Daley	Laughlin	Roebuck	Yewcic
DeLuca	Lederer	Rooney	Youngblood
Dermody	Lescovitz	Rubley	
DeWeese	Levdansky	Rudy	Ryan,
DiGirolamo	Lloyd	Sainato	Speaker

NAYS—64

Adolph	Farmer	Lynch	Schroder
Allen	Fichter	Major	Schuler
Argall	Fleagle	Marsico	Semmel
Birmelin	Flick	Masland	Sheehan
Brown	Gannon	McGill	Smith, B.
Browne	Geist	Merry	Smith, S. H.
Chadwick	Gladeck	Miller	Stairs
Civera	Gruppo	Nailor	Steil
Clark	Harhart	Nyce	Stern
Clymer	Hennessey	Pettit	Stish
Cohen, L. I.	Hershey	Pitts	Taylor, E. Z.
Cornell	Hutchinson	Raymond	True
Dempsey	Jadlowiec	Reber	Tulli
Dent	King	Rohrer	Vance
Durham	Lawless	Sather	Zimmerman
Fargo	Lch	Saylor	Zug

NOT VOTING—2

Hess	Micozzie
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EXCUSED—2

Hasay	Mihalich
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The majority having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

On the question recurring,
Will the House sustain the germaneness of the amendment?

The SPEAKER pro tempore. On the question of germaneness of amendment A6168, those who believe the amendment to be germane will vote "aye"; those who believe the amendment to be nongermane will vote "no."

On the question recurring,
Will the House sustain the germaneness of the amendment?

The following roll call was recorded:

YEAS—103

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

NAYS—97

Adolph	Fairchild	Major	Semmel
Allen	Fargo	Marsico	Serafini
Argall	Farmer	Masland	Sheehan
Armstrong	Feese	McGill	Smith, B.
Baker	Fichter	Merry	Smith, S. H.
Bard	Fleagle	Micozzie	Snyder, D. W.
Barley	Flick	Miller	Stairs
Birmelin	Gannon	Nailor	Steil
Boyes	Geist	Nickol	Stern
Brown	Gladeck	Nyce	Stish
Browne	Godshall	O'Brien	Strittmatter
Bunt	Gruppo	Perzel	Taylor, E. Z.
Chadwick	Habay	Pettit	Taylor, J.
Civera	Harhart	Phillips	True
Clark	Hennessey	Pitts	Tulli
Clymer	Herman	Platts	Vance
Cohen, L. I.	Hershey	Raymond	Waugh

Conti	Hess	Reber	Wogan
Cornell	Hutchinson	Reinard	Wright, M. N.
Dempsey	Jadlowiec	Rohrer	Zimmerman
Dent	Kenney	Rubley	Zug
DiGirolamo	King	Sather	
Druce	Lawless	Saylor	Ryan,
Durham	Leh	Schroder	Speaker
Egolf	Lynch	Schuler	

NOT VOTING—0

EXCUSED—2

Hasay Mihalich

The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was declared germane.

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

The clerk read the following amendment No. **A6168**:

Amend Sec. 6, page 5, by inserting between lines 20 and 21

(c) Municipal and residual waste landfills.—The department shall not approve applications for permit modifications for municipal or residual waste landfills that propose to accept and dispose of any hazardous waste.

Amend Sec. 6, page 5, line 21, by striking out “(c)” and inserting
(d)

Amend Sec. 6, page 6, line 1, by striking out “(d)” and inserting
(e)

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

The SPEAKER pro tempore. On the question of the adoption of amendment A6168, are there any members seeking recognition?

The Chair recognizes the gentleman, Mr. George.

Mr. GEORGE. Mr. Speaker, I will not be long. I simply say to you that all of us have a responsibility, and I am most certain that the majority of us today will live up to that responsibility. The people that we have pledged to protect believe in us, and consciously, we should do all we can.

I ask that you affirmatively vote to deny anyone the right to deposit thousands of tons of hazardous material into our water sources. Thank you very much.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Schuylkill County, Mr. Argall.

Mr. ARGALL. Mr. Speaker, my vote on this issue is going to be in the negative. I simply do not feel that I understand enough about this issue to cast a vote without sufficient information. I am also fearful, as I had noted earlier, that by mixing the subjects of hazardous waste and tires, it jeopardizes our efforts, which have now taken more than 10 years to adopt a comprehensive solution to our tire problem in Pennsylvania.

So I will be voting “no.”

The SPEAKER pro tempore. The gentleman from Elk County, Mr. Surra, is recognized.

Mr. SURRA. Thank you, Mr. Speaker.

Mr. Speaker, although this may be a new subject to my colleague, it is a very simple subject. DEP is attempting by regulation to allow the disposal of hazardous waste in municipal waste landfills, Mr. Speaker. That means that your body shops in your area can dump up to 2,400 pounds a year — more than that — of lacquer thinner and paint waste in your municipal waste landfills; up to 2,400 pounds of lead or 2,400 pounds of mercury.

Mr. Speaker, we ought not be depositing hazardous waste in municipal waste landfills. This allows the bill to do two good things, Mr. Speaker. It allows us to cut down on the huge tire stockpiles and allows us to try to further our recycling efforts in waste tires, and it also allows us to keep hazardous waste in hazardous waste landfills.

Mr. Speaker, the number of small generators in the Commonwealth of Pennsylvania combined, if we allow hazardous waste to be disposed of in municipal waste landfills, will allow 12 million pounds of hazardous waste to be disposed of improperly. Over 12 million pounds, Mr. Speaker, of hazardous waste will be disposed of in our municipal waste landfills.

So I encourage this body to do two good things today, and vote “yes” on the George amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny County, Mr. Levdansky.

Mr. LEVDANSKY. Thank you, Mr. Speaker.

Mr. Speaker, while this amendment and the subject that it contains is not perhaps something that a lot of members or most of the members in this chamber have spent a lot of time studying, I think it is safe to say that it is an issue that we all ought to have been aware of.

It was in 1987 that this General Assembly passed Act 101, the municipal waste reduction and recycling act here in Pennsylvania, and pursuant to the passage of Act 101, the contents of Act 101, and the regulations that were promulgated and adopted by DER after Act 101's implementation, Pennsylvania now has the most stringent, the most stringent, environmentally sensitive and protective regulations on landfill siting I believe in the United States. We have forced our landfills in our State to put in place modern, sophisticated technology to monitor groundwater, to put in double liners for leachate collection systems to collect and treat leachate. We put in systems for methane gas systems. We have required very sophisticated regulations to make our landfills as environmentally safe as possible. We did that, Mr. Speaker, and forced the private sector in this Commonwealth to spend perhaps hundreds of millions if not billions of dollars to comply with those regulations.

Now, we have undertaken that process since 1987, and now what the new DEP is basically saying is we are going to go backwards from those stringent, environmentally safe regulations that we have had on the books since 1987. I think it is absolutely ridiculous for us to be backsliding on the issue of hazardous waste.

Let me also point out to you that it is very, very— It just does not make any sense that we are going to permit hazardous waste from small generators to go into our landfills when at the same time DEP has in place a program to promote the recycling of household waste to remove the kinds of hazardous wastes that are generated by each of us in our households, with our paint thinners and our used cans of paint that we are not going to use anymore.

DEP has a very good program to promote the recycling of household waste. Why? In order to remove it from the municipal waste landfill stream. So on one hand we are saying we need to take our household hazardous waste out of the municipal landfills,

and on the other hand DER is going to permit small generators, which one day will become medium generators to large generators of hazardous waste, to dump that into the landfills. That just does not make any sense, Mr. Speaker.

On the merits, this amendment deserves support. HB 1929, Dave Argall's tire recycling bill, is a good piece of legislation that merits all of our support, but I would submit to you that the Bud George amendment is an excellent amendment that we ought to consider and approve at the same time to make sure, to make sure that our landfills remain as environmentally safe as is technologically and economically possible.

I urge support for the George amendment.

The SPEAKER pro tempore. The Chair recognizes the lady from Butler County, Ms. Carone.

Ms. CARONE. Thank you, Mr. Speaker.

I would appreciate it if the prime sponsor of this amendment would stand for interrogation.

The SPEAKER pro tempore. The gentleman, Mr. George, indicates that he is willing to stand for interrogation. You are in order, and you may proceed.

Ms. CARONE. Thank you very much, Mr. Speaker.

Mr. Speaker, this is not my subject area; I do not serve on the appropriate committee to have all the answers, so I am looking for the answer to the following question: The issue of the department allowing hazardous waste, a modest amount that could still be dangerous, to be put in municipal landfills, at what stage in the regulation process is this?

Mr. GEORGE. I am apprised that it has passed in its proposal and is awaiting the final regs.

Ms. CARONE. And this is the Environmental Quality Board that would be approving this?

Mr. GEORGE. Yes.

Ms. CARONE. Do you know when the Environmental Quality Board intends to put it on its calendar to be voted for approval?

Mr. GEORGE. I really cannot tell you how soon. That is why we felt we had better do something very quickly on this matter.

Ms. CARONE. If the Environmental Quality Board approves in final form that regulation, does the legislature have any opportunity to examine or to give its indication of approval or disapproval?

Mr. GEORGE. I do not see how that would be any different than what we have done over the years in that the only way that you could show your disapproval, I would believe, would be with a concurrent resolution of both Houses. You know, you have been here long enough, Mr. Speaker, to know that that is pretty difficult.

Ms. CARONE. I am not sure how difficult it would be on an issue of this significance.

The point that I am trying to raise for the members is, we do have time to address this issue. It is not regulation. The Environmental Quality Board has proposed it; they have not finalized it. I truly believe that this bill that has been worked on for so long to begin to address the scrap tire pile will not succeed to become law if we add a second important issue to it.

I stand ready to help the chairman of the committee, Representative George, and all others in this chamber to make certain that municipal landfills remain safe, and I, too, am concerned about this issue, but I would argue a "no" vote at this time. Thank you.

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

The following roll call was recorded:

YEAS—155

Baker	Fargo	Lynch	Serafini
Bard	Feese	Maitland	Shaner
Battisto	Fleagle	Manderino	Sheehan
Bebko-Jones	Gamble	Markosek	Smith, B.
Belardi	Geist	Mayernik	Smith, S. H.
Belfanti	George	McCall	Snyder, D. W.
Bishop	Gigliotti	McGeehan	Staback
Blaum	Gordner	Melio	Stairs
Boscola	Gruitza	Michlovic	Steelman
Boyes	Gruppo	Mundy	Stern
Brown	Habay	Myers	Stetler
Browne	Haluska	Nickol	Stish
Butkovitz	Hanna	Nyce	Sturla
Buxton	Harhart	Olasz	Surra
Caltagirone	Hennessey	Oliver	Tangretti
Cappabianca	Herman	Pesci	Taylor, E. Z.
Carn	Hess	Petrarca	Taylor, J.
Carone	Horsely	Petrone	Thomas
Cawley	Hutchinson	Phillips	Tigue
Clark	Itkin	Pistella	Travaglio
Cohen, M.	Jadlowiec	Platts	Trello
Colafella	James	Preston	Trich
Colaizzo	Jarolin	Ramos	True
Conti	Josephs	Readshaw	Van Horne
Corpora	Kaiser	Reinard	Veon
Corrigan	Keller	Rieger	Vitali
Cowell	Kenney	Roberts	Walko
Coy	King	Robinson	Washington
Curry	Kirkland	Roebuck	Wauth
Daley	Krebs	Rooney	Williams
DeLuca	Kukovich	Rublely	Wogan
Dent	LaGrotta	Rudy	Wozniak
Dermody	Laughlin	Sainato	Wright, D. R.
DeWeese	Lawless	Santoni	Wright, M. N.
Donatucci	Lederer	Sather	Yewcic
Egolf	Lescovitz	Schroder	Youngblood
Evans	Levdansky	Schuler	Zimmerman
Fairchild	Lloyd	Scrimenti	Zug
Fajt	Lucyk	Semmel	

NAYS—45

Adolph	Dempsey	Major	Raymond
Allen	DiGirolamo	Marsico	Reber
Argall	Druce	Masland	Rohrer
Armstrong	Durham	McGill	Saylor
Barley	Farmer	Merry	Steil
Birmelin	Fichter	Micozzie	Strittmatter
Bunt	Flick	Miller	Tulli
Chadwick	Gannon	Nailor	Vance
Civera	Gladeck	O'Brien	
Clymer	Godshall	Perzel	Ryan,
Cohen, L. I.	Hershey	Pettit	Speaker
Cornell	Leh	Pitts	

NOT VOTING—0

EXCUSED—2

Hasay	Mihalich
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The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

REMARKS SUBMITTED FOR THE RECORD

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

Mr. REBER. Thank you, Mr. Speaker.

Mr. Speaker, I have some remarks I would like to submit for the record.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The department is proposing to allow Conditionally Exempt Small Quantity Generators (CESQGs) to dispose of the hazardous waste that they generate in municipal waste landfills (mwlfs). This should reduce disposal costs for CESQGs versus hazardous waste landfills. This will accomplish three main objectives:

1. Reduce threats to human health and the environment through the elimination of illegal disposal on the ground or in sewer systems.

2. Level the playing field for Pennsylvania CESQGs by reducing their disposal costs to make them comparable to that of CESQGs located in States that have already adopted the program.

3. Further bring Pennsylvania's hazardous waste regulations into conformance with the Federal program. The proposed regulations closely follow the Federal rule.

Prior to the adoption of its CESQG rule, EPA did a survey (National Small Quantity Generator Hazardous Waste survey) that included approximately 55,000 establishments nationally covering over 125 industry types. The survey found that most of the CESQGs were vehicle maintenance facilities producing 54 percent of the CESQGs waste, most of which is recycled. Dry cleaners were the next largest category generating 5 percent of the waste with other non-manufacturing facilities at less than 5 percent each. Metals manufacturing facilities and printers produced 6 percent and 5 percent respectively in the manufacturing sector.

The survey estimates that CESQGs generate only 7 percent of all hazardous waste generated nationally, and that lead acid batteries make up over 60 percent of this waste. Eighty percent of all CESQG waste is managed off site and over 73 percent of this is recycled. Of the approximately 20 percent of the waste that is managed on site 56 percent goes into sewers and septic systems. Some onsite treatment and recycling is also used. This still leaves a high percentage of the waste managed on site unaccounted for. Survey results on a sample county in Maryland indicate that the waste was dumped into sewers without knowledge of the treatment plant, dumped onto the ground or left out into the open to evaporate into the air. This type of management is not restricted to Maryland and probably occurs in all States.

By allowing CESQG wastes to be disposed of in municipal waste landfills, sewerage, dumping onto the ground and evaporation can be reduced. Disposing of hazardous waste at hazardous waste landfills is very expensive. Disposal costs are significantly higher than disposal costs at municipal waste facilities and because Pennsylvania does not have any permitted hazardous waste landfills, transportation costs are also significant.

Disposal at municipal waste landfills in Pennsylvania would not "just happen." It would only occur with department approval of the landfill's application to accept the waste. Without approval such disposal is not

allowed. All municipal waste landfills in Pennsylvania meet or exceed Federal standards for such facilities and are double-lined and constructed like hazardous waste landfills. Pennsylvania landfills already receive a substantial amount of hazardous waste that is disposed of from residences in the State.

Adoption of the rule does not mean that landfills will immediately accept CESQG hazardous waste. In many instances corporate decisions have been made by these facilities not to knowingly accept any hazardous waste, for fear of the Superfund statutes.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Schuylkill County, Mr. Argall.

Mr. ARGALL. Mr. Speaker, I can be almost as quick.

I just want to thank the members of this House for their indulgence. I know we have spent a lot of time on this issue. It has been a long time getting this issue back to the floor of the House. I want to thank the staff, both Republican and Democrat, on both the joint committee and the standing committee, who have devoted an extraordinary amount of time to this issue, and I look forward to working with our brethren on the other side of this building in seeing that waste tire piles are a thing of the past in the very near future. Thank you very much.

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—200

Adolph	Egolf	Lynch	Saylor
Allen	Evans	Maitland	Schroder
Argall	Fairchild	Major	Schuler
Armstrong	Fajt	Manderino	Scrimenti
Baker	Fargo	Markosek	Semmel
Bard	Farmer	Marsico	Serafini
Barley	Feese	Masland	Shaner
Battisto	Fichter	Mayernik	Sheehan
Bebko-Jones	Fleagle	McCall	Smith, B.
Belardi	Flick	McGeachan	Smith, S. H.
Belfanti	Gamble	McGill	Snyder, D. W.
Birmelin	Gannon	Melio	Staback
Bishop	Geist	Merry	Stairs
Blaum	George	Michlovic	Steelman
Boscota	Gigliotti	Micozzie	Steil
Boyes	Gladeck	Miller	Stern
Brown	Godshall	Mundy	Stetler
Browne	Gordner	Myers	Stish
Bunt	Gruitza	Nailor	Strittmatter
Butkovitz	Gruppo	Nickol	Sturla
Buxton	Habay	Nyce	Surra
Caltagirone	Haluska	O'Brien	Tangretti
Cappabianca	Hanna	Olasz	Taylor, E. Z.
Carn	Harhart	Oliver	Taylor, J.
Carone	Hennessey	Perzel	Thomas
Cawley	Herman	Pesci	Tigue
Chadwick	Hershey	Petrarca	Travaglio
Civera	Hess	Petrone	Trello
Clark	Horsey	Pettit	Trich
Clymer	Hutchinson	Phillips	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
Cowell	King	Reinard	Williams

Coy	Kirkland	Rieger	Wogan
Curry	Krebs	Roberts	Wozniak
Daley	Kukovich	Robinson	Wright, D. R.
DeLuca	LaGrotta	Roebuck	Wright, M. N.
Dempsey	Laughlin	Rohrer	Yewcic
Dent	Lawless	Rooney	Youngblood
Dermody	Lederer	Rubley	Zimmerman
DeWeese	Leh	Rudy	Zug
DiGirolamo	Lescovitz	Sainato	
Donatucci	Levdansky	Santoni	Ryan,
Druce	Lloyd	Sather	Speaker
Durham	Lucyk		

NAYS-0

NOT VOTING-0

EXCUSED-2

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

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

RULES SUSPENDED

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

Mr. DERMODY. Mr. Speaker, I want to make a motion to suspend the rules for immediate consideration of SB 652 and amendment 6148.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The gentleman is in order.

The question before the House is the motion to suspend the rules to permit immediate consideration of SB 652 along with amendment A6148.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS-189

Adolph	Durham	Lucyk	Saylor
Allen	Egolf	Major	Schroder
Argall	Evans	Manderino	Schuler
Armstrong	Fairchild	Markosek	Scrimenti
Baker	Fajt	Marsico	Semmel
Bard	Fargo	Masland	Serafini
Barley	Farmer	Mayernik	Shaner
Battisto	Feese	McCall	Sheehan
Bebko-Jones	Fichter	McGeehan	Smith, B.
Belardi	Fleagle	McGill	Smith, S. H.
Belfanti	Flick	Melio	Snyder, D. W.
Birmelin	Gamble	Merry	Staback
Bishop	Gannon	Michlovic	Stairs
Blaum	Geist	Micozzie	Stern
Boscola	George	Miller	Stetler
Boyes	Gigliotti	Mundy	Stish
Brown	Gladeck	Myers	Strittmatter
Browne	Godshall	Nailor	Sturla
Bunt	Gordner	Nickol	Surra

Butkovitz	Gruitza	Nyce	Tangretti
Buxton	Habay	O'Brien	Taylor, E. Z.
Caltagirone	Haluska	Olasz	Taylor, J.
Cappabianca	Harhart	Oliver	Thomas
Carn	Hennessey	Perzel	Travaglio
Cawley	Herman	Pesci	Trello
Chadwick	Hershey	Petrarca	Trich
Civera	Hess	Petrone	True
Clark	Horsey	Petit	Tulli
Clymer	Hutchinson	Phillips	Vance
Cohen, L. I.	Itkin	Pistella	Van Horne
Cohen, M.	Jadlowiec	Pitts	Veon
Colafrilla	James	Preston	Vitali
Colaizzo	Jarolin	Ramos	Walko
Conti	Josephs	Raymond	Washington
Cornell	Kaiser	Readshaw	Waugh
Corpora	Keller	Reber	Williams
Corrigan	Kenney	Reinard	Wogan
Cowell	King	Rieger	Wozniak
Coy	Kirkland	Roberts	Wright, D. R.
Curry	Kukovich	Robinson	Wright, M. N.
Daley	LaGrotta	Roebuck	Yewcic
DeLuca	Laughlin	Rohrer	Youngblood
Dempsey	Lawless	Rooney	Zimmerman
Dent	Lederer	Rubley	Zug
Dermody	Leh	Rudy	
DeWeese	Lescovitz	Sainato	Ryan,
DiGirolamo	Levdansky	Santoni	Speaker
Donatucci	Lloyd	Sather	

NAYS-10

Carone	Krebs	Platts	Steil
Druce	Lynch	Steelman	Tigue
Hanna	Maitland		

NOT VOTING-1

Gruppo

EXCUSED-2

Hasay	Mihalich
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A majority of the members elected to the House having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 652, PN 1582**, entitled:

An Act amending the act of July 28, 1953 (P. L. 723, No. 230), entitled, as amended, "Second Class County Code," providing for the collection of taxes on real property from rent payable by tenants; further providing for the collection of tax and municipal claims by suit, for the interest rate on contributions when a person is separated from service, for an organizational meeting and for employees eligible for retirement allowance; providing for the purchase of credit for service immediately following original employment; further providing for eligibility for retirement allowances and for requirements for credit for previous service; providing for deputy fire marshals; and making a repeal.

On the question,

Will the House agree to the bill on third consideration?

Mr. **DERMODY** offered the following amendment No. **A6148**:

Amend Title, page 1, line 14, by inserting after "for"
clerk of courts fees and for

Amend Title, page 1, line 14, by striking out "a repeal" and
inserting

repeals

Amend Bill, page 11, by inserting between lines 5 and 6

Section 6. The act is amended by adding a section to read:

Section 1801.1. Clerk of Courts Fees.—(a) The fees to be charged and collected by the clerk of courts in counties of the second class shall be as follows:

(1) A fee of not less than fifty dollars (\$50) nor more than one hundred fifty dollars (\$150) for all proceedings in all misdemeanor and felony cases disposed of at any time during or after trial.

(2) A fee of not less than thirty dollars (\$30) nor more than one hundred twenty-five dollars (\$125) for all proceedings in all misdemeanor and felony cases disposed of before trial.

(3) The fees referred to in paragraphs (1) and (2) shall be set by the clerk of courts.

(4) A fee of twenty-five dollars (\$25) for all proceedings in summary matters.

(5) A fee of ten dollars (\$10) for all certifications.

(6) A fee of fifteen dollars (\$15) for all other matters filed in the office and for all reports prepared by the clerk except that no fee shall be charged for filing township and borough audit reports or transcripts received which indicate a final disposition by the district justice.

(7) A fee of forty dollars (\$40) for the filing of an appeal from a summary conviction before a district justice.

(8) A fee of forty-five dollars (\$45) for an appeal from the court of common pleas to an appellate court.

(9) A fee of five cents (5¢) per dollar for the first one thousand dollars (\$1,000) and two cents (2¢) per dollar for each additional one thousand dollars (\$1,000) or fraction thereof for the handling of money paid into court.

(b) In counties of the second class, the clerk of courts may establish, modify or eliminate fees and charges, including the fees set forth in subsection (a) of this section, with the approval of the president judge. The clerk of courts shall collect such fees and charges and may establish, with the approval of the president judge, the manner in which such fees and charges shall be collected.

(c) Ten per centum of the fees and charges collected by the clerk of courts under this section shall be deposited into a special clerk of courts computer fund established in each county of the second class. In the alternative, the clerk of courts may, with the approval of the president judge, impose and collect a surcharge on some or all of the fees and charges collected under this section; and the surcharge collected shall be deposited into the special clerk of courts computer fund. Moneys in the special fund shall be used solely for the purpose of computerizing the office of the clerk of courts.

Amend Sec. 6, page 11, line 6, by striking out "6" and inserting
7

Amend Sec. 7, page 12, line 13, by striking out "7" and inserting
8

Amend Sec. 8, page 16, line 20, by striking out "8" and inserting
9

Amend Sec. 8 (Sec. 3301), page 16, lines 26 through 29, by striking out all of said lines and inserting

Section 24 of the act, approved the sixteenth day of May, one thousand nine hundred twenty-three (Pamphlet Laws 207), entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds

of such sales, and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," as to counties of the second class.

The act, approved the eighteenth day of June, one thousand nine hundred eighty-two (Pamphlet Laws 547), entitled "An act establishing the fees to be charged and collected by the clerk of courts in second, second class A, third, fourth, fifth, sixth, seventh and eighth class counties and home rule counties," as to counties of the second class.

Section 10. All acts and parts of acts are repealed insofar as they are inconsistent with section 1801.1 of the act.

Amend Sec. 9, page 16, line 30, by striking out "9" and inserting

11

On the question,

Will the House agree to the amendment?

The **SPEAKER** pro tempore. On that question, the Chair recognizes the gentleman from Allegheny County, Mr. Dermody.

Mr. **DERMODY**. Thank you, Mr. Speaker.

Mr. Speaker, this amendment places the fee schedule for the clerk of courts for counties of the second class in the Second Class County Code. It provides for a fee increase for the clerk of courts in second-class counties. It is the first fee increase since 1982.

Mr. Speaker, one-third of the operating costs of the clerk of courts of Allegheny County comes from the county's general fund. That subsidy is increasing each year. This fee increase will give the clerk of courts the ability to reduce that subsidy and reduce the burden on the taxpayers and have the people who use the clerk of courts pay for the services that they get from the clerk of courts.

This amendment would also allow the clerk of courts, with the approval of the president judge, to establish, modify, or eliminate fees. Now, last year we passed a fee bill for the prothonotaries and the registers of wills for second-class counties. All this amendment would do is it would make the clerk of courts consistent with the other row officers.

It would also set up a computer fund. It would allow the clerk of courts to have a surcharge or a percentage of their fee to go to computerizing the clerk of courts of Allegheny County to make it a more efficient and cost-effective office.

It is my understanding also that the newly elected county commissioners of Allegheny County support this amendment. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—177

Adolph	Durham	Major	Schuler
Armstrong	Evans	Manderino	Scrimenti
Baker	Fairchild	Markosek	Semmel
Bard	Fajt	Marsico	Serafini
Barley	Farmer	Masland	Shaner
Battisto	Feese	Mayernik	Smith, B.
Bebko-Jones	Fichter	McCall	Snyder, D. W.
Belardi	Fleagle	McGeehan	Staback
Belfanti	Flick	McGill	Stairs
Birmelin	Gamble	Melio	Steelman

Bishop	Geist	Merry	Steil
Blaum	George	Michlovic	Stern
Boscola	Gigliotti	Micozzie	Stetler
Boyes	Gladeck	Miller	Stish
Bunt	Godshall	Mundy	Strittmatter
Butkovitz	Gordner	Myers	Sturla
Buxton	Gruitza	Nycc	Surra
Caltagirone	Gruppo	O'Brien	Tangretti
Cappabianca	Haluska	Olasz	Taylor, E. Z.
Carn	Hanna	Oliver	Taylor, J.
Carone	Hennessey	Perzel	Thomas
Cawley	Herman	Pesci	Tigue
Chadwick	Hershey	Petrarca	Travaglio
Civera	Hess	Petrone	Trello
Clark	Horsey	Pettit	Trich
Clymer	Itkin	Phillips	True
Cohen, L. I.	James	Pistella	Tulli
Cohen, M.	Jarolin	Pitts	Vance
Colafella	Josephs	Preston	Van Horne
Colaizzo	Kaiser	Ramos	Veon
Conti	Keller	Raymond	Vitali
Cornell	Kenney	Readshaw	Walko
Corpora	King	Reber	Washington
Corrigan	Kirkland	Reinard	Williams
Cowell	Krebs	Rieger	Wogan
Coy	Kukovich	Roberts	Wozniak
Curry	LaGrotta	Robinson	Wright, D. R.
Daley	Laughlin	Roebuck	Wright, M. N.
DeLuca	Lawless	Rooney	Yewcic
Dempsey	Lederer	Rubley	Youngblood
Dermody	Leh	Rudy	Zimmerman
DeWeese	Lescovitz	Sainato	
DiGirolamo	Levdansky	Santoni	Ryan,
Donatucci	Lloyd	Sather	Speaker
Druce	Lucyk	Schroder	

NAYS—23

Allen	Fargo	Lynch	Saylor
Argall	Gannon	Maitland	Sheehan
Brown	Habay	Nailor	Smith, S. H.
Browne	Harhart	Nickol	Waugh
Dent	Hutchinson	Platts	Zug
Egolf	Jadlowiec	Rohrer	

NOT VOTING—0

EXCUSED—2

Hasay	Mihalich
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The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

(Members proceeded to vote.)

VOTE STRICKEN

Mr. FAJT. Mr. Speaker?

The SPEAKER pro tempore. The clerk will strike the vote.

Mr. FAJT. Thank you.

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

Mr. FAJT. Mr. Speaker, I would like to ask that this bill be gone over temporarily.

The SPEAKER pro tempore. The Chair would recommend that you speak with the majority leader or the majority whip with regard to that request.

RULES COMMITTEE MEETING

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

BILLS ON CONCURRENCE
REPORTED FROM COMMITTEE

HB 406, PN 2927 (Amended)

By Rep. PERZEL

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as The Administrative Code of 1929, further providing for the Board of Commissioners of Public Grounds and Buildings; and providing for additional duties of the Department of Corrections in relation to prison inmate medical needs and for seasonal farm labor; providing for a study of pharmacy prices; further providing for the duties of the Department of General Services relating to certain contracts for modular facilities; and making repeals.

RULES.

HB 602, PN 2903

By Rep. PERZEL

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, further providing for financial requirements, for agents, for prohibition of commissions and other considerations, for rate filing, for making of rates and for penalties; further providing for the operation of the Pennsylvania Property and Casualty Insurance Guaranty Association, for covered claims and for loans to companies; and providing for conditions with respect to escrow, closing and settlement services and title indemnification accounts and for division of fees; providing for mutual to stock conversion and for contributions to surplus; further providing for investment; providing for additional investment authority for subsidiaries; and making repeals.

RULES.

HB 1582, PN 2905

By Rep. PERZEL

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, renaming the Department of Military Affairs as the Department of Military and Veterans Affairs; reenacting provisions relating to the Pennsylvania Veterans' Memorial Commission; and extending the expiration date of the commission.

RULES.

HB 2189, PN 2878

By Rep. PERZEL

An Act amending the act of July 5, 1989 (P.L.166, No.31), known as the Phosphate Detergent Act, further providing for prohibition on certain cleaning agents; and changing the expiration date.

RULES.

BILL REMOVED FROM TABLE

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

Mr. PERZEL. Mr. Speaker, I move that SB 684 be removed from the table.

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

VOTE CORRECTIONS

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Strittmatter, who indicates that he was recorded in the negative on amendment A6168 to HB 1929 and that he wished to be recorded in the positive. The gentleman's remarks will be spread upon the record.

The Chair recognizes the gentleman, Mr. Lescovitz.

Mr. LESCOVITZ. Thank you, Mr. Speaker.

To correct the record.

The SPEAKER pro tempore. The gentleman is in order.

Mr. LESCOVITZ. Yesterday on amendment 5852 to HB 2191, I was not recorded. I would like to be recorded in the affirmative.

The SPEAKER pro tempore. Are there any other members who would like to correct the record at this time?

The Chair recognizes the gentleman from Lancaster County, Mr. Armstrong.

Mr. ARMSTRONG. Thank you.

Mr. Speaker, on amendment 6168 on HB 1929, I was wrongly voted in the "no," and I want to be voted in the "yes."

The SPEAKER pro tempore. The gentleman's remarks will be spread upon the record.

The Chair recognizes the lady from Philadelphia, Ms. Washington.

Ms. WASHINGTON. Thank you, Mr. Speaker.

On HB 2191 my switch did not function, and I would like to be recorded in the affirmative.

The SPEAKER pro tempore. The Chair thanks the lady, and her remarks will be spread upon the record.

Ms. WASHINGTON. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Myers.

Mr. MYERS. Mr. Speaker, yesterday on the vote on amendment A6017 to HB 2073, my vote was not registered, which my vote was in the affirmative. I would like for it to be cast at this point.

The SPEAKER pro tempore. The Chair thanks the gentleman. His remarks will be spread upon the record.

The Chair recognizes the lady, Ms. Washington, from Philadelphia.

Ms. WASHINGTON. Thank you, Mr. Speaker.

Also, my switch did not function on amendment 5946, and I would like to be recorded in the affirmative. Thank you.

The SPEAKER pro tempore. The lady's remarks will be spread upon the record.

Mr. SURRA. Mr. Speaker?

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

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

The SPEAKER pro tempore. The gentleman is in order.

Mr. SURRA. Thank you, Mr. Speaker.

Mr. Speaker, yesterday on HB 881, amendment 6063, I was recorded in the negative and I wish to be recorded in the affirmative.

The SPEAKER pro tempore. The Chair thanks the gentleman. The gentleman's remarks will be spread upon the record.

Mr. SURRA. Thank you, Mr. Speaker.

CONSIDERATION OF SB 652 CONTINUED

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.

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER pro tempore. The clerk will strike the vote.

MOTION TO PASS OVER TEMPORARILY

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

Mr. FAJT. Mr. Speaker, I would like to temporarily go over the bill for the purpose of offering an amendment to the bill, which I would like to offer.

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

Mr. BARLEY. Thank you, Mr. Speaker.

I oppose the motion to go over the bill.

The SPEAKER pro tempore. Did the gentleman, Mr. Fajt, wish to frame that in the form of a motion?

Mr. FAJT. Yes, I would, Mr. Speaker.

Could you tell me, advise me, what the proper motion would be?

The SPEAKER pro tempore. The motion would simply be to pass the bill over temporarily.

Mr. FAJT. That would be my motion then, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question,

Will the House agree to the motion?

The SPEAKER pro tempore. Does the gentleman, Mr. Barley, seek recognition on the motion?

Mr. BARLEY. Thank you, Mr. Speaker.

Again, I would oppose the motion to pass over the bill.

Mr. DeWEESE. Mr. Speaker?

The SPEAKER pro tempore. Who seeks recognition?

The Chair recognizes the gentleman, Mr. DeWeese.

Mr. DeWEESE. Would the gentleman, Mr. Barley, submit to a brief interrogation?

The SPEAKER pro tempore. Will the gentleman, Mr. Barley, submit to interrogation?

The gentleman indicates he will. You are in order and may proceed.

Mr. DeWEESE. Would the gentleman from Lancaster please benefit the House by a brief explanation as to why he would not allow the gentleman from Pittsburgh to prepare an amendment?

This is going to probably be a long evening, and we do probably have time, so out of a matter of respect, I would like the gentleman's perspective as to why he will disallow and ask his caucus to not allow the gentleman, Mr. Fajt, to prepare a brief amendment.

Mr. BARLEY. Mr. Speaker, you and I both understand that throughout the process there is a lot of give-and-take here, and no one in this House, I think, is any more flexible than the Democrat leader. We have had a lot of conversation. We have had give-and-take. We have had conversation here at the podium, here at the leader's desk, and in the spirit of cooperation, we had the back-and-forth conversation and the informal agreements with members of your leadership that they were in agreement with us that this bill should pass as it is before us this evening.

There are issues that other individuals are proposing by way of an amendment. We have discussed with the individuals that are concerned about the amendment and assured them that we would allow the process to work, the committee process, and would consider their ideas in bill form and run it through as a bill.

So I think, again, in the fray of things, as you so often refer, and the back-and-forth and in the spirit of working together, I think that voting this this evening, as the informal agreement that we had, I think, would be the appropriate thing to do, and that is why I am suggesting that we proceed that way.

Mr. DeWEESE. I thank the gentleman for his reflections. I think the gentleman, Mr. Fajt, from Allegheny would like recognition. Thank you, Mr. Speaker. Thank you, Mr. Barley.

The SPEAKER pro tempore. Does the gentleman, Mr. Fajt, seek recognition?

Mr. FAJT. Yes, Mr. Speaker.

The SPEAKER. The gentleman is in order.

Mr. FAJT. Mr. Speaker, I would like to change the motion to pass over the bill to a motion to suspend the rules so that I may offer the DeLuca amendment. I am listed as a cosponsor of that amendment, and I would like to make a motion to suspend the rules so that I may offer this amendment.

The SPEAKER. Would the gentlemen, Mr. DeLuca and Mr. Fajt, please come to the desk.

(Conference held at Speaker's podium.)

RULES SUSPENDED

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny County, Mr. DeLuca.

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, I would like to make a motion to suspend the rules so that I can introduce amendment A6311 to SB 652.

PARLIAMENTARY INQUIRY

Mr. DeWEESE. Mr. Speaker, point of parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state the point.

Mr. DeWEESE. Are we not at this moment under the Mr. Fajt motion?

The SPEAKER pro tempore. My understanding from a discussion with Mr. Fajt was that he withdrew the motion so that Mr. DeLuca could make it.

Mr. DeWEESE. With all due respect and with the intercession of the Parliamentarian, I think it would be appropriate if that was spread across the record before we go on to further business.

The SPEAKER pro tempore. I guess it just was. Thank you.

On the question,

Will the House agree to the motion?

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

Mr. BARLEY. Thank you, Mr. Speaker.

We have had, again, a time of give-and-take and discussion, and we have been able to work out the situation. I support the suspension of the rules for the purpose only of offering the DeLuca amendment.

The SPEAKER pro tempore. Those in favor of the motion to suspend the rules for the purpose of permitting consideration of amendment A6311 will vote "aye"; those opposed will vote "no."

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—189

Adolph	Druce	Lloyd	Saylor
Allen	Durham	Lucyk	Schroder
Argall	Evans	Major	Schuler
Armstrong	Fairchild	Manderino	Scrimenti
Baker	Fajt	Markosek	Semmel
Bard	Fargo	Marsico	Serafini
Barley	Farmer	Masland	Shaner
Battisto	Feese	Mayernik	Sheehan
Bebko-Jones	Fichter	McCall	Smith, B.
Belardi	Fleagle	McGeehan	Smith, S. H.
Belfanti	Flick	McGill	Snyder, D. W.
Birmelin	Gamble	Melio	Staback
Bishop	Gannon	Merry	Stairs
Blaum	Geist	Michlovic	Stern
Boscola	George	Micozzie	Stetler
Boyes	Gigliotti	Miller	Stish
Brown	Gladeck	Mundy	Strittmatter
Browne	Godshall	Myers	Sturla
Bunt	Gordner	Nickol	Surra
Butkovitz	Gruitza	Nyce	Tangretti
Buxton	Gruppo	O'Brien	Taylor, E. Z.
Caltagirone	Habay	Olasz	Taylor, J.
Cappabianca	Haluska	Oliver	Thomas
Carn	Harhart	Perzel	Travaglio
Cawley	Hennessey	Pesci	Trello
Chadwick	Herman	Petrarca	Trich
Civera	Hershey	Petrone	True
Clark	Hess	Pettit	Tulli
Clymer	Horsey	Phillips	Vance
Cohen, L. I.	Hutchinson	Pistella	Van Horne

Cohen, M.	Itkin	Pitts	Veon
Colaella	Jadlowiec	Preston	Vitali
Colaizzo	James	Ramos	Walko
Conti	Jarolin	Raymond	Washington
Cornell	Josephs	Readshaw	Waugh
Corpora	Kaiser	Reber	Williams
Corrigan	Keller	Reinard	Wogan
Cowell	Kenney	Rieger	Wozniak
Coy	King	Roberts	Wright, D. R.
Curry	Kirkland	Robinson	Wright, M. N.
Daley	Kukovich	Roebuck	Yewcic
DeLuca	LaGrotta	Rohrer	Youngblood
Dempsey	Laughlin	Rooney	Zimmerman
Dent	Lawless	Rubley	Zug
Dermody	Lederer	Rudy	
DeWeese	Leh	Sainato	Ryan,
DiGirolamo	Lescovitz	Santoni	Speaker
Donatucci	Levdansky	Sather	

NAYS-11

Carone	Krebs	Nailor	Steil
Egolf	Lynch	Platts	Tigue
Hanna	Maitland	Steelman	

NOT VOTING-0

EXCUSED-2

Hasay Mihalich

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

DECISION OF CHAIR RESCINDED

The SPEAKER pro tempore. Without objection, the Chair rescinds its announcement that the bill has been agreed to for the third time as amended.

On the question recurring,

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

Mr. DeLUCA offered the following amendment No. A6311:

Amend Title, page 1, line 14, by inserting after "for"
amending budgets and for

Amend Bill, page 11, by inserting between lines 5 and 6
Section 6. The act is amended by adding a section to read:

Section 1981.1. Amending Budget; Notice.—(a) During the month of January next following any municipal election the commissioners of a county of the second class may amend the budget and the levy and tax rate to conform with its amended budget. A period of ten days' public inspection at the office of the county commissioners of the proposed amended budget, after notice by the county commissioners to that effect is published once in a newspaper as provided in section 110, shall intervene between the proposed amended budget and the adoption thereof. Any amended budget must be adopted by county commissioners on or before the fifteenth day of February.

(b) No such proposed amended budget shall be revised upward in excess of ten per centum (10%) in the aggregate thereof or as to an individual item in excess of twenty-five per centum (25%) of the amount of such individual item in the proposed amended budget.

(c) Within fifteen days after the adoption of an amended budget the county commissioners shall file a copy thereof in the office of the Department of Community Affairs.

Amend Sec. 6, page 11, line 6, by striking out "6" and inserting
7

Amend Sec. 7, page 12, line 13, by striking out "7" and inserting
8

Amend Sec. 8, page 16, line 20, by striking out "8" and inserting
9

Amend Sec. 9, page 16, line 30, by striking out "9" and inserting
10

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman, Mr. DeLuca, from Allegheny County.

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, amendment A6311 addresses an issue pertaining to Allegheny County, Second Class County Code, which is silent as far as newly elected officials being able to reopen a budget when a lameduck body enacts a budget prior to them taking office. It is the only county that does not give the newly elected commissioners the right to do that.

So therefore, all amendment A6311 says is it conforms to the other— I think there are about five or six county codes out there. This makes it conform to the rest of the county codes that permit their newly elected commissioners to reopen the budget in case they want to. It does not say they have to. It just gives them the authority to do it.

I certainly would appreciate the support of the membership here on this amendment.

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

Mr. KAISER. Thank you, Mr. Speaker.

I rise in support of the DeLuca amendment.

Last month Allegheny County elected two new county commissioners, and their theme throughout the campaign was, we want to reduce property taxes by 20 percent. If you are from Allegheny County, if you heard it once, you heard it a thousand times: We want to reduce property taxes by 20 percent.

The last thing I would want to do is to put handcuffs on two newly elected county officials, and if we do not pass the DeLuca amendment, that is what we are going to do to the county commissioners in Allegheny County — we will be placing handcuffs on them.

Mr. Speaker, we want to reduce property taxes; it is that simple, and we have to give the new county commissioners an opportunity to do that. That is why I ask everyone in this chamber to support the DeLuca amendment. I think it is the right way to go. I think the people in Allegheny County sent a clear message that they want this.

So, Mr. Speaker, I ask for the entire chamber's support on this amendment. And please remember one thing, and it is most important: This is not a political issue, not at all. It is a policy-making issue, and that is what every member in this chamber is up here for, is to make good fiscal policy.

Please support the DeLuca amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. Does the gentleman, Mr. Barley, seek recognition?

Mr. BARLEY. Yes. Thank you, Mr. Speaker.

For the convenience of the members, I would like to just go over the bill with the amendment temporarily only for the purpose of breaking for dinner.

We would like to break for dinner, and we have a very important caucus for the Republicans at 7:30 — it should not take more than about 45 minutes — come back on the floor at 8:15, and then we will take this issue up immediately at 8:15 and continue with this and bring it to a conclusion.

The SPEAKER pro tempore. Does the gentleman, Mr. DeWeese, seek recognition?

Mr. DeWEESE. Yes, Mr. Speaker, momentarily.

Would the gentleman submit to a brief interrogation relative to our scheduling?

The SPEAKER pro tempore. The gentleman indicates he will submit to interrogation. You are in order and may proceed.

Mr. DeWEESE. It would, I think— And again I will probably be admonished by the gentleman for being so presumptuous, but what would be wrong, Mr. Majority Whip, if we voted this measure now and then took our break so we could probably have a little bit more time to focus on matters at hand and dinner? Is there a problem? I think this vote could be taken within the next 3 or 4 minutes.

Mr. BARLEY. Thank you, Mr. Speaker.

There appears to be lining up probably five or more members seeking recognition, and, you know, we were just, in deference to the other members and the schedule, anticipating the appropriate dinner hour so we could keep on schedule. That is the only reason we are doing it.

Mr. DeWEESE. I think with the exception — if I might respond, Mr. Speaker, to the gentleman from Lancaster — I think with the exception of one Republican gentlelady from Allegheny County and my own 1 minute's worth of observation, that is all we have left. I only see two, and I think we can be finished by 3 or 4 minutes after the hour. It is up to the majority party, of course, but I think if we were able to take care of this business and then come back tonight and do the other matter, it would be a cleaner operation.

Mr. BARLEY. Yes, you are suggesting that it is a matter of minutes and we could move forward if we do not do it—

Mr. DeWEESE. 6:05.

Mr. BARLEY. Very good.

The SPEAKER pro tempore. The Chair recognizes the lady from Allegheny County, Mrs. Farmer.

Mrs. FARMER. Thank you, Mr. Speaker.

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

The SPEAKER pro tempore. The gentleman, Mr. DeLuca, indicates that he is willing to stand for interrogation. You are in order and may proceed.

Mrs. FARMER. Mr. Speaker, in reading your amendment, I noticed that you are talking about amending the budget notice "During the month of January next following any municipal election...." I would be more comfortable if your amendment were to read or to specifically address that being at which county commissioners were elected. The way it reads — and I am sure it was not your intent — the way this reads to me is that the budget could be reopened every 2 years. Would you care to comment on that, please?

Mr. DeLUCA. Yes.

Let me state, as I originally stated, that this is boilerplate language that is in the other codes, which we took out of the other county codes.

Yes, it will permit the commissioners, but I doubt that they would want to do that after they pass their own budget, because whoever the majority commissioners are, they certainly will look foolish in reopening a budget after they passed it, the majority.

Mrs. FARMER. I agree with that comment—

Mr. DeLUCA. And it is only consistent with the other class counties. So all we are doing is making this consistent with the other class counties.

Mrs. FARMER. Mr. Speaker, would you be opposed during our dinner break to redraft the amendment so that it specifically addresses the county commissioner race itself?

Mr. DeLUCA. Let me say this to you: If I have assurance that we will— She asked me the question; I am going to answer it. She asked me the question, and I am going to address it. If I have assurance that the amendment will run from the majority party, I will certainly be open to addressing what you want to address, if we can run it without any obstructions in it tonight. I do not know if you want to do that. It is up to the—

Mrs. FARMER. Thank you, Mr. Speaker. I appreciate those comments.

Mr. BARLEY. Mr. Speaker, I am confused.

The process is such that I think now we are into possibly drafting errors. You know, I think at this point the suggestion that I made earlier — that we break for dinner — is in fact what we should do, and we will come back at 7:30 for caucus and 8:15 to be back on the floor.

REPUBLICAN CAUCUS

The SPEAKER pro tempore. The Republicans will caucus at 7:30.

DEMOCRATIC CAUCUS

The SPEAKER pro tempore. Is there an announcement of Democratic caucus?

The Chair recognizes the Democratic leader.

Mr. DeWEESE. The House Democrats will also caucus at — I think we will give our members a little bit more time — at 7:45, 7:45 for caucus in the minority caucus room. Thank you, Mr. Speaker.

Could we have the gentleman, Mr. Barley, announce what we are going to be voting on this evening so our caucus will be more streamlined?

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

Mr. BARLEY. We have some bills that are expected back and some that are already back on concurrence, and we will be glad to supply that list of bills to you. I thought we had already done that to your caucus chairman, and if it has not been done, I apologize, but I was— He is shaking his head that he does in fact have them.

The SPEAKER pro tempore. Does the gentleman, Mr. Cohen, seek recognition?

Mr. COHEN. Mr. Speaker, will the gentleman, Mr. Barley, submit to further interrogation?

The SPEAKER pro tempore. The gentleman indicates he will stand for interrogation. You are in order and may proceed.

Mr. COHEN. Thank you, Mr. Speaker.

I was shaking my head yes. I had been informed by Mr. Fargo about bills on concurrence that we will be caucusing on.

In addition to the bills that Mr. Fargo has given me, are we going to be voting on school choice tonight in any form?

Mr. BARLEY. At the present time I am not certain; I honestly am not certain. We will convey that to you immediately upon having that information.

Mr. COHEN. If we do vote on school choice, will you explain to us what the bill number will be, how the bill will come to us?

Mr. BARLEY. I will be more than happy to do that at the appropriate time. The majority leader is not present, and I do not have that supplemental calendar in front of me, but again, we will convey that to you as soon as it is available.

Mr. COHEN. Thank you, Mr. Speaker.

PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. Mr. DeWeese.

Mr. DeWEESE. Point of parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state the point.

Mr. DeWEESE. The disposition of Mr. DeLuca's amendment is somewhat obscure, and I would like to ask for a clarification on the disposition of Mr. DeLuca's amendment. I am under the impression it is still before the House.

The SPEAKER pro tempore. The amendment is still before the House; it is the current business. The Chair at this point does not know whether or not it is going to be redrafted or not, but that is the business before the House at the present time.

Mr. DeWEESE. Thank you, Mr. Speaker.

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

Mr. DeLUCA. Personal privilege.

Mr. Speaker, I think that this amendment does address the issue, and I see no reason to redraft it. So I hope that either we run it now or when we come back, run the bill.

RECESS

The SPEAKER pro tempore. The House will stand in recess until 8:15.

RECESS EXTENDED

The time of recess was extended until 8:45 p.m.

AFTER RECESS

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

CALENDAR CONTINUED

CONSIDERATION OF SB 652 CONTINUED

The SPEAKER pro tempore. The Chair returns to SB 652, amendment A6311.

AMENDMENT WITHDRAWN

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

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, I would like to withdraw amendment 6311 and replace it with amendment A6608.

The SPEAKER pro tempore. The Chair thanks the gentleman for withdrawing amendment 6311 and would suggest that the gentleman will need to make a motion to suspend the rules for the purpose of offering the other amendment.

Mr. DeLUCA. Thank you.

The SPEAKER pro tempore. Does the gentleman wish to make that motion?

Mr. DeLUCA. Yes, I would, Mr. Speaker.

RULES SUSPENDED

The SPEAKER pro tempore. The Chair recognizes gentleman from Allegheny, Mr. DeLuca.

Mr. DeLUCA. Mr. Speaker, I move to suspend the rules so that I can offer immediately amendment A6608.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—190

Adolph	Druce	Lescovitz	Sather
Allen	Durham	Levdansky	Saylor
Argall	Egolf	Lloyd	Schroder
Armstrong	Evans	Lucyk	Schuler
Baker	Fairchild	Major	Scrimenti
Bard	Fajt	Manderino	Semmel
Barley	Fargo	Markosek	Serafini
Battisto	Farmer	Marsico	Shaner
Bebko-Jones	Feese	Masland	Sheehan
Belardi	Fichter	Mayernik	Smith, B.
Belfanti	Fleagle	McCall	Smith, S. H.
Birmelin	Flick	McGeehan	Snyder, D. W.
Bishop	Gamble	McGill	Staback
Blaum	Gannon	Mello	Stairs
Boscola	Geist	Merry	Stern
Boyes	George	Michlovic	Stetler
Brown	Gigliotti	Miller	Stish
Browne	Gladeck	Mundy	Strittmatter
Bunt	Godshall	Myers	Sturla
Butkovitz	Gordner	Nailor	Surra
Buxton	Gruitza	Nickol	Tangretti
Caltagirone	Gruppo	Nyee	Taylor, E. Z.
Cappabianca	Habay	O'Brien	Taylor, J.
Carn	Haluska	Olasz	Thomas
Cawley	Hanna	Oliver	Travaglio
Chadwick	Harhart	Perzel	Trello
Civera	Hennessey	Pesci	Trich
Clark	Herman	Petrarca	True
Clymer	Hershey	Petrone	Tutti

Cohen, L. I.	Hess	Pettit	Vance
Cohen, M.	Horsey	Phillips	Van Horne
Colafrella	Hutchinson	Pistella	Veon
Colaizzo	Itkin	Pitts	Vitali
Conti	Jadlowiec	Preston	Walko
Cornell	James	Ramos	Washington
Corpora	Jarolin	Raymond	Waugh
Corrigan	Josephs	Readshaw	Williams
Cowell	Kaiser	Reber	Wogan
Coy	Keller	Reinard	Wozniak
Curry	Kenney	Rieger	Wright, D. R.
Daley	King	Roberts	Wright, M. N.
DeLuca	Kirkland	Roebuck	Yewcie
Dempsey	Kukovich	Rohrer	Youngblood
Dent	LaGrotta	Rooney	Zimmerman
Dermody	Laughlin	Rubley	Zug
DeWeese	Lawless	Rudy	
DiGirolamo	Lederer	Sainato	Ryan,
Donatucci	Leh	Santoni	Speaker

NAYS—8

Carone	Lynch	Platts	Steil
Krebs	Maitland	Steelman	Tigue

NOT VOTING—2

Micozzie	Robinson
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EXCUSED—2

Hasay	Mihalich
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A majority of the members elected to the House having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

On the question recurring,

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

Mr. DeLUCA offered the following amendment No. A6608:

Amend Title, page 1, line 11, by inserting after "employment;" providing for amendment of annual budget in counties of the second class;

Amend Bill, page 11, by inserting between lines 5 and 6

Section 6. Section 1980 of the act, amended December 10, 1980 (P.L.1159, No.211) and July 9, 1992 (P.L.682, No.99), is amended to read:

Section 1980. Fiscal Year; Preparation of Annual Budget in Counties of the Second Class; Amendment of Annual Budget.—(a) The fiscal year of the county shall begin on the first day of January and end on the thirty-first day of December of each year. On or before the fifteenth day of November of each year the controller of each county of the second class shall transmit to the commissioners a proposed budget giving a detailed estimate of and for the legitimate purposes of the county for the next year, including interest due and to fall due on all lawful debts of the county bearing interest. Such budget, when finally adopted by the commissioners, shall be the guide to the commissioners in fixing the tax rate. Said budget shall be prepared as provided herein.

(b) The commissioners shall, at the same time the budget is adopted, fix such rate of taxation upon the valuation of the property taxable for county purposes as will raise sufficient sum to meet the said expenditures. The commissioners shall not, by contract or otherwise,

increase the expenditures of the county in any year to an amount beyond the taxes assessed as aforesaid for said year.

(c) During the month of January next following the municipal election at which the commissioners of any county of the second class are elected, the commissioners may amend the budget and the levy and tax rate to conform with its amended budget. A period of ten days' public inspection at the office of the chief clerk of the proposed amended budget, after notice by the chief clerk to that effect is published once in a newspaper as provided in section 110 of this act, shall intervene between the proposed amended budget and the adoption thereof. Any amended budget must be adopted by the county commissioners of any county of the second class on or before the fifteenth day of February.

(d) No such budget shall be revised upward in excess of ten per centum in the aggregate thereof or as to an individual item in excess of twenty-five per centum of the amount of such individual item in the budget proposed to be amended.

(e) Within fifteen days after the adoption of an amended budget the chief clerk shall file a copy thereof in the office of the Department of Community Affairs or in the office of its successor in function.

Amend Sec. 6, page 11, line 6, by striking out "6" and inserting

7

Amend Sec. 7, page 12, line 13, by striking out "7" and inserting

8

Amend Sec. 8, page 16, line 20, by striking out "8" and inserting

9

Amend Sec. 9, page 16, line 30, by striking out "9" and inserting

10

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Allegheny County, Mr. DeLuca.

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, what this amendment A6608 attempts to do is to make the Second Class County Code conform with other codes to enable the newly elected commissioners to reopen the budget if they so desire instead of being strapped with a budget that the previous commissioners adopted.

I guess in Allegheny County we Democrats have got a message that the public out there wants change, and they voted for change when they changed the board of commissioners in Allegheny County. The main issue for the voters there was the fact that they wanted to be able to reduce taxes. They are sick and tired of the real estate taxes that are permitted to go up almost every year with the reassessment, up-to-date reassessment in Allegheny County.

Therefore, the newly elected commissioners have pledged to reduce the new tax, the real estate taxes, by 20 percent, and I think they should have the opportunity to do that like every other county in the Commonwealth of Pennsylvania, and that is what this amendment does. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Walko, from Allegheny County.

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

I rise simply to say that at heart in this issue, the heart of the issue, is whether or not the people of Allegheny County will allow their will to be manifest in their government. I believe that we should allow the manifestation of their will in the government, being the only county now that does not have the ability to reopen their budget.

Please vote to support this amendment, and in the words of Teddy Roosevelt, let the people rule. Thank you, Mr. Speaker.

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

Mr. TRELLO. Mr. Speaker, at one time or another all of us have been candidates, and we have heard a lot of candidates running for office make promises. Well, the newly elected county commissioners have made a campaign promise, and they are looking for this General Assembly to help them keep that promise. They made a commitment to the taxpayers of Allegheny County that if they are elected, they will keep their promise and their commitment.

We have an opportunity this evening to make history and work in a partnership with the Allegheny County commissioners so that they can keep their commitment, to keep their campaign promises, and I urge everybody to vote "yes" on the DeLuca amendment. Thank you.

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

Mr. FAJT. Thank you, Mr. Speaker.

I rise to also support the DeLuca amendment and really to explain a little bit earlier about my actions, why I was so adamant about having this amendment put into SB 652.

As you have heard here, this will allow the Allegheny County newly elected commissioners to open up the budget and to put a 20-percent property tax cut into that budget. Without this legislation, there is a question as to whether they can legally do that, and that is why I was so adamant earlier this evening about not letting this bill out of the chamber until we had this important amendment in it.

Also, Mr. Speaker, if you remember, I have spoken on this House floor before about the increases in property taxes in Allegheny County that took place about a year, year and a half ago. Many of those property taxes affected my constituents more than anybody else. Many of them saw their property taxes increase 50, 100, and some 150 percent, and we are not talking about real estate tax bills going from \$500 to \$1,000; we are talking about real estate tax bills going from \$5,000 to \$10,000 — significant increases to people who are already strapped financially and just cannot afford those kinds of increases.

This bill will be a tremendous, tremendous help to my constituents. I am very happy to see and I want to thank the majority leader and his staff for running this bill, running the amendment, and I would like to ask everybody for a "yes" vote. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny County, Mr. Markosek.

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

Mr. Speaker, I also rise in support of my esteemed colleague, Representative DeLuca, in his effort to allow the new board of county commissioners in Allegheny County to lower the taxes, reopen the budget if they so desire.

There had been a question, Mr. Speaker, that there would be a technicality, that there would be a problem, with them legally being able to do this. This solves that problem. This gives them the legal, the technical ability to solve the problem of reopening the budget if they so desire right after the first of the year, right after they are sworn in.

This is what they campaigned on. This is what the people of Allegheny County voted for, in large measure voted for them because of this, and I would say then that by supporting this amendment, we are in effect giving the people of

Allegheny County their just desire in seeing this legislation and seeing taxes and seeing the budget reopened and redone and certainly taxes lowered for our citizens of Allegheny County.

With that, I would like to urge the rest of my colleagues to support this amendment. Thank you, Mr. Speaker.

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

Mr. DEWEESE. Thank you, Mr. Speaker.

I only want to take 2 minutes and initially indicate my support of the amendment, because it does deal with a technical change in the statute that would allow the Allegheny County commissioners to move forward on a readjustment of their tax structure.

I do want to make a comment for the record though. I want every member of the Grand Old Party as well as my own colleagues on my side of the aisle to remember something, because this is going to come up again. Last year the Pittsburgh Post-Gazette reported that the Allegheny County commissioners reduced property taxes in Allegheny County by 16 percent. The Pittsburgh Post-Gazette indicated that in this year's budget, an additional 10-percent reduction would be realized. That is 26 percent, Mr. Speaker. Mr. Dunn and Mr. Cranmer in Allegheny County have indicated that they are going to pursue an additional 20 percent: 16 plus 10 plus 20; 46-percent reduction in property taxes in Allegheny County, and now at the same time, Mr. Speaker, at the same time we hear rumblings.

The next gale that sweeps in from the west will bring to our ears the clash of a potential tax increase or a State check from Harrisburg for a new stadium in Pittsburgh. Allegheny County, Allegheny County reducing their property taxes by 46 percent, and I can almost hear it now, Mr. Speaker, when Vitali and DeWeese and Santoni and Trich and Scrimenti are asked to get involved in a process that will build a stadium in Pittsburgh.

I want this vote; I want this vote, and I believe that Mr. DeLuca is right: The Republican county commissioners have asked for an alteration in their statutory ability to make a change, but someday, someday we should remember that a 46-percent reduction in property taxes in Allegheny County was the precursor for a request from western Pennsylvania political influences asking for Harrisburg's help, and when that day comes, I hope that this debate and this moment is recollected.

Mr. Speaker, thank you.

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

The following roll call was recorded:

YEAS—199

Adolph	Egolf	Lynch	Saylor
Allen	Evans	Maitland	Schroder
Argall	Fairchild	Major	Schuler
Armstrong	Fajt	Manderino	Scrimenti
Baker	Fargo	Markosek	Semmel
Bard	Farmer	Marsico	Serafini
Barley	Feese	Masland	Shaner
Battisto	Fichter	Mayermik	Sheehan
Bebko-Jones	Fleagle	McCall	Smith, B.
Belardi	Flick	McGechan	Smith, S. H.
Belfanti	Gamble	McGill	Snyder, D. W.
Birmelin	Geist	Melio	Staback
Bishop	George	Merry	Stairs
Blaum	Gigliotti	Michlovic	Steelman

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

NAYS-1

Gannon

NOT VOTING-0

EXCUSED-2

Hasay Mihalich

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS-187

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

NAYS-13

Browne	Lynch	Nyce	Sheehan
Clark	Maitland	Platts	Vance
Harhart	Nickol	Saylor	Waugh
Hutchinson			

NOT VOTING-0

EXCUSED-2

Hasay 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 return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

ADJOURNMENT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny County, Mr. Habay.

Mr. HABAY. Mr. Speaker, I move that this House do now adjourn until Wednesday, December 13, 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 9:31 p.m., e.s.t., the House adjourned.