

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

WEDNESDAY, DECEMBER 13, 1995

SESSION OF 1995

179TH OF THE GENERAL ASSEMBLY

No. 81

### 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:

We stand before You, Almighty God, aware that we gather in Your presence. Come to us, remain with us, and enlighten our hearts. Give us light and strength to know Your will, to make it our own, and to live it in our lives.

Scripture reminds us that whatever we do for the least among us, we do for You. Dear God, direct the thoughts and decisions of this Assembly. Remind them that their decisions will affect the lives of the people of this State. In Your kindness, shower Your strength and courage upon Governor Ridge and Speaker of the House Ryan. As we gather in Your name, may we temper justice with love so that all our decisions may be pleasing to You and earn the reward promised to good and faithful servants.

Blessed are You, Lord, God of mercy. You work through people and make them Your instruments of service to others. Send down Your blessings on these Your servants who devote themselves to helping and serving the people of this State.

We praise You and thank You for the gifts You continue to offer us. We make all our prayers in Your name. Amen.

#### PLEDGE OF ALLEGIANCE

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

#### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Tuesday, December 12, 1995, will be postponed until printed. The Chair hears no objection.

The Chair at this time asks the lady from Montgomery, Ms. Bard, to preside.

### THE SPEAKER PRO TEMPORE (ELLEN M. BARD) PRESIDING

#### HOUSE BILLS INTRODUCED AND REFERRED

**No. 2274** By Representatives LUCYK, COY, McGEEHAN, BELARDI, STABACK, WALKO, CAWLEY, BOSCOLA, COLAIZZO, ITKIN, MELIO, MARKOSEK, LEDERER, SHANER, ROBERTS, CORRIGAN, LAUGHLIN, TRELLO, HENNESSEY and JAROLIN

An Act authorizing the indebtedness, with the approval of the electors, of \$20,000,000 for low-interest loans to veterans for down payments on first-time home purchases.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, December 13, 1995.

**No. 2275** By Representatives ZUG, MARSICO, TULLI and BUXTON

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the Secretary of Conservation and Natural Resources, to convey to Jackson Township a road right-of-way situate in Jackson Township, Dauphin County, Pennsylvania.

Referred to Committee on STATE GOVERNMENT, December 13, 1995.

**No. 2276** By Representatives COLAFELLA, WALKO, McGEEHAN, BELARDI, STABACK, DeLUCA, MELIO, ROBINSON, M. COHEN, SHANER, LAUGHLIN and YOUNGBLOOD

An Act providing a right of first refusal for metropolitan areas before a professional sports team is relocated.

Referred to Committee on URBAN AFFAIRS, December 13, 1995.

**No. 2277** By Representatives MELIO, HALUSKA, BELARDI, JAROLIN, STABACK, READSHAW, PETTIT, DeLUCA, ROONEY, WALKO, TRELLO, STEIL, COWELL, MICOZZIE, BROWNE, TANGRETTI, McGEEHAN, McCALL, M. COHEN, RAYMOND, ITKIN, CLARK, SHANER, SATHER, GEORGE, CORRIGAN, LAUGHLIN, YOUNGBLOOD, PISTELLA, COLAIZZO, COLAFELLA, MUNDY, TRAVAGLIO, SAINATO, CORPORA, RAMOS and MANDERINO

An Act amending the act of June 18, 1974 (P.L.359, No.120), referred to as the Municipal Police Education and Training Law, providing for mandatory and uniform photo identification cards for all certified municipal police officers.

Referred to Committee on LOCAL GOVERNMENT, December 13, 1995.

**No. 2278** By Representatives TULLI, COY, NAILOR, ZUG, GEIST, SCHULER, BARD, HERMAN, MICHLOVIC, ROONEY, STURLA, FICHTER, RUBLEY, BAKER, READSHAW, HALUSKA, TIGUE, MUNDY, LEVDANSKY, STERN, JOSEPHS, DEMPSEY, HERSHEY, WOGAN, MELIO, PETTIT, MERRY, TRELLO, WALKO, FAJT, EGOLF, HESS, MILLER, STEELMAN, DeLUCA, LAUGHLIN, BATTISTO and PISTELLA

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for selection of prospective jurors.

Referred to Committee on JUDICIARY, December 13, 1995.

**No. 2279** By Representatives TANGRETTI, MAYERNIK, STABACK, WALKO, WOZNIAK, McGEEHAN, BOSCOLA, O'BRIEN, MELIO, HALUSKA, COLAIZZO, ITKIN, MARKOSEK, SHANER, ROBERTS, CORRIGAN, LAUGHLIN, TRELLO, WOGAN, JAROLIN, PETRARCA, PISTELLA and YOUNGBLOOD

An Act amending the act of June 28, 1935 (P.L.477, No.193), referred to as the Enforcement Officer Disability Benefits Law, adding county sheriffs and deputies.

Referred to Committee on LOCAL GOVERNMENT, December 13, 1995.

**No. 2280** By Representatives TANGRETTI, SHANER, BELARDI, PESCI, MICOZZIE, TRELLO, VAN HORNE, PETRARCA, YOUNGBLOOD, McGEEHAN, STEELMAN, READSHAW, MELIO, SATHER, TIGUE, KUKOVICH, THOMAS, WALKO, LAUGHLIN, MANDERINO, STABACK, SAINATO, E. Z. TAYLOR, EVANS and M. COHEN

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for deceptive business practices relating to nonperformance of consumer contracts.

Referred to Committee on CONSUMER AFFAIRS, December 13, 1995.

**No. 2281** By Representative MAITLAND

An Act requiring the imposition of a hotel room occupancy tax in certain boroughs and second-class townships.

Referred to Committee on LOCAL GOVERNMENT, December 13, 1995.

**No. 2282** By Representatives TRICH, REINARD, LESCOVITZ, MAYERNIK, M. N. WRIGHT, MARKOSEK, FLICK, GORDNER and LaGROTTA

An Act amending the act of December 1, 1959 (P.L.1647, No.606), known as the Business Development Credit Corporation Law, further providing for loans by financial institutions.

Referred to Committee on COMMERCE AND ECONOMIC DEVELOPMENT, December 13, 1995.

**No. 2283** By Representatives ITKIN, PERZEL, STAIRS, COWELL, PETRONE, M. COHEN, BISHOP, FARGO, ROEBUCK, ROBINSON, STURLA, RUDY, STEELMAN, BATTISTO, COY, E. Z. TAYLOR, NAILOR, SAYLOR, THOMAS, DEMPSEY, TRELLO, MANDERINO, L. I. COHEN, RAMOS, VAN HORNE, FARMER, READSHAW, NICKOL, SCHRODER, SEMMEL, GIGLIOTTI, GODSHALL, TRICH, MELIO, MERRY, CAPPABIANCA, PETTIT, BOSCOLA, COLAFELLA, LAUGHLIN and ROONEY

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for a program of residential education for at-risk secondary students; establishing the Pennsylvania Residential Education Board and the Residential Education Support Fund; and making an appropriation.

Referred to Committee on EDUCATION, December 13, 1995.

**No. 2284** By Representatives OLASZ, KING, ITKIN, CIVERA, MERRY, MIHALICH, MICHLOVIC, LAUGHLIN, PESCI, COLAFELLA, READSHAW, COLAIZZO, LaGROTTA, YOUNGBLOOD, LEVDANSKY, TIGUE, TULLI, TRAVAGLIO, ALLEN, MAITLAND, FARMER, DEMPSEY, LAWLESS, STABACK, BELARDI, PETRONE, McCALL, PISTELLA, STEELMAN, MELIO, HABAY, O'BRIEN, LUCYK, VAN HORNE, CALTAGIRONE, GRUITZA and PETRARCA

An Act requiring that health care practitioners determine medically necessary and appropriate treatment and that insurers notify their enrollees of the extent of their coverage.

Referred to Committee on HEALTH AND HUMAN SERVICES, December 13, 1995.

**No. 2285** By Representatives TANGRETTI, SHANER, BELARDI, PESCI, MICOZZIE, DEMPSEY, SAYLOR, TRELLO, VAN HORNE, PETRARCA, YOUNGBLOOD, WOGAN, READSHAW, MELIO, TIGUE, KUKOVICH, HARHART, BATTISTO, WALKO and M. COHEN

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the grading of the issuing or passing of bad checks.

Referred to Committee on JUDICIARY, December 13, 1995.

**No. 2286** By Representatives CAPPABIANCA, TIGUE, LEDERER, MANDERINO, LAUGHLIN, TRELLO, FAJT, YOUNGBLOOD, KENNEY, BOSCOLA, RAMOS and ROONEY

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

Referred to Committee on INSURANCE, December 13, 1995.

### HOUSE RESOLUTION INTRODUCED AND REFERRED

**No. 263** By Representatives McGEEHAN, CAPPABIANCA, RUBLEY, DALEY, ALLEN, COY, M. COHEN, DeLUCA, WOGAN, TRELLO, BROWNE, TANGRETTI, TIGUE, STISH, McCALL, McGILL, DEMPSEY, DONATUCCI, DERMODY, PESCI, DeWEESE, LYNCH, KENNEY, BOSCOLA, BELARDI, LEDERER, BATTISTO, J. TAYLOR, CORRIGAN, OLASZ, LAUGHLIN, JOSEPHS, YOUNGBLOOD and O'BRIEN

A Resolution calling for the advancement of the Irish peace process.

Referred to Committee on RULES, December 13, 1995.

### SENATE BILLS FOR CONCURRENCE

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

#### SB 564, PN 1619

Referred to Committee on PROFESSIONAL LICENSURE, December 13, 1995.

#### SB 1088, PN 1614

Referred to Committee on JUDICIARY, December 13, 1995.

#### SB 1181, PN 1378

Referred to Committee on CONSUMER AFFAIRS, December 13, 1995.

### SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 48, PN 2928**; and **HB 1076, PN 2883**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

### REPORT SUBMITTED

The SPEAKER pro tempore. The Chair acknowledges receipt of the report from the select committee on higher education pursuant to HR 181, which the clerk will file.

(Copy of report is on file with the Chief Clerk.)

### LEAVES OF ABSENCE

The SPEAKER pro tempore. The Chair recognizes the majority whip regarding leaves of absence and requests a leave of absence for the gentleman from Mercer, Dr. KING.

The Chair recognizes the Democratic leader for the purpose of leaves of absence.

Mr. DeWEESE. Madam Speaker, for today we have two leaves: the gentleman from Westmoreland, Mr. MIHALICH, and the gentleman from Philadelphia, Mr. RIEGER.

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

### GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair welcomes Bishop Neumann High School and the class teacher, Mrs. Kathy Kline, who are the guests of Representative Thomas Dempsey. Would the guests please rise.

### RULES COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the majority leader, who calls an immediate meeting of the Rules Committee.

### BRANDON MILLER PRESENTED

The SPEAKER pro tempore. The Chair recognizes Representative Miller from Berks County for the purpose of making a presentation.

Mrs. MILLER. Ladies and gentlemen of the House, I want to thank you for your attention this morning.

I am pleased to introduce to you a young man who brings great pride to Berks Countians and should bring great pride to all Pennsylvanians. His name is Brandon Miller. He is the son of Mr. and Mrs. Larry Miller of Centre Township, Berks County, and he recently accomplished a personal and a scholastic goal by achieving a perfect 1600 score on his SAT's (scholastic assessment tests). Brandon is 1 of 25 students in the entire Nation to accomplish this remarkable score, and he is just in his junior year at Schuylkill Valley High School.

Not only is Brandon a fantastic student at Schuylkill Valley scholastically, but he is also very talented and plays the oboe, piano, and is a featured player in the Reading Symphony Youth Orchestra. He sings and acts, and I can attest to his great talents, having watched his performance in his high school musicals, and he is a very, very talented young man. He is very active in his student council, his student government, the Senate, and when recently visiting the Capitol with his scholarship group, Brandon was asked by me what he intends to do. He indicated at that time that he would like to pursue a career in politics, and I stressed to him the importance of staying in school a very long time, at least 8 years, in order for him to get all the knowledge that he needs to perform such a highly intensive role as being a State legislator someday.

So again, I would like to present to Brandon a citation from the House of Representatives, which I have prepared to present to him on this very, very special occasion. I am hoping that some of his wisdom will rub off on those of us here in the General Assembly,

and I feel very lucky to be the Representative that has the honor of presenting this to him at this time. So join me in giving Brandon your traditional warm welcome.

### SANTA CLAUS WELCOMED

The SPEAKER pro tempore. The Chair recognizes a very special guest, appropriate for the season, on the House floor trying to sweeten us all up here.

### BILL ON CONCURRENCE REPORTED FROM COMMITTEE

**HB 215, PN 2882**

By Rep. PERZEL

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

#### RULES.

Mr. BELFANTI. Madam Speaker?

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

Mr. BELFANTI. Thank you, Madam Speaker.

Under unanimous consent, there is a rumor circulating that that is actually Governor Ridge with some WAM (walking-around money) checks. Is that correct?

The SPEAKER pro tempore. The Chair would like to recognize our special guest to make a few remarks at this time, if he would.

SANTA CLAUS. Ho, ho, ho. Merry Christmas and happy holidays.

I bring you greetings from a warmer place, the North Pole. Just remember to enjoy the peace and good will of this holiday season and pray for a healthy, happy, and prosperous 1996. Remember, all the differences and debates in this room may not be resolved, but we share a common purpose, and that is doing the necessary work of this great Commonwealth, and even Santa Claus can appreciate the difficulty in those deadlines.

So merry Christmas – happy holidays – ho, ho, ho.

The SPEAKER pro tempore. The Chair thanks the distinguished gentleman.

### ADDITIONS AND DELETIONS OF SPONSORS

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

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

### BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND Tabled

**HB 26, PN 2946 (Amended)**

By Rep. WOGAN

An Act amending the act of December 14, 1992 (P.L.866, No.137), known as the Optional County Affordable Housing Funds Act, extending the act to counties of the first class.

#### URBAN AFFAIRS.

**HB 950, PN 2947 (Amended)**

By Rep. WOGAN

An Act amending the act of July 10, 1987 (P.L.246, No.47), known as the Municipalities Financial Recovery Act, imposing a limitation on the right of a municipality to petition the court for an increase in the rate of taxation.

#### URBAN AFFAIRS.

**HB 1689, PN 2948 (Amended)**

By Rep. CLYMER

An Act amending the act of October 27, 1955 (P.L.744, No.222), known as the Pennsylvania Human Relations Act, further providing for the powers of the Pennsylvania Human Relations Commission relating to assignment of students and for educational programs.

#### STATE GOVERNMENT.

### BILL REMOVED FROM TABLE

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

Mr. PERZEL. Madam Speaker, I move that HB 1689 be removed from the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

### BILL RECOMMITTED

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

Mr. PERZEL. Madam Speaker, I move that HB 1689 be recommitted to the Committee on Appropriations.

On the question,

Will the House agree to the motion?

Motion was agreed to.

### REPUBLICAN CAUCUS

The SPEAKER pro tempore. The Chair at this time recognizes the majority leader for the purpose of presenting the day's schedule.

Mr. PERZEL. Madam Speaker, thank you very much.

We would like to caucus and have lunch and come back to the floor at 1 o'clock, Madam Speaker.

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

Mr. PERZEL. The Republicans will caucus immediately.

### DEMOCRATIC CAUCUS

The SPEAKER pro tempore. The Chair recognizes Representative Cohen from Philadelphia to make an announcement.

Mr. COHEN. Thank you, Madam Speaker.

There will be an immediate Democratic caucus upon the recess.

The SPEAKER pro tempore. The Chair thanks the gentleman.

**RECESS**

The SPEAKER pro tempore. The House stands in recess until 1 o'clock.

**RECESS EXTENDED**

The time of recess was extended until 2 p.m.

**AFTER RECESS**

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

**THE SPEAKER (MATTHEW J. RYAN)  
PRESIDING****LEAVE OF ABSENCE**

The SPEAKER. The Chair recognizes the gentleman, Mr. Itkin, who requests that the Chair return to leaves of absence and requests that the lady from Centre, Mrs. RUDY, be placed on leave for the day.

Without objection, the lady is placed on leave of absence. The Chair hears no objection.

**SENATE MESSAGE****HOUSE BILL  
CONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, returned **HB 2222, PN 2851**, with information that the Senate has passed the same without amendment.

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

The clerk of the Senate, being introduced, returned **HB 76, PN 2930**; and **HB 908, PN 2931**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

**BILL REMOVED FROM TABLE**

The SPEAKER. The Chair recognizes the majority leader. Mr. PERZEL. Mr. Speaker, I move that HB 1845, PN 2770, be removed from the table.

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

**BILL RECOMMITTED**

The SPEAKER. The Chair recognizes the majority leader. Mr. PERZEL. Mr. Speaker, I move that HB 1845, PN 2770, be recommitted to the Committee on Appropriations.

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

**BILLS SIGNED BY SPEAKER**

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

**HB 1582, PN 2905**

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.

**HB 2189, PN 2878**

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.

**HB 2222, PN 2851**

An Act appropriating money from the Sunny Day Fund to the Department of Commerce for various projects throughout this Commonwealth for fiscal year 1995-1996.

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

The SPEAKER. The Chair requests the gentleman from Bucks, Mr. DiGirolamo, to preside temporarily.

**THE SPEAKER PRO TEMPORE  
(GENE DIGIROLAMO) PRESIDING**

The SPEAKER pro tempore. Thank you, Mr. Speaker.  
It is my pleasure.

**HOUSE RESOLUTION  
INTRODUCED AND REFERRED**

**No. 264** By Representatives B. SMITH, GEIST, DeWEESE, PHILLIPS, BELARDI, GODSHALL, SURRA, STABACK and HANNA

A Resolution expressing dismay and disappointment at the National Rifle Association's decision to vacate its Pennsylvania legislative liaison office.

Referred to Committee on RULES, December 13, 1995.

**MASTER ROLL CALL**

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

The following roll call was recorded:

**PRESENT—198**

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

**ADDITIONS—0**

**NOT VOTING—0**

**EXCUSED—4**

King	Mihalich	Rieger	Rudy
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**LEAVES ADDED—3**

LaGrotta	Roebuck	Strittmatter
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**CALENDAR**

**BILLS ON CONCURRENCE  
IN SENATE AMENDMENTS  
TO HOUSE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to House amendments to **SB 476, PN 1590**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the transfer of ownership of a vehicle; and providing for the development of an electronic lien program.

On the question,

Will the House concur in Senate amendments to House amendments?

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

**YEAS—198**

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

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

NAYS-0

NOT VOTING-0

EXCUSED-4

King	Mihalich	Rieger	Rudy
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments to House amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

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The House proceeded to consideration of concurrence in Senate amendments to House amendments to **SB 578, PN 1591**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining "classic motor vehicle", "commercial motor vehicle" and "emergency vehicle"; further providing for correction of certificate of title; providing for a drug abuse resistance education registration plate, for permits, for the movement of special mobile equipment, for special funds, for collectible motor vehicles, for an emission reduction program in the Department of Environmental Protection and for penalties relating to towed vehicles; further providing for the enforcement of the International Fuel Tax Agreement; revising reporting taxes and administrative procedures; further providing for the motorbus road tax; and making a repeal.

On the question,

Will the House concur in Senate amendments to House amendments?

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

YEAS-198

Adolph	Durham	Lloyd	Saylor
Allen	Egoff	Lucy	Schroder
Argall	Evans	Lynch	Schuler
Armstrong	Fairchild	Maitland	Scrimenti
Baker	Fajt	Major	Semmel
Bard	Fargo	Manderino	Serafini
Barley	Farmer	Markosek	Shaner
Battisto	Feese	Marsico	Sheehan
Bebko-Jones	Fichter	Masland	Smith, B.
Belardi	Fleagle	Mayernik	Smith, S. H.
Belfanti	Flick	McCall	Snyder, D. W.
Birmelin	Gamble	McGechar	Staback
Bishop	Gannon	McGill	Stairs
Blaum	Geist	Melio	Steelman
Boscola	George	Merry	Steil
Boyes	Gigliotti	Michlovic	Stern

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

NAYS-0

NOT VOTING-0

EXCUSED-4

King	Mihalich	Rieger	Rudy
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments to House amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

**BILL ON THIRD CONSIDERATION**

The House proceeded to third consideration of **SB 1303, PN 1577**, entitled:

An Act making an appropriation to the Organ Donation Awareness Trust Fund.

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-198

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

NAYS-0

NOT VOTING-0

EXCUSED-4

King	Mihalich	Rieger	Rudy
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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 return the same to the Senate with the information that the House has passed the same without amendment.

GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair would like to recognize some guests from Old Path Baptist Church School, students Faith Stroupe and Michelle Herr. They are here today as guest pages of Representative Todd Platts. The students are chaperoned by Pastor Rick Parcell. We would ask the pastor and the students to stand up and be recognized.

BILL ON CONCURRENCE  
IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 602, PN 2903**, entitled:

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.

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

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

Mr. MICOZZIE. Thank you, Mr. Speaker.

HB 602: This proposal has been unanimously passed by the Senate on two different occasions, on December 12 and October 31. On October 31 it passed the Senate as SB 1243, and then they included in HB 602 the provisions of SB 1243. It was passed by the House Insurance Committee as contained in SB 1243 on November 14 of this year.

What it contains: The Insurance Company Law generally limits investments of life insurers, hospital plan corporations, and professional health service corporations in their subsidiaries. However, this limitation does not apply to investments in subsidiary insurance companies.

The public programs of medicare and medicaid are expected to continue to experience dramatic expansions in managed care in the coming years as a result of congressional reform proposals. Therefore, it is imperative that HMO's (health maintenance organizations) have the ability to expand.

HB 602 would place HMO's on the same investment footing as insurance companies. HMO's will continue to be dually and fully regulated by the Pennsylvania Insurance Department for financial solvency and by the Department of Health for quality measures.

The proposal will permit domestic life insurers, hospital plan corporations, and professional health service corporations to invest assets into HMO's under the same guidelines applied to investments in insurance companies.

SB 1243, as it is contained in HB 602, does a few things. It was unanimously passed by the Senate on October 31. Of course, it was passed by the Insurance Committee. The Pennsylvania Insurance Commissioner, Linda Kaiser, is neutral on the bill.



The National Association of Insurance Commissioners Investments in Affiliates and Subsidiaries Working Group recently approved on October 19, 1995, virtually an identical proposal. This proposal, I feel, is a responsible action to provide for the continuing growth and evolution of competitive managed-care programs in the Commonwealth by enabling the Blues to compete on a level playing field.

I ask for your concurrence on HB 602. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes Mr. Godshall from Montgomery County.

Mr. GODSHALL. Mr. Speaker, I yield to Representative Gannon.

The SPEAKER pro tempore. The Chair recognizes Representative Gannon.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, what Representative Micozzie said about the Senate amendments is exactly correct. What this proposal as it is before us does is takes the cap that presently exists off investments in HMO's by the Blues. Right now it is capped at 10 percent. Now, they can make all types of other investments and there is no cap, but for good reason and public policy, the legislature placed a cap of 10 percent on the ability to invest in HMO's, or health maintenance organizations, and that cap was placed at 10 percent. We now have a proposal that says we are going to take it off completely.

**MOTION TO SUSPEND RULES**

Mr. GANNON. I have no objection to increasing that cap somewhat, because we have to keep up with the times, so to speak, and the necessity for some investment. However, I think that an unlimited cap is questionable.

Therefore, Mr. Speaker, I would like to make a motion to suspend the rules so that I can offer an amendment to this bill that would increase that cap to 20 percent.

Mr. Speaker, that motion is only for the offering of this amendment only.

The SPEAKER pro tempore. The Chair requests the member to let us know what the amendment number is.

Mr. GANNON. Mr. Speaker, the amendment number is A6623.

The SPEAKER pro tempore. We have a motion by the gentleman, Mr. Gannon, that the House suspend the rules so that he may be able to offer amendment 6623.

On the question,

Will the House agree to the motion?

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

Mr. PERZEL. Thank you, Mr. Speaker.

Mr. Speaker, with all due respect, we have been playing with this for quite some time, and I would like to request that we do not suspend the rules.

The SPEAKER pro tempore. The motion to suspend the rules is only debatable by the floor leaders.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

**YEAS—75**

Battisto	DeWeese	Kenney	Roberts
Belardi	Fairchild	Leh	Robinson
Belfanti	Fargo	Lescovitz	Rohrer
Bishop	Fichter	Manderino	Santoni
Blaum	Flick	Markosek	Sather
Bosecola	Gamble	Melio	Shaner
Boyes	Gannon	Michlovic	Sheehan
Browne	Geist	Mundy	Staback
Burkowitz	George	Myers	Stern
Caltagirone	Gladeck	Nyce	Sturla
Clymer	Godshall	Pesci	Surra
Colaizzo	Gordner	Petrone	Trello
Conti	Gruitza	Phillips	Veon
Cornell	Haluska	Platts	Vitali
Corpora	Hanna	Preston	Washington
Corrigan	Harhart	Ramos	Waugh
Curry	Hess	Readshaw	Yewcic
Daley	Horsey	Reber	Youngblood
Dempsey	James	Reinard	

**NAYS—121**

Adolph	Egolf	Maitland	Smith, S. H.
Allen	Evans	Major	Snyder, D. W.
Argall	Fajt	Marsico	Stairs
Armstrong	Farmer	Masland	Steelman
Baker	Feese	McCall	Steil
Bard	Fleagle	McGeehan	Stetler
Barley	Gigliotti	McGill	Stish
Bebko-Jones	Gruppo	Merry	Strittmatter
Birmelin	Habay	Micozzie	Tangretti
Brown	Hasay	Miller	Taylor, E. Z.
Bunt	Hennessey	Nailor	Taylor, J.
Buxton	Herman	Nickol	Thomas
Cappabianca	Hershey	O'Brien	Tigue
Carn	Hutchinson	Olasz	Travaglio
Carone	Itkin	Oliver	Trich
Cawley	Jadlowiec	Perzel	Truc
Chadwick	Jarolin	Petrarca	Tulli
Civera	Josephs	Pettit	Vance
Clark	Kaiser	Pistella	Van Horne
Cohen, L. I.	Keller	Pitts	Walko
Cohen, M.	Kirkland	Raymond	Williams
Colafella	Krebs	Roebuck	Wogan
Cowell	Kukovich	Rooney	Wozniak
Coy	LaGrotta	Rubley	Wright, D. R.
DeLuca	Laughlin	Sainato	Wright, M. N.
Dent	Lawless	Saylor	Zimmerman
Dermody	Lederer	Schroder	Zug
DiGirolamo	Levdansky	Schuler	
Donatucci	Lloyd	Scrimenti	Ryan,
Druce	Lucyk	Semmel	Speaker
Durham	Lynch	Serafini	

**NOT VOTING—2**

Mayernik	Smith, B.
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**EXCUSED—4**

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

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

The SPEAKER pro tempore. The Chair recognizes Representative Godshall from Montgomery County.

Mr. GODSHALL. Thank you, Mr. Speaker.

In all deference to what I just heard, this bill came over last night from the Senate with the language that is before us today.

Mr. Speaker, I would really like to have some order. I am not going to be long, but I would like to have at least the ability for those to hear me that would like to.

The SPEAKER pro tempore. The gentleman is correct. There is entirely too much noise on the floor of the House. Conferences, please break up.

Mr. GODSHALL. Thank you, Mr. Speaker.

I would like to address first the memo that we did receive from the Insurance Federation, and it is their point of view on this legislation, which I will just share with you for a brief second. It says, the amendment to HB 602 includes the content of SB 1243 to allow the Blues to invest all of their funds into their profit HMO subsidiaries. Currently, they, like other insurers, are limited to a 10-percent cap. In other words, the Blues can take premiums paid to them, premiums that are not taxed, and pump them into their for-profit HMO's without any meaningful regulatory scrutiny. This is unfair to the Blues' competitors who are taxed and to their policyholders.

What we have here in opposition to this bill is the Insurance Federation, your professional insurance agents, and your Association of Mutual Insurance Companies, your small companies. I think we ought to look at what we are doing.

In Pennsylvania right now, Blue Cross/Blue Shield represents more than 50 percent of the subscribers to health insurance, more than 50 percent. In the Philadelphia area, Independence Blue Cross has four times the number of its nearest competitor, which is U.S. Healthcare. In western Pennsylvania, Blue Cross has 80 percent of the market, and it is now the sixth largest insurance company in this country; that is with the merger of Blue Shield and Blue Cross.

So what we are saying, what we are saying here is that with excess funds, the Blues can now pour that money, which was before this at a 10-percent cap, all excess funds going into develop for-profit HMO's directly in competition to what is out there today.

In my county I have U.S. Healthcare employing many hundreds of individuals right here in Pennsylvania. They are totally opposed to this bill. I talked to another small HMO who was up here today extremely concerned about the situation. When you have one group that represents more than 50 percent of the subscribers, how many more millions of dollars are we going to allow them to put into for-profit companies directly in competition to what is out there today? These people do not pay tax, the 2-percent tax; they do not pay the 2-percent tax on premiums, which is a gross premium to the other companies. This could represent up to a tax net of approximately 25 to 30 percent for some companies. That is what the 2 percent can mean to a for-profit company. So, you know, it is just beyond belief to me that we will allow millions and millions of dollars more to be poured into, you know, this situation than what we have and allow it to happen. For years and years it was a 10-percent cap. Now we are going to open it totally and any amount of money at all.

Yesterday I was approached by somebody — and this is, I think, a very pertinent issue — they said to me, it is not hard to get to the

10 percent. What do we do with our excess funds if we do not put it into companies such as this? My answer was, turn it back to the people that paid it, turn it back to the subscribers, because that is where it belongs.

I ask for a negative vote on this legislation.

The SPEAKER pro tempore. The Chair recognizes the lady from Cumberland County, Representative Vance.

Mrs. VANCE. Thank you, Mr. Speaker.

I rise to ask for concurrence in the Senate amendments.

This is not a really complicated issue. It is actually very simple. This is a way to help Pennsylvania businesses to grow. We are merely updating an outdated provision that was in a law drafted in 1921 before people ever knew or dreamed about HMO's. We are going to remove an arbitrary limitation on all domestic insurers, not just the Blues, to be able to invest in ways to expand their businesses. Some of the Blues' competitors are complaining, but what we are really doing is leveling the playing field. The National Association of Insurance Commissioners has an identical proposal and has said this is a good idea.

I would like to clarify one thing. All the Blue HMO's pay Federal, State, and local taxes as do the other for-profit HMO's. We are not asking for a special exemption. We are asking them to be treated equally.

I ask for your vote on concurrence. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes Representative Godshall for the second time.

Mr. GODSHALL. Mr. Speaker, is there anybody else up that—  
Okay.

You know, I heard what my colleague said from Cumberland County, and this is a chance to let Pennsylvania companies grow. It is also a way of lessening competition.

And I have one question that I want to leave with you. How big is big? How big is big enough? Right now we have one association that has more than 50 percent of the subscribers to health insurance in this State of Pennsylvania. How big is big enough?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Beaver County, Representative Colafella.

Mr. COLAFELLA. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support HB 602.

This bill amends the Insurance Company Law to provide the same exemption for investments already provided to insurance companies. It would provide subsidiary HMO's the same investment opportunities provided subsidiary insurance companies. This change will not allow unlimited investment in subsidiaries since this law will still require the Insurance Commissioner to provide that the parent insurance company retain sufficient assets to cover their liabilities.

In addition to that, this particular piece of legislation updates and provides tighter regulation of the title insurance business. It provides needed up-to-date standards for the conversion of mutual insurance companies to stock companies, and it provides a needed change to the Property and Casualty Guaranty Fund to better protect the financial integrity of the fund.

For these reasons I respectfully ask for your support for HB 602.

The SPEAKER pro tempore. The Chair recognizes the gentleman from York, Representative Nickol.

Mr. NICKOL. Thank you, Mr. Speaker.

In looking over this piece of legislation, I had three questions in my mind. Number one was the question of taxation, and I have

learned from previous speakers that these HMO's are taxed Federal, State, and locally. I also had the question of solvency, and that was answered in respect that the National Association of Insurance Commissioners has given approval to an identical proposal.

I have one remaining question which I have not heard an answer to, and I was wondering if the prime sponsor of the bill would consent to answer this question.

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

Mr. NICKOL. My remaining question is over parity. What I am interested in is to fire and casualty insurance companies. Currently are they allowed to invest in their subsidiaries as well?

Mr. MICOZZIE. All insurance companies can invest in their insurance subsidiaries.

Mr. NICKOL. So this grants the Blues parity with the power currently enjoyed by the other insurance companies.

Mr. MICOZZIE. Right. Correct.

Mr. NICKOL. Thank you.

I would urge members to support concurrence. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bradford, Representative Chadwick.

Mr. CHADWICK. Thank you, Mr. Speaker.

I think the lady, Mrs. Vance, said most of the things I was going to say. I would just like to point out that these HMO's are regulated both by the Insurance Department and the Department of Health. And I think it is important to note that this will give us an opportunity to grow the infrastructure of our health-care provider system at a time when the Federal Government is increasingly likely to make it necessary for us to have that infrastructure in place.

I think this is a good bill, and I think we should support it.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Huntingdon County, Representative Sather.

Mr. SATHER. Thank you, Mr. Speaker.

Mr. Speaker, these past months we have had much deliberation and much debate about a bill that was referred to as "any willing provider."

My comments to my colleagues on the floor of the House are this: If you have concerns about monopolies being formed in these United States and more especially in the Commonwealth of Pennsylvania, I would take a good hard look at nonconcurring in HB 602.

My position is nonconcurrence in HB 602. I have real reservations about creating the monopolies that only a few will be in the HMO business in the future, and I think we are just seeing the event beginning to take place. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Northampton, Representative Rooney.

Mr. ROONEY. Thank you, Mr. Speaker.

Mr. Speaker, much has been said about what the potential this bill has to do with regard to limiting competition as we go forward. That is simply not the case.

The Insurance Commissioner has always and will continue to retain the autonomy and the authority to approve or disapprove any proposal that may not be in the best interests of the consumer and the people we serve.

I would respectfully urge that all people look very hard at this bill, and the only reasonable conclusion I think you can reach is that a "yes" vote on concurrence is in the best interests of the

people that we all serve and in the best interests of the future of the insurance industry in Pennsylvania.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware, Representative Micozzie.

Mr. MICOZZIE. Thank you, Mr. Speaker.

Mr. Speaker, the Blue Cross and Blue Shield plans in Pennsylvania will not be altering their social commitment to provide affordable health insurance coverage to people of all income levels regardless of their health status. The ability to continue to provide high-quality, affordable coverage will be enhanced by this legislative proposal as it will insure the Blues can remain a competitive player in the expanding managed-care marketplace.

The Blues plans do not pay State premium taxes on their traditional business, which is a well-known fact, but this is more than offset by the social mission obligation. What would life insurers say if, in exchange for no premium taxes, they had to issue the life insurance policies to anyone who applied, at any time, without medical underwriting, all subject to Insurance Department approval of the rates they could charge?

All Blue HMO's pay Federal, State, and local taxes as do the other for-profit HMO's. Keystone HMO's are the best examples of how the Blues can create assets that are greatly benefiting the policyholders. Federal contracts administered by the Blues and their subsidiaries provide revenue to the parent corporation to help subsidize health insurance costs and result in the additional employment of several thousand Pennsylvania taxpayers. If we are going to talk about jobs as it compared to U.S. Healthcare that was pointed out, I am sure the Blues have more jobs than U.S. Healthcare. The proposal is a responsible action to provide for the continuing growth and evolution of competitive managed-care programs in the Commonwealth by enabling the Blues to compete on a level playing field.

Therefore, I respectfully request your support for a concurrence vote. Thank you.

#### MOTION TO PLACE BILL ON POSTPONED CALENDAR

The SPEAKER pro tempore. The Chair recognizes the gentleman from Columbia, Representative Gordner.

Mr. GORDNER. Thank you, Mr. Speaker.

This appears to be a matter which has different opinions on both sides. It is an amendment that went in over in the Senate just recently, a very substantial amendment, and for those reasons I would like to make a motion to postpone this bill.

The SPEAKER pro tempore. The gentleman, Mr. Gordner, moves that the bill, HB 602, PN 2903, be placed on the postponed calendar.

On the question,

Will the House agree to the motion?

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

Mr. PERZEL. Mr. Speaker, I would oppose the motion to postpone. We would like to just get on with our business.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS-41

Battisto	Daley	Hanna	Ramos
Bishop	DeLuca	Horsely	Roberts
Blaum	Dent	Jarolin	Shaner
Boscola	Dermody	Lescovitz	Sheehan
Browne	DeWeese	Lloyd	Stetler
Caltagirone	Evans	Michlovic	Sturla
Cohen, M.	Godshall	Mundy	Surra
Colaizzo	Gordner	Oliver	Trello
Corpora	Gruitza	Pesci	Vitali
Cowell	Haluska	Petrone	Yewcic
Curry			

NAYS-156

Adolph	Feese	Markosek	Scrimenti
Allen	Fichter	Marsico	Semmel
Argall	Fleagle	Masland	Serafini
Armstrong	Flick	McCall	Smith, B.
Baker	Gamble	McGeehan	Smith, S. H.
Bard	Gannon	McGill	Snyder, D. W.
Barley	Geist	Melio	Staback
Bebko-Jones	George	Merry	Stairs
Belardi	Gigliotti	Micozzie	Steelman
Belfanti	Gladeck	Miller	Steil
Birmelin	Gruppo	Myers	Stern
Boyes	Habay	Nailor	Stish
Brown	Harhart	Nickol	Strittmatter
Bunt	Hasay	Nyce	Tangretti
Butkovitz	Hennessey	O'Brien	Taylor, E. Z.
Buxton	Herman	Olasz	Taylor, J.
Cappabianca	Hershey	Perzel	Thomas
Carn	Hess	Petrarca	Tigue
Carone	Hutchinson	Pettit	Travaglio
Cawley	Itkin	Phillips	Trich
Chadwick	Jadlowiec	Pistella	True
Civera	James	Pitts	Tulli
Clark	Josephs	Platts	Vance
Clymer	Kaiser	Preston	Van Horne
Cohen, L. I.	Keller	Raymond	Veon
Colafella	Kenney	Readshaw	Walko
Conti	Kirkland	Reber	Washington
Cornell	Krebs	Reinard	Waugh
Corrigan	Kukovich	Robinson	Williams
Coy	LaGrotta	Roebuck	Wogan
Dempsey	Laughlin	Rohrer	Wozniak
DiGirolamo	Lawless	Rooney	Wright, D. R.
Donatucci	Lederer	Rubley	Wright, M. N.
Druce	Leh	Sainato	Youngblood
Durham	Levdansky	Santoni	Zimmerman
Egolf	Lucyk	Sather	Zug
Fairchild	Lynch	Saylor	
Fajt	Maitland	Schroder	Ryan, Speaker
Fargo	Major	Schuler	
Farmer	Manderino		

NOT VOTING-1

Mayernik

EXCUSED-4

King	Mihalich	Rieger	Rudy
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On the question recurring,  
Will the House concur in Senate amendments?  
The SPEAKER pro tempore. Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS-158

Adolph	Fargo	McGeehan	Shaner
Allen	Farmer	McGill	Sheehan
Argall	Fleagle	Melio	Smith, B.
Armstrong	Gamble	Merry	Smith, S. H.
Bard	Gannon	Micozzie	Snyder, D. W.
Barley	Geist	Miller	Staback
Bebko-Jones	George	Mundy	Stairs
Belardi	Gigliotti	Myers	Steelman
Belfanti	Gruppo	Nailor	Steil
Bishop	Habay	Nickol	Stern
Boyes	Haluska	Nyce	Stetler
Brown	Harhart	O'Brien	Stish
Browne	Hasay	Olasz	Strittmatter
Bunt	Hennessey	Oliver	Sturla
Butkovitz	Herman	Perzel	Surra
Buxton	Hershey	Pesci	Tangretti
Caltagirone	Horsely	Petrarca	Taylor, E. Z.
Cappabianca	Itkin	Petrone	Taylor, J.
Carn	Jadlowiec	Pettit	Tigue
Chadwick	James	Phillips	Travaglio
Civera	Jarolin	Pistella	Trello
Clark	Josephs	Pitts	Trich
Cohen, L. I.	Kaiser	Preston	True
Cohen, M.	Keller	Ramos	Tulli
Colafella	Kenney	Raymond	Vance
Conti	Kirkland	Readshaw	Van Horne
Cornell	Kukovich	Reber	Veon
Corpora	LaGrotta	Reinard	Walko
Corrigan	Laughlin	Robinson	Washington
Cowell	Lawless	Roebuck	Williams
Coy	Lescovitz	Rooney	Wogan
Daley	Levdansky	Rubley	Wozniak
Dent	Lucyk	Sainato	Wright, D. R.
Dermody	Lynch	Santoni	Wright, M. N.
Donatucci	Maitland	Saylor	Youngblood
Durham	Major	Schroder	Zimmerman
Egolf	Markosek	Schuler	Zug
Evans	Marsico	Scrimenti	
Fairchild	Masland	Semmel	Ryan, Speaker
Fajt	McCall	Serafini	

NAYS-39

Baker	DeLuca	Gordner	Michlovic
Battisto	Dempsey	Gruitza	Platts
Birmelin	DeWeese	Hanna	Roberts
Blaum	DiGirolamo	Hess	Rohrer
Boscola	Druce	Hutchinson	Sather
Carone	Feese	Krebs	Thomas
Cawley	Fichter	Lederer	Vitali
Clymer	Flick	Leh	Waugh
Colaizzo	Gladeck	Lloyd	Yewcic
Curry	Godshall	Manderino	

NOT VOTING-1

Mayernik

Less than the majority having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

## EXCUSED—4

King Mihalich Rieger Rudy

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

Ordered, That the clerk inform the Senate accordingly.

**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.

**PARLIAMENTARY INQUIRY**

Mr. DeWEESE. Mr. Speaker, point of parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his point of parliamentary inquiry.

Mr. DeWEESE. I would like the Parliamentarian to clarify the fact that a Rules Committee meeting should be taking place in a committee room. If there is some objection, we politely request that that take place. We would like to have a committee room to meet in. Ninety-nine percent of the time when a meeting is called at the floor, we accede politely and expeditiously. But the matters at hand today are comparatively challenging and arcane and they are politically fused with several hot buttons, and we would like a committee room, as is in our rules. And I would like the Parliamentarian to give me a pronouncement on our rules vis-a-vis our request for a committee room.

The SPEAKER pro tempore. The Chair was unaware that there was any request for a committee room put in.

Mr. DeWEESE. There was a sidebar conversation, Mr. Speaker, with the majority leadership team. That conversation was not acceded to and not respected. Therefore, we are taking the unusual opportunity to ask for a parliamentary intercession from the Chair. Page 39, rule 45, "Any committee meeting called off the Floor of the House shall meet in a committee room," period.

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

The SPEAKER. It is the recollection of the Chair that when the gentleman, during a period of time, as I recall — and given enough time, I could look this precedent up — but when the gentleman, Mr. DeWeese, was a member of the leadership, the Chair, then being occupied by the gentleman, Mr. Irvis, was asked a similar question by the Republican leadership. At that time Mr. Irvis designated a portion of the chamber as a committee room in that the rules did not specify that. Under the circumstances, I designate that portion of the House occupied in the immediate environs by the majority leader as a committee room, in keeping with the earlier precedent set by the then Speaker of the House, Mr. Irvis.

Mr. DeWEESE. Mr. Speaker, I would like to make a comment on the ruling.

The SPEAKER. Well, you were satisfied with that ruling some years ago, and if you give me a little time, I will get the specific

question and answer which was raised by one of the Republican leaders during your tenure as a leader.

Mr. DeWEESE. Mr. Speaker, I am not sure there was a \$145-million pickpocket of the taxpayer being considered at that moment.

The SPEAKER. Is that a parliamentary inquiry?

Mr. DeWEESE. That was the foundation for my parliamentary inquiry, Mr. Speaker.

The SPEAKER. Mr. DeWeese—

Mr. DeWEESE. Mr. Speaker?

The SPEAKER. —Mr. DeWeese—

Mr. DeWEESE. Mr. Speaker?

The SPEAKER. —what is right is right. The \$145 million or the \$145 or \$1.45 does not make it more or less right. That was the rule as interpreted by Mr. Irvis, and I am following that rule. You, as a former Speaker of this House, know what you may do at this time. You may accept it or you may appeal it.

Mr. DeWEESE. Mr. Speaker?

The SPEAKER. You may not argue about it with me.

**RULING OF CHAIR APPEALED**

Mr. DeWEESE. I would appeal the ruling of the Chair politely and respectfully. It is in black and white. To use the ruling of the Chair from a bygone era is inappropriate at this moment.

Every Speaker of the House has a chance to interpret in his or her fashion. I am asking that the Speaker of the House, when a \$145-million tax or civil suit is being considered, at least we have a chance to have a basic Rules Committee meeting in our Rules Committee room, that it not be shepherded through here—

The SPEAKER. Will the gentleman yield.

Mr. DeWEESE. —at a pell-mell speed.

The SPEAKER. Will the gentleman yield.

The gentleman has appealed the ruling of the Chair.

The question appealed from, I suspect, is whether or not the Speaker should follow the precedent of an earlier Speaker. Shall the decision of the Chair—

Mr. DeWEESE. That is not my motion, Mr. Speaker.

The SPEAKER. Well, shall the decision of the Chair stand as the judgment of the House?

Those in favor of sustaining the Chair's decision will vote "aye"; those opposed will vote "no."

On the question,

Will the House sustain the ruling of the Chair?

(Members proceeded to vote.)

Mr. DeWEESE. Is there no chance to debate this, Mr. Speaker?

The SPEAKER. Yes, you may debate.

The Chair recognizes the gentleman, Mr. DeWeese.

**VOTE STRICKEN**

The SPEAKER. Strike the board.

Mr. DeWEESE. What we are debating, Mr. Speaker, what we are doing is debating whether a portion of the floor has been transmogrified into a room, into a Rules Committee room. We are disallowing the Fourth Estate, we are disallowing members of the

public from being in the room as we discuss a \$145-million civil suit — \$145 million that we just learned about last week; \$145 million that many of the panjandrums and potentates of the Republican Party in New York City were aghast at, were flabbergasted at, were perplexed that the legislature was not involved at all — at all — in these executive deliberations. One hundred and forty-five million dollars is about to be cashiered from the public exchequer without a by-your-leave, without a chance for us to meet and deliberate in a Rules Committee setting.

Now, we are not asking for much. We are asking for a half an hour or so in the Rules Committee room so we can discuss something that is obviously causing some perturbation from the Chair and vexation among the rank and file. This is a big deal.

Mr. LAWLESS. Mr. Speaker?

Mr. DeWEESE. This is a big deal.

Mr. LAWLESS. Mr. Speaker?

### POINT OF ORDER

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

Mr. LAWLESS. A point of order.

The SPEAKER. State the point of order.

Mr. LAWLESS. Mr. Speaker, are we debating at this point the ruling of the Chair or are we debating the Envirotest situation?

The SPEAKER. The gentleman strayed for a moment, but he got back on course rather quickly. We will allow him to continue.

Mr. LAWLESS. Thank you.

Mr. DeWEESE. I thank the gentleman from Montgomery and also the gentleman from Delaware. My remarks are almost concluded.

I really think that institutionally, institutionally, we as a chamber need to revert to a more deliberative setting. We are getting things pell-mell in this chamber.

When the gentelady from Butler and the gentleman from Lebanon decided to abscond from this side of the aisle, they were trying to pursue a more deliberative setting. They thought they would be in some rarefied political circumstances where debate and dialogue and philosophy and substance would have meaning. They were trying to get away from what they perceived to be a pell-mell, helter-skelter process. Well, I do not know about the Chair, and I do not know exactly what will happen if we are allowed to debate this matter as the day unravels, but I do know one thing: The Rules Committee should be sacrosanct, and as we are available for that meeting, I do not see what the big deal is about meeting here or going downstairs and having a discussion and a dialogue where members of the press and members of the public will be represented.

I would ask that for once in a very, very unfamiliar setting, I ask that the gentleman who is in the Chair right now be countervailed.

The SPEAKER. Does the gentleman, Mr. Itkin, desire recognition? The gentleman is recognized.

Mr. ITKIN. Mr. Speaker, I am pleased to provide some additional information to the members of the House. Apparently the citation by the Speaker is not the most current on the issue, and my understanding is that the most recent precedent or the most recent decision is the one that takes precedence in terms of what we follow among procedures in the House.

I have in front of my possession here that there was something in the 1986 Legislative Journal, volume I, page 521, and the result

of the decision of the Speaker was that committee meetings, as per rule 45, ought to be held in a committee room rather than in the back of the House or in the lounge behind the House. Obviously if it is inappropriate, improper, to be in the back of the House or to be in the lounge, a room behind the House chamber, then anything within the floor of the House certainly would be considered inappropriate.

Mr. Speaker, I think that the Democratic leader makes a very reasonable request. This is an extremely important matter that ought to be debated in a setting that allows for full consideration of the matters, and I go along and I support the Democratic leader in his desire, in his request, that we meet in the majority caucus room as we normally do meet when we have these committee meetings in which there are controversial matters to be discussed.

And, Mr. Speaker, I make that request again that we hold a committee meeting for the Rules Committee in the majority caucus room at this time. Thank you, Mr. Speaker.

The SPEAKER. Mr. Itkin cites from the Journal of March 18 — do you not? — March 18, 1986, the day after St. Patrick's Day, page 521. The Speaker, however, relies on page 522, a more recent precedent, when the Speaker actually answered that parliamentary inquiry of which you make reference, and that answer goes like this, and I quote:

"The SPEAKER. Why does the gentleman from Chester, Mr. Morris, rise?

"Mr. MORRIS. Mr. Speaker, is the anteroom worthy of being called a committee room?

"The SPEAKER. Which room, Mr. Morris? Which room?

"Mr. MORRIS. The anteroom.

"The SPEAKER. The Chair officially declares the anteroom to be the temporary committee room of the Committee on Agriculture.

"I told you, trust the Chair. I can figure these things out at night.

"Mr. MORRIS. My announcement is amended," and they pass over bills and go on and on and on.

So what you are referring to is on page 521; the answer, though, is on page 522. The ruling of the Chair stands that Mr. Irviss ruled on page 522, on that day after St. Patrick's Day, March 18, that he, the Speaker, could designate temporary committee rooms. I have designated this. And following precedent, which we do; they are the rules, we follow precedent, and the precedent set by you, by me, over many, many, many years is that we have had Rules Committee meetings when called at the desk of the two floor leaders. We have done that for years. Now the gentleman has asked that we move it somewhere else. Frequently on such a request there has been compliance; there has not been this time.

So there has been a request for a designation of a committee room, and I have so designated. You have appealed that ruling, and the question before the House is, do you support the ruling of the Chair? If so, you vote "yes"; if you are against the ruling, you vote "no."

The gentleman, Mr. DeWeese, is recognized for the second time on the subject.

Mr. DeWEESE. Mr. Speaker, when the Republican floor leaders asked that we descend into the majority caucus room and I was privileged to be at the Chair, universally we acceded favorably to that request. This is the first time — and maybe the last — that we would not be anxious to meet on the red carpet.

The SPEAKER. Mr. DeWeese, please.

If I may, with all due respect, the question is on appeal of the Chair, not on the manners of the two floor leaders.

Mr. DeWEESE. I believe, with all due respect, sir, these are inextricably linked.

The SPEAKER. They are not inextricably entwined nor are they linked.

There is an appeal pending on my ruling, and let us get to it.

Mr. DeWEESE. I realize, sir, that my comments are brimming with novelty and risk, but nevertheless, I want to talk about why we should appeal the ruling of the Chair, and the reason I feel that we should appeal the ruling of the Chair is because unlike what happened in the 1980's, the Commonwealth Court of our State just recently, just a few weeks ago, came out and decided that the way we dispensed our legislative initiative grants, the way Governor Ridge's budget was taken care of, did not have enough public input. It was done too secretly; that we as a General Assembly did not share enough about what we were doing.

I think the Commonwealth Court decision on the budget is reflective of what we are doing today, sir.

The SPEAKER. Mr. DeWeese.

Mr. DeWEESE. I believe we need public input on the committee floor, not on the House floor.

The SPEAKER. Mr. DeWeese, Mr. DeWeese, come on. You know better.

Gentlemen of the press, come on over with Mr. DeWeese. Meet over here with Mr. Perzel. Let us just get this thing done. There is no curtain here. What could be more open than this chamber, Mr. DeWeese?

Mr. LLOYD. Point of order.

The SPEAKER. Keep the debate on this issue.

Mr. LLOYD. Point of order. Point of order. Point of order.

### PARLIAMENTARY INQUIRY

The SPEAKER. Mr. Bunt.

Mr. BUNT. Mr. Speaker, a parliamentary inquiry.

Mr. Speaker, if the Chair's position is not sustained, would that then preclude the respective chairmen of the committees from holding committee meetings in the rear of the House as we have done for the 13 years that I have been a member of this General Assembly?

The SPEAKER. If challenged, it would probably put an end to them. I am giving you that quickly.

Mr. BUNT. Then this would be, rather than a rule change, we would just have rotation of the rules considering who is at the Speaker's podium then.

The SPEAKER. Mr. Bunt, that is not pertinent to really the question that is before us, and I am trying to hold this down to what is before us, and what is before us is my ruling as to whether or not I have the authority to designate this area for a committee meeting. That is what is before us. I either do or I do not, and that is what Mr. DeWeese is recognized to debate, for the second time.

Mr. DeWEESE. I accede to the gentleman from Somerset.

The SPEAKER. I interrupted the gentleman, Mr. DeWeese, in his second recognition on the question. I suggest you finish your second turn, because you have been recognized twice. You will not be recognized again.

Mr. DeWEESE. Point of order, Mr. Speaker.

The SPEAKER. I apologize to the gentleman. I have not limited leaders to two cracks. I apologize.

Mr. DeWEESE. I appreciate that, Mr. Speaker. I would just like—

### POINT OF ORDER

The SPEAKER. The gentleman, Mr. Lloyd.

Mr. LLOYD. Mr. Speaker, I have a point of order.

The SPEAKER. The gentleman will state it.

Mr. LLOYD. What is the question before the House?

The SPEAKER. The question before the House is, shall the decision of the Chair stand as the judgment of the House? That is the technical question, the judgment of the Chair being as I stated a moment ago.

Mr. LLOYD. And the suggestion, Mr. Speaker, that the press just come on over, that was just by way of dictum—

The SPEAKER. That was dictum; yes.

Mr. LLOYD.—and that does not detract from the fact that we are going to take a vote on this particular motion. Is that correct?

The SPEAKER. That is correct, sure.

### PARLIAMENTARY INQUIRY

Mr. LLOYD. And then a parliamentary inquiry, Mr. Speaker.

The SPEAKER. The answer to your parliamentary inquiry is, I should not have said that.

Mr. LLOYD. No; the parliamentary inquiry is, does the sunshine law apply under your ruling to a Rules Committee meeting held at the leader's desk?

The SPEAKER. Yes, it applies, and the Sergeant at Arms has been given permission to grant people access to this particular meeting that is called on the floor, if that is what you are referring to.

Mr. LLOYD. That is the question. Thank you, Mr. Speaker.

The SPEAKER. Mr. DeWeese, anything further?

Mr. DeWEESE. I thank the Chair for his dialogue, and I think this is healthy for our chamber.

I would like to ask my members and any perspicacious people on the other side of the aisle to join with me in appealing this ruling of the Chair. I do not do this very often. I do it with great tentativeness. I am very chary about trying to countervail the Speaker of the House on a ruling, but I do think that the expense and the nature of the deliberation that we are about to undergo with Envirotest deserves a full-blown committee hearing as it states in our rules.

Mr. Bunt's conversation untypically, untypically of my good friend, Mr. Bunt, was off the mark a little bit. It says in our rules only that the Rules Committee meet somewhere else, and 99 percent of the time, when we are not talking about 145 million bucks, I would accede and happily migrate across the way and be with my fellow colleagues. But this is too important to just by-your-leave casually, happily, perfunctorily walk over there and do a deal. We should be in the Rules Committee meeting, sir.

The SPEAKER. Those in favor of sustaining the Chair's decision will vote in the affirmative; those opposed in the negative.

On the question recurring,

Will the House sustain the ruling of the Chair?

The following roll call was recorded:

YEAS-101

Adolph	Fairchild	Lynch	Schuler
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.
Birmelin	Gannon	Micozzie	Stairs
Boyes	Geist	Miller	Steil
Brown	Gladeck	Nailor	Stern
Browne	Godshall	Nickol	Stish
Bunt	Gruppo	Nyce	Strittmatter
Butkovitz	Habay	O'Brien	Taylor, E. Z.
Chadwick	Harhart	Perzel	Taylor, J.
Civera	Hasay	Pettit	True
Clark	Hennessey	Phillips	Tulli
Clymer	Herman	Pitts	Vance
Cohen, L. I.	Hershey	Platts	Waugh
Conti	Hess	Raymond	Wogan
Cornell	Hutchinson	Reber	Wright, M. N.
Dempsey	Jadlowiec	Reinard	Zimmerman
Dent	Keller	Rohrer	Zug
DiGirolamo	Kenney	Rubley	
Druce	Lawless	Sather	Ryan,
Durham	Lederer	Saylor	Speaker
Egolf	Leh	Schroder	

NAYS-94

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

NOT VOTING-3

Krebs	McGeehan	Youngblood
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EXCUSED-4

King	Mihalich	Rieger	Rudy
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The majority having voted in the affirmative, the question was determined in the affirmative and the ruling of the Chair was sustained.

RULES COMMITTEE MEETING

The SPEAKER. There will be an immediate meeting of the Rules Committee in the general vicinity of the majority leader's desk.

The House will stand at ease. The press and public are invited to attend.

BILL ON CONCURRENCE  
REPORTED FROM COMMITTEE

HB 48, PN 2928

By Rep. PERZEL

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining "pedalcycles"; further providing for handicapped plate and placard, for veteran plates and placard, for the operation of pedalcycles on Commonwealth highways, for pedalcycle helmets, for the use of hearing impairment devices and for hand and arm signals; repealing the Pedalcycle Helmet Fund; providing for the establishment of the Pennsylvania Pedalcycle and Pedestrian Advisory Committee; further providing for exemption from surcharge; providing for authorization for the Governor to transfer funds from the Catastrophic Loss Benefits Continuation Fund and funds from continuing appropriations for hazardous waste control to satisfy litigation awards, and all costs associated with litigation involving a centralized emission inspection contract; and deleting authority for centralized emission inspections.

RULES.

SENATE MESSAGE

HOUSE RESOLUTION  
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in HR 167, PN 2047.

SENATE MESSAGE

HOUSE AMENDMENTS  
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to the Senate amendments to HB 1238, PN 2901.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HB 602, PN 2903

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.

**HB 1238, PN 2901**

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, amending and adding certain definitions; amending and adding provisions regarding the annual compensation limit and other matters under the Internal Revenue Code of 1986 applicable to the system which affect member and school employer contributions to the Public School Employees' Retirement Fund and the State Employees' Retirement Fund; revising provisions relating to annuitants of the Public School Employees' Retirement System or the State Employees' Retirement System who return to school service or State service; making conforming amendments; providing for other purposes; and making a repeal.

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

**GUESTS INTRODUCED**

The SPEAKER. The Chair is pleased to welcome to the hall of the House today, as the guests of the majority leader, his brother, Michael Perzel, and friends Dennis O'Neill and John Alviggi, here to the left of the Speaker. Will the gentlemen please rise.

**SUPPLEMENTAL CALENDAR A**

**BILL ON CONCURRENCE  
IN SENATE AMENDMENTS  
TO HOUSE AMENDMENTS  
TO SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to House amendments to Senate amendments to the following **HB 215, PN 2882**, entitled:

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

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

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

Mr. COHEN. Thank you.

Will Mr. Sather consent to interrogation, please?

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

Mr. COHEN. Thank you.

Mr. Speaker, is there anything in this bill that creates criminal penalties for birth mothers after they give up their children?

Mr. SATHER. Could you repeat that, please, Mr. Speaker?

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, is there anything in this bill that creates the possibility of criminal penalties for birth mothers after they give up their children?

Mr. SATHER. Mr. Speaker, none whatsoever.

Mr. COHEN. Mr. Speaker, in this bill, is the birth mother required to give—

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

Conferences on the floor, please break up. The conferences in the vicinity of the gentleman, Mr. Sather, please break up.

The gentleman, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, in this bill, what are the duties of a birth mother after an adoption has taken place and her parental rights have been terminated?

Mr. SATHER. This legislation would make it available to the birth parent, the birth mother, to update the information in the intervening time, medical history information. At the present time, they already have the opportunity — voluntarily — to provide the information at the time of adoption.

Mr. COHEN. And this bill requires them to do it?

Mr. SATHER. No, it is strictly voluntary; strictly voluntary.

Mr. COHEN. There is no requirement in this bill?

Mr. SATHER. There is no requirement. It is a "may." We were hopeful that through information being provided, public information, that this information will be disseminated through means of confidentiality, maintaining confidentiality.

Mr. COHEN. And if a birth mother does not do it, she will not be punished?

Mr. SATHER. That is absolutely correct.

Mr. COHEN. Thank you, Mr. Speaker. I have no further questions.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House concur in Senate amendments to House amendments to Senate amendments?

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

**YEAS—197**

Adolph	Durham	Lloyd	Schroder
Allen	Egolf	Lucyk	Schuler
Argall	Evans	Lynch	Scrimenti
Armstrong	Fairchild	Maitland	Semmel
Baker	Fajt	Major	Serafini
Bard	Fargo	Manderino	Shaner
Barley	Farmer	Markosek	Sheehan
Battisto	Feese	Marsico	Smith, B.
Bebko-Jones	Fichter	Masland	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
Browne	Godshall	Mundy	Strittmatter
Bunt	Gordner	Myers	Sturla
Butkovitz	Gruitza	Nailor	Surra
Buxton	Gruppo	Nickol	Tangretti
Caltagirone	Habay	Nyce	Taylor, E. Z.
Cappabianca	Haluska	O'Brien	Taylor, J.
Carn	Hanna	Olasz	Thomas
Carone	Harhart	Oliver	Tigue
Cawley	Hasay	Perzel	Travaglio
Chadwick	Hennessey	Pesci	Trello
Civera	Herman	Petrarca	Trich

Clark	Hershey	Petrone	True
Clymer	Hess	Pettit	Tulli
Cohen, L. I.	Horsey	Phillips	Vance
Cohen, M.	Hutchinson	Pistella	Van Horne
Colafrilla	Itkin	Pitts	Veon
Colaizzo	Jadlowiec	Platts	Vitali
Conti	James	Preston	Walko
Cornell	Jarolin	Ramos	Washington
Corpora	Josephs	Raymond	Waugh
Corrigan	Kaiser	Readshaw	Williams
Cowell	Keller	Reber	Wogan
Coy	Kenney	Reinard	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	Rubley	Zug
DeWeese	Lederer	Sainato	
DiGirolamo	Leh	Santoni	Ryan,
Donatucci	Lescovitz	Sather	Speaker
Druce	Levdansky	Saylor	

NAYS-0

NOT VOTING-1

Mayernik

EXCUSED-4

King                      Mihalich                      Rieger                      Rudy

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

Ordered, That the clerk inform the Senate accordingly.

**CALENDAR CONTINUED**

**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 1468, PN 2897**, entitled:

An Act providing for the establishment and regulation of individual and employer-provided medical care savings accounts.

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

The SPEAKER. Does the gentleman, Mr. Micozzie, desire recognition on this bill? The gentleman is recognized.

Mr. MICOZZIE. Thank you, Mr. Speaker.

HB 1468, as amended, provides for the establishment of a medical care savings account program in the Commonwealth of Pennsylvania.

Medical care savings account programs will allow account holders or their employers to purchase health plans with high deductibles and contribute to a medical care savings account which can be used to cover the cost of the high deductible.

The contribution to the account and the interest earned in the account will be exempt from State personal income tax if the

account is used to cover eligible medical expenses. If the funds are not used to cover eligible medical expenses, withdrawals from the account will become subject to State personal income taxation and a 10-percent penalty.

Eligible medical expenses include dental care, eye care, long-term care, and the premiums on long-term insurance.

Funds from the medical care savings account can be used for contributions to establish accounts for children of the account holder who have ceased to be dependent.

Medical care savings accounts may be transferred to a new account and administrator if an account holder changes employers or employment is terminated.

In the case of the death of the account holder, the account may be transferred to a spouse or a dependent or dependents.

The bill allows establishment of medical care savings accounts by individuals. Account administrators may be banks, trust companies, insurance companies, certified public accountants, attorneys, self-insured employers, and persons registered under the Pennsylvania Securities Act.

The bill clarifies that cash contributions made by employers to medical care savings accounts for their employees— Mr. Speaker, may I have some quiet? I cannot hear myself think.

The SPEAKER. We can.

Conferences on the floor, please break up. Conferences, please break up.

The gentleman, Mr. Micozzie.

Mr. MICOZZIE. Thank you, Mr. Speaker.

The bill clarifies that cash contributions made by employers to medical care savings accounts for their employees will not subject their employees to a State income tax liability for such contributions. Individuals who establish their own accounts will be making such contributions from after-tax dollars unless additional legislative changes are made to the Tax Reform Code.

The interest on the accounts will be exempt from taxation for all account holders as long as the account is used for eligible medical expenses. The bill applies to tax years beginning January 1, 1997, and beyond.

Medical care savings accounts have been frequently discussed at the Federal level, but no legislation has been enacted which would exempt such accounts from Federal taxation. Of course, without a change in the Federal tax treatment, the impact of the change in the State law will provide additional options in the insurance market, but the price incentives will probably still favor traditional insurance programs in most cases at this time.

If the Federal Government makes medical care savings accounts exempt from Federal taxation, individuals who currently have no employer-provided insurance will receive additional economic choices for individual insurance purchases, and employers who do not provide any health insurance currently may start providing high-deductible plans to their employees. Without knowledge of a potential Federal legislative change, it is impossible to estimate the secondary effects on Pennsylvania's insurance purchasers.

Additional responsibilities of the Insurance Department can be handled within existing resources. The Revenue Department will incur minor costs to comply with this bill. The bill requires an annual registration of \$25 from account administrators, and there will be a negligible revenue increase in the General Fund from this fee.

I ask for your support for the medical savings accounts. Thank you, 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—197

Adolph	Durham	Lloyd	Schroder
Allen	Egolf	Lucyk	Schuler
Argall	Evans	Lynch	Scrimenti
Armstrong	Fairchild	Maitland	Semmel
Baker	Fajt	Major	Serafini
Bard	Fargo	Manderino	Shaner
Barley	Farmer	Markosek	Sheehan
Battisto	Feese	Marsico	Smith, B.
Bebko-Jones	Fichter	Masland	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	Stem
Boyes	Gigliotti	Micozzie	Stetler
Brown	Gladeck	Miller	Stish
Browne	Godshall	Mundy	Strittmatter
Bunt	Gordner	Myers	Sturla
Butkovitz	Gruitza	Nailor	Surra
Buxton	Gruppo	Nickol	Tangretti
Caltagirone	Habay	Nyce	Taylor, E. Z.
Cappabianca	Haluska	O'Brien	Taylor, J.
Carn	Hanna	Olasz	Thomas
Carone	Harhart	Oliver	Tigue
Cawley	Hasay	Perzei	Travaglio
Chadwick	Hennessey	Pesci	Trello
Civera	Herman	Petrarca	Trich
Clark	Hershey	Petrone	True
Clymer	Hess	Pettit	Tulli
Cohen, I. I.	Horsey	Phillips	Vance
Cohen, M.	Hutchinson	Pistella	Van Horne
Colafrella	Itkin	Pitts	Veon
Colaizzo	Jadlowiec	Platts	Vitali
Conti	James	Preston	Walko
Cornell	Jarolin	Ramos	Washington
Corpora	Josephs	Raymond	Waugh
Corrigan	Kaiser	Readshaw	Williams
Cowell	Keller	Reber	Wogan
Coy	Kenney	Reinard	Wozniak
Curry	Kirkland	Roberts	Wright, D. R.
Daley	Krebs	Robinson	Wright, M. N.
Def.uca	Kukovich	Roebuck	Yewcic
Dempsey	LaGrotta	Rohrer	Youngblood
Dent	Laughlin	Rooney	Zimmerman
Dermody	Lawless	Rubley	Zug
DeWeese	Lederer	Sainato	
DiGirolamo	Leh	Santoni	Ryan,
Donatucci	Lescovitz	Sather	Speaker
Druce	Levdansky	Saylor	

NAYS—0

NOT VOTING—1

Mayernik

EXCUSED—4

King Mihalich Rieger Rudy

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 497, PN 2896**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for revocation or suspension of operating privilege, for reports by issuing authorities and for reports by courts; and making a repeal.

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

Mr. TAYLOR offered the following amendment No. **A6571**:

Amend Title, page 1, line 5, by inserting after "FOR"  
duties of agents, for

Amend Bill, page 2, lines 14 through 16, by striking out all of said lines and inserting

Section 1. Section 1318 of Title 75 of the Pennsylvania Consolidated Statutes is amended by adding a subsection to read:  
§ 1318. Duties of agents.

\*\*\*

(c) Liability.—An agent of the department acting under this section shall not be liable to criminal prosecution or civil action arising from such action or for any damages on account of any injury to a person or property arising from such action.

Section 2. Sections 1532(d), 1793(a), 6322 and 6323 of Title 75 are amended to read:

Amend Sec. 2, page 7, line 7, by striking out "2" and inserting  
3

Amend Sec. 3, page 7, line 9, by striking out "3" and inserting  
4

Amend Sec. 3, page 7, line 12, by striking out "2" and inserting  
3

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

AMENDMENT WITHDRAWN

The SPEAKER. On the question of the adoption of the amendment, the Chair recognizes the gentleman from Philadelphia.

Mr. TAYLOR. Thank you, Mr. Speaker.

Mr. Speaker, this is—

The SPEAKER. —A6571.

Mr. TAYLOR. Yes, Mr. Speaker.

Amendment A6571 was not technically correct, Mr. Speaker, and we corrected that, and that has been submitted and hopefully distributed. If not, it will be.

RULES SUSPENDED

Mr. TAYLOR. I would like to move to suspend the rules to have that considered, Mr. Speaker.

The SPEAKER. It is my understanding that you are requesting that the rules be suspended to permit you to offer amendment 6626, is it?

Mr. TAYLOR. Yes, Mr. Speaker.

The SPEAKER. The question before the House is the motion of the gentleman, Mr. Taylor, to suspend the rules to permit him to offer amendment A6626.

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

The following roll call was recorded:

YEAS-191

- |              |            |           |               |
|--------------|------------|-----------|---------------|
| Adolph       | Durham     | Lloyd     | Schroder      |
| Allen        | Egolf      | Lucy      | Schuler       |
| Argall       | Evans      | Major     | Scrimenti     |
| Armstrong    | Fairchild  | Manderino | Semmel        |
| Baker        | Fajt       | Markosek  | Serafini      |
| Bard         | Fargo      | Marsico   | Shaner        |
| Barley       | Farmer     | Masland   | Sheehan       |
| Battisto     | Feese      | McCall    | Smith, B.     |
| Bebko-Jones  | Fichter    | McGeehan  | Smith, S. H.  |
| Belardi      | Fleagle    | McGill    | Snyder, D. W. |
| Belfanti     | Flick      | Melio     | Staback       |
| Birmelin     | Gamble     | Merry     | Stairs        |
| Bishop       | Gannon     | Michlovic | Steil         |
| 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       | Gruppo     | O'Brien   | Taylor, E. Z. |
| Caltagirone  | Habay      | Olasz     | Taylor, J.    |
| Cappabianca  | Haluska    | Oliver    | Thomas        |
| Carn         | Harhart    | Perzel    | Tigue         |
| Cawley       | Hasay      | Pesci     | Travaglio     |
| Chadwick     | Hennessey  | Petrarca  | Trello        |
| Civera       | Herman     | Petrone   | Trich         |
| Clark        | Hershey    | Pettit    | True          |
| Clymer       | Hess       | Phillips  | Tulli         |
| Cohen, L. I. | Horsey     | Pistella  | Vance         |
| Cohen, M.    | Hutchinson | Pitts     | Van Horne     |
| Colafiglia   | Itkin      | Platts    | Veon          |
| Colaizzo     | Jadlowiec  | Preston   | Vitali        |
| Conti        | James      | Ramos     | Walko         |
| Cornell      | Jarolin    | Raymond   | Washington    |
| Corpora      | Josephs    | Readshaw  | Waugh         |
| Corrigan     | Kaiser     | Reber     | Williams      |
| Cowell       | Keller     | Reinard   | Wogan         |
| Coy          | Kenney     | Roberts   | Wozniak       |
| Curry        | Kirkland   | Robinson  | Wright, D. R. |
| Daley        | Kukovich   | Roebuck   | Wright, M. N. |
| DeLuca       | LaGrotta   | Rohrer    | Yewcic        |
| Dempsey      | Laughlin   | Rooney    | Youngblood    |
| Dent         | Lawless    | Ruble     | Zimmerman     |
| Dermody      | Lederer    | Sainato   | Zug           |
| DeWeese      | Leh        | Santoni   |               |
| DiGirolamo   | Lescovitz  | Sather    | Ryan,         |
| Donatucci    | Levdansky  | Saylor    | Speaker       |
| Druce        |            |           |               |

NAYS-6

- |        |       |          |          |
|--------|-------|----------|----------|
| Carone | Krebs | Maitland | Steelman |
| Hanna  | Lynch |          |          |

NOT VOTING-1

Mayernik

EXCUSED-4

- |      |          |        |      |
|------|----------|--------|------|
| King | Mihalich | Rieger | Rudy |
|------|----------|--------|------|

A majority of the members elected to the House having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

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

Mr. TAYLOR offered the following amendment No. A6626:

Amend Title, page 1, line 5, by inserting after "FOR"  
duties of agents, for

Amend Bill, page 2, lines 14 through 16, by striking out all of said lines and inserting

Section 1. Section 1318 of Title 75 of the Pennsylvania Consolidated Statutes is amended by adding a subsection to read:  
§ 1318. Duties of agents.

\*\*\*

(c) Liability.—An agent of the department acting under this section shall not be liable in a civil action arising from such action or for any damages on account of any injury to a person or property arising from such action.

Section 2. Sections 1532(d), 1793(a), 6322 and 6323 of Title 75 are amended to read:

Amend Sec. 2, page 7, line 7, by striking out "2" and inserting  
3

Amend Sec. 3, page 7, line 9, by striking out "3" and inserting  
4

Amend Sec. 3, page 7, line 12, by striking out "2" and inserting  
3

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

The SPEAKER. The gentleman, Mr. Taylor, is recognized.  
Mr. TAYLOR. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is intended to correct what we feel is a terrible problem in the city of Philadelphia with regard to lawsuits against people who are really not to blame.

Currently, auto tag dealers, Mr. Speaker, who issue plates, who have the authority through the Department of Transportation, have been named as defendants in auto suits that they have nothing to do with. A few local businesses in my area are almost being run out of business because they have to go through the process of defending these suits.

We have a precedent in Title 75, Mr. Speaker, where we limit the liability for auto inspectors, where if they are inspecting a vehicle on behalf of the department, they are not liable for an auto accident that would occur later. This has been a tool of the plaintiffs' bar to bring in more possible pockets for a plaintiff. It

has unduly affected some local businesses, and I think this amendment will correct this problem.

I ask for your support of this amendment. Thank you.

The SPEAKER. On the question, the lady from Philadelphia, Ms. Manderino.

Ms. MANDERINO. Thank you, Mr. Speaker.

Would the maker of the amendment agree to a brief interrogation?

The SPEAKER. He would. You may proceed.

Ms. MANDERINO. Thank you.

Mr. Speaker, and I apologize if you have already explained it; I was trying to read the amendment as it was being distributed, but I explain to me again who are the businesses or agents that we would be exempting under your amendment.

Mr. TAYLOR. Mr. Speaker, the amendment talks about an agent of the Department of Transportation, and what that refers to are those businesses which issue vehicle registrations and temporary registrations for their vehicles.

Ms. MANDERINO. This would not go to anybody who is doing a State inspection?

Mr. TAYLOR. No, it would not, Mr. Speaker. As a matter of fact, that is a separate code section that has similar language.

Ms. MANDERINO. If I went to an auto tag place to transfer an automobile and— Wait. Let me ask, do I understand that someplace like a temporary auto tag place would be covered by this?

Mr. TAYLOR. Yes.

Ms. MANDERINO. Okay. If I walk into an auto tags place with a vehicle which I have purchased and I have the title with me and the title has been signed on the back by the prior owner, already signing it on to me, and while the law now requires that that person be in the room with me and that signature be notarized when I am in the room, and if it does not, of course, there is some liability, but I know as a practical matter that sometimes — because I had that happen to me, quite frankly — sometimes that does not happen, and my question is, if somebody does something at the auto tag store which they should not be doing, such as transferring a vehicle and giving new tags on a vehicle when the person who signed the back of the title is not in the room, would this amendment relieve them from any liability for that action?

Mr. TAYLOR. No, it would not, Mr. Speaker.

What we have in this situation is under section 1318 of Title 75, which deals strictly with the production of a document which verifies financial responsibility and does not go to a transfer of the title or go to who exactly is the owner of the vehicle. It is very specific in nature.

Ms. MANDERINO. Mr. Speaker, I have finished my interrogation. Thank you.

The SPEAKER. Does the gentleman, Mr. Gordner, seek recognition on this question? The gentleman is recognized.

Mr. GORDNER. Thank you, Mr. Speaker.

I rise in opposition to this amendment.

In section 1318, it says that the duty of the agents of the Department of Transportation is to check on and verify financial responsibility prior to issuing any of these items. By this amendment, we are now saying that they are not liable for any actions or inactions that they do in regard to this, and again, they specifically have a responsibility to verify financial responsibility, which is something very important for us here. Some of these folks are the ones that deal with fraudulent issuances of tags and other

items, so I think to take away their responsibility and their liability is a bad idea. It is something that we should not be doing.

So because of those reasons, I would argue that we should be against this amendment.

The SPEAKER. The gentleman from Clearfield, Mr. George.

Mr. GEORGE. Thank you, Mr. Speaker.

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

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

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, is the purpose of this amendment, for an example, in a case where an issuing agent may have been provided information that would attest to the legitimacy of the transaction and for some reason would not be legitimate, such as proving that they had insurance and the insurance had been canceled? Is that the reason of your amendment?

Mr. TAYLOR. Mr. Speaker, we had a discussion in caucus about the ability of someone to show up at an auto tag dealer's place of business and produce a valid card which shows that he had insurance, and he could go ahead and cancel that insurance the next day or produce what would amount to a phony card or a phony declaration sheet. The agent would comply with section 1318. The person that produced that phony card or who canceled the insurance would then go out and, for example, rear-end somebody on I-95 in Philadelphia, create an unbelievable accident, and when the plaintiff, the person, the victim there, goes to sue, they turn around and name the auto tag dealer as a defendant in the case.

Mr. GEORGE. Mr. Speaker, I thank the gentleman.

The SPEAKER. The gentleman, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Will the maker of the amendment rise for a brief interrogation?

The SPEAKER. He will. You may begin.

Mr. STURLA. Thank you, Mr. Speaker.

I understand exempting someone from liability if in fact there is not willful negligence, if it was just a miscalculation — there was a glitch in the computer; something did not come up properly — and I believe those people would be covered under your amendment. Under your amendment though, also one of the fears I have is, I do not see an exemption for those who willfully are negligent.

The guy who has got the corner place that issues licenses, who says, "Just come in and pay me an extra hundred bucks. Once a week I pass out a bad license. I don't check your stuff," and that person, one out of the thousand he has given out, somebody goes out and kills someone as a result of having that license. Should someone not be able to come back and have this guy be liable for a portion of that if he is willfully doing this, and is that covered under your amendment?

Mr. TAYLOR. Mr. Speaker, under the section that we are amending, they must comply and they would go through sanctions by the Department of Transportation if they did not comply. Somebody who would do this willful fraud that you are talking about, it is our experience that they are probably not legitimate businesses as it is. It is the legitimate guy who is complying with all the requirements of section 1318 who is really getting hurt here, and because they are a legitimate business with assets, they are named in these auto accidents.

Mr. STURLA. I understand that, and I would like to help protect the legitimate businessperson. The question is, the way the amendment is drafted, do I also protect the guy who is willfully negligent, and I believe that you do with that, and is there a way

we can change that drafting of that to do what I believe you intended to do and not do what, I believe, the amendment actually does?

Mr. TAYLOR. Mr. Speaker, we considered that. I have no way to tell how you make that distinction in this. I think that the department and the enforcement of section 1318 is sufficient. Even with that, I think if somebody is out and causes an accident, to impute that negligence back on a business owner is incorrect, and it is devastating some local businesses in the Philadelphia area.

Mr. STURLA. Thank you, Mr. Speaker.

Could I make a brief comment?

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

Mr. STURLA. Mr. Speaker, I believe the intent of this amendment is proper, but I guess I would like to see us get it drafted properly so that it does not allow for those people that are willfully out there doing this as a side business, that they would then be liable. I would hope that we would at least hold them accountable, and I guess I would ask that perhaps the maker of the amendment either withdraw it at this point in time or ask that the bill be held over so that he can change that amendment to address that concern. Thank you.

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

Mr. GORDNER. Thank you, Mr. Speaker.

Very briefly. The crime is not so much with the small businessperson, but the crime is to that innocent victim who is out on the road that gets hit by someone who does not have the financial responsibility because the agent did not care and just went ahead and issued the registration or the plate. That is where the real crime is. If you vote in favor of this amendment, then I hope you do not have to answer to anyone who is out there or driving in the streets of Philadelphia that does not have financial responsibility.

I would urge the defeat of this amendment.

LEAVE OF ABSENCE

The SPEAKER. Without objection, the gentleman from Lawrence, Mr. LaGROTTA, will be placed on leave for the remainder of the day.

CONSIDERATION OF HB 497 CONTINUED

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

The following roll call was recorded:

YEAS-136

Adolph	Fajt	Leh	Sather
Allen	Fargo	Lynch	Saylor
Argall	Farmer	Maitland	Schroder
Armstrong	Feese	Major	Schuler
Baker	Fichter	Marsico	Semmel
Bard	Fleagle	Masland	Serafini
Barley	Flick	McCall	Sheehan
Battisto	Gannon	McGeehan	Smith, B.
Bebko-Jones	Geist	McGill	Smith, S. H.
Belardi	George	Merry	Snyder, D. W.
Belfanti	Gigliotti	Micozzie	Stairs
Birmelin	Gladeck	Miller	Steil
Boyes	Godshall	Nailor	Stern
Brown	Gruppo	Nickol	Stish

Browne	Habay	Nyce	Strittmatter
Bunt	Haluska	O'Brien	Surra
Butkovitz	Harhart	Olasz	Taylor, E. Z.
Cappabianca	Hasay	Perzel	Taylor, J.
Chadwick	Hennessey	Pesci	Trello
Civera	Herman	Petrone	True
Clark	Hershey	Pettit	Tulli
Clymer	Hess	Phillips	Vance
Colafella	Horsey	Pitts	Van Horne
Conti	Hutchinson	Platts	Walko
Cornell	Itkin	Preston	Waugh
Coy	Jadlowiec	Ramos	Wogan
DeLuca	James	Raymond	Wozniak
Dempsey	Jarolin	Readshaw	Wright, D. R.
Dent	Kaiser	Reber	Wright, M. N.
DiGirolamo	Keller	Reinard	Zimmerman
Donatucci	Kenney	Rohrer	Zug
Druce	Kirkland	Rooney	
Durham	Krebs	Rublely	Ryan,
Egolf	Lawless	Santoni	Speaker
Fairchild	Lederer		

NAYS-58

Bishop	Daley	Manderino	Steelman
Blaum	Dermody	Markosek	Stetler
Boscola	DeWeese	Melio	Sturla
Buxton	Evans	Michlovic	Tangretti
Caltagirone	Gamble	Mundy	Thomas
Carn	Gordner	Oliver	Tigue
Carone	Gruitza	Petrarca	Travaglio
Cawley	Hanna	Roberts	Trich
Cohen, L. I.	Josephs	Robinson	Veon
Cohen, M.	Kukovich	Roebuck	Vitali
Colaizzo	Laughlin	Sainato	Washington
Corpora	Lescovitz	Serimenti	Williams
Corrigan	Levdansky	Shaner	Yewcic
Cowell	Lloyd	Staback	Youngblood
Curry	Lucyk		

NOT VOTING-3

Mayernik	Myers	Pistella
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EXCUSED-5

King	Mihalich	Rieger	Rudy
LaGrotta			

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. BAKER offered the following amendment No. A6572:

Amend Title, page 1, line 5, by inserting after "STATUTES," further defining "emergency vehicle";

Amend Bill, page 2, by inserting between lines 13 and 14

Section 1. The introductory paragraph of the definition of "emergency vehicle" in section 102 of Title 75 of the Pennsylvania Consolidated Statutes is amended and the definition is amended by adding paragraphs to read:  
§ 102. Definitions.

Subject to additional definitions contained in subsequent provisions of this title which are applicable to specific provisions of this title, the

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

\*\*\*

“Emergency vehicle.” A fire department vehicle, police vehicle, sheriff vehicle, ambulance, blood-delivery vehicle, armed forces emergency vehicle, one vehicle operated by a coroner or chief county medical examiner and one vehicle operated by a chief deputy coroner or deputy chief county medical examiner used for answering emergency calls, one vehicle operated by the hazardous incident response team, or any other vehicle designated by the State Police under section 6106 (relating to designation of emergency vehicles by Pennsylvania State Police), or a privately owned vehicle used in answering an emergency call when used by any of the following:

\*\*\*

(9) The commander and assistant commander of an organized scuba rescue team.

(10) A coroner or chief county medical examiner and one vehicle operated by a chief deputy coroner or deputy chief county medical examiner.

\*\*\*

Amend Sec. 1, page 2, line 14, by striking out “1” and inserting 2

Amend Sec. 1, page 2, line 15, by striking out “OF THE PENNSYLVANIA CONSOLIDATED STATUTES”

Amend Sec. 2, page 7, line 7, by striking out “2” and inserting 3

Amend Sec. 3, page 7, line 9, by striking out “3” and inserting 4

Amend Sec. 3, page 7, by inserting between lines 11 and 12

(2) The amendment of the definition of “emergency vehicle” in 75 Pa.C.S. § 102 shall take effect in 60 days.

Amend Sec. 3, page 7, line 12, by striking out “(2)” and inserting (3)

Amend Sec. 3, page 7, line 13, by striking out “(3)” and inserting (4)

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

The SPEAKER. On the question, the gentleman, Mr. Baker.  
Mr. BAKER. Thank you, Mr. Speaker.

Unlike the last amendment, I believe this one is a bipartisan amendment. It further clarifies and defines what an emergency vehicle is and basically includes one vehicle operated by the hazardous incident response team, the commander and assistant commander of an organized scuba rescue team, and a coroner or chief county medical examiner and one vehicle operated by a chief deputy coroner or deputy chief county medical examiner.

Really, what precipitated this amendment was a problem in Tioga County where the State Police was fining a deputy coroner going to and from fatalities, and last week the court of common pleas ruled that the coroner is correct; he is able to run his vehicle with his lights. However, because of ambiguities in the current statute, it needs to be cleared up. This attempts to do that, and I would appreciate your support. Thank you.

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

The following roll call was recorded:

YEAS—196

Adolph	Durham	Lucyk	Schroder
Allen	Egolf	Lynch	Schuler
Argall	Evans	Maitland	Scriminti
Armstrong	Fairchild	Major	Semmel
Baker	Fajt	Manderino	Serafini
Bard	Fargo	Markosek	Shaner
Barley	Farmer	Marsico	Sheehan
Battisto	Feese	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
Browne	Godshall	Mundy	Strittmatter
Bunt	Gordner	Myers	Sturla
Butkovitz	Gruitza	Nailor	Surra
Buxton	Gruppo	Nickol	Tangretti
Caltagirone	Habay	Nyce	Taylor, E. Z.
Cappabianca	Haluska	O'Brien	Taylor, J.
Carn	Hanna	Olasz	Thomas
Carone	Harhart	Oliver	Tigue
Cawley	Hasay	Perzel	Travaglio
Chadwick	Hennessey	Pesci	Trello
Civera	Herman	Petrarca	Trich
Clark	Hershey	Petrone	True
Clymer	Hess	Pettit	Tulli
Cohen, L. I.	Horsey	Phillips	Vance
Cohen, M.	Hutchinson	Pistella	Van Horne
Colafella	Itkin	Pitts	Veon
Colaizzo	Jadlowiec	Platts	Vitali
Conti	James	Preston	Walko
Cornell	Jarolin	Ramos	Washington
Corpora	Josephs	Raymond	Waugh
Corrigan	Kaiser	Readshaw	Williams
Cowell	Keller	Reber	Wogan
Coy	Kenney	Reinard	Wozniak
Curry	Kirkland	Roberts	Wright, D. R.
Daley	Krebs	Robinson	Wright, M. N.
DeLuca	Kukovich	Roebuck	Yewcic
Dempsey	Laughlin	Rohrer	Youngblood
Dent	Lawless	Rooney	Zimmerman
Dermody	Lederer	Rublely	Zug
DeWeese	Leh	Sainato	
DiGirolamo	Lescovitz	Santoni	Ryan,
Donatucci	Levdansky	Sather	Speaker
Druce	Lloyd		

NAYS—0

NOT VOTING—1

Saylor

EXCUSED—5

King	Mihalich	Rieger	Rudy
LaGrotta			

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. M. N. WRIGHT offered the following amendment No. A6573:

Amend Title, page 1, line 6, by inserting after "PRIVILEGE," for visual and audible signals on emergency vehicles,

Amend Sec. 1, page 2, line 14, by inserting after "1793(A)," 4571(b) and (f),

Amend Sec. 1, page 4, by inserting between lines 25 and 26 § 4571. Visual and audible signals on emergency vehicles.

\*\*\*

(b) Police, sheriff, fire and coroner or medical examiner vehicles.—

(1) Police, sheriff, coroner, medical examiner or fire police vehicles may in addition to the requirements of subsection (a) be equipped with revolving or flashing blue lights. The combination of red and blue lights may be used only on official police, sheriff, coroner, medical examiner or fire police vehicles, except that one fire police captain and one fire police lieutenant of a volunteer fire department may, in addition to the requirements of subsection (a), equip one privately owned vehicle used in answering an emergency call with a combination of red and blue lights. All other privately owned vehicles that may be designated as emergency vehicles under the provisions of this title may only be equipped as provided by subsection (a).

(2) Unmarked police and sheriff vehicles, used as emergency vehicles and equipped with audible warning systems, may be equipped with the lights described in this section.

(3) Police, sheriff and fire vehicles may be equipped with a mounted rack containing one or more emergency warning lights or side mounted floodlights or alley lights or all such lights.

\*\*\*

(f) Conformity with department regulations.—All equipment authorized or required by this section shall conform to department regulations. No person shall sell within this Commonwealth for use under this section any equipment that does not conform to department regulations. A warranty of fitness for a particular purpose shall be implied in all contracts for the sale of equipment authorized or required by this section, and this warranty may not be excluded by a person in the business of selling goods of that kind.

Amend Sec. 3, page 7, by inserting between lines 11 and 12

(2) The amendment of 75 Pa.C.S. § 4571(b) and (f) shall take effect in 60 days.

Amend Sec. 3, page 7, line 12, by striking out "(2)" and inserting

(3)

Amend Sec. 3, page 7, line 13, by striking out "(3)" and inserting

(4)

On the question,

Will the House agree to the amendment?

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

Mr. M. N. WRIGHT. Thank you, Mr. Speaker.

I, too, come along with an emergency vehicle amendment. This is a dilemma that sort of developed.

The legislature had decided in the past that fire police shall have emergency status, but unfortunately, the old wording has been interpreted as fire police vehicles that are owned by a fire company. Now, most of our fire police, I would imagine for most of the members in this hall, are actually volunteer firemen that are fire police, and they use their own personal cars. So what my amendment does is it clarifies that. It still allows an official fire police vehicle, one that the fire company actually owns, and also allows the captain and the lieutenant's personal vehicle to also

have the emergency status, and PennDOT supports this amendment. Thank you.

The SPEAKER. On the question, the gentleman, Mr. DeLuca. Mr. DeLUCA. Thank you, Mr. Speaker.

Would the gentleman stand for interrogation, please?

It is my understanding that we are permitting private vehicles for the first time to be equipped — and these are fire vehicles but they are private vehicles — to be permitted the same red and blue lights that are presently permitted only for official use by firemen, by police officers, by deputy sheriffs. Is that my understanding?

Mr. M. N. WRIGHT. Mr. Speaker, I cannot exactly answer that question, but I do believe in Mr. Baker's amendment before this we also just allowed it for coroners and scuba diving groups and all those other kinds of things. So I cannot exactly answer your question, but I do believe presently there are some provisions for private vehicles.

Mr. DeLUCA. It is not my understanding that we did do that in the last amendment, but let me say this: I have a fear out there with giving this authority to individuals for their private vehicles, especially when we hear news releases out there pertaining to women being stopped by unofficial cars with red lights. We cannot designate who is going to have this. It is going to be the fire companies. I think we are creating something that we probably might hurt our volunteer fire organizations if we do have an incident where we do have a fire company designating a couple people or one person and one of these persons uses the vehicle, this unofficial vehicle that is being designated with these lights, to perform some illegal act to stop somebody, and the way the news media plays this up, I think we could be providing a disservice to the volunteer fire companies that we have in our communities.

That ends my interrogation, Mr. Speaker. Mr. Speaker, may I speak on the amendment?

The SPEAKER. Go ahead.

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, I think this is a bad amendment. The intent is well taken by the maker of the amendment, but I think what we might create here is something that will be detrimental to our volunteer fire companies throughout this Commonwealth in the future if some incident happens out there because we permit an unofficial car, a personal car, to be designated as an official vehicle of the volunteer fire company.

I think it is a bad precedent we are going to set here. I think it is going to be detrimental, and I would oppose this amendment. I ask you to think wholeheartedly on this before you support it. Thank you, Mr. Speaker.

The SPEAKER. The gentleman from Bucks, Mr. Melio.

Mr. MELIO. May I interrogate the prime sponsor of the amendment, Mr. Speaker?

The SPEAKER. The gentleman, Mr. Wright, indicates he will stand for interrogation. You may begin.

Mr. MELIO. Thank you, Mr. Speaker.

Mr. Speaker, presently the fire chief designates who drives these vehicles. Under your amendment, it says here that a police captain or a fire police lieutenant could decide that he wants to have the red and blue lights. Would they have to have the permission of the fire chief?

Mr. M. N. WRIGHT. Mr. Speaker, I am not familiar enough with the fire police system. I believe the fire police are typically members of the fire company, but I am not positive that they are.

Mr. MELIO. Well, you know, the precedent that would be set, Mr. Speaker, is that if the fire chief decided he did not want these



individuals to use these blue and red lights, the police captain and the police lieutenant could say, hey, the State allows us to do it, and I think that would set a bad precedent. I think that the fire chief is the one who sets the rules and it should remain that way.

So I would ask my colleagues to oppose this amendment. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Wright, desires recognition. The gentleman may proceed.

Mr. M. N. WRIGHT. Thank you, Mr. Speaker.

The legislature in the past intended to allow the fire police captains and lieutenants, the officers, to have red and blue lights. That had been decided in the past. Unfortunately, the language was not such. I will submit to you that all of your fire police captains right now are using red and blue lights — they are, every one of them — and it was last year a decision came down that said they were not allowed because the actual law had been interpreted that it was only the official vehicles, the ones that are actually outright owned, by the language.

So the fire police and the fire companies have asked to have this language corrected. There was a bill last session and this session. PennDOT has agreed that they believe that that was what the original intent was, and this is a corrective language. It is nothing new. All your fire companies right now, the fire police captains, are using on their cars right now red and blue, but technically they are not allowed. This will allow them to continue the practice. Thank you.

The SPEAKER. The gentleman, Mr. Waugh.

Mr. WAUGH. Thank you, Mr. Speaker.

I would like to support comments made by Representative Wright on this amendment and answer a couple of questions that came up earlier.

First of all, this is not precedent-setting. Currently red lights are used on private vehicles by our volunteers in the case of fire chiefs, deputy fire chiefs, assistant fire chiefs, and also in our volunteer ambulance squads in the case of captains and lieutenants. I would agree with the comments of Mr. DeLuca regarding concerns, especially with some things that we have going on today, but I really do not think this amendment is going to address those concerns.

Representative Wright is correct. Today there are allowances made in volunteer service organizations for fire police officers to operate their private vehicles with red and blue combinations. It has been happening over the last several years, and I think his point is well taken — that is, that we are trying to correct the law so that it applies to the practices that are in place today as opposed to trying to set some sort of a precedent.

So I would encourage support. As far as I know, the volunteer service organizations would like to see this, and I would ask for a positive vote. Thank you.

The SPEAKER. The gentleman, Mr. Sturla, for the first time on this question.

Mr. STURLA. Thank you, Mr. Speaker.

Would the maker of the amendment stand for a brief interrogation?

The SPEAKER. The gentleman may proceed.

Mr. STURLA. Mr. Speaker, it is my understanding, in talking to police and members of various departments in my district, that as you had pointed out, these types of lights are currently not allowed on private vehicles under the way the law is currently interpreted. Is that correct?

Mr. M. N. WRIGHT. Yes. They believed at first that they were allowed. They were typically installed, and then a decision came down that otherwise said, no, that they are not allowed.

Mr. STURLA. I do not have a lot of volunteer fire departments in my district. You will have to let me know. It was always my understanding that a blue flashing light indicated that it was a fire vehicle and that a red and blue flashing light indicated that it was a police vehicle. Is there some sort of designation about who gets blue, who gets blue and red, who gets yellow, who gets those various things? Is there any sort of standard out there that is set?

Mr. M. N. WRIGHT. Mr. Speaker, I cannot exactly answer that question, but a red and blue light affords them the ability of emergency status, and I may not be technically correct, but they are afforded a lot more latitude in the law than if they just had a blue light. A blue light, I believe, is just more of a warning, and they have to still obey all the laws — stop at a red light, stay there, cannot go through a stop sign, do the speed limit — but it is a warning, and I believe the red and blue affords them the ability to come to an intersection, stop, then go through if it is acceptable, and encroach upon higher speeds and things like that.

Mr. STURLA. Okay.

Mr. M. N. WRIGHT. And the purpose of a fire police chief is so they can get to the scene and assess the problems ahead of the rest of them.

Mr. STURLA. Okay. Thank you, Mr. Speaker.

If I could make a comment, please?

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

Mr. STURLA. Thank you, Mr. Speaker.

I guess from a personal standpoint, I would rather see us allow a simple blue light to be afforded those abilities to go through a red light, to proceed in an emergency manner, and things like that so that I at least know the designation when there is somebody flashing behind me, whether it is a police officer or a fire vehicle coming through. I have a little bit of concern about simply saying anybody who is a police captain or a lieutenant being able to put this on their privately owned vehicle.

I am not sure — and perhaps again I will get back into one question, if the gentleman would care to answer it — if as a lieutenant in the volunteer fire company I have this on my private vehicle, is my 16-year-old son allowed to drive that private vehicle?

Mr. M. N. WRIGHT. Mr. Speaker, I think the rules here only apply to the use of the lights. I do not have the benefit of staff, so my assumption is, it only pertains to the use of the lights. So would your 16-year-old son be allowed to drive the car? My assumption is yes. Would he be allowed to turn the lights on and respond? Is he responding as the captain of the fire police? My answer would probably be no, unless he was the captain.

Mr. STURLA. Okay.

If I could make one final comment.

Having this sort of thrust before us at this point in time, I know I have had several telephone calls about who gets blue lights, who gets red and blue lights, where the distinction is drawn, and I have not had enough time to sort of look at where I believe the line ought to actually be drawn. I have some concerns about this, and I would appreciate it if we would vote “no” on this at this point in time, but I think it is something that we definitely need to address, and I would hope that we could address it in the future, but at this point in time, I am not convinced that this is the appropriate way to address it. Thank you.

The SPEAKER. The Chair recognizes the gentleman, Mr. Melio, for the second time on the question.

Mr. MELIO. Thank you, Mr. Speaker.

Mr. Speaker, one of the things that I do in my district is attend the fire board meetings, and this has always been a heated topic, and the fire chiefs do not want the fire police to have anything other than a blue light.

Now, if this amendment passes, I know from the experience that I have had with my volunteer firemen that they would disband the fire police, and that would be a tragedy for my area, and this is what would happen.

**MOTION TO PLACE BILL ON  
THIRD CONSIDERATION  
POSTPONED CALENDAR**

Mr. MELIO. I am hearing so much misinformation about who is and who is not that I would rather make a motion that we suspend this bill until they get some accurate information; otherwise, we could have some chaos.

So I will make the motion that we pass over this bill until we can get some accurate information from the speakers. Thank you, Mr. Speaker.

The SPEAKER. The gentleman from Bucks, Mr. Melio, moves that HB 497 be postponed.

Now, by postponed, Mr. Melio, I am assuming you mean it remains on the calendar for an indefinite period of time. It would, however, remain subject to our rules of 15 days. You understand that? So I understand the motion.

On that question — and I will recognize people — on that question, those in favor of the motion to postpone will vote in the affirmative; those against the motion will vote in the negative.

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

**PARLIAMENTARY INQUIRY**

The SPEAKER. The gentleman, Mr. Clark, from Juniata County is recognized on the motion.

Mr. CLARK. Mr. Speaker, I would have a question. The motion to postpone, can that be limited to postponing the amendment as opposed to postponing the bill?

The SPEAKER. If the bill were considered and passed, I do not know what would happen.

Mr. CLARK. Run that by me again, please.

The SPEAKER. Well, let us assume we postpone the amendment and the bill passed. What would happen to the amendment?

Mr. CLARK. The amendment would be floating in free space and would probably die.

The SPEAKER. That is right.

Mr. CLARK. And that would suit me.

The SPEAKER. Ah. No; I think it would be an inappropriate motion the way you have suggested it.

Mr. CLARK. All right.

Then I would urge the membership— This is a very important bill that we have been working on for a long time. It has wide support. And I sort of was in the Christmas spirit allowing people to Christmas-tree my bill, but if it is going to cause a

postponement, what I would urge the membership to do is vote not to postpone the bill and then vote on the amendment as they feel best and we will take those issues up if and when the bill gets over to the Senate. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

**YEAS—87**

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

**NAYS—109**

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

## NOT VOTING-1

Bishop

## EXCUSED-5

King Mihalich Rieger Rudy  
LaGrotta

Less than the majority having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

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

The SPEAKER. On that question, the Chair recognizes the gentleman from Allegheny County, Mr. Mayernik.

Mr. MAYERNIK. Thank you.

May I ask the maker of the amendment to stand for interrogation?

The SPEAKER. The gentleman, Mr. Wright.

Mr. MAYERNIK. Could you answer me who is requesting this amendment and why?

Mr. M. N. WRIGHT. My fire police did, and they asked it because a couple of years ago when this was first enacted, it was perceived that they would be able to use them and then a decision came that said they could not.

Mr. MAYERNIK. Okay. It was perceived, but was it the intent of the legislature to permit them to do it, is the question, and not the perception? The intent is really the issue.

Mr. M. N. WRIGHT. Our research says that they believe the intent was; yes.

Mr. MAYERNIK. That is research, but it is the intent of this body that counts, not the research.

Mr. M. N. WRIGHT. Well, I do not know, you know, myself. I cannot remember it.

Mr. MAYERNIK. Okay.

The designation right now of fire police, are they allowed to have lights on their vehicles now?

Mr. M. N. WRIGHT. Yes; yes. Right now they are allowed to have blue lights, which are a warning light. All the fire police vehicles are allowed to have blue lights, and what this does is allow the captain to get there quicker to assess the problem and to afford them the ability to have the emergency status.

Mr. MAYERNIK. I would like to make a comment on the amendment, if I could, Mr. Speaker.

The SPEAKER. The gentleman is in order.

Mr. MAYERNIK. Thank you, Mr. Speaker.

I rise to oppose this amendment.

I remember the day when we just had red lights for police vehicles, and a lot of us are old enough to remember when police cars just had red lights and firemen had blue lights. And then what happened is the firemen decided that they also wanted red lights, so we permitted the firemen to have red lights also — the fire chief and the fire captain, I believe it was — so we permitted them to have red lights. Well, now what happened, everybody started having red lights because the police could not police the firemen having red lights, and it is pretty tough for us to say no to the firemen because they do such a good job and they risk their lives

to save our community, and we all want to be profiremen. But the thing is that the reason why the police moved away from having all red lights is because the firemen started having red lights, and now we have fire and police all having red lights and the citizens of this Commonwealth do not know which car to stop for because everybody has red lights. So the police, in response, moved to a combination light — red and blue. They moved to red and blue lights so they could be distinctively different to everyone in the Commonwealth, that it was a police car when you saw a red and blue light.

I am concerned that if we pass this amendment tonight, that everyone will be moving, all the firemen again — and we love the firemen — will be moving to red and blue lights. And then what do we do with police to distinguish them? Now we have red, blue, yellow, green, and a Christmas tree? Come on now. Let us stop this nonsense. It is Christmas, but we do not want to give them Christmas tree lights.

So I think that we should defeat this amendment, even though it is well intended by the gentleman, Mr. Wright. And, yes, I want to help the firemen and so do you, but if we continue to give everybody, the police and the fire, all the same color lights, the citizens of the Commonwealth will not know the difference. That is why we drew the line and have police have red and blue lights.

So I would ask you to defeat this amendment so that we can have a standard that we can adhere to in this Commonwealth and that everyone will know that it is a police vehicle behind them. And, yes, we still love the firemen, and, yes, we want to help the firemen, but we do not want to confuse the public.

I would ask for a negative vote on this amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman, Mr. Wozniak, for a brief statement.

Mr. WOZNIAK. Thank you, Mr. Speaker.

In brevity, I am going — I am hearing everybody say roll it.

But the truth of the matter is, I have been here a number of years and we want to make everybody happy, and if they want lights, we put them on the hood of their car or on the top of their truck, and then people blink them and they go through red lights and all these things. Sometimes we joke about it and say, maybe the people that are not anybody should have the lights and the people that are important should not have lights so we know what to do.

I have to agree with Representative Mayernik and ask for opposition of this. I think there is enough confusion out there as it is. And maybe someday Representatives might have lights on their cars, too, and be able to turn around in those areas that say "Official Vehicles Only" and stuff — and Senators, too. But I think none of my volunteer fire company people have asked me for more lights, and they ask for a lot of things, but this has not been one of them.

So I would appreciate — We do not want them to go out and spend a couple hundred bucks for things they really do not want but they will have to have because we said they can have them.

So thank you, Mr. Speaker. Let us oppose this.

The SPEAKER. The gentleman, Mr. Kaiser.

Mr. KAISER. Thank you, Mr. Speaker.

I know Mr. Wright has good intentions with this piece of legislation, but this reminds me of a piece of legislation that we did last session. I was prime sponsor of a bill that had to do with humane officers, and in Allegheny County, in the Pittsburgh area,

I came across some humane officers that had their cars looking just like police cars. You could not tell the difference. There was one van in Baldwin Borough that looked exactly like a police van, and there was no legislation that allowed those individuals to do that.

I have to admit Mr. Wright's heart is in the right place, but unfortunately, when you start giving these lights to everyone, you are going to have problems. I know myself, I have six volunteer fire companies and I have not received any request for this.

So I think his heart is in the right place, but unfortunately, I cannot support his amendment. Thank you.

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

Mr. CIVERA. Thank you, Mr. Speaker.

Mr. Speaker, I am amazed at some of the arguments that I have heard here today. We are not giving anything new that they already do not have. Being active in the fire community, the fire police and the captains have had these types of lights on their vehicles for many, many years, and what happened was that it was either a local ordinance or somebody challenged something and it was not addressed in the current law, and I think what Representative Wright is doing is putting the language in there so it cannot be challenged.

But this General Assembly today, if they vote in favor of the Wright amendment, is not giving something new that is not already out there. The captains of the fire police have had the blue and red lights for many, many years in the different boroughs and townships of the Commonwealth. So I mean, to look at it and say, well, we are giving Christmas trees or we are doing this or they are looking like police cars, I have never seen a fire police vehicle that says Harrisburg Police Department or whatever borough you are from and refers to a police department. These are people, Mr. Speaker, that volunteer their time, that do not get paid \$1, and that if a major accident or a fatality happens in your legislative district — okay? — they come out at all hours of the night and have to get to the accident, and they use these lights to do so.

So I do not think we are giving something all of a sudden that is brand new. I think Mr. Wright's intentions are exactly right. What he is saying is, he is putting the proper language in the law to allow what already exists to be done. Thank you, Mr. Speaker.

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

Mr. WAUGH. Thank you, Mr. Speaker.

I would like to try to maybe clear up some of the misunderstanding or questions that have been raised on this issue here this afternoon.

First of all, the difference between some of the various lights— And I heard the statement about Christmas and Christmas trees and all the different colors of lights, and sometimes it seems that way, I guess, when you see an accident along the road and you notice all the various lights, but the bottom line is, each of those lights has a reason for being there and each designates a particular individual on that situation. For example, if you see a vehicle with white and red lights, that is a piece of fire apparatus. If you see a vehicle with a green light, that is a command post vehicle. If you see a vehicle with a yellow light, it is probably either a snowplow or a tow truck. I could go on. I will not.

A blue light only is a courtesy light. It is not a light that by law commands respect from the traveling public. What I mean by that is, if a blue light comes up behind you, you are not required by law to pull to the side of the road and yield the right-of-way. It is a courtesy light; it is a light that is allowed with the permission of the local fire chief and the local fire chief only. He is responsible to see

that his crew use that courtesy light in a legal and respectable manner.

What Representative Wright's amendment today would do is correct a misunderstanding in language that was created in a 1993, I believe it was, revision to regulations in this code. The revision created some confusion on the part of police departments — I am talking about law enforcement police officers — with regard to who could operate red and blue lights. The fact is, as some of the others on this side have stated, fire police officers, not fire police as a whole, but elected, duly elected officers — that is, captains and lieutenants of the fire police company — have been operating with red and blue lights for many years. They have been doing it with the understanding that it was legal, and I truly believe, to answer Mr. Mayernik's question, that it was the intent for that to be legal. That has always been the understanding in the fire community. Individuals who run red and blue lights are duly elected fire officials from your community organization. They are not a bunch of cowboys trying to load up their vehicles with all different colors of lights.

The other difference is, they can operate audible signals along with visible signals; meaning, they can have sirens. They become an official emergency vehicle which you must yield the right-of-way to when they come up behind you or you meet them at an intersection. This is simply a clarification. It is not an addition.

I would ask your support. Thank you.

On the question recurring,

Will the House agree to the amendment?

(Members proceeded to vote.)

#### VOTE STRICKEN

The SPEAKER. Strike the vote.

The gentleman, Mr. Kukovich, I apologize; I did not see you ask for—

Mr. KUKOVICH. I will be brief, Mr. Speaker.

I would like to ask Representative Melio just two or three questions.

I love that smile. It just makes me feel warm all over, but I would just like to—

The SPEAKER. Mr. Melio's smile or mine?

Mr. KUKOVICH. Yours of course, Mr. Speaker, not that Tony's is not nice also, but—

The SPEAKER. Mr. Melio has spoken twice on this subject. I waived him off and now you are going to waive him on.

Go ahead.

Mr. KUKOVICH. Mr. Speaker, may I proceed?

The SPEAKER. Go ahead.

Do you know the questions you are to ask yet?

Mr. KUKOVICH. I have got it figured out; sure.

I have been listening to the debate, and so far I have not heard either side of the argument talk about PennDOT's position. Are you aware of whether there is an official PennDOT approval of this proposal?

Mr. MELIO. Mr. Speaker, I would be surprised if PennDOT approved this. This is news to me. I would like to see that in writing.

Mr. KUKOVICH. In the past on a lot of these issues, because of the existence of the firefighters caucus, I have noticed on a

number of positions there always seems to be unanimity between both sides; it has been very nonpartisan. I might have missed— I am not sure of where the various chairs of the fire caucus stand on this particular issue.

Mr. MELIO. Well, that is what is confusing to me, Mr. Speaker. We have both members of the fire caucus chairmen here, the two cochairmen. One says yes; one says no. And that brings up the point that I tried to make earlier, that there is too much confusion, and if they do not know, then how can the members be expected to vote on such an important amendment?

I just feel very strongly, Mr. Speaker, that this is too important to pass it, you know, to just vote on this today unless you have all the facts, and we do not have the facts. You have some Representatives saying that it is allowed. I know that in my district it is not allowed. They are not allowed to use red and blue lights, and it would create a big problem with our fire chiefs.

Mr. KUKOVICH. Thank you, Mr. Speaker. He has answered all my questions. I have no further interrogatories.

The SPEAKER. I am sure he has.

Mr. MELIO. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—115

Adolph	Farmer	Lloyd	Schroder
Allen	Feese	Lucyk	Schuler
Argall	Fichter	Lynch	Scrimenti
Armstrong	Fleagle	Maitland	Semmel
Baker	Flick	Major	Serafini
Bard	Gannon	Markosek	Smith, B.
Barley	Geist	Marsico	Smith, S. H.
Belardi	George	Masland	Snyder, D. W.
Belfanti	Gladeck	McCall	Staback
Birmelin	Gordner	McGeehan	Stern
Boscola	Gruppo	Merry	Stish
Brown	Habay	Miller	Strittmatter
Browne	Haluska	Nailor	Surra
Butkovitz	Harhart	Nickol	Taylor, E. Z.
Buxton	Hasay	Nyce	Taylor, J.
Caltagirone	Hennessey	Perzel	Tigue
Carone	Herman	Pesci	Trich
Cawley	Hershey	Pettit	True
Chadwick	Hess	Phillips	Tulli
Civera	Horsely	Pistella	Vance
Clark	Hutchinson	Pitts	Vitali
Clymer	Jadlowiec	Platts	Waugh
Dempsey	Keller	Raymond	Wogan
Dent	Kenney	Roberts	Wright, M. N.
DiGirolamo	Krebs	Rohrer	Zimmerman
Druce	Kukovich	Rubley	Zug
Durham	Lederer	Sainato	
Egolf	Leh	Sather	Ryan,
Fairchild	Lescovitz	Saylor	Speaker
Fargo			

NAYS—81

Battisto	Dermody	Mayernik	Santoni
Bebko-Jones	DeWeese	McGill	Shaner
Bishop	Donatucci	Melio	Sheehan
Blaum	Evans	Michlovic	Stairs
Boyes	Fajt	Micozzie	Steelman
Bunt	Gamble	Mundy	Steil
Cappabianca	Gigliotti	Myers	Stetler

Carn	Godshall	O'Brien	Sturla
Cohen, L. I.	Gruitza	Olasz	Tangretti
Cohen, M.	Hanna	Oliver	Thomas
Colafella	Itkin	Petrarca	Trello
Colaizzo	James	Petrone	Van Horne
Conti	Jarolin	Preston	Veon
Cornell	Josephs	Ramos	Walko
Corpora	Kaiser	Readshaw	Washington
Corrigan	Kirkland	Reber	Williams
Cowell	Laughlin	Reinard	Wozniak
Coy	Lawless	Robinson	Wright, D. R.
Curry	Levdansky	Roebuck	Yewcic
Daley	Manderino	Rooney	Youngblood
Deluca			

NOT VOTING—1

Travaglio

EXCUSED—5

King	Mihalich	Rieger	Rudy
LaGrotta			

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

The question is, shall the bill pass finally?

The Chair recognizes the gentleman, Mr. Blaum, on final passage.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose HB 497.

In 1988 we passed legislation – the first in the country to do so; other States have followed suit – in which we enacted a 90-day license suspension for anyone under the age of 21 who would knowingly and intentionally consume, transport, purchase, attempt to purchase alcoholic beverages. When we did this, the statistics in 1988 and in the early 1990's when we were still keeping track of them – and I am sure the department still keeps track of them, but I have not looked at them in a couple of years – alcohol-related traffic accidents were the number one – and I assume they still are – the number one killer of teenagers.

We enacted the 90-day license suspension and we thought what we would see would be a tiny incremental drop, a gradual decline in the number of alcohol-related fatalities involving teenagers, because now for the first time the teenagers themselves were going to put something at risk when they went out and violated the underage drinking laws of Pennsylvania, that for the first time they were going to put at risk their driver's license. Well, we did not see a small incremental drop in the number of traffic accidents involving teenagers. We saw a large drop the first year as licenses across Pennsylvania began to be suspended for 90 days.

When we were developing this legislation, Representative Mario Civera and myself, when we were developing this legislation, the alcohol counseling community came to us and said

we should require alcohol counseling for the kids, and we said, that is a good idea; we will do that, but not in place of the revocation of the driver's license. And so on the first offense, we permitted the magistrate to also send the teenager to alcohol counseling for a violation in addition to the 90-day suspension. On the second offense, the magistrate is required to sentence not only the additional suspension but also to send the teenager for alcohol counseling.

HB 497 for the first time reduces the penalties for underage drinking in Pennsylvania. Now, when we go through what we went through for the last 9 months, certainly there are a lot more serious crimes that anyone can commit in Pennsylvania than underage drinking, but this little law has worked successfully for 7 or 8 years, and I do not believe that we should be reducing the penalties, making the penalties on underage drinking softer, if in fact on the first offense the teenager goes into counseling, instead of 90 days the suspension would only be for 45.

The 90-day suspension some people may think is tough. Certainly the teenagers think it is tough. Well, Representative Civera and I wanted it to be tough. So did the House and so did the Senate and so did the Governor when he signed it into law making Pennsylvania the first one, and now you know that State after State after State, they are suspending driver's licenses for almost anything. Why? Because it gets the teenager's attention.

This bill lessens the penalty for underage drinking. These kids do not mind going to counseling classes, and if these counseling classes— And I think there is a darn good place for these counseling classes, which is why on the first offense the magistrates can order it; right now they can order it. On the second offense they must order it, but we need not reduce the penalty for underage drinking from 90 to 45 days because some teenagers may not like it. It is working. It has made a difference in the alcohol fatalities. Not that some of these kids have stopped drinking underage — none of us are naive enough to believe that — but if they are doing it, they are doing it in circumstances which are more safe.

We should not— There is nothing out there that tells us that we should reduce the penalties for underage drinking in Pennsylvania. The current law has a 90-day penalty, plus it provides for counseling. Let us not lessen the penalties by adopting HB 497. It is not broken, and, please, let us not reduce these penalties.

I ask for a negative vote. Thank you, Mr. Speaker.  
The SPEAKER. The Chair thanks the gentleman.

**LEAVE OF ABSENCE**

The SPEAKER. The Chair returns to leaves of absence and adds the gentleman, Mr. STRITTMATTER, to leave for today. Without objection, the leave is granted. The Chair hears no objection.

**CONSIDERATION OF HB 497 CONTINUED**

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—137

Adolph	Durham	Lederer	Santoni
Allen	Egolf	Leh	Sather
Argall	Fairchild	Lescovitz	Saylor
Armstrong	Fargo	Lynch	Schroder
Baker	Farmer	Maitland	Schuler
Bard	Feese	Major	Semmel
Barley	Fichter	Marsico	Serafini
Battisto	Fleagle	Masland	Sheehan
Belardi	Flick	McCall	Smith, B.
Belfanti	Gamble	McGeehan	Smith, S. H.
Boyes	Gannon	McGiil	Snyder, D. W.
Brown	Geist	Merry	Staback
Browne	George	Michlovic	Stairs
Bunt	Gigliotti	Micozzie	Steelman
Butkovitz	Gladeck	Miller	Steil
Buxton	Godshall	Nailor	Stern
Caltagirone	Gordner	Nickol	Stish
Carone	Gruitza	Nyce	Surra
Cawley	Gruppo	O'Brien	Taylor, E. Z.
Chadwick	Habay	Taylor, J.	Tigue
Clark	Harhart	Perzel	True
Clymer	Hasay	Pesci	Tulli
Cohen, L. I.	Hennessey	Petrone	Vance
Colafiglia	Herman	Pettit	Van Horne
Colaizzo	Hershey	Phillips	Vitali
Conti	Hess	Pitts	Waugh
Cornell	Horsey	Platts	Wogan
Coy	Hutchinson	Readshaw	Wright, M. N.
DeLuca	Jadlowiec	Reber	Zimmerman
Dempsey	Keller	Reinard	Zug
Dent	Kenney	Roberts	
Dermody	Krebs	Robinson	
DiGirolamo	Kukovich	Rohrer	Ryan,
Donatucci	Laughlin	Rubley	Speaker
Druce	Lawless	Sainato	

NAYS—58

Bebko-Jones	Evans	Melio	Sturla
Birmelin	Fajt	Mundy	Tangretti
Bishop	Haluska	Myers	Thomas
Blaum	Hanna	Oliver	Travaglio
Boscola	Itkin	Petrarca	Trello
Cappabianca	James	Pistella	Trich
Carn	Jarolin	Preston	Veon
Civera	Josephs	Ramos	Walko
Cohen, M.	Kaiser	Raymond	Washington
Corpora	Kirkland	Roebuck	Williams
Corrigan	Levdansky	Rooney	Wozniak
Cowell	Lloyd	Scrimenti	Wright, D. R.
Curry	Lucyk	Shaner	Yewcic
Daley	Manderino	Stetler	Youngblood
DeWeese	Mayernik		

NOT VOTING—1

Markosek

EXCUSED—6

King	Mihalich	Rudy	Strittmatter
LaGrotta	Rieger		

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.

### HOUSE SCHEDULE

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

Mr. KAISER. Yes, Mr. Speaker.

I would like to know if you have any idea how many pieces of legislation we have to run. I know several members back here in the Allegheny County delegation have to catch a plane to go back home, and if we are going to be in late, are we going to have a dinner hour?

The SPEAKER. The Speaker is unable to advise you.

I will yield at this time to the majority leader for his best guess. A lot, of course, will depend on the length of debate. This past bill took at least a half hour longer than it might have.

Mr. PERZEL. Thank you, Mr. Speaker.

Mr. Speaker, it is our intention to run Envirotest next. After that, we would do HB 337, two resolutions — there are no amendments on HB 337 — two resolutions, and that would be it, Mr. Speaker.

### STATEMENT BY MR. GAMBLE

The SPEAKER. Mr. Gamble.

Mr. GAMBLE. Mr. Speaker, a point of personal privilege.

The SPEAKER. The gentleman will state his point of personal privilege.

Mr. GAMBLE. You mentioned about cutting the debate. If this House is really serious about cutting debate and getting to the meat around the bone on all these issues, we will take this camera and this camera out of this House, and it is, you know, it is common. We are all guilty of it. We are on the tube. We do not need to be on the tube. We have newspapers. And we can cut all of this extracurricular out and get to the issues much quicker if it is not here, and I would hope somebody would consider it.

The SPEAKER. The Chair thanks the gentleman.

### VOTE CORRECTION

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

Mr. FAJT. I was waiting for the microphone to be turned on, Mr. Speaker.

I wanted to correct the record. I just wanted to know if this was the proper time?

Yesterday, Mr. Speaker, on HB 1929, amendment 6159, I would like to be recorded as voting "no." Thank you.

The SPEAKER. The Chair thanks the gentleman.

### SUPPLEMENTAL CALENDAR B

#### BILL ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 48, PN 2928**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining "pedalcycles"; further providing for handicapped plate and placard, for veteran plates and placard, for the operation of pedalcycles on Commonwealth highways, for pedalcycle helmets, for the use of hearing impairment devices and for hand and arm signals; repealing the Pedalcycle Helmet Fund; providing for the

establishment of the Pennsylvania Pedalcycle and Pedestrian Advisory Committee; further providing for exemption from surcharge; providing for authorization for the Governor to transfer funds from the Catastrophic Loss Benefits Continuation Fund and funds from continuing appropriations for hazardous waste control to satisfy litigation awards, and all costs associated with litigation involving a centralized emission inspection contract; and deleting authority for centralized emission inspections.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. Mr. Kukovich seeks recognition. To interrogate Mr. Melio?

Mr. KUKOVICH. No. My interrogation of Mr. Melio is complete.

The SPEAKER. I see.

Mr. KUKOVICH. But you could still smile again if you would wish.

The SPEAKER. Thank you.

The gentleman is recognized.

Mr. KUKOVICH. Thank you, Mr. Speaker.

Mr. Speaker, I have had a brief chance to look at the letter of intent surrounding this legislation and the agreement between the parties — the company, Envirotest, and PennDOT and the Governor's Office — and I have listened, at least partially, to the Senate debate, and a number of questions are still unanswered, and that puts me and I think the chamber on the horns of a dilemma.

As you know, I was in opposition to this plan back in 1992, and back in 1994 we eventually overrode the Governor's veto. I would point out that in no way is this a partisan issue. I was very critical of the Casey administration, who got us into this mess, and I do think that maybe if the Ridge administration had acted a little more expeditiously when they had come in, we would not be in this position today.

But be that as it may, we are stuck as a legislative body in a difficult situation. There have been a couple of contracts regarding this company that have been done without our input, without our awareness until it is too late — one in the previous administration and now one in this administration — and I think when we look at the overall amount of money being asked for if we were to concur in this bill, I have yet to see the merits of this overall amount.

Now, I think we are legally obligated whether we like it or not, and I think we do owe this company something. Quite frankly, the sooner we get this company out of this State, the better off. They have been a cancer and a blight on this State since they weasled their way in with this contract, but we have an obligation to make sure we do the right thing. Until we see the independent audit by Ernst and Young — which I have not seen and I have only heard mentioned during Senate debate — until we find out what the details are and whether there have been appropriate appraisals of all the property involved and until we have an understanding as to whether or not Envirotest actually did what they should to mitigate their damages going back over a year ago, I would remind my colleagues that as of at least November 15 of 1994 when we overrode Casey's veto, a reasonable party would have known that they had to mitigate their damages, that this program was not going to go on as originally created by that contract. That being the case, they should have cut back on whatever losses may accrue. It appears from reading the newspaper, from following their actions,

that they did the opposite, and that was try to pad the bill so the State would have to pay for this.

I think until we get full disclosure, until we understand what is really due, we should not support this bill. I think there is probably a more reasonable way to go.

I would also suggest some people might say, well, the contract says we have to pay a certain amount, \$25 million, by the end of the year. There is language in the letter of intent that says if both parties agree, they can extend this. The reality is, if there are two people on either side of a lawsuit and they realize that they are not going to get paid anything unless the legislature approves it, and we come back and say that it is not imperative that we do something today, that they are still going to want to get paid and they will try to work something out more reasonable to garner our support.

So there are options available to us, and I would suggest that we do not concur and we take a look at what I think is a more reasonable action, which I would hope would be offered before we close business today. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, I understand that we have under this agreement or letter of intent an obligation to make a payment of about \$25 million on January 2 of 1996, but that the second payment is not due until July 31 of 1996 and that that payment is in the amount of approximately \$44 million.

Mr. Speaker, I do not know whether this is a good agreement or whether it is not a good agreement. I had an opportunity to hear a briefing from the Secretary of Transportation last week. He represents that this is a good deal and it is the best we are going to get and we had better take it, and I do not have any basis for saying that that is not correct. I am very concerned, however, with how we are proposing to fund this agreement.

The first piece, the first payment, the payment which is due on January 2, is proposed to come from a surplus in the Hazardous Waste Control Fund, and that surplus has been identified at almost \$29 million. So after the January 2 payment has been made, there will be \$3 million to \$4 million left in that fund toward the payment which is due in July.

My concern is with the second funding stream, which is the CAT Fund (Catastrophic Loss Trust Fund). Now, some members were not here in 1988 and 1989 when we abolished the CAT Fund and we came up with a procedure to pay off the debts or the claims of people who had been hurt when the CAT Fund was in effect, and that procedure is a series of surcharges on a variety of traffic offenses. Many of us have had to justify to constituents periodically why it is that for what they consider to be a relatively minor traffic offense, they have got anywhere from a \$30 to a \$300 surcharge imposed on them for the CAT Fund, and we have been able to make an argument that there is a rational connection between bad driving and the problem of people who are injured in traffic accidents. The alternative would have been in 1988 or 1989 to have raised taxes, and we did not want to do that.

Based on the Insurance Commissioner's report under the CAT Fund, we would have enough money from those surcharges by the year 2001 to eliminate the surcharges or, for those who are looking for an added funding stream for the Motor License Fund, to shift those surcharges into fine money and let that go into the Motor License Fund.

As I understand the proposal which is before us, however, we are going to take after that initial payment out of the Hazardous Waste Fund and what little bit is left over of the \$3 million to \$4 million, all of the rest of this agreement is going to be financed by taking money from the surcharges out of the CAT Fund, and that that means that the CAT Fund surcharge is going to have to remain in effect until around 2008 to 2009.

Now, even that might not be so bad if we were to change the name to be the auto emissions surcharge, but especially for those of us who live in the part of the State which is not in the emissions program or was not in the emissions program, is not going to be in the emissions program under the new program, we are now going to have to try to justify to our constituents why we are imposing a surcharge on their moving violations to help pay to settle an agreement to get out of a testing program to which they were never subject.

I think we ought to have an opportunity to take a little closer look at this, and I recognize that, you know, there is an agreement, that there is a problem with contractors who need to be paid, that there is the potential for bankruptcy for Envirotest, but even if this agreement passes as is, Envirotest and the claimants will not get any more than \$25 million until after the end of this fiscal year.

Mr. Speaker, I think the solution is to amend this bill. I think what we ought to do is to change this bill and to say we will let that first payment of \$25 million go forward out of the Hazardous Waste Fund but that that is all we are obligated to pay until we have had an opportunity to look at the audit which was done by Ernst and Young and until we have had an opportunity through the budget process next year to determine whether we need to take this money out of the CAT Fund, whether there is money in the Rainy Day Fund or there is some other method to pay for this.

Mr. Speaker, I think that is a reasonable compromise. I think that takes care of the contractors. I think that takes care of the only payment that we are going to make before the end of the fiscal year.

### MOTION TO SUSPEND RULES

Mr. LLOYD. Mr. Speaker, I think that amendment ought to be considered, and in order to allow that amendment to be considered, I move to suspend the rules for the purpose of offering amendment A6637.

The SPEAKER. The gentleman, Mr. Lloyd, moves that the rules of the House be suspended to permit him to offer amendment A6637 to HB 48.

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

The SPEAKER. On that question of suspension of the rules, the Chair recognizes the gentleman, Mr. Perzel.

Mr. PERZEL. Thank you, Mr. Speaker.

The Governor's Office has negotiated an entire agreement, Mr. Speaker. In order for us to save what we are told is hundreds of millions of dollars, we have to do this now; we have to do it before the 31st of this month. Hopefully this is the last day we are here for the rest of this month, and I would urge a "no" vote.

The SPEAKER. On the question, those in favor of suspension of the rules to permit the gentleman, Mr. Lloyd, to offer an amendment will vote "aye"; those opposed, "nay."



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

The following roll call was recorded:

YEAS-83

Battisto	DeWeese	Lucyk	Scrimenti
Bebko-Jones	Donatucci	Manderino	Shaner
Belardi	Evans	Markosek	Staback
Belfanti	Fajt	Mayernik	Stetler
Bishop	George	McCall	Sturla
Blaum	Gigliotti	Michlovic	Surra
Boscola	Gordner	Myers	Tangretti
Buxton	Gruitza	Olasz	Thomas
Caltagirone	Haluska	Oliver	Travaglio
Cappabianca	Hanna	Pesci	Trelfo
Cawley	Itkin	Petrarca	Trich
Cohen, M.	James	Petrone	Van Horne
Colafrèlla	Jarolin	Pistella	Veon
Corpora	Josephs	Preston	Vitali
Corrigan	Kaiser	Ramos	Walko
Cowell	Kirkland	Readshaw	Washington
Coy	Kukovich	Roberts	Wozniak
Curry	Laughlin	Robinson	Wright, D. R.
Daley	Lescovitz	Rooney	Yewcic
DeLuca	Levdansky	Sainato	Youngblood
Dermody	Lloyd	Santoni	

NAYS-108

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

NOT VOTING-5

Carn	Mundy	Roebuck	Williams
Horsley			

EXCUSED-6

King	Mihalich	Rudy	Strittmatter
LaGrotta	Rieger		

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

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

The SPEAKER. The Chair recognizes the gentleman from Clearfield, Mr. George.

Mr. GEORGE. I thank you, Mr. Speaker.

I assure you, my friend, that I am neither here for the cameras and that I am facing the back wall, but I think this has to be said.

I was not in favor of the centralized testing in Pennsylvania, like many others. However, I have some serious reservations about the new plan that has been introduced by the Governor. I notice that in section 9 of this bill—

The SPEAKER. Will the gentleman yield for a moment.

The Chair asks the gentleman, Mr. Browne, to preside temporarily. The Chair thanks the gentleman.

**THE SPEAKER PRO TEMPORE  
(PATRICK M. BROWNE) PRESIDING**

The SPEAKER pro tempore. The gentleman may proceed.

Mr. GEORGE. I thank you.

I notice, as I said, Mr. Speaker, that in section 9 of this bill we are given the opportunity to develop a hybrid plan and submit it to the EPA (Environmental Protection Agency). My question is this: Has the Governor even considered going to a hybrid emissions program or is he just going to discount the idea completely? Under a hybrid program, we could continue to allow flexibility to our motorists while cutting our losses with Envirotec.

I do not blame the Governor in any way; he inherited this problem, but it is obvious that this situation was going to have to be dealt with. The problems that we face with emission testing can be directly attributed to no Governor but rather to two of our departments — the old DER (Department of Environmental Resources) and PennDOT.

It was DER who first cried wolf and told us that we needed these drastic measures to comply with the Clean Air Act. Then it was PennDOT who joined the chorus line, telling all of us that we were about to lose \$1 billion in highway funds if we did not implement centralized testing immediately.

Now, all of us know the grim reaper never came. We did not lose that \$1 billion, but now we are poised to give away \$145 million or more for no good reason.

First of all, I have asked plenty of questions about the Governor's new emissions plan, and I have received precious few answers.

Will there be a cap on the amount that can be charged for the new test? And I heard the Governor at an outing say there need not be a cap.

Will motorists be allowed to cross county lines to get the test done? I suppose that could be arranged.

How will the small service stations be affected by the new plan? No one knows.

With all these unanswered questions, Mr. Speaker, about the future of emissions in this State, why are we running to pay off Envirotest and pave the way for the new program?

And what about the deal with Envirotest? How much have they spent in construction? Was it anywhere close to the \$145 million? The fact that we know nothing about the negotiations makes it difficult for me to blindly vote to spend a massive amount of our taxpayers' dollars to settle this lawsuit.

The Governor has asked you and me to take \$40 million a year for 3 years out of the CAT Fund to pay for this buy-out. Listen closely, if you will: All legislators that represent counties not included in the emissions testing program, your motorists will be paying the bill. Every driver who is unfortunate enough to be ticketed for a moving or even some nonmoving violations will be putting money into the CAT Fund that Governor Ridge will be sending to Envirotest.

The CAT Fund is barely solvent, even though it tacks a \$30, \$40, \$50, and in some cases a couple hundred dollars of a surcharge on a fine. Soon a \$35 ticket will have a \$100 CAT Fund surcharge just to pay for the Envirotest buy-out.

Originally the CAT Fund was designed to expire whenever it was deemed large enough to cover its obligations. At this rate, it will never expire.

Also, in the event that the CAT Fund cannot cover its obligations, the Governor is authorized to take a loan out of the Workers' Compensation Fund. Does that mean that the money he wants to take out of the CAT Fund is a loan also?

For all of the proclamations, we in this body know little about this settlement and why it is needed at this time, and in light of what we are facing in Federal cuts in LIHEAP (Low-Income Home Energy Assistance Program), medicare, medicaid, and education, I cannot in good conscience put up a vote to spend \$145 million that will in no way benefit most of our citizens.

For some reason, I think we have our priorities backward. We cannot seem to get a vote on restoring funding for the LIHEAP program, but as soon as Governor Ridge says jump with the Envirotest settlement, it magically comes to a vote immediately. I guess our auto emissions program is more important than heat for our elderly and our disadvantaged.

I respectfully ask for a negative vote.

The SPEAKER pro tempore. The Chair thanks the gentleman.

### LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair returns to leaves of absence and recognizes the gentleman from Allegheny County, Mr. Itkin, who requests that the gentleman, Mr. ROEBUCK, from Philadelphia be put on leave for the rest of the day.

### CONSIDERATION OF HB 48 CONTINUED

The SPEAKER pro tempore. The Chair recognizes the gentleman from Blair County, Mr. Geist.

Mr. GEIST. Thank you, Mr. Speaker.

On HB 48, I would urge concurrence, and in urging concurrence I would like to thank the Bicycling Federation of Pennsylvania who has worked long and hard for the passage of this legislation. LeRoy Erickson followed by Tom Helm have actually

given probably about 14 years of their life to the recodification of bicycles and the bicycling law in Pennsylvania. I know that it is probably much more important than the Envirotest stuff, and it was good that we got it on the record, and all the other stuff that was put in there seems to be pretty good.

So I would urge concurrence in HB 48 and would like to thank the Bicycling Federation and all those people that worked very hard to get this legislation passed. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

### MOTION TO SUSPEND RULES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Erie, Mr. Cappabianca.

Mr. CAPPABIANCA. Thank you, Mr. Speaker.

I would like to ask for a suspension of the rules for the purpose of offering an amendment.

The SPEAKER pro tempore. The gentleman moves to suspend the rules for the purpose of offering amendment—

Mr. CAPPABIANCA. Mr. Speaker, may I have the opportunity to explain the reason why, sir?

The SPEAKER pro tempore. —offering amendment A6628. Is that the correct amendment, A6628?

Mr. CAPPABIANCA. A6628; yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman requests that the rules be suspended so he can offer amendment A6628.

On the question,

Will the House agree to the motion?

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

Mr. CAPPABIANCA. Mr. Speaker, we have an opportunity here today—

The SPEAKER pro tempore. Will the gentleman suspend; the gentleman suspend.

Would the majority leader wish to be recognized on the question? On suspension of the rules to offer amendment A6628.

Mr. PERZEL. I just recommend a "no" vote, Mr. Speaker.

Mr. CAPPABIANCA. Mr. Speaker?

The SPEAKER pro tempore. The Chair will assume that the House Democratic floor leader is deferring to Mr. Cappabianca? This is not a debatable motion.

Mr. CAPPABIANCA. Mr. Speaker, may I have the opportunity to explain the amendment?

The SPEAKER pro tempore. The Chair recognizes the gentleman.

Mr. CAPPABIANCA. Thank you, Mr. Speaker.

Mr. Speaker, we have an opportunity here today to do something right, I feel, before we leave for the Christmas holiday.

All of us know how cold the weather has become in the past few days, and it is getting even colder. We have an opportunity today to offer to those individuals who are freezing the opportunity to put some money into LIHEAP.

We know that the Federal appropriation for LIHEAP has been cut, or I should say it has not even been approved from the Federal level other than the fact that we have somewhere around \$17 million to \$18 million at the moment according to our Welfare Department. It will not last, in my understanding, through this particular winter; at least it will not even last until we come back from our Christmas break.

Mr. Speaker, just those under crisis last year took over \$34 million. So what I am asking for, Mr. Speaker, with this particular legislation, just to cover those people who in the last fiscal year, the last winter season, were covered under the crisis provisions of LIHEAP. The \$22 million plus the \$17 million to \$18 million that supposedly the department has to spend would put us up in line to support or pay for those individuals who would be suffering this year from the possibility of not having any gas or home heating fuel, and it is more particularly those individuals under home heating fuel, Mr. Speaker, those who live in the rural areas—

The SPEAKER pro tempore. The gentleman will suspend.  
Mr. CAPPABIANCA. Mr. Speaker, I will close very quickly.—those in the rural areas whose home heating fuel—

The SPEAKER pro tempore. The gentleman must suspend.  
Mr. CAPPABIANCA. —must be paid for before the fuel is put in the tank.

The SPEAKER pro tempore. The gentleman will suspend, please.

Mr. CAPPABIANCA. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The gentleman is only permitted a brief explanation on the motion.

Mr. CAPPABIANCA. I would ask the House to support the motion to suspend the rules in order to offer the most compassionate amendment we can offer this year, Mr. Speaker.

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

Mr. PERZEL. Mr. Speaker, it is a noble idea, and there are a whole lot of noble ideas out there. This could be a \$4- or \$5- or \$6-billion document before we are all done.

What we are doing right now is trying to take care of a problem we have with Envirotest. We all created the problem. We did not want a centralized emissions system. We decided not to have it. I would urge a “no” vote on suspension of the rules.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question of the suspension of the rules, those who are in favor of suspension will vote “aye”; those opposed will vote “nay.”

For what purpose does the gentleman wish to be recognized?

Mr. WALKO. I would like to be recognized in support of the motion to suspend.

The SPEAKER pro tempore. The motion is an undebatable motion.

**PARLIAMENTARY INQUIRY**

Mr. WALKO. A point of parliamentary inquiry then.  
My concern is that there are a number—

The SPEAKER pro tempore. What is the gentleman’s point of order?

Mr. WALKO. My point of order or my parliamentary inquiry is this: There are a number of bills which have been offered, to which amendments have been proposed, which would fund the LIHEAP program and bring needed heat to families, over 39,000 in Allegheny County alone—

Mr. PERZEL. Mr. Speaker? Mr. Speaker?

Mr. WALKO. —and I want to know why we cannot run those bills and why we cannot have this issue decided?

The SPEAKER pro tempore. The gentleman will suspend.

Mr. PERZEL. He is on to the substance of the amendment, Mr. Speaker.

The SPEAKER pro tempore. The gentleman recognizes that is not a proper parliamentary inquiry, his question.

Mr. WALKO. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The question is on the motion to suspend the rules to offer an amendment.

Those in favor will vote “aye”; those opposed will vote “nay.”

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

The following roll call was recorded:

**YEAS—88**

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

**NAYS—103**

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

## NOT VOTING—4

Carn	Rooney	Vance	Williams
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## EXCUSED—7

King	Mihalich	Roebuck	Strittmatter
LaGrotta	Rieger	Rudy	

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

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

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

Mr. PRESTON. Thank you, Mr. Speaker.

Would the maker of the bill or someone stand for interrogation on a couple of questions I have concerning HB 48 with the Senate amendments?

The SPEAKER pro tempore. The gentleman, Mr. Snyder, agrees that he will stand for interrogation.

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

I have a concern because it seems that we are paying for something because we decided not to do it anymore. What happened within my own legislative district is where one of the locations currently is sitting there vacant per se, that we went through court deciding with a small borough that falls within my legislative district. Under this piece of legislation, what will happen to that vacant piece of land that should have been run by Envirotest?

Mr. SNYDER. Mr. Speaker, under this proposal that we are considering this afternoon, Envirotest is given credit of approximately \$55 million towards the sale of the properties, which is approximately 80 properties in which they had actually constructed a facility and another 7 properties that were acquired for just the land. The value of the properties was established at approximately 50 percent of the cost of developing those properties to meet the terms of the contract required by the Commonwealth.

There are incentives for Envirotest to get the maximum price for that property, but of course, due to the unique nature of the type of facility and because of the fact that these locations were put in areas that were not designed for strictly marketability but because people were required to go to them, they were placed in areas that may not reach the value of the land and the costs of the equipment and building that were invested in that property. So under this program, Envirotest will be selling those properties, and many communities may be interested in purchasing them or there might be businesses within those communities that may utilize those properties for various purposes.

If the sale of the total properties exceeds the \$55 million, the Commonwealth stands to receive an additional 75 cents for every dollar in excess of that.

Mr. PRESTON. So in other words, the new building that sits there vacant on what used to be a very nice landscaped hill will be sitting there until someone, if someone, decides to be able to buy it. Even though some of the neighbors who represent Mr. Cowell's district and my district complained about it being put there in the

first place and they went to court and were supported by Envirotest and the State, they are still going to be stuck having that vacant building there until it is sold. Is that what you are saying?

Mr. SNYDER. Mr. Speaker, the various community governing bodies in zoning will certainly regulate the type of use that that building will be utilized for, and just as any other business that does not continue or does not meet the expectation for which it was constructed, that property will be put on the market as a commercial property.

Mr. PRESTON. What about the people who were told that they were hired and thought that they had jobs, who went through the unemployment service, went through the testing, went through the interview process, and went through other different commitments as far as getting ready to start, and some of them even quit other jobs. What obligation under this piece of legislation happens to those people? What happens to the people?

Mr. SNYDER. Mr. Speaker, there is no obligation on the part of the Commonwealth to pay for any potential earnings or profits that Envirotest or its employees would have earned if the Commonwealth had not reneged on its contract by revoking the centralized emissions testing program. What we have in this settlement are actual costs that were incurred by Envirotest.

Mr. PRESTON. Let me ask, if we had not rejected and did not have to have this bill, what would be the cost for environmental testing right now? What would be the cost for the State of Pennsylvania?

Mr. SNYDER. I am sorry; I do not understand the way the question is framed.

Mr. PRESTON. In other words, if we did not have this bill and if we had gone on with auto emissions testing, what would have been the cost for the State versus \$145 million? What would the State have to be paying right now or next year?

Mr. SNYDER. Mr. Speaker, if the centralized testing system had been implemented as of January 1, 1995, as originally proposed by this General Assembly, the motorists of Pennsylvania would have paid Envirotest through the inspection testing fees. There would have been no cost to the Commonwealth, because Envirotest had expected to not only recover their investment but also to make a profit on that investment.

Mr. PRESTON. Okay. Thank you.

Mr. Speaker, if I could address on concurrence of the legislation?

The SPEAKER pro tempore. The Chair recognizes the gentleman.

Mr. PRESTON. Because we are not doing, and I was not happy with the issue, neighbors within my district and Mr. Cowell's district that it affected had gone to different courts, local borough councils, had sat down and tried to work things out; people were taken off the unemployment rolls, or thought they were going to be taken off the unemployment rolls; land was purchased; land and commitments were promised, and instead now I have a vacant boondoggle, and the Governor per se is trying to make a \$145-million promise, but it is just not \$145 million. Also it is my understanding that this company has the right basically to all of the equipment, so they are going to make another \$45 million to \$90 million.

You heard the gentleman, Mr. Snyder, say that if we had done the responsible thing, as unhappy as some of us might have been, this would not be costing the State one penny. And we could say that those consumers, and I also say unfortunately that a lot of people who are in this body, their residents would not have to be

subsidizing \$145 million. It is a subsidy. It is nothing but some form of subsidy whether you want to call it taxpayer assistance, public assistance, driver welfare. However you want to look at it, it is \$145 million that our Governor or some of you have committed to pay, and most of them would have only been paying for those people to be using it.

I am not happy with the containment areas. In reality, we tried to give the whole State the containment area. I was not happy the way the previous Governor signed it, but people had adjusted, and if we even think that we are going to be able to wait until 1999, do not be foolish. And if you call tomorrow down to Carol Browner's office, the EPA association, the Governor has not even submitted a plan. Nobody has heard of a plan, and each and every one of you who are still here now and who are there later are going to have to go through this all over again. After we pay \$145 million, we are still going to have to go through this process again.

Why is somebody going to pay \$145 million to do the same thing over again and still ask people to pay for something? I said "something" because the Governor's Office is not willing to tell you what that "something" is, and if your checking people thought that California got away with it, no, they did not get away with anything, and you are not going to be able to get away with it until 1999.

I have been dealing with this issue a lot of times in a lot of different ways, and somewhere in the next 18 months or come around towards the end of this session or the next session after we have paid \$145 million or after you have paid and voted for it, you are going to have to make a decision on another plan whether you like it or not. And most of us, no matter what, unpleasant as it may be, are not going to like that plan.

And the equipment is still there, and probably by then there will be new specifications. The equipment that we specified now will probably be outmoded and we will have to spend more money, and your service-station people will be just as upset.

I do not understand how we can pay \$145 million for something that we are going to have to do all over again, and the Governor is not even willing to tell us what his plan is. Mr. Speaker, there is no plan as of yet. There has to be a plan eventually, and your residents are still going to have to pay for it, but at the same time, it is not \$145 million. You might as well double it. We have been in this business a long time. It is going to be \$190 million, it is going to be \$390 million by the time we finish.

I do not understand how you can get up here and say, let us pay this guy off, and yet in a sense still force the same people to do the same thing. Now, if you are going to say that is an intellectual thought, then I am going to probably have problems, and I do not know if I want to get too close to people who think like that — \$145 million to pay somebody off for what? For something that the State of Pennsylvania, the Commonwealth of Pennsylvania, what we are elected to do, taxpayers' funds or however you want to look at it, would not have to pay for, and instead, we are being asked to vote to pay for something.

You heard the gentleman, Mr. Snyder. It would not have cost the State of Pennsylvania anything. Now what he is going to tell you, after I finish speaking, but people would have had to pay for it. Well, all of your people are going to have to pay for it eventually now. You have no choice. All of your citizens are going to be eligible, whether it is a citation for anything — handicapped parking space, making a right-hand turn, drifting through a stop sign, going too fast, maybe going too slow — all of your residents

are going to have to pay for it now. Instead, we are covering for the Governor for \$145 million, and you are still going to have to do it anyway.

Now, I do not know, and I am going to listen to Mr. Snyder, and then maybe if he tries to explain it, I will have some more questions to ask because it just does not make any sense. I have always been taught that one plus one equals two. I do not know how this program should add up to \$145 million, and this guy will wind up with unimproved land and a vacant building in my legislative district. People who were promised jobs who do not have jobs are going to wind up within the system again anyway, costing us even more money, and we still have got to be able to do something with what plan, I do not know, because the Governor still has not submitted a plan.

This really makes a lot of sense; this really makes a lot of sense — \$145 million for absolutely nothing. I am not going to vote for this. I know some of the people are because you feel obligated, unfortunately, to make this Governor look good, but to spend \$145 million for nothing just does not make any sense to me. Thank you very much, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Carbon, Mr. McCall. Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, I rise and ask for nonconcurrency to HB 48, and I do it with somewhat some consternation because I originally worked on the auto emissions bill and did it with the intent of no politics but to really clean up the air and clean up the environment here in Pennsylvania. What I see happening today is just an outright waste of not \$145 million but what I see is about \$210 million, not all taxpayers' money albeit but it is still a \$210-million deal, and it is because of the vacillation of this body and the vacillation of EPA that we are going to spend \$210 million to get out of a contract that was signed 2 years ago. We are going to spend \$145 million — \$25 million being due by the end of this year; \$40 million three more times between 1996, 1997, and 1998. But what nobody else is talking about is interest payments of about \$7.4 million; attorney fees in the area of \$300,000, capped at \$450,000, but we have paid \$300,000 already.

But what we are doing is we are raiding the CAT Fund, and I understand we have to do that from time to time in this body to find money to pay for things, but we are raiding the CAT Fund, and that CAT Fund, at least the surcharge in that CAT Fund, would have been paid off by the year 2001. We could have taken that surcharge off and told motorists in Pennsylvania and our constituents that that CAT Fund surcharge is being eliminated. It is not going to be eliminated now. As a matter of fact, in the third year of the \$40-million payment, the CAT Fund is going to have a negative balance by about \$5.5 million, and the legislature is going to be back appropriating moneys to that CAT Fund to make up for that shortfall.

But I think what we have to understand is that there is additional language in this bill that is being eliminated that is going to affect especially the people that have testing, affect your motorists in those affected areas. What this legislation does is it eliminates the cap on the test fee. Under the centralized program that we passed, we put a \$22 cap on the cost to get your car tested. Every 2 years you pay \$22. Under the old program, that cost was \$8. We capped it under the old program, \$8 as an annual fee. That cap is gone. The Governor, in announcing his new program, his new decentralized program, said, let the marketplace bear the price. Well, if you think it is going to be \$8 or if you think it is going to

be \$22, you are sadly mistaken, because he wants them to buy upgraded equipment, he wants them to buy a dynamometer. His proposal says that. If you think they are going to be able to do a test for \$22, you are sadly mistaken, and remember, that \$22 under my program was every 2 years. The Governor's program is every year, and your people are going to pay \$30, \$40, or maybe \$50 to get their car inspected every year.

It also eliminates the provisions for covert audits. Under a centralized system, we put a program together to make sure there would be covert audits, to make sure that there would be no cheating in the program. Under this language in HB 48, that requirement for the covert audits is out. Covert audits and centralized inspections came about because of the cheating that took place in a decentralized system. When they did covert audits in California, out of 1,200 cars that were tested, over 80 percent of those cars failed the test but passed, were given stickers saying they passed. That is why we have covert audits. That is why there is a necessity for covert audits. In this bill though, the covert audits are eliminated, no longer any covert audits, so how are we really going to be cleaning up the air when in fact the majority of the failures are going to be coming through a decentralized system?

The bottom line in all of this is that it is a waste of money, it is an absolute waste of money, and we are going to be back addressing this issue, because the bottom line is, our air has not gotten any better from last year or 2 years ago. As a matter of fact, EPA revised their numbers and said, guess what, Philadelphia and Pittsburgh? Your air quality got worse. As a matter of fact, Pittsburgh, this year's air quality, had, I think, 15 exceedances, 15 days where they exceeded the standard. EPA is going to come back to us and increase the standard on cleaning up the air, and we are going to be back addressing this issue again.

Those stations that Envirotest is going to sell, mark my words, I will be at this microphone again in a year or two saying, we are going to have to implement some type of centralized testing to get the necessary credits to clean up our air, because when you look at Ohio, go right across the border to Ohio, Ohio put in a totally centralized system in their State, and they are going to attract business and industry to their State because they are going to have emission credits. Texas, who is probably one of the biggest opponents of centralized automobile testing, has now implemented a two-tier system with an annual inspection if you go decentralized and a 2-year inspection if you go centralized.

The bottom line is, we are going to have to do it. Everybody who did not want to go to centralized testing, we are going to be back some way, some shape, or some form buying back those test facilities from Envirotest or whoever it may be and we will be doing centralized testing.

Mr. Speaker, it is a waste of \$210 million, and I would ask that we nonconcur in HB 48.

The SPEAKER pro tempore. The Chair thanks the gentleman. The Chair recognizes the gentleman from Lancaster, Mr. Sturla. Mr. STURLA. Thank you, Mr. Speaker.

Will the gentleman, Mr. Snyder, rise for a brief interrogation?

The SPEAKER pro tempore. The gentleman states he will stand for interrogation. The gentleman may proceed.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, there is this issue of this \$55 million that deals with the worth of the buildings based on 50 cents on the dollar. Is that what I heard you say? Could you perhaps explain to me how this \$55 million works?

Mr. SNYDER. Mr. Speaker, we have heard this afternoon several speakers, first of all, talking about \$200 or \$210 million of payments to Envirotest. That is not correct. The amount of money that the Commonwealth will be paying to Envirotest is \$145 million. Envirotest has established, to the satisfaction of the administration, actual expenditures to meet the contract obligations of the Commonwealth of \$207 million, so as you see, we are not even paying Envirotest the entire amount of cash that they invested into this program.

The \$55 million represents the amount of money that Envirotest and the Commonwealth agreed represents what may be a fair market value of the properties that were constructed and the equipment that was placed in those structures. If Envirotest sells the properties for \$55 million, they get all that money. If they sell the properties for less than \$55 million, the Commonwealth will share the loss up to a maximum of \$15 million on a 50-50 percentage until we reach that \$15-million plateau, and if we do that, the worst-case scenario for the Commonwealth, what is our greatest liability, is \$160 million if the property goes for about 20 percent of its actual value. We feel that the 50 percent is a very fair value. If in fact in some of the areas these structures are placed in good areas and have good marketability, if Envirotest is able to sell them for more than \$55 million, the Commonwealth will receive 75 percent of every dollar in excess of \$55 million of sales that are done, which will reduce the \$145 million. Envirotest will only get 25 percent of each dollar in excess of \$55 million.

I think that that is a very well-structured proposal for the Commonwealth, because we have a maximum liability of \$160 million under the worst-case scenario, which is still approximately \$50 million less than what Envirotest invested, and we have the potential to reduce that \$145 million through the sale of those properties.

Mr. STURLA. Mr. Speaker, you allude to the fact that the \$55 million is 50 percent of the actual worth of the buildings and equipment as they are appraised? Is that correct?

Mr. SNYDER. No. Through the settlement negotiations, it was determined what the actual cost was to Envirotest for the property development, and the \$55 million represents half of the cost.

Mr. STURLA. So in order to develop these properties, it cost \$110 million, but they are really only worth \$55 million? Is that what you are saying?

Mr. SNYDER. As was responded to earlier to the Representative from Allegheny County, there are some areas in which the marketability may not be as high, because first of all, these buildings had to meet very specific code requirements and contract requirements, and plus, that they may be for a particular unique need. In other areas, the building can be converted to a multiple number of uses, and the location may make it very marketable. So therefore, there is an assumption that when you look at the entire realm of the 87 properties, it is fair to assume that \$55 million, about approximately 50 percent, should be reasonably expected to be the proceeds, and as I said earlier, we are protected on both sides if that estimate is incorrect.

Mr. STURLA. The part of the \$145 million that the State is guaranteeing, does that include the \$110 million that was the cost of developing these properties?

Mr. SNYDER. No. Again, there is a total of about \$207 million that were costs incurred by Envirotest to meet the contractual obligations under the agreement that they entered into with PennDOT. Out of that \$207 million, this settlement, which will

result in several payments, the initial one being \$25 million and then we have the \$40, \$40, \$40, those obligations are it. The \$145 million cash is the extent of the Commonwealth's liability. All the rest depends on the sale of the property.

Mr. STURLA. Mr. Speaker, is there anything in the agreement that says that Envirotest has to sell these properties to the highest bidder?

Mr. SNYDER. The Commonwealth has retained veto power over the sale of any property. It is actually in the agreement that was circulated to the members, and therefore, that allows us, in case they try to sell a property below what we feel it is worth, we can veto that sale. And again, there is an incentive for both Envirotest and us, because if they do not reach the \$55 million, they bear a greater loss, and if they can sell it for more, they gain to receive 25 percent of the excess.

Mr. STURLA. If the State vetoes the sale of a property, then what happens? Is Envirotest still obligated to sell that property, or does the State have to pay for the property?

Mr. SNYDER. If we reject the sale by exercising our veto rights, there is the option then to go to auction, and of course, the highest bidder at auction would determine the sale price of the property.

Mr. STURLA. So the State would sort of look at the property and say, well, we think it is probably an okay price; we are not going to go to auction. Why would the State not go to auction on everything?

Mr. SNYDER. It is not the State going to auction.

Mr. STURLA. Why would the State not veto the sale of every property so that all of them got auctioned to the highest bidder?

Mr. SNYDER. In the agreement — that is what I was looking for — there is a provision — and I cannot identify where that provision is — that if we veto a sale and then it goes to auction and the auction price is less than the sale price Envirotest could have received except for the fact that the Commonwealth vetoed it, the difference is credited against the Commonwealth, so there is a penalty for the Commonwealth to make sure that we do not unreasonably withhold the sale of properties.

Mr. STURLA. Mr. Speaker, are there any prohibitions against Envirotest doing a one-lump sale, in selling all their properties off in one lump sum?

Mr. SNYDER. They have that option, but of course, the Commonwealth would have the right to review that sale to make sure, again, that the sale is not being undervalued.

Mr. STURLA. Mr. Speaker, when you say the State has the right to review this and to veto, who actually would be doing the veto? Would it be the Governor?

Mr. SNYDER. It would be the Governor's responsibility, and he intends to appoint the Secretary of General Services to fulfill that role under the agreement because of the department's expertise in real estate.

Mr. STURLA. Mr. Speaker, you have to understand the line of my questioning. There have been rumors that various people are involved in this deal that stand to make profit, and so the concern arises that depending upon how we sell these properties, there is the potential to make a great amount of profit, considering the fact that it cost \$110 million to develop these properties and the State really says, if they get \$55 million back, that is an okay deal. If I can buy land at 50 cents on the dollar, that is a pretty good deal, and then if I can turn around and resell it afterwards for a greater profit and the State does not reap any of that profit, my concern is that there is the potential for dealmaking going on here that will

allow people to reap up to \$55 million in profits that the State will not be able to realize, and I am not sure what kind of safeguards are built in here other than somebody in DGS (Department of General Services) gets to veto it if they feel like it, and I have some grave concerns about that.

Mr. SNYDER. Mr. Speaker, first of all, the agreement prohibits Envirotest from selling any of the property to anybody with a financial interest in Envirotest, and furthermore, Mr. Speaker, on page 10 of the agreement, it outlines the sale procedure, and I do not think it is necessary to read it. It is about half a page, single-spaced, but it is available for your review in case you would like to make reference to it.

Mr. STURLA. Mr. Speaker, if I have a company that decides they want to buy the lump sum for \$55 million and I have a side agreement that is signed that says, upon completion of that sale I will become a subsidiary of Envirotest, am I still considered having a financial interest in Envirotest at that point in time, when the sale occurs?

Mr. SNYDER. Mr. Speaker, you are asking questions of legal interpretation at this point. Again, the agreement is available. The amendment that we have before us is dealing with the authorization for the Governor to appropriate the necessary funds to implement the agreement. Again, the terms of the agreement are not hidden. They are available to each one of us to review, and I do not feel that I am qualified to answer those types of questions.

Mr. STURLA. Thank you, Mr. Speaker.

If I could just make a comment.

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

Mr. STURLA. Having seen this agreement only placed on my desk within the last 20 or 30 minutes or so, I do not feel I am qualified to answer that question either, and as long as no one else feels qualified to answer that question, I intend to vote "no," because I am not going to sign a \$55-million contract or a \$145-million contract or a \$200-million contract without knowing some of the details. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Mr. WALKO. Thank you, Mr. Speaker.

I rise to urge nonconcurrence in HB 48 not only because I believe that what we are buying is a pig in a poke but I also believe that it is very hard to justify the expenditure of \$145 million on the eve of the Christmas holidays prior to addressing real needs for those funds. Well, I cannot justify to my constituents \$145 million when home energy assistance is not adequately funded. It is always at issue, priorities for funding. We do not fill the gap. We go home and be warm in our homes for the holidays. One more child might not live through the winter. One more senior citizen might not survive.

We must address this need before we leave. We must certainly address it before we buy a pig in a poke and pay \$145 million for Lord knows what more is at the end of that road. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Elk, Mr. Surra.

Mr. SURRA. Thank you, Mr. Speaker.

Mr. Speaker, I rise to urge my colleagues to nonconcur on HB 48. This was dropped on my desk about an hour ago, Mr. Speaker. It is a \$145-million bailout that we are asking the taxpayers of Pennsylvania to shoulder, and we are going to do this

before we go back for Christmas vacation, and I am not really sure what it is.

Mr. Speaker, how many people in here, how many members have had constituents complain to them because they were driving to work for their \$5-an-hour job and drifted through a stop sign and ended up with a \$90 or \$100 ticket? Mr. Speaker, I voted against the 65-mile-an-hour speed limit bill, something that I supported, because we ended up raising the fines. Now we are going to go into the CAT Fund to bail out Envirotest, Mr. Speaker, and that is going to extend this for another 4 years, and it is not only going to extend it but it is going to put this program in the red in 3 years. Mr. Speaker, this is wrong. It is wrong to ask constituents in rural parts of the State to pay for this bailout.

Mr. Speaker, am I for it? In case you have not understood, I am against concurrence. What program are we going to implement, Mr. Speaker? What will the cost be to the drivers in the nonattainment areas, Mr. Speaker? The program that we are thinking about I do not believe has a cap. How will that affect, Mr. Speaker, the small garages and the small inspection stations who cannot afford the testing equipment? We will force them out of business, Mr. Speaker. When the people go to get their emissions test, they also do their safety test, and it will drive these small "mom and pop" businesses out of business.

The CAT Fund was passed before I was elected, but I can remember my brother's used-car dealership, Mr. Speaker, the little green stickers that cost \$5 to pay for the CAT Fund, then \$8 to pay for the CAT Fund, then \$10 to pay for the CAT Fund, and now if you get stopped for speeding or a minor violation, it is \$30, \$40, \$50, \$60, Mr. Speaker. Talk to a log truck that got stopped for being overloaded that has a \$200 CAT Fund fine on it. This could be ended by the year 2001, but no, we are going to go back in.

You know, a lot of times we talk about raising a fee or a small tax temporarily to pay for something, and taxpayers come back and say, yeah, right. Here is something, a fine, that we are only going to have this on for a short amount of time, and they do not trust politicians because they know this is what we do. There is no such thing as a temporary fine, no such thing as a temporary fee, no such thing as a temporary tax.

We are going to bankrupt the CAT Fund in 3 years; it will be in the red. Where is that money going to come from? That will come from the taxpayers of Pennsylvania.

Mr. Speaker, when we are in noncompliance because our air quality in Pennsylvania is getting worse, that is going to have to come from the business community's smokestacks, Mr. Speaker. Our businesses are going to be at a disadvantage with other States, Mr. Speaker.

Mr. Speaker, we talk about making Pennsylvania more competitive for our businesses. This is going to hurt the business community of Pennsylvania. It is a bad vote for our business climate; it is a bad vote for the air quality in Pennsylvania; it is definitely a bad vote for our taxpayers, and it is a bad vote for our drivers.

Mr. Speaker, I urge a "no" vote.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Washington, Mr. Daley.

Mr. DALEY. Thank you, Mr. Speaker.

Would the gentleman stand for a brief interrogation?

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

Mr. DALEY. In the printout that we all received — and it had a delineation of the breakdown of the expenditures — could you answer for the record what is meant by contract termination costs of \$3.9 million?

Mr. SNYDER. Mr. Speaker, those costs, which, as you stated, were \$3.9 million, were costs to terminate contracts that Envirotest had to incur. As a result of expecting to be an ongoing business, there were contracts for suppliers, there were contracts for different services that they had to undertake in order to meet the January 1, 1995, deadline that was required to be able to be open for business on that date or else Envirotest would have been in breach of their contract.

Mr. DALEY. Then I am rather confused, Mr. Speaker, because you have another line item for termination of services and supplies for \$4.5 million. That seems to be directly the same issue that you are addressing for the contract termination costs.

Mr. SNYDER. Mr. Speaker, I stand somewhat corrected, that the \$4.5 million were contracts for supplies and services. The \$3.9 million were costs that were incurred by Envirotest since January 1 as a result of the termination of the contract.

Mr. DALEY. Could you answer the question — and I do not know if it was asked or have you answered the question — who is going to pay Envirotest's legal fees for the suit that they had filed against the Commonwealth?

Mr. SNYDER. Envirotest is responsible for their own legal fees.

Mr. DALEY. Who is going to retain the ownership of the hardware/software development and installation?

Mr. SNYDER. That is part of the assets that we have included in the \$55-million portion of assets to be sold.

Mr. DALEY. On the bill, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman. He may proceed.

Mr. DALEY. Thank you, Mr. Speaker.

Let us talk about in essence what \$200 million actually means to the taxpayers of the Commonwealth. We look at it as 200 with a series of zeros after that, but this expenditure is larger than the Philadelphia Convention Center itself, by itself, and if we look through the budget real quickly, it is actually 200 percent higher than what the Governor's Office receives this year in the budget; it is 200 percent higher than what the Lieutenant Governor receives this year in the budget; it is 500 percent higher than what the Auditor General receives this year in the budget; it is 400 percent higher than the Department of Agriculture receives this year in the budget; it is 30 percent larger than the Department of Commerce receives this year in the budget; it is 500 percent higher than the Department of Community Affairs receives this year in the budget; it is 200 percent higher than what Conservation and Natural Resources receives this year in the budget; it is 40 percent higher than what Environmental Resources and Protection receives; and it is 100 percent higher than General Services receives this year in the budget.

The idea of the Democrats being called "tax and spend," today we are giving a whole new definition to the Grand Old Party about taxing and spending upon the Commonwealth. Just remember the line items and what they have received compared to one shot, one contract, one deal with Envirotest.

I ask for a "no" vote. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Cambria, Mr. Haluska.



Mr. HALUSKA. Thank you, Mr. Speaker.

I would like to know if Representative Snyder would stand for a brief interrogation?

The SPEAKER pro tempore. Mr. Snyder indicates he will stand for interrogation. The gentleman may proceed.

Mr. HALUSKA. Mr. Speaker, the information I am getting from Governor Ridge's office, piece by piece, tells me that we are going to go to a hybrid system except the five counties that surround Philadelphia, and the five counties that surround Philadelphia, we are going to have centralized testing. So would it not make sense that while we are trying to feel our way through this thing and if we already have, like in Mr. Ramos' district, we have a building built already, to try to negotiate into this package the centralized test stations within these five counties that we are going to have centralized testing in to make them a part of this new deal, and then the rest of the State that comes under this, of course, then we are going to have tail-pipe sniffing, basically what we had before. It is not going to be the dynamometer where we are going to bring it up to road speed and we are going to check it like at the centralized testing.

So my question is, why do we not have a plan forthcoming from the Governor's Office to go along with this buy-out? It seems like we are going to go ahead and go back to square one, and we may be dealing with Envirotest again, because in those five counties, we are going to have to have centralized emission testing with the same type of system, the dynamometer and the at-speed test. So that is the one question I have. I do not think we have thought this thing through the whole way, and we are sort of going to wipe the slate clean; we are going to start over, and we could be very well dealing with Envirotest again.

Mr. SNYDER. Mr. Speaker, let me answer your question with several different factors.

Number one, in November of 1994 when this General Assembly overrode Governor Casey's veto of our repeal of a centralized system — and many of these previous speakers voted to repeal the centralized system — we were representing the wishes of the people of the Commonwealth of Pennsylvania who did not want a centralized system. On October 18, Governor Ridge announced his acceptance of those wishes by stating that he will not support a centralized or a hybrid system but will only support a decentralized system.

As you know, Mr. Speaker, in Washington many changes are going on right now that impact on this type of program. We have already had repeal of the 50-percent penalty under the National Highway Systems bill, and furthermore, EPA has been ordered by the Congress to review the standards by which they are imposing air emission quality requirements on the States.

Mr. Speaker, the General Assembly is going to have to approve any new system that is implemented for the motorists of Pennsylvania. We will have an opportunity to be in partnership with the Governor in developing that system and will have an opportunity to have our say in how that system is run. The use of these facilities for a centralized system would only be doable if we had any intentions to go to a centralized or partly decentralized and centralized system. I think the General Assembly and the Governor have made it very clear that we would rather go through private enterprises, through a decentralized system, and we are much better off making this a clean sweep of the slate and accept the obligation that we incurred in November 1994 when we voted to basically eliminate this contract and to look at ways to move ahead in the future under new guidelines.

One more point, Mr. Speaker: Air quality in many regions of our State is improving through the many things that are happening in those communities. We saw that recently when there were waivers of the special gas that had to be sold in different regions. So we are seeing improvements, and that is why, I think, once we get passed this, we will have an opportunity to develop a program that we feel best meets the needs of our motorists.

Mr. HALUSKA. Mr. Speaker, just on that same thing. Obviously, we do not get the same mail from the Governor's Office, because everything I have gotten from the Governor — and I have, you know, read my mail — he said — and if I am wrong, you can correct me — that the five counties surrounding Philadelphia will have centralized testing. Now, that is all I am saying. That is what the Governor has told me. What I am saying is, why should we get rid of these stations, especially in those counties, when in the end we may be, like Keith McCall said, we may be going back to Envirotest and buying our own buildings back? This might be the best land deal of the century, the best thing since New York City.

Mr. SNYDER. Mr. Speaker, we will not be going back to a centralized system. But different regions of the State will need to have, perhaps, different types of equipment, depending on what standard of air quality they are going to have to meet, but it will be basically a service station and automobile dealership base. It will not be on the basis of going to a centralized system where everybody is going to have to go to these locations. We do not want to be in the land business. We would rather have these properties be turned to businesses. As Mr. Preston noted, he does not like having vacant buildings. He would like to have a business operating in that facility.

Mr. HALUSKA. Mr. Speaker, just the one thing that I cannot get clarified, really. When you have a system that has a dynamometer involved, you are not talking a little service station on the corner that is going to invest a quarter of a million dollars in that kind of equipment.

So if we are going to do this type of testing, at-speed testing in Philadelphia, I would be very surprised if you are going to find small corner businesses that are going to invest a quarter of a million dollars into a dynamometer system that are going to come out and inspect emissions. If you do emissions testing at speed in those five counties, believe me, they are going to be done by somebody other than the individual businesses, I feel sure. I have a little bit of a background in the automotive business, and I would hardly see anybody making that type of an investment in those five counties.

So that was my question, and you really have not answered it to the full degree, but I am satisfied.

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

The SPEAKER. Does the lady from Philadelphia, Ms. Manderino, desire recognition?

Ms. MANDERINO. Thank you, Mr. Speaker.

I just want to make one point clear for the record, and it goes to the last discussion of the last two speakers, because the reality of it is, this General Assembly did not say in the last set of legislation, where we sent the plan back to Casey and then overrode the veto, that we wanted a decentralized system. Some

members may have. Some members may have wanted hybrid; some members may have wanted something else.

What we said in that bill is, let us suspend the program for 3 months and come back with a plan. Well, Mr. Speaker, those 3 months came, those 3 months went, a year came and went — it has probably been more than a year and 3 months — and here we are asking to be voting on something without the plan.

And I think the prior gentleman, Mr. Haluska, is correct. I think the plan is going to have to include not just decentralized but centralized or some sort of hybrid. I do not think that was taken into equation. I am not coming back to buy back the same buildings that I just paid off for. We did not get what we asked for. We asked for a suspension, no endorsement of any particular plan and no endorsement for the former Governor or the current Governor to go out and decide solely on his own what that plan would be.

This is a mistake, I think. I ask for a “no” vote.

The SPEAKER. The Chair thanks the lady.

On the question of final passage, the Chair recognizes the gentleman, Mr. DeWeese.

Mr. DeWEESE. Thank you, Mr. Speaker.

On final passage or, I should say, concurrence of HB 48.

The SPEAKER. The Chair stands corrected.

Mr. DeWEESE. The fall of 1776, after the American engagements at Long Island, Brooklyn Heights, Fort Lee, Fort Washington, White Plains, all of which ended in failure, British General Sir William Howe and his famous brother, Black Dick Howe, Sir Richard Howe of the Royal Navy, met in northern New Jersey with Ben Franklin, John Adams, and a variety of colonial luminaries. They wanted to stop the war. They wanted to make certain that the convulsions ceased. They were not successful, Mr. Speaker, and when Black Dick Howe wrote to the Parliament, he addressed Lord North with this remark: “We met, we talked, we disagreed, and now there is nothing left to do but fight it out.”

Mr. Speaker, tonight we have met briefly, we have talked superficially, and we have disagreed profoundly, and there is nothing left to do but fight it out.

The gentleman, Mr. Lloyd, the James Madison of this chamber, offered a few observations that are crystalized in my own thinking. He has, as is usually the case, he has embraced the dictum of Bismarck, that a deal is the art of compromise, the art of the next best, the art of the possible, and Representative Lloyd, that shining star from Somerset County, said that he thought we should make a compromise, that Envirotest could be at least momentarily satisfied with \$25 million to get them through until the end of the year and then we would reapproach this issue. The Republican leadership has adopted a weathercock attitude about how to deal with this, and I am perplexed at the pell-mell speed, the vertiginous speed that we are approaching this \$145-million moment.

As I, as a political person, look back, and the retrospection is keen, I envision Governor Casey chatting with Minority Leader Ryan saying, Matt, we have got a \$145-million hole in the budget and we need a few votes, blah, blah, blah. It just would not have been like it is tonight, and again, that recollection is pellucid because it is so near in my memory.

We are adopting a rush to judgment. One hundred and forty-five million dollars we are going to pay out. We have not had an auditing moment. The Legislative Budget and Finance Committee has not been a part of this effort. This whole decision tonight is full-freighted with a gubernatorial imprimatur. This is not

our branch at work. Our chamber is being kept on the sidelines. I am not so certain that this action is efficacious or not efficacious because it has just come to light in recent days, and we tried a compromise.

The reason I am not for concurrence is because we tried a compromise that would take us through until the end of the year. And if our State exchequer is so replete with funds, why do we not use the tax amnesty money, these tens and tens and tens of millions that the gentleman from Lebanon County, the gentleman from Dauphin County, the gentleman from the Lehigh County said would be forthcoming? Why do we not use this tax amnesty money, this gravy that is coming into the Revenue Department? Because it is not coming in. And now, why do we not use this money that we set aside for vouchers? Why do we not use this money? I am befuddled, Mr. Speaker, and my befuddlement causes me to want to nonconcur.

I just think, Mr. Speaker, that when you talk about such a stupendous amount of money, \$145 million, within the next year or 2 or 3, the gentleman from Montgomery, the gentleman from Bucks, the gentleman from Bucks again, the gentelady from Butler, all of you folks are going to have to figure out where, within the next year or 2 or 3, where to come up with these additional revenue dollars, and somehow, someway one of us or two or three or four of us are going to remember that \$145 million was cashiered to a civil suit settlement that was not audited by us, that was not understood by us.

In closing, sir, I think that without an audit and without a chance to deliberate even for a short time, this rush to judgment needs to be opposed, and I would ask the membership on both sides of the aisle, especially those who take up the admonition that Mr. Daley pronounced, those who feel that they have been calling someone a tax-and-spender or someone who has felt that they are a tax-and-spender, they should be loath and chary to embrace HB 48.

A nonconcurrency vote would be responsible and a nonconcurrency vote would not necessarily disallow us from confronting the Envirotest problem substantially and thoroughly and professionally in the near-term future. So I think a vote to concur tonight is a shoddy vote; it is a misconstrued vote; it is a cavalier vote, and I think that somehow, someway, someday this \$145-million hole in our State budget will reverberate back into this chamber.

Mr. Speaker, thank you very much for your indulgence. I told the gentleman, Mr. Barley, I would conclude my own remarks before 6:30 this evening, and I have kept my word.

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

Mr. PERZEL. Thank you, Mr. Speaker.

I am not going to belabor the point. I am still trying to decipher the squirrel speech from yesterday.

I am going to submit most of the remarks for the record, Mr. Speaker, but this House, led by the Democrat Caucus — Mr. DeWeese, Mr. Evans, Mr. McCall — myself included, voted to give PennDOT the authority to enter into a contract for statewide emissions. One hundred and thirty-two of us voted in 1992 to give PennDOT the authority for statewide testing — 80 Democrats, 52 Republicans. We did it. We created an obligation on our part to pay for Envirotest. We knew it was coming; it was coming sooner or later.

I urge a “yes” vote.

**REMARKS SUBMITTED FOR THE RECORD**

Mr. PERZEL submitted the following remarks for the Legislative Journal:

Envirotest entered into this venture in good faith. They did what they were expected to do.

They expect to be paid for their efforts. If you or I were in their shoes, we would expect the same thing.

Governor Ridge has given us an opportunity – we would be making a mistake if we did not take advantage of it.

If this settlement expires, the cost to taxpayers could be three times what we are paying now – more than a half billion dollars.

A lot of us own stock in companies. The people who purchased Envirotest stock did it because they expected Pennsylvania to fulfill the obligation of the contract. If this company goes bankrupt based on what we do here today – they all can sue us.

If we do not meet this legal obligation, the Commonwealth faces more suits, more liability. The taxpayers face paying out much, much more.

I do not like it. You do not like it.

This is a case where, legally and morally, as Republicans and Democrats, we have no choice than to agree to the settlement.

I understand the reluctance of many members to support the proposed settlement with Envirotest.

I do not like it. You do not like it.

The facts are – like it or not – we have an obligation to settle the contract with Envirotest.

Governor Ridge has negotiated the best possible settlement for the Commonwealth's taxpayers. No one could have done better.

This settlement is fair – fair to both Envirotest and its stockholders – and fair to Pennsylvania's taxpayers.

This House – led by the members of the Democratic Caucus – such as Mr. DeWeese, Mr. Evans and Mr. McCall – voted to give PennDOT the authority to enter into a contract for statewide emissions testing.

One hundred and thirty-two members of the House voted in 1992 to give PennDOT the authority for statewide testing – 80 Democrats, 52 Republicans.

We did it. We created the obligation. We must fulfill that obligation. Sure, we have changed directions in policy, but we still created the obligation through the contract.

On the question recurring,

Will the House concur in Senate amendments?

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

(Members proceeded to vote.)

**VOTE STRICKEN**

Mr. DeWEESE. Mr. Speaker, only members in their seats; only members in their seats, Mr. Speaker. Mr. Gladeck and Mr. Cornell are not in their seats. We had an agreement, I thought, with the majority party.

The SPEAKER. The board should be stricken.

The gentleman is correct. Those two votes should be stricken. The vote has been stricken – accidentally, incidentally.

On the question recurring,

Will the House concur in Senate amendments?

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

**YEAS-103**

Adolph	Fargo	Major	Schuler
Allen	Farmer	Marsico	Semmel
Argall	Fichter	Masland	Serafini
Armstrong	Fleagle	McGeehan	Sheehan
Baker	Flick	McGiff	Smith, B.
Bard	Gamble	Merry	Smith, S. H.
Barley	Gannon	Micozzie	Snyder, D. W.
Bishop	Geist	Miller	Stairs
Boyes	Godshall	Nailor	Steil
Brown	Gruppo	Nickol	Stern
Browne	Harhart	Nyce	Stish
Bunt	Hasay	O'Brien	Taylor, E. Z.
Butkovitz	Hennessey	Perzel	Taylor, J.
Chadwick	Herman	Pettit	Trello
Civera	Hershey	Phillips	True
Clark	Hess	Pitts	Tulli
Clymer	Horsey	Platts	Vance
Cohen, L. I.	Hutchinson	Raymond	Washington
Colaizzo	Jadlowiec	Reber	Waugh
Conti	Keller	Reinard	Wogan
Dempsey	Kenney	Robinson	Wright, M. N.
Dent	Kirkland	Rohrer	Youngblood
DiGirolamo	Lederer	Rubley	Zimmerman
Druce	Leh	Sather	
Durham	Lynch	Saylor	Ryan,
Egolf	Maitland	Schroder.	Speaker
Fairchild			

**NAYS-78**

Battisto	DeWeese	Lloyd	Santoni
Bebko-Jones	Donatucci	Lucyk	Scrimonti
Belardi	Evans	Manderino	Shaner
Belfanti	Fajt	Mayernik	Staback
Blaum	George	McCall	Steelman
Boscola	Gigliotti	Melio	Stetler
Buxton	Gordner	Michlovic	Sturla
Caltagirone	Habay	Mundy	Surra
Carone	Haluska	Oliver	Tangretti
Cawley	Hanna	Pesci	Tigue
Cohen, M.	Itkin	Petrarca	Travaglio
Colafella	Jarolin	Petrone	Trich
Corpora	Josephs	Pistella	Van Horne
Corrigan	Kaiser	Preston	Veon
Cowell	Krebs	Ramos	Vitali
Coy	Kukovich	Readshaw	Walko
Curry	Laughlin	Roberts	Wozniak
Daley	Lawless	Rooney	Yewcic
Del.uca	Lescovitz	Sainato	Zug
Dermody	Levdanský		

**NOT VOTING-14**

Birmelin	Feese	Markosek	Thomas
Cappabianca	Gladeck	Myers	Williams
Carn	Gruitza	Olasz	Wright, D. R.
Cornell	James		

**EXCUSED-7**

King	Mihalich	Roebuck	Strittmatter
LaGrotta	Rieger	Rudy	

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

Ordered, That the clerk inform the Senate accordingly.

### HOUSE RESOLUTION INTRODUCED AND REFERRED

**No. 267** By Representatives DRUCE, GEIST, PERZEL, FARMER and PETTIT

A Resolution urging the Governor and the Attorney General to seek reimbursement for the Envirotest settlement.

Referred to Committee on RULES, December 13, 1995.

### BILL SIGNED BY SPEAKER

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

#### HB 48, PN 2928

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining "pedalcycles"; further providing for handicapped plate and placard, for veteran plates and placard, for the operation of pedalcycles on Commonwealth highways, for pedalcycle helmets, for the use of hearing impairment devices and for hand and arm signals; repealing the Pedalcycle Helmet Fund; providing for the establishment of the Pennsylvania Pedalcycle and Pedestrian Advisory Committee; further providing for exemption from surcharge; providing for authorization for the Governor to transfer funds from the Catastrophic Loss Benefits Continuation Fund and funds from continuing appropriations for hazardous waste control to satisfy litigation awards, and all costs associated with litigation involving a centralized emission inspection contract; and deleting authority for centralized emission inspections.

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

Mr. THOMAS. Mr. Speaker, a point of order. Mr. Speaker? Mr. Speaker, a point of order.

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

Mr. THOMAS. Yes, Mr. Speaker.

The board on that last vote was malfunctioning.

The SPEAKER. In what way, sir?

Mr. THOMAS. There were a number of votes that were not recorded, people who were sitting in their seats, and I ask that that vote be taken over.

The SPEAKER. Well, the vote, Mr. Thomas, was run twice, and—

Mr. THOMAS. Well, the first time it was stricken because there was a problem, and that problem was acknowledged—

The SPEAKER. And the second time apparently there was another problem. If you care to announce how you would have voted, that is fine, but the bill is no longer in the possession of the House—

Mr. THOMAS. Well, Mr. Speaker—

The SPEAKER. —and I will be glad to accept for the record your remarks, but the bill is not here to be reconsidered.

### VOTE CORRECTIONS

Mr. THOMAS. Well, Mr. Speaker, I ask that my vote that was recorded the first time and was not recorded the second time be in the affirmative.

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

The gentleman, Mr. Birmelin.

Mr. BIRMELIN. Thank you, Mr. Speaker.

I was one of those people who was trying to vote, but I think the Speaker's finger was quicker than mine, and I would like to be recorded in the negative on that last vote.

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

Mr. Robinson.

Mr. ROBINSON. Mr. Speaker, like my two colleagues, I was attempting to vote my preference and was unable to do so. I should be recorded as voting in the negative.

But, Mr. Speaker, I am concerned also at this point about another problem that seems to keep cropping up in this House, and that is electronic malfunctions. I was clearly pushing my red button, yet on the board it was registering green. This has happened on numerous occasions, not on controversial votes, Mr. Speaker, but on other votes, and it would seem to me that in this modern age, we ought to be able to accommodate the members better than this. Sometimes the impression is given that the Speaker or someone else is not acting in good faith, and I do not think that is fair to the Chair or to the members, and I would respectfully ask that the Chair would see if our technicians could not correct the problem.

The SPEAKER. Mr. Robinson, and for the benefit of the members of the House, we have had numerous problems with the machines. The clerks will tell you that over the past, I am saying 2 months, and I may be exaggerating by a month, we have had technicians in here for at least 2 weeks? I am looking down here and— How long? We have had them here for several weeks, including weekends.

The first vote here was stricken, and I assure you I had nothing to do with that, because it had passed. We have had a number of complaints from the members with the changing colors on the board to red. We are going to move that back to the way it was, because the members— Pardon me? To the green; to the green. Because the members have complained about the red color, we will try it out on green, and we are just trying to do our best to get this working properly.

Mr. Cappabianca.

Mr. CAPPABIANCA. Thank you, Mr. Speaker.

Like all the other members, I was attempting to vote and it did not record, and it was prior to—

The SPEAKER. Does the gentleman care to submit his remarks for the record?

Mr. CAPPABIANCA. I do not know if it makes any difference now, does it?

The SPEAKER. Well, if you want to put on the record what you would have voted, it makes a difference.

Mr. CAPPABIANCA. I would prefer to be noted that I would be in the negative, Mr. Speaker.

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

Mr. Gruitza.

Mr. GRUITZA. Thank you, Mr. Speaker.

I had the same problem as several of the other members. I originally went up "no," but then when the second vote came up I was not registered, and I want to go on the record as a "no."

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

Mr. Rooney.

Mr. ROONEY. Thank you, Mr. Speaker.

On the Cappabianca motion to suspend the rules on concurrence of HB 48, my vote was not recorded. I wish it to be recorded in the affirmative.

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

Any other corrections of the record?

### PARLIAMENTARY INQUIRY

The SPEAKER. The gentleman, Mr. Michlovic.

Mr. MICHLOVIC. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman may state it.

Mr. MICHLOVIC. Mr. Speaker, does the Speaker have the capability of locking in the vote?

The SPEAKER. Yes.

Mr. MICHLOVIC. And if the Speaker were to lock in the vote and members were to attempt to vote after that time or attempt to change their vote, would those votes register on the board?

The SPEAKER. No. The Speaker locks the vote with the instructions to the clerk— The clerk and/or the Speaker can lock the board, and the board is locked on the instructions of the Chair. If you think about it, the Chair says—

Mr. MICHLOVIC. I am.

The SPEAKER. Now listen. The Chair twice says, "Have all the members voted?" That is said at least twice on every vote — on every vote. At least I do that, and I believe all Speakers do that. And then, "The clerk will record the vote," and at that point it is locked, and you can push the button however you want to push it, and it should not change.

Mr. MICHLOVIC. And there is nothing stopping the Speaker from locking the vote before he says have all the votes been counted?

The SPEAKER. It makes no sense to do that.

Mr. MICHLOVIC. Right. Thank you, Mr. Speaker.

The SPEAKER. I mean, I could— No.

### VOTE CORRECTIONS

The SPEAKER. The gentleman, Mr. Kaiser.

Mr. KAISER. Mr. Speaker, yesterday, December 12, on SB 432, PN 1615, on concurrence in Senate amendments to House amendments, the Vance motion, the motion to postpone, my vote was not recorded, and I would like to be recorded in the negative. Thank you.

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

The gentleman, Mr. Myers.

Mr. MYERS. Mr. Speaker, I am having the same problem as everybody else. My vote is not registered on HB 48. I voted in the affirmative.

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

Mr. MYERS. Thank you, Mr. Speaker.

The SPEAKER. The lady, Ms. Mundy. Ms. Mundy, are you seeking recognition?

Ms. MUNDY. Mr. Speaker, on the Lloyd motion to suspend the rules, my vote was not recorded. I would like it to be recorded in the affirmative.

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

Mr. James. Mr. James, in the back of the hall.

Mr. JAMES. Thank you, Mr. Speaker.

Mr. Speaker, I am having the same problem, or had the same problem, and I would like to be recorded in the affirmative.

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

### PARLIAMENTARY INQUIRY

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

Mr. DALEY. A point of parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. DALEY. A question was raised by a member regarding his vote immediately after the vote, upon which I think, Mr. Speaker, you informed the chamber that it does not matter because the bill is no longer in this chamber. Am I correct?

The SPEAKER. That is essentially correct. That is not exactly what I said, but yes.

Mr. DALEY. My question to you is, for all the members, for our understanding then, what is actually the procedure? Once a bill is voted in the affirmative such as a concurrence vote like this, does the Speaker sign the bill?

The SPEAKER. I did.

Mr. DALEY. You did. And did someone actually leave the chamber, Mr. Speaker?

The SPEAKER. Yes; yes.

Mr. DALEY. Then the camera would show on recollection—

The SPEAKER. My word would say that someone left this chamber, and I suspect that someone would verify that they left this chamber, and I further suggest that a signed receipt from the Senate would indicate that the bill was transported to the Senate and receipted for. Now, whether or not our snooping cameras would pick that up, I am not really sure, Mr. Daley.

Mr. DALEY. Well, then there is a possibility, Mr. Speaker, that your word would be verified by—

The SPEAKER. I am not going to check it. If you want to go to a station and get them to play it back, you go ahead and do it.

Mr. DALEY. Well, maybe we ought to, Mr. Speaker. Thank you.

The SPEAKER. Well, you go ahead and do it. It will give you something to do this Christmas.

The gentleman, Mr. Flick.

Mr. FLICK. Mr. Speaker, will there be any further votes tonight?

The SPEAKER. Yes, one more vote.

Mr. FLICK. Thank you, Mr. Speaker. Then maybe we could get on with the business of the House?

**RULES COMMITTEE MEETING**

The SPEAKER. There will be an immediate meeting of the Rules Committee at the majority leader's desk.

**RESOLUTION REPORTED FROM COMMITTEE**

**HR 267, PN 2953**

By Rep. PERZEL

A Resolution urging the Governor and the Attorney General to seek reimbursement for the Envirotest settlement.

RULES.

**RULES SUSPENDED**

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Druce.

Mr. DRUCE. Mr. Speaker, I ask that the rules of the House be suspended to permit the immediate consideration of HR 267.

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

The following roll call was recorded:

**YEAS—185**

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

Daley	Kirkland	Roberts	Yewcic
DeLuca	Kukovich	Robinson	Youngblood
Dempsey	Laughlin	Rohrer	Zimmerman
Dent	Lawless	Rooney	Zug
Dermody	Lederer	Rubley	
DeWeese	Leh	Sainato	Ryan,
DiGirolamo	Lescovitz	Santoni	Speaker
Donatucci	Levdansky	Sather	

**NAYS—6**

Carone	Krebs	Steil	Tigue
Hanna	Platts		

**NOT VOTING—4**

Carr	Josephs	Olasz	Williams
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**EXCUSED—7**

King	Mihalich	Roebuck	Strittmatter
LaGrotta	Rieger	Rudy	

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.

**SUPPLEMENTAL CALENDAR E**

**RESOLUTION**

Mr. DRUCE called up **HR 267, PN 2953**, entitled:

A Resolution urging the Governor and the Attorney General to seek reimbursement for the Envirotest settlement.

On the question,  
Will the House adopt the resolution?

The SPEAKER. The Chair recognizes the gentleman from Bucks County, Mr. Druce, on the resolution.

Mr. DRUCE. Thank you, Mr. Speaker.

I will not belabor the point, because—

The SPEAKER. The gentleman will yield.

There are entirely too many conferences on the floor. It is 20 of 7; this should be our last night prior to the Christmas break. I would ask the reporters to take their seats. I would ask the—

Mr. COY. Mr. Speaker?

The SPEAKER. Just wait.

I would ask the members to take their seats. Members will please take their seats.

**PARLIAMENTARY INQUIRY**

Mr. COY. Just a point of parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. COY. Simply a question raised by members: The reason for suspending the rules on the last vote for this resolution, because I believe it was reported—

The SPEAKER. It was not on the voting list, and it is required to consider it now—  
Mr. COY. Fine.

The SPEAKER. —because it had not been on the computer.  
Mr. COY. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Druce.

Mr. DRUCE. Thank you, Mr. Speaker.

I will be brief, because I believe the resolution speaks for itself and it urges the Governor and the Attorney General to pursue any legal means at their disposal to obtain a full reimbursement for the taxpayers of this Commonwealth from the Environmental Protection Agency and from the Federal Government for the costs incurred with the settlement with Envirotech.

Mr. Speaker, quite simply, I do not believe and I think most members believe that we would never have gone down this path had it not been for Federal law and, more importantly, had it not been for Federal regulations which directed the Casey administration and then Secretary Yerusolim into the system that we now had to undo here today.

I recall distinctly, Mr. Speaker, being briefed in our caucus last session by Secretary Yerusolim, him articulating to us how the Commonwealth proceeded in good faith to a centralized system, how the rules changed on our State because of Washington, but we were too far down the pike to adopt any alternatives at that point in time. But I believe the Secretary under the Casey administration was doing the right thing, giving the rules as he knew them, and now the Federal Government has decided to change the rules on us. The only problem is, they have left the people of Pennsylvania with the bill.

I think that is inexcusable, and I hope most members would agree with that and at least allow our Attorney General and the Governor's chief counsel to see what costs we could obtain from the Federal Government to lessen the blow to the taxpayers of this State. Thank you, Mr. Speaker.

Mr. Speaker, if I could make one last comment.

The SPEAKER. The gentleman is in order.

Mr. DRUCE. If I could ask that this resolution remain on the desk, because I believe there are other members who may feel as though the Federal Government has a large responsibility in the bill that we had to pay here tonight. Thank you.

The SPEAKER. The resolution is already in print.

Mr. DRUCE. Well, then I retract that, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, I have a couple concerns about this resolution. I do not know if members have looked at it carefully, but what essentially this does is to say that the Governor and the Attorney General are supposed to consider and possibly initiate legal action against the Federal Government to recover some of the costs which a majority just voted to have paid out of the hazardous waste cleanup fund and out of the CAT Fund. That is a very novel argument, and I have very serious reservations about whether or not that is going to be successful in the courts.

And I am also somewhat puzzled that we are being asked to do this at a time when we all know that the Federal Government is trying to deal with the budget deficit, and we all know that if Pennsylvania were successful, so would presumably be numerous other States, and balancing the Federal budget would be even harder, and avoiding a shutdown of the Federal Government again would be much more difficult.

I mean, I think this is something which is going to be unlikely to be successful. What I am especially concerned about, however,

is how much money we intend to spend to try to carry out this mandate, Mr. Speaker, and there is nothing in here which says anything about whether this is to be money spent only out of appropriations existing for the Governor and the Attorney General or whether it is contemplated that we are going to hire outside counsel.

So, Mr. Speaker, I assume this is going to pass. I do not think I am going to vote for it, but I would like an opportunity to get on the record from the sponsor of the resolution the answer to several questions. If the gentleman, Mr. Druce, would stand for interrogation.

The SPEAKER. The gentleman, Mr. Druce, indicates he will stand for interrogation. The gentleman, Mr. Lloyd, may begin.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, in order to establish some legislative intent, which hopefully then will guide the Governor and the Attorney General, is it your intention, Mr. Speaker, that outside counsel be hired to pursue this litigation?

Mr. DRUCE. Mr. Speaker, I did not believe it was necessary for us to spell out every detail of how the Attorney General or the Governor's Office would pursue that. I have faith that they can make judgment on their own, whether they would deal with the internal resources they have at their disposal or if they would choose other options. But I have confidence that they will be able to respond to the wishes of this chamber in the appropriate manner.

Mr. LLOYD. So then it is your intent that they should read this resolution as an authorization or an encouragement from the General Assembly to use outside counsel or to hire outside counsel if they determine that hiring outside counsel is, in their judgment, a good idea. That is your intention.

Mr. DRUCE. Mr. Speaker, as I said, I believe that that would be the judgment of the Attorney General and the Governor's Office as how best to proceed. I do not know what funds may be at their disposal if they should choose outside counsel, but I am sure that would be part of their decisionmaking process. I am not asking this House— I am asking this House tonight to urge them to take a particular action. I am not asking this House to tell them how to do that.

Mr. LLOYD. Mr. Speaker, one other question, and that is, do you, Mr. Speaker, have an intention as to how much money ought to be spent in pursuing this litigation?

Mr. DRUCE. Mr. Speaker, again, I believe that we have responsible people in both the Attorney General's Office and the Governor's Office to deal with that. I would point out that tonight we just spent \$145 million of money that, had it not been for the folks in Federal Government, in the EPA, we might not have had to spend tonight. So I am sure that they will weigh that in their decision in the success of their case, if they should have one, to pursue this properly on behalf of the taxpayers of the Commonwealth.

Mr. LLOYD. Mr. Speaker, if I could yield interrogation and return to comment on the resolution.

The SPEAKER. The gentleman is in order.

Mr. LLOYD. Mr. Speaker, the gentleman's response to the interrogation underscores that my concerns are legitimate. I do not know what is going to happen with this. The Governor may take this and throw it in the waste can, but I certainly do not want to be recorded as endorsing an encouragement to pursue through outside counsel, and potentially lots of contracts and lots of expense, litigation which I think is very likely to be unsuccessful.

And I am also concerned, Mr. Speaker, that, you know, we pay it here or we pay it to the Federal Government. Either way, we are the ones doing the paying, and the notion that we can somehow shift this cost onto the Federal taxpayers and that that is not our responsibility is one of the reasons why we have that mess in Washington, and I suggest that we not compound that.

I intend to vote "no." Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I will go further than Mr. Lloyd. I will say not only is such a suit extremely likely to be unsuccessful, such a suit is extremely likely to be ruled by the courts to be frivolous.

There is a correct legal procedure to get the Federal Government or anybody else involved as a defendant in this suit, and that would have been to contest the suit and to join the Federal Government as an additional defendant. This suit was filed in Commonwealth Court. The Federal Government could have been a defendant in Commonwealth Court. There was also a Federal suit filed. The Federal Government could have been a defendant in the Federal courts. The way to do that, if this resolution had been filed here in May or June or July or anytime until today after the vote we just took, this resolution would have been relevant, because it would have been timely to file legal papers to get the Federal Government to pay for it. But to have a situation where they are going to be filing in court after we have already surrendered our rights against them is just ridiculous.

I do not know what the plan is or whether this is just a desire to get political cover or a desire to hand out \$100,000 contracts to good, loyal supporters. But whatever the reason is, this is a totally frivolous idea for a lawsuit. This ought to be defeated. And if it passes anyway, I would sure hope if they retain a private law firm, not one dime is spent, not one dime of public money is spent on these lawyers engaged in this wild-goose chase on a contingency-fee basis.

The SPEAKER. The Chair thanks the gentleman.

Does the gentleman, Mr. Cappabianca, desire recognition? The gentleman is recognized.

Mr. CAPPABIANCA. Thank you, Mr. Speaker.

I just want to take this occasion to remind the House, since we are passing the buck on Envirotech, that we are leaving here for the Christmas holidays doing nothing about LIHEAP. Perhaps maybe with this resolution we ought to ask Newt Gingrich why those particular funds are not coming to the various States.

So I just want to put that on the record. We are going home to a very nice holiday, all of us, and we have people out there, approximately 400,000 families, that probably will not have heat.

The SPEAKER. On the question, the gentleman, Mr. Jarolin.

Mr. JAROLIN. Thank you, Mr. Speaker.

Looking over this list here, I hope people when they go home for Christmas understand that they paid a private industry the amount of money that is in this particular piece of legislation; then look at your next-door neighbor and see if there is smoke coming out the chimney; then look at yourself in the mirror. Merry Christmas.

The SPEAKER. The gentleman, Mr. Geist.

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

I rise to support this resolution. As the members of the House clearly know, when the Federal Government foisted this upon us, they did so with the threat of withholding Federal tax dollars that

Pennsylvanians had paid so that we could put them into our highway system.

The Federal Government dictated who was driving that bus and who was riding in it, and quite clearly they set the standards and specifications for the State of Pennsylvania to follow. And Governor Casey did that; this General Assembly did that. It is quite clear to me that the Federal Government is withholding tax dollars that have been paid by Pennsylvanians, well over \$100 million of liquid fuels money that is being held by the Federal Government now, that could be released to the State of Pennsylvania so that we could put it in our infrastructure.

The game of extortion that the Federal Government plays where they dictate to us what we have to do, then we do it and we get stuck with the bill, it is not right. We should be driving the bus, not the Feds.

I urge a "yes" vote on this resolution. I urge the Governor and the Attorney General to take the Feds to the mat and let them pay the bill. It is their responsibility. They pushed it into us and we did it; now let them pay for it. Thank you.

The SPEAKER. Does the gentleman from Delaware, Mr. Vitali, seek recognition on this resolution?

Mr. VITALI. Very quickly, Mr. Speaker.

Will the maker of the resolution stand for a brief inquiry?

The SPEAKER. The gentleman may proceed.

Mr. VITALI. Mr. Speaker, do you have any theory of any cause of action that could be successful here?

Mr. DRUCE. If I think I heard the question correctly, Mr. Speaker, let me just state for the record, I am not an attorney, so I am not going to pontificate upon what could and could not happen. I trust that we will get good advice from the Governor's Office and the Attorney General. Even from the beginning, I expect good advice that maybe we cannot pursue this, but the one thing I am going to be able to do when I go home tonight is to say that we have done everything we can do to pursue it because it is the right thing to do, and I will defer to their judgment, but I am not going to speculate on how a court would rule on this particular matter.

Mr. VITALI. May I speak on the resolution, Mr. Speaker? Very briefly.

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

Mr. VITALI. It appears that this cause of action is totally frivolous. It is one thing to make a mistake — and clearly, the legislature has done that, and we are going to pay; we are going to pay, be it \$150 million or \$200 million or \$100 million; we will pay, and perhaps that is proper — but it is quite another thing to try to blame someone else for our mistakes, and I think that is what this resolution is trying to do, and I think it just brings discredit to us. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Rooney.

Mr. ROONEY. Two seconds, Mr. Speaker.

A few minutes ago the majority members in this chamber shafted the taxpayers of this State to the tune of \$145 million. Now we are going to turn around and hand out Christmas bonuses to the boys who drive the big cars and smoke the big cigars.

It is absolutely see-through what we are going to do if you vote "yes" on this resolution. I urge my colleagues to vote "no."

The SPEAKER. The gentleman, Mr. Fairchild, on the resolution.

Mr. FAIRCHILD. Thank you, Mr. Speaker.



Contrary to what the last speaker said, perhaps he would be interested in some statements that were made by the majority party concerning this policy during the term we enacted the current emission program.

First let me direct you to a couple statements made by Secretary Yerusalim, who was the last administration's Secretary of Transportation. This statement was made during the House subcommittee meeting on Transportation on February 25, 1992, and I want to quote Secretary Yerusalim: "The only thing we don't know is whether after eighteen months they'll impose Sanction A or Sanction B, either Federal Highway money or the two for one provision. But after twenty-four months, they must impose both sanctions."

Also in a letter from Secretary Yerusalim to me dated 9/30/94, quote, "As you know, the Governor has already indicated that he will veto HB 1514. I hope that with your continued support, we will be able to sustain that veto so that we do not put highway funds and the possibility of severe negative impacts on the Commonwealth's economic climate."

The last statement, in a letter to Senator Loeper and Senator LaValle from Governor Casey's Office, 11/10/94, quote, "...EPA has made it clear that the sanctions are mandatory and will apply automatically. This has been reiterated by both EPA Administrator Browner and Regional Administrator Kostmayer. Indeed, EPA has already imposed a 'two for one' offset sanction in Vermont on September 6, 1994," unquote.

Mr. Speaker, if anything tonight, the taxpayers of this Commonwealth deserve to know what is going on; they deserve to know the facts.

Representative Lloyd indicated the morass or the mess in Washington, D.C. Well, unless we demand accountability from Washington, D.C., we and our taxpayers and our citizens of this Commonwealth never will know what is going on. It is time we started holding people accountable, finding out who was making these irresponsible statements, and let us find out and let us get to the bottom of this.

This is a good resolution, and I urge your support. Thank you.

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

The following roll call was recorded:

YEAS-140

Adolph	Fairchild	Lucyk	Schuler
Allen	Fajt	Lynch	Scrimenti
Argall	Fargo	Maitland	Semmel
Armstrong	Farmer	Major	Serafini
Baker	Feese	Markosek	Sheehan
Bard	Fichter	Marsico	Smith, B.
Battisto	Fleagle	Masland	Smith, S. H.
Belardi	Flick	Mayernik	Snyder, D. W.
Birmelin	Gannon	McCall	Staback
Blaum	Geist	McGeehan	Stairs
Boscola	Gigliotti	McGill	Steil
Boyes	Gladeck	Merry	Stern
Brown	Godshall	Micozzie	Stish
Browne	Gruitza	Miller	Taylor, E. Z.
Bunt	Gruppo	Nailor	Taylor, J.
Butkovitz	Habay	Nickol	Tigue
Buxton	Haluska	Nyce	Trello
Carone	Hanna	O'Brien	Trich
Cawley	Harhart	Perzel	True

Chadwick	Hasay	Petrone	Tulli
Civera	Hennessey	Pettit	Vance
Clark	Herman	Phillips	Van Horne
Clymer	Hershey	Pitts	Veon
Cohen, I. I.	Hess	Platts	Walko
Colaella	Horsey	Preston	Waugh
Colaizzo	Hutchinson	Raymond	Wogan
Conti	Jadlowiec	Readshaw	Wozniak
Daley	Kaiser	Reber	Wright, M. N.
DeLuca	Keller	Reinard	Yewcic
Dempsey	Kenney	Rohrer	Youngblood
Dent	Krebs	Rubley	Zimmerman
DiGirolamo	Laughlin	Sainato	Zug
Donatucci	Lawless	Sather	
Druce	Lederer	Saylor	Ryan,
Durham	Leh	Schroder	Speaker
Egolf	Lescovitz		

NAYS-48

Bebko-Jones	DeWeese	Manderino	Rooney
Belfanti	Evans	Melio	Santoni
Bishop	Gamble	Michlovic	Shaner
Caltagirone	George	Mundy	Steelman
Cappabianca	Gordner	Myers	Stetler
Cohen, M.	Itkin	Oliver	Sturla
Corpora	James	Pesci	Surra
Corrigan	Jarolin	Petrarca	Tangretti
Cowell	Kirkland	Pistella	Thomas
Coy	Kukovich	Ramos	Travaglio
Curry	Levdansky	Roberts	Washington
Dermody	Lloyd	Robinson	Wright, D. R.

NOT VOTING-7

Barley	Cornell	Olasz	Williams
Carn	Josephs	Vitali	

EXCUSED-7

King	Mihalich	Roebuck	Strittmatter
LaGrotta	Rieger	Rudy	

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

SUPPLEMENTAL CALENDAR C

RESOLUTION PURSUANT TO RULE 35

Mr. SAYLOR called up **HR 265, PN 2950**, entitled:

A Resolution recognizing January 14 through 20, 1996, as "Junior Chamber/Jaycee Week."

On the question,  
Will the House adopt the resolution ?

The following roll call was recorded:

YEAS-189

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

NAYS-0

NOT VOTING-6

Barley	Cornell	Olasz	Williams
Carn	Josephs		

EXCUSED-7

King	Mihalich	Roebuck	Strittmatter
LaGrotta	Rieger	Rudy	

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

SUPPLEMENTAL CALENDAR D

RESOLUTION PURSUANT TO RULE 35

Ms. STEELMAN called up HR 266, PN 2951, entitled:

A Resolution recognizing January 11, 1996, as "Amelia Earhart Day" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-189

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

NAYS-0

NOT VOTING-6

Barley	Cornell	Reber	Williams
Carr	Josephs		

EXCUSED-7

King	Mihalich	Roebuck	Strittmatter
LaGrotta	Rieger	Rudy	

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

CALENDAR CONTINUED

The SPEAKER. Now, turn to page 3 of the calendar. You are not going to be happy about this. HB 337 has three amendments, so let us go.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of HB 337, PN 2895, entitled:

An Act allocating from the General Fund an amount equal to the amount of all unclaimed funds remitted to the State Treasurer as unclaimed property derived from sheriffs' sales to the Pennsylvania Housing Finance Agency for the purpose of assisting potential home buyers with the financing and purchase of homes at sheriffs' sales.

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

The SPEAKER. The lady, Ms. Mundy, has amendments, or does she withdraw them? No. There is no Santa Claus in the Mundy house.

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

Ms. MUNDY offered the following amendment No. A6540:

Amend Title, page 1, line 7, by removing the period after "sales" and inserting ; providing for a home purchase loan program to be administered by the Pennsylvania Housing Finance Agency; and establishing the Sheriffs' Sales Homeownership Assistance Fund and the Affordable Housing Trust Fund.

Amend Bill, page 1, by inserting between lines 9 and 10

CHAPTER 1

GENERAL PROVISIONS

Amend Sec. 1, page 1, line 10, by striking out "1" and inserting 101

Amend Sec. 1, page 1, lines 11 and 12, by striking out "Sheriffs' Sales"

Amend Sec. 2, page 1, line 13, by striking out "2" and inserting 102

Amend Sec. 3, page 2, line 8, by striking out "3" and inserting 103

Amend Sec. 3, page 2, line 13, by removing the period after "Commonwealth" and inserting a public corporation and government instrumentality, established under the act of December 3, 1959 (P.L.1688, No.621), known as the Housing Finance Agency Law.

Amend Sec. 3, page 2, lines 14 through 16, by striking out all of said lines and inserting

"Annual income." The total annual income of all members of a family from whatever source derived, including, but not limited to, pension, annuity, retirement and Social Security benefits, but may exclude the following as the Pennsylvania Housing Finance Agency may establish by rule or regulation:

- (1) Reasonable allowances for dependents.
- (2) Reasonable allowances for medical expenses.
- (3) All or a proportionate part of the earnings of dependent family members.
- (4) Income not received regularly.

"Lending institution." Any of the following if it customarily provides residential mortgage services or otherwise aids in the financing of mortgages on residential housing in this Commonwealth:

- (1) Bank.
- (2) Bank and trust company.
- (3) Trust company.
- (4) Savings bank.
- (5) National banking association.
- (6) Federal National Mortgage Association.
- (7) Federal Home Loan Mortgage Corporation.
- (8) Government National Mortgage Association.
- (9) Pennsylvania Housing Finance Agency.
- (10) Mortgage banker.
- (11) FHA-approved mortgage service company.
- (12) Savings and loan association.
- (13) Federal savings and loan association.
- (14) Building and loan association.
- (15) Credit union.
- (16) A financial institution similar to those listed in paragraphs (1) through (15).

"Low-income and moderate-income persons" or "low-income and moderate-income families." Individuals or families who cannot afford to pay the amounts at which private enterprise, without the assistance of this act, is providing a substantial supply of decent, safe and sanitary housing. The agency shall establish income limits for participation of such persons and families, based on countywide income statistics, where available.

"Mortgage." A lien other than a judgment on a fee simple estate or leasehold in real property located in this Commonwealth, together with the credit instruments, if any, secured by it. The term shall include insured and uninsured mortgages.

"Mortgagor." Individuals, joint ventures, partnerships, limited partnerships, trusts, corporations, cooperatives and condominiums, whether organized for profit or not for profit.

Amend Bill, page 2, by inserting between lines 23 and 24 Section 104. Other agency programs.

The agency shall attempt, to the fullest extent possible, to integrate this program with its other homeownership programs to enhance the success of all homeownership efforts.

Section 105. Administrative expense.

Investment and interest earnings on moneys in the fund may be used by the agency to cover the administrative costs of the program.

CHAPTER 2

SHERIFFS' SALES HOMEOWNERSHIP ASSISTANCE PROGRAM

Section 201. Definitions.

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

"Fund." The Sheriffs' Sales Homeownership Assistance Fund established under this chapter.

“Program.” The Sheriffs’ Sales Homeownership Assistance Program established under this chapter.

Amend Sec. 4, page 2, line 24, by striking out “4” and inserting 202

Amend Sec. 5, page 3, line 16, by striking out “5” and inserting 203

Amend Sec. 5, page 3, line 27, by striking out “act” and inserting chapter

Amend Sec. 6, page 3, line 28, by striking out “6” and inserting 204

Amend Sec. 6, page 4, lines 23 through 29, by striking out all of said lines and inserting

### CHAPTER 3

#### AFFORDABLE HOUSING TRUST PROGRAM

##### Section 301. Definitions.

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

“Fund.” The Affordable Housing Trust Fund established under this chapter.

##### Section 302. Establishment and administration of fund.

The Affordable Housing Trust Fund is hereby established under the jurisdiction and control of the agency as a permanent revolving fund of identifiable, renewable and segregated capital to be used by the agency in accordance with this chapter. The agency shall hold fund moneys separate and distinct from its other assets and other funds which it administers.

##### Section 303. Sources of fund.

There shall be paid into the fund:

(1) All moneys appropriated by the General Assembly for inclusion in the fund.

(2) Revenue collected from the imposition of the surcharge on recorded documents under section 305.

(3) Grants, donations, contributions or gifts from public or private sources specifically earmarked for deposit into the fund.

(4) The proceeds from the sale of property, real, personal or otherwise, which may be given or donated to the agency for use in connection with the fund.

(5) Any money made available to the agency under the provisions of the act of December 14, 1992 (P.L.866, No.137), known as the Optional County Affordable Housing Funds Act.

(6) All interest, dividends and pecuniary gains from investment of money in the fund.

(7) Repayments of principal and interest on loans provided from the fund.

(8) All other revenues, receipts and fees of whatever source derived from the operation of the fund.

##### Section 304. Use of fund.

(a) Purposes.—The agency shall use moneys in the fund for the purpose of enabling low-income and moderate-income persons and families to attain home ownership through, but not limited to, any or all of the following programs:

(1) The Home Purchase Loan Program, which shall consist of second or subsequent mortgage loans and/or grants, the proceeds of which can be used to provide closing cost assistance and/or down payment assistance to eligible homebuyers. Repayment may be deferred by the agency for a period up to the length of the first mortgage but shall be repaid at the time of a sale, transfer or nonowner occupancy of the property or upon payment in full or a refinance of the first mortgage. The agency may allow subordination of the mortgage loan where the first mortgage is being refinanced to produce more favorable repayment terms for the homeowner or to enable the homeowner to make repairs necessary to preserve the property.

(2) The Mortgage Interest Subsidy Program, which shall consist of second or subsequent mortgage loans and grants, the proceeds of which can be used to buy down interest rates for eligible homebuyers, thereby producing an affordable monthly

mortgage payment. Repayment of the loans may be deferred by the agency for a period of up to the length of the first mortgage and shall be repaid in the same manner as set forth in paragraph (1).

(b) Eligibility criteria.—Persons or families must meet the following criteria to be eligible to participate in a program set forth in subsection (a):

(1) Applicants must be persons or families whose annual income adjusted for family size does not exceed 115% of median household income for the county in which the property is located. The agency may establish additional criteria limiting certain kinds of assistance to persons of low or very low income.

(2) Applicants must be persons or families who have not had an ownership interest in residential real property within the previous three years. This provision may be waived by the agency in the case of single-parent families.

(3) Applicants must have insufficient assets or income, as determined by the agency to be able to purchase the property without the assistance provided by this act.

(4) The agency shall require homebuyers to undergo home ownership counseling as approved by the agency as a condition of the receipt of a grant and/or loan.

(5) The agency shall establish limits on the amount of money available to each applicant.

(c) Distribution of moneys.—The agency shall use its best efforts to distribute moneys in the fund on a regional basis in the same proportion to where the moneys were derived; provided, however, that the distribution of moneys in the restricted account within the fund, created under section 307, shall not be considered when the agency distributes the remaining moneys in the fund in accordance with this section. Any Federal funds or moneys donated to the fund from outside this Commonwealth can be used by the agency anywhere in this Commonwealth.

(d) Participating lenders.—The following lending institutions shall be eligible to participate in programs authorized by this act, subject to such standards, criteria and procedures as shall be established by the agency:

(1) Lending institutions that originate first mortgage loans in conjunction with any of the agency’s single family home purchase programs.

(2) Lending institutions that originate first mortgage loans in conjunction with a home purchase program operated by a municipality, municipal authority or a residential finance authority.

(3) Other lending institutions approved by the agency which have agreed to comply with the homebuyer eligibility and other requirements of subsection (b).

Funds will be made available in such amounts as the agency shall determine in order to meet the requirements of subsection (c) and within the financial limitations of the fund.

(e) Matching funds.—The agency may use money from the fund to match Federal, State, local or private money to be used for programs which have the purpose of fostering home ownership by persons and families of low income and moderate income.

(f) Housing counseling programs.—The agency may use money from the fund to pay for technical assistance, design, finance and administrative services and housing counseling services provided to applicants by nonprofit housing development corporations or other community-based or neighborhood-based organizations.

(g) Administrative expenses.—The agency may use money from the fund to pay reasonable expenses incurred in connection with administering the fund and operating the programs authorized under this act.

##### Section 305. Imposition of surcharge.

There is hereby imposed a real estate document surcharge in the amount of \$10 for every deed, mortgage or other instrument for which a recording fee is provided and which is recorded in the office of the recorder of deeds in each county of this Commonwealth. The surcharge shall be in addition to any other recording fee or other charge lawfully collected by the recorder of deeds and shall be paid by the recorder of

deeds to the Department of Revenue at the same time and in the same manner as the realty transfer tax. The Department of Revenue shall remit forthwith to the agency for deposit to the fund all moneys received in connection with the real estate document surcharge.

Section 306. County participation.

The county commissioners or the governing body of a county with a down payment or closing cost assistance program established under the provisions of the act of December 14, 1992 (P.L.866, No.137), known as the Optional County Affordable Housing Funds Act, may elect to not participate in the Affordable Housing Trust Fund established under this chapter. The election to not participate in the fund shall be evidenced by an ordinance enacted by the county commissioners or the governing body of such county. The surcharge under section 305 shall be imposed and any moneys received shall be deposited into the fund until such an ordinance is enacted under this section. Any real estate document recorded in the office of the recorder of deeds in a county which has enacted an ordinance under this section shall not be subject to the surcharge imposed by section 305. The residents of a county which has enacted an ordinance under this section shall be ineligible to receive any moneys from the fund until the county commissioners or the governing body of the county repeals the ordinance. The recorder of deeds of the county shall begin collecting the surcharge imposed by section 305, no sooner than 60 days after the repeal is effective.

Section 307. Third class cities program.

The county commissioners or the governing body of a county in which a city of the third class is located shall have the power and may elect by ordinance to impose a surcharge of \$1 on every deed, mortgage or other instrument for which a recording fee is provided and which is recorded in the office of the recorder of deeds. This surcharge shall be in addition to any other recording fee or other charge lawfully collected by the recorder of deeds. This surcharge shall be paid by the recorder of deeds to the Department of Revenue at the same time and in the same manner as the realty transfer tax. The Department of Revenue shall remit forthwith to the agency for deposit into a restricted account within the fund all moneys received in connection with the surcharge imposed under this section. In accordance with section 304, where applicable, the agency shall use the moneys in the restricted account only for the purpose of enabling low-income and moderate-income persons and families to attain home ownership within a city of the third class located within a county where the money was collected. If there is more than one city of the third class within a county imposing a surcharge under this section, the moneys distributed for use in a city of the third class shall be based upon the total population of all cities of the third class within the county where the money was collected divided by the total population of a city of the third class where the moneys will be distributed. If all of the moneys in the restricted account cannot be distributed under this section, the agency shall distribute the moneys in accordance with section 304(c).

Section 308. Semiannual report.

The agency shall report to the General Assembly and the Governor on a semiannual basis, corresponding with the beginning of each two-year legislative session, on the income and expenses of the fund and its uses, including the number and amounts of loans and grants made, the number and types of residential units assisted, the income levels of persons assisted and the geographical distribution of loans and grants made.

CHAPTER 4

MISCELLANEOUS PROVISIONS

Section 401. Sunset.

The Affordable Housing Trust Fund created under this act, together with its statutory functions and duties, shall terminate on December 31, 2000, unless reestablished or continued by the General Assembly. The Legislative Budget and Finance Committee shall be required to present to the General Assembly a report evaluating the fund by December 31, 1999. This report shall provide the General Assembly with a recommendation as to whether the fund is to be continued and, if so, the changes which are suggested by the committee to improve the operation of the fund.

Amend Sec. 7, page 4, line 30, by striking out "7" and inserting 402

Amend Sec. 8, page 5, line 4, by striking out "8" and inserting 403

Amend Sec. 8, page 5, line 5, by striking out all of said line and inserting

This act shall take effect as follows:

- (1) Chapter 2 and section 305 shall take effect in 60 days.
(2) The remainder of this act shall take effect immediately.

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

The SPEAKER. On the question of the adoption of the amendment, the Chair recognizes the gentleman, Mr. Perzel.

Mr. PERZEL. Thank you, Mr. Speaker.
We agree to the amendment, Mr. Speaker.

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

The following roll call was recorded:

YEAS-190

Table with 4 columns of names: Adolph, Allen, Argall, Armstrong, Baker, Bard, Battisto, Bebko-Jones, Belardi, Belfanti, Birmelin, Bishop, Blaum, Boscola, Boyes, Brown, Browne, Bunt, Butkovitz, Buxton, Caltagirone, Cappabianca, Cawley, Chadwick, Civera, Clark, Clymer, Cohen, L. I., Cohen, M., Colafella, Colaizzo, Conti, Corpora, Corrigan, Cowell, Coy, Curry, Daley, DeLuca, Dempsey, Dent, Dermody, DeWeese, DiGirolamo, Donatucci, Evans, Fairchild, Fajt, Fargo, Farmer, Feese, Fichter, Fleagle, Flick, Gamble, Gannon, Geist, George, Gigliotti, Gladeck, Godshall, Gordner, Gruitza, Gruppo, Habay, Haluska, Hanna, Harhart, Hasay, Hennessey, Herman, Hershey, Hess, Horsey, Hutchinson, Itkin, Jadlowiec, James, Jarolin, Josephs, Kaiser, Keller, Kenney, Kirkland, Krebs, Kukovich, Laughlin, Lawless, Lederer, Leh, Lucyk, Lynch, Maitland, Major, Manderino, Markosek, Marsico, Masland, Mayernik, McCall, McGeehan, McGill, Melio, Merry, Michlovic, Micozzic, Miller, Mundy, Myers, Nailor, Nickol, Nyce, O'Brien, Olasz, Oliver, Perzel, Pesci, Petrarca, Petrone, Pettit, Phillips, Stella, Pitts, Platts, Preston, Ramos, Raymond, Readshaw, Reber, Reinard, Roberts, Robinson, Rohrer, Rooney, Rubley, Saylor, Schroder, Schuler, Scrimenti, Semmel, Serafini, Shaner, Sheehan, Smith, B., Smith, S. H., Snyder, D. W., Staback, Stairs, Steelman, Steil, Stern, Stetler, Stish, Sturla, Surra, Tangretti, Taylor, E. Z., Taylor, J., Thomas, Tigue, Travaglio, Trello, Trich, True, Tulli, Vance, Van Horne, Veon, Vitali, Walko, Washington, Waugh, Wogan, Wozniak, Wright, D. R., Wright, M. N., Yewcic, Youngblood, Zimmerman, Zug

Druce	Lescovitz	Sainato	
Durham	Levdansky	Santoni	Ryan,
Egolf	Lloyd	Sather	Speaker

## NAYS—1

Carone

## NOT VOTING—4

Barley	Carn	Cornell	Williams
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## EXCUSED—7

King	Mihalich	Roebuck	Strittmatter
LaGrotta	Rieger	Rudy	

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. The Chair recognizes the gentleman, Mr. Cappabianca, who offers the following amendments, which the clerk will read. It is my understanding the gentleman withdraws those amendments.

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?

Mr. NYCE. Mr. Speaker? Mr. Speaker, a short comment on the bill.

The SPEAKER. The gentleman is recognized for a short comment on the bill.

Mr. NYCE. As I understand this bill, unclaimed funds which are normally turned over to the Treasurer of the Commonwealth will now be redirected for another purpose. As all of us know here, the Treasurer has an ongoing program to return those funds to their proper owner and is actually obligated to do so. We are now going to take those funds and spend them for something else, and they will not be in the Treasury to be returned, as required by law, to those people who rightfully claim them. I want you to understand that you are creating an obligation for the Commonwealth when we pass this. This is not a simple redirection. This is spending money that does not belong to the Commonwealth. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. James.

Mr. JAMES. Thank you, Mr. Speaker.

Mr. Speaker, this bill was amended in the Appropriations Committee last Monday to not take funds away from the funds that the Treasury Department has, and what this bill does now, under the amended version that passed out of the Appropriations Committee, is put the same amount of funds that goes into the

sheriff's escheat fund, a like amount, into the General Fund. Because the Treasury Department had raised that, that is why we made this amendment.

The SPEAKER. The gentleman, Mr. Nyce.

Mr. NYCE. I want to make sure I understand what the gentleman just said, if he would stand for a brief interrogation.

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

Mr. NYCE. Mr. Speaker, what you are suggesting then is that there is a new source of appropriation for the program. This will not come from escheatable funds but will come from another source. Is that correct?

Mr. JAMES. That is correct.

Mr. NYCE. It will come now from the General Fund?

Mr. JAMES. That is correct.

Mr. NYCE. And is there an estimate of the amount of funds to be set aside?

Mr. JAMES. The analysis goes, "If enacted, the bill would provide for an allocation from the General Fund in an amount equal to the amount of all unclaimed funds remitted to the State Treasurer as unclaimed property derived from the sheriff's sales." There are different amounts in different counties.

Mr. NYCE. I was under the impression that the original bill only took a portion of the escheatable funds and redirected them into the program and was not equal to the total amount of the escheatable funds, so we have expanded the program significantly if we are now going to have an appropriation equal to the total amount of escheatable funds from the sheriff's sale, the unclaimed escheatable funds.

Mr. JAMES. Well, I do not know if that has expanded it, but one of the things is that it is based on whatever accounted moneys the counties put into it through the escheatable funds and that a separate fund would be set up under the PHFA (Pennsylvania Housing Finance Agency) to administer the program.

Mr. NYCE. Mr. Speaker, I am less convinced now than I was before that the program is still the same. If in fact we had agreed to appropriate an amount equal to what we were going to direct from escheatable funds — and I think that is what the gentleman is describing to us — his words did not indicate that. He indicated that the total amount of escheatable funds would now be redirected by an appropriation.

### MOTION TO PLACE BILL ON FINAL PASSAGE POSTPONED CALENDAR

Mr. NYCE. Mr. Speaker, I would like to make a motion. Mr. Speaker, I would like to make a motion to put the bill on the postponed calendar.

The SPEAKER. The gentleman, Mr. Nyce, moves that HB 337 be postponed.

On the question,

Will the House agree to the motion?

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

Mr. PERZEL. Thank you, Mr. Speaker. I will be brief.

We passed this piece of legislation last session 197 to 0, Mr. Speaker. We have had enough time with it.

MOTION WITHDRAWN

Mr. NYCE. Mr. Speaker, I will withdraw my motion.

I still have reservations about what we are really doing here, and I will reflect that in my vote. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Very quickly, I concur with the majority leader. This is not new. It is old legislation that this House, both sides, has supported in the past.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. The gentleman, Mr. James, may submit remarks for the record.

Mr. JAMES submitted the following remarks for the Legislative Journal:

Late last session I introduced HB 149 to support a Sheriffs' Sales Homeownership Assistance Act. The measure passed the House, but the Senate did not have enough time to consider it.

Today I rise to reintroduce this legislation as HB 337. I rise now to speak in support of this legislation because I firmly believe that it gives all of us, as policymakers, an opportunity to aid those families who need help the most.

HB 337 would allow the Commonwealth to help first-time home buyers and working families to secure mortgages for sheriff's sale properties. Each year Philadelphia alone turns in more than \$300,000 in unclaimed funds to the State, which currently has an estimated \$2.3 million in unclaimed funds in escrow accounts.

HB 337 would provide for an allocation from our General Fund to the Sheriffs' Sales Homeownership Assistance Fund under the Pennsylvania Housing Finance Agency. The allocation would be equal to the amount of all unclaimed funds remitted to the State Treasurer as unclaimed property derived from sheriffs' sales. This money would then be used to assist potential homeowners with the financing needed to purchase or renovate properties sold at a sheriff's sale by securing loan guarantees, similar to the VA system.

This bill would not only give people access to the financial resources needed to become homeowners, but it would also help in our fight against crime and drug use by rebuilding our neighborhoods.

The creation of the financial HOPE fund would make money available to thousands of prospective homeowners who are eager to acquire a house through a sheriff's sale process. In Philadelphia, nearly 100 properties are sold at sheriffs' sales each month. Moving families into these houses will help deter crime in our communities — crime that is often perpetrated in those abandoned and blighted properties. Moving families into houses that were once eyesores will improve the appearance of the communities.

Opening the sheriff's sale process to more citizens will introduce new taxpayers to real estate tax rolls, strengthening many of our communities. Most importantly, this legislation helps people who are earnestly trying to help themselves. The passage of HB 337 will create opportunities for families to improve their quality of life and improve the environment in which their children live.

This program is a win-win situation for everyone involved — for the new home buyers, for the individual communities, for the city of Philadelphia, and for the Commonwealth, too. HB 337 gives our legislators an opportunity to pass into law a vital piece of legislation that benefits every citizen in Pennsylvania.

More taxpayers lighten the tax burden on us all. Better and stronger communities help reduce the crime rate and start the push toward improved real estate, schools, and community services.

Before I conclude, I would like to take this opportunity to commend Sheriff John Greene of Philadelphia for having the foresight to recommend this legislation to help the Commonwealth. Sheriff Greene has made tremendous strides in opening up the sheriff's sale process and his office to all the people in the city of Philadelphia.

Please join me in voting for HB 337. Your vote for the Sheriffs' Sales Homeownership Assistance Act is a vote of confidence for the future of our communities, our cities, and our Commonwealth.

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—164

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

NAYS—29

Armstrong	Feese	McGill	Schroder
Baker	Gladeck	Merry	Schuler
Brown	Harhart	Nailor	Sheehan
Carone	Hutchinson	Nickol	Vance
Clark	Krebs	Nyce	Waugh
Clymer	Leh	Platts	Yewcic
Dempsey	Maitland	Rohrer	Zug
Egolf			

## NOT VOTING—2

Barley                      Cornell

## EXCUSED—7

King                      Mihalich                      Roebuck                      Strittmatter  
LaGrotta                      Rieger                      Rudy

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. There are no further votes this evening. There is no known reason to come back before the middle of January or late January, except the House will be in token session on the first Tuesday of January.

We wish you all a very merry Christmas, happy holiday season, and a safe trip home.

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

**HB 2257, PN 2949** (Amended)                      By Rep. SERAFINI

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, providing for an investigative unit; and further providing for advertising of prices of alcoholic beverages, for distributors' and importing distributors' restrictions on sales of malt or brewed beverages, for prices of malt or brewed beverages, for Sunday sales of alcoholic beverages, for distribution of malt and brewed beverages, for forfeiture of property illegally possessed or used and for motor vehicle licenses to be revoked.

LIQUOR CONTROL.

**BILL REMOVED FROM TABLE**

The SPEAKER. The Chair recognizes the majority leader.  
Mr. PERZEL. Mr. Speaker, I move that HB 2091 be removed from the table.

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

**BILL RECOMMITTED**

The SPEAKER. The Chair recognizes the majority leader.  
Mr. PERZEL. Mr. Speaker, I move that HB 2091 be recommitted to the Committee on Appropriations.

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

**BILLS SIGNED BY SPEAKER**

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

**HB 215, PN 2882**

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

**SB 476, PN 1590**

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the transfer of ownership of a vehicle; and providing for the development of an electronic lien program.

**SB 578, PN 1591**

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining "classic motor vehicle", "commercial motor vehicle" and "emergency vehicle"; further providing for correction of certificate of title; providing for a drug abuse resistance education registration plate, for permits, for the movement of special mobile equipment, for special funds, for collectible motor vehicles, for an emission reduction program in the Department of Environmental Protection and for penalties relating to towed vehicles; further providing for the enforcement of the International Fuel Tax Agreement; revising reporting taxes and administrative procedures; further providing for the motorbus road tax; and making a repeal.

**SB 1303, PN 1577**

An Act making an appropriation to the Organ Donation Awareness Trust Fund.

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

**BILLS AND RESOLUTIONS PASSED OVER**

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

**ADJOURNMENT**

The SPEAKER. Do the Republican or Democratic floor leaders have any further business on the floor?

The Chair recognizes the Democratic floor leader.

Mr. DeWEESE. Mr. Speaker, I move that this House do now adjourn until Tuesday, January 2, 1996, at 12 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 7:19 p.m., e.s.t., the House adjourned.