

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, OCTOBER 18, 1995

FIRST SPECIAL SESSION OF 1995

No. 62

HOUSE OF REPRESENTATIVES

The House convened at 11:05 a.m., e.d.t.

THE SPEAKER (MATTHEW J. RYAN) PRESIDING

PRAYER

The SPEAKER. Without objection, the prayer from today's regular session will be printed in today's special session Journal.

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

Let us pray:

We thank Thee, our gracious Father, for Your impartial, unchangeable, unmeasurable love, for Your patience that You extend to each one of us as individuals. We thank You for Your care and concern about every aspect of our lives.

O God, forgive us for many times being complacent and even showing open rebellion against You. You have a plan for this world of ours, for this Nation of ours, for this Commonwealth, for us as individuals.

And I pray today that You would bless the members of the House that they, and myself as well, would live and conduct ourselves this day in a way that would bring honor and glory to the one who is the way, the truth, and the life. Amen.

PLEDGE OF ALLEGIANCE DISPENSED WITH

The SPEAKER. Without objection, the Pledge of Allegiance will be dispensed with.

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Tuesday, October 17, 1995, will be postponed until printed. The Chair hears no objection.

VOTE CORRECTION

The SPEAKER. The Chair recognizes the lady, Ms. Manderino. Ms. MANDERINO. Thank you, Mr. Speaker.

Yesterday on SB 100, motion to suspend the rules, I was not recorded as having voted. I wish to be recorded in the affirmative.

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

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the gentleman, Mr. Barley, for the purpose of taking leaves of absence.

Mr. BARLEY. Thank you, Mr. Speaker.

I have a request for leave for the gentlelady from Lancaster, Mrs. TRUE, for the day.

The SPEAKER. Without objection, leave is granted.

The Chair recognizes the gentleman, Mr. Itkin, for the purpose of taking leaves.

Mr. ITKIN. Mr. Speaker, I request leave of absence for the gentleman from Washington, Mr. COLAIZZO; the gentleman from Westmoreland, Mr. MIHALICH; the gentleman from Butler, Mr. TRAVAGLIO; and the gentleman from Allegheny, Mr. PETRONE, all for today's session.

The SPEAKER. Without objection, the leaves will be granted.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT-196

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

Cawley	Hennessey	Perzel	Thomas
Chadwick	Herman	Pesci	Tigue
Civera	Hershey	Petrarca	Trello
Clark	Hess	Pettit	Trich
Clymer	Horshey	Phillips	Tulli
Cohen, L. I.	Hutchinson	Piccola	Vance
Cohen, M.	Itkin	Pistella	Van Horne
Colafella	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	King	Reinard	Wozniak
Daley	Kirkland	Rieger	Wright, D. R.
DeLuca	Krebs	Roberts	Wright, M. N.
Dempsey	Kukovich	Robinson	Yewcic
Dent	LaGrotta	Roebuck	Youngblood
Dermody	Laughlin	Rohrer	Zimmerman
DeWeese	Lawless	Rooney	Zug
DiGirolamo	Lederer	Rubley	
Donatucci	Leh	Rudy	Ryan,
Druce	Lescovitz	Sainato	Speaker
Durham	Levdansky		

ADDITIONS-0

NOT VOTING-0

EXCUSED-6

Colaizzo	Petrone	Travaglio	True
Mihalich	Schroder		

BILL SIGNED BY SPEAKER

The SPEAKER. The Speaker is about to sign the following bill, commonly known as Megan's Law.

The clerk will make its announcement.

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:

SB 7, PN 157

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for sexually violent offenders.

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

CALENDAR

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 109, PN 162**, entitled:

A Supplement to the act of July 6, 1995 (P. L. 269, No. 38), entitled "1995 Special Session Somerset Hospital Conversion Security Project Itemization Act," itemizing public improvement projects to be constructed or acquired by the Department of General Services, together with estimated financial costs; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed or acquired by the Department of General Services; stating the estimated useful life of the projects; and making an appropriation.

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

Mr. EVANS offered the following amendment No. **A5266**:

Amend Title, page 1, line 10, by inserting after "PROJECTS;" imposing certain preconditions on the Quehanna Boot Camp Project;

Amend Bill, page 3, by inserting between lines 1 and 2 Section 4. Quehanna Boot Camp Project Limitation.

No moneys appropriated by this act or any other act to the Capital Facilities Fund may be expended for the Quehanna Motivational Boot Camp Project itemized in section 3(1)(ii) until such time as the General Assembly enacts legislation which:

(1) Increases the term of confinement of an eligible inmate to a minimum of three years and a maximum of six years; and

(2) Provides specific legislative authorization directing the Department of Corrections to enter into agreements with the various counties which permit, on a space-available basis, the transfer of county inmates who desire to participate in the motivational boot camp program.

Amend Sec. 4, page 3, line 2, by striking out "4" and inserting 5

Amend Sec. 5, page 3, line 12, by striking out "5" and inserting 6

Amend Sec. 5, page 3, line 20, by striking out "6" and inserting 7

Amend Sec. 6, page 3, line 21, by striking out "6" and inserting 7

Amend Sec. 7, page 3, line 27, by striking out "7" and inserting 8

Amend Sec. 8, page 4, line 7, by striking out "8" and inserting 9

Amend Sec. 8, page 4, line 8, by striking out "7" and inserting 8

Amend Sec. 9, page 4, line 12, by striking out "9" and inserting 10

Amend Sec. 10, page 4, line 21, by striking out "10" and inserting 11

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

The SPEAKER. On that question, the Chair recognizes the gentleman from Philadelphia, Mr. Evans.

The gentleman will yield.

There is entirely too much noise on the floor. Conferences on the floor and on the side aisles, please break up. Conferences on both side aisles, please break up.

The gentleman, Mr. Evans.

Mr. EVANS. Mr. Speaker, do they have a copy of the amendment ?

The SPEAKER. The clerk read the amendment, did he not ?

The clerk read the amendment, and as far as I know, it has been circulated.

Mr. EVANS. Okay. Thank you, Mr. Speaker.

Mr. Speaker, under SB 109 we are providing \$10 million for the renovation and the expansion of existing facilities at the Quehanna Motivational Boot Camp.

First of all, I would like to say that I support the current boot camp program because the program works. However, the program has operated below capacity since it began accepting inmates. The capacity is 200; as of August 1995, 155 inmates in the program.

Last session the House voted unanimously to expand the pool of eligible inmates for the boot camp program. HB 2398 passed the House 195 to zero. Mr. Speaker, the Senate chose not to act.

I want to give you some additional information, Mr. Speaker. The commander of the boot camp, the previous commissioner of prisons, the PA Commission on Sentencing, and the current commissioner all support legislation expanding the pool of eligibility for the boot camp program.

They all support it for good reasons, Mr. Speaker. My understanding is, recent preliminary findings evaluating the motivational boot camp show that boot camp graduates, the recidivism rate is at half the rate of traditionally incarcerated inmates. Mr. Speaker, let me say this again: The recidivism rate of boot camp graduates is half that of traditionally incarcerated inmates.

The program works. It is both tough and smart on crime. However, Mr. Speaker, my amendment, amendment A5266, simply imposes preconditions on expanding the facilities. It says that before moneys may be expended, the pool of eligible inmates must be increased and the legislature pass legislation assuring that it happens.

Let me make it clear what we are talking about. Eligible inmates are 30 or under, imprisoned on minor drug charges, and are first-time nonviolent offenders. Let me repeat that: They are not violent offenders.

To quote the commander in a letter of November 22, 1993, he viewed the proposal as an opportunity to reach out and further extend the message that sentence alternatives are vital to the success of the criminal justice system.

Mr. Speaker, can I get a little order?

The SPEAKER. The gentleman is absolutely correct.

Mr. YEWIC. Mr. Speaker?

The SPEAKER. Who seeks recognition? The gentleman, Mr. Yewic.

Mr. YEWIC. I am having problems with my earphones. We cannot hear. The earphones, if you turn them up the whole way, you cannot hear what is being said.

The SPEAKER. I agree with you; I cannot hear either. I do not know the reason for the earphones not working.

The Chief Clerk's representative here — I cannot see who is below me — there is apparently a section of the floor that is having difficulty with the mechanical devices, with the earphones. Would the area that is having difficulty with the listening devices raise their hands so that we can pick it up. Now, we are talking about the listening devices, not just the noise. All right; all right.

Oh, it is on now? Everybody plugged their machines in now, right? Okay.

Now, if everyone else would cooperate by breaking up the conferences, we will be in good shape. The conferences on the side aisle, please disband — both sides.

The gentleman, Mr. Evans, a large man with a mighty voice, I suggest you bellow into that microphone, because I am having a difficult time here today.

Go ahead. Try it.

Mr. EVANS. Thank you, Mr. Speaker.

Mr. Speaker, it appears to me that it only makes sense to expand the pool of eligible inmates before we expand the facility. This amendment makes even more sense due to the fact that the current program is operating well below full capacity.

Finally, it makes the most sense because this program works, and this body should be supporting programs that work. In other words, Mr. Speaker, it does not make any sense to expand a facility when we have not expanded the eligibility, and what I am expressing to you, Mr. Speaker, is that from a cost-savings standpoint, we should set up this condition. If we are expanding the facility, obviously we should also expand the eligibility.

This amendment, Mr. Speaker, I believe is an amendment about accountability, and I hope that members on both sides of the aisle support the amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS-167

Adolph	DiGirolamo	Lawless	Sainato
Allen	Donatucci	Lederer	Santoni
Argall	Druce	Leh	Sather
Armstrong	Durham	Lescovitz	Schuler
Baker	Evans	Levdansky	Scrimenti
Bard	Fajt	Lloyd	Semmel
Battisto	Fargo	Lucyk	Serafini
Bebko-Jones	Farmer	Lynch	Shaner
Belardi	Feese	Major	Sheehan
Belfanti	Fichter	Manderino	Smith, B.
Birmelin	Flick	Markosek	Staback
Bishop	Gamble	Marsico	Stairs
Blaum	Geist	Masland	Steelman
Boscola	George	Mayernik	Steil
Boyes	Gigliotti	McCall	Stetler
Brown	Gladeck	McGeehan	Strittmatter
Browne	Gordner	McGill	Surla
Bunt	Gruitza	Melio	Surra
Butkovitz	Gruppo	Merry	Tangretti
Buxton	Habay	Michlovic	Taylor, E. Z.
Caltagirone	Haluska	Micozzie	Taylor, J.
Cappabianca	Hanna	Mundy	Thomas
Carn	Hasay	O'Brien	Tigue
Carone	Hennessey	Olasz	Trello
Cawley	Herman	Pesci	Trich
Chadwick	Hershey	Petrarca	Tulli
Clymer	Hess	Pettit	Van Horne
Cohen, L. I.	Hutchinson	Phillips	Veon
Cohen, M.	Itkin	Pistella	Vitali
Colafella	Jadlowiec	Pitts	Walko
Conti	James	Preston	Washington
Cornell	Jarolin	Ramos	Williams
Corpora	Josephs	Readshaw	Wogan
Corrigan	Kaiser	Reinard	Wozniak
Cowell	Keller	Rieger	Wright, D. R.
Coy	Kenney	Roberts	Wright, M. N.
Curry	King	Robinson	Yewic
Daley	Kirkland	Roebuck	Youngblood
DeLuca	Krebs	Rohrer	Zimmerman
Dempsey	Kukovich	Rooney	

Dent	LaGrotta	Rubley	Ryan,
Dermody	Laughlin	Rudy	Speaker
DeWeese			

NAYS-26

Barley	Godshall	Piccola	Snyder, D. W.
Civera	Maitland	Platts	Stern
Clark	Miller	Raymond	Stish
Egolf	Nailor	Reber	Vance
Fairchild	Nickol	Saylor	Waugh
Fleagle	Nyce	Smith, S. H.	Zug
Gannon	Perzel		

NOT VOTING-3

Harhart	Horsey	Oliver
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EXCUSED-6

Colaizzo	Petrone	Travaglio	True
Mihalich	Schroder		

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. LLOYD offered the following amendment No. A5290:

Amend Sec. 3, page 2, line 17, by striking out "through" and inserting

and for

Amend Sec. 3, page 2, lines 21 through 23, by striking out all of said lines and inserting

the entire perimeter	20,256,000
(Base Project Allocation - \$16,205,000)	
(Design and Contingencies - \$4,051,000)	

On the question,

Will the House agree to the amendment?

GUESTS WELCOMED

The SPEAKER. Prior to recognizing the gentleman, Mr. Lloyd, I at this time would like to take the opportunity to introduce to the House, as the guests of Representatives Mario Civera and Bill Adolph, Michael and Timothy Sweeney, guest pages. Would the Sweeneys kindly rise.

And here as a guest of Representative Linda Bebko-Jones, Ms. Rita Cappello, assistant to Erie Mayor Joyce Savocchio, who is her guest from the 1st Legislative District. Would the assistant to the mayor please rise. She is over here to my left, the left of the Speaker.

And as the guests of Montgomery County Representative McGill, a group from Montgomery County known as the Ambler Stroke Group. Would that group kindly be recognized. Are they in the balcony? Yes.

CONSIDERATION OF SB 109 CONTINUED

The SPEAKER. The Chair returns to the gentleman, Mr. Lloyd, and recognizes him in connection with the amendment that he has offered, A5290.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, in June of this year the administration announced that it was going to close the Somerset State Hospital and convert the hospital into a prison. As SB 109 came from the Senate, it authorized \$1.9 million to put a perimeter fence and electronic surveillance system around the current State hospital grounds as the first step to a conversion to a prison. My amendment, which is based on the most currently available estimates by the administration, would provide about \$18 million more to pay for the entire conversion.

Mr. Speaker, this morning I have had several conversations with the Commissioner of Corrections. He has indicated to me that the administration intends to request a capital budget item for the balance of the cost of conversion but would prefer to do that as part of the regular capital budget process. The Commissioner has also given me assurances that to the maximum extent feasible, there would be no lapse in employment to people at the State hospital who have been promised an opportunity to work at the new State prison.

AMENDMENT WITHDRAWN

Mr. LLOYD. Based on those conversations and assurances then, Mr. Speaker, I am going to withdraw this amendment, reserving the right to come back and revisit the issue on a subsequent capital budget bill. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and notes that the amendment is withdrawn.

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS-196

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

Browne	Gordner	Miller	Stetler
Bunt	Gruitza	Mundy	Stish
Butkovitz	Gruppo	Nailor	Strittmatter
Buxton	Habay	Nickol	Sturla
Caltagirone	Haluska	Nyce	Surra
Cappabianca	Hanna	O'Brien	Tangretti
Carn	Harhart	Olasz	Taylor, E. Z.
Carone	Hasay	Oliver	Taylor, J.
Cawley	Hennessey	Perzel	Thomas
Chadwick	Herman	Pesci	Tigue
Civera	Hershey	Petrarca	Trello
Clark	Hess	Pettit	Trich
Clymer	Horsey	Phillips	Tulli
Cohen, L. I.	Hutchinson	Piccola	Vance
Cohen, M.	Itkin	Pistella	Van Horne
Colafella	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	King	Reinard	Wozniak
Daley	Kirkland	Rieger	Wright, D. R.
DeLuca	Krebs	Roberts	Wright, M. N.
Dempsey	Kukovich	Robinson	Yewcic
Dent	LaGrotta	Roebuck	Youngblood
Dermody	Laughlin	Rohrer	Zimmerman
DeWeese	Lawless	Rooney	Zug
DiGirolamo	Lederer	Rublely	
Donatucci	Leh	Rudy	Ryan,
Druce	Lescovitz	Sainato	Speaker
Durham	Levdansky		

NAYS-0

NOT VOTING-0

EXCUSED-6

Colaizzo	Petrone	Travaglio	True
Mihalich	Schroder		

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

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

* * *

BILL PASSED OVER TEMPORARILY

The SPEAKER. It is the understanding of the Chair that the Yewcic amendment to SB 98 is not yet ready, so that being the case, that being the case, SB 98 is over temporarily.

* * *

The House proceeded to third consideration of **HB 124, PN 175**, entitled:

An Act establishing the Private Sector Prison Industry Board and providing for its powers and duties; providing for employment of inmates by private industry and for subcontracts with correctional agencies; establishing guidelines for inmate compensation; and providing for location of private sector prison industry.

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

Mr. SCHULER offered the following amendment No. **A5272**:

Amend Sec. 2, page 2, line 4, by inserting after "community."
It is further the intent of the General Assembly to structure the use and availability of such inmate labor and regulate its use to assure that inmate labor not be used to replace work opportunities for unemployed or underemployed residents of this Commonwealth. The private sector prison industry will not result in bargaining agreements for civilian laborers.

Amend Sec. 3, page 3, by inserting between lines 19 and 20
"Surrounding community." An entire county or group of counties with at least one core city, with the whole area meeting criteria of certain metropolitan characteristics established by the United States Bureau of the Census.

Amend Sec. 4, page 3, line 23, by striking out "11" and inserting
12

Amend Sec. 4, page 3, line 30, by inserting after "Commonwealth"
and one representative from organized labor
appointed by the President of the Pennsylvania
AFL-CIO

Amend Sec. 4, page 4, line 22, by striking out "representative" and
inserting
representatives

Amend Sec. 5, page 5, line 27, by inserting after "program"
and other State law not inconsistent with this act

Amend Sec. 5, page 6, line 4, by inserting after "act"
and forward any complaints or notices of violation of applicable State law to the appropriate enforcement authority

Amend Sec. 6, page 7, line 12, by inserting after "Act"
, or who are otherwise involved in a labor dispute as that term is defined by Federal or State law, including, but not limited to, a lockout

Amend Sec. 6, page 7, line 18, by inserting after "wages"
, including, but not limited to, the cost of 50% of
employee medical benefits

Amend Sec. 6, page 8, line 21, by inserting after "permitted"
unless otherwise permitted pursuant to Federal or
State law

Amend Sec. 6, page 8, line 22, by inserting after "wages."
Each inmate so employed shall receive a written statement demonstrating the actual amount of each deduction and the basis, and the wages shall be paid to persons employed pursuant to this act no less frequently than biweekly.

Amend Sec. 6, page 8, by inserting between lines 27 and 28
(5) That no more than 75% of the total inmate population at each individual State or county correctional facility shall be available as a labor pool for all of the separate private sector prison industries located within the individual State or county correctional facility.

(6) That no more than 100 inmates shall be employed by any individual private sector prison industry and that no inmate shall be employed by more than one private sector prison industry at the same time.

Amend Sec. 7, page 10, line 7, by inserting after "seq.,"
the Occupational Safety and Health Act of 1970
(Public Law 91-596, 29 U.S.C. § 651 et seq.),

Amend Bill, page 12, by inserting between lines 7 and 8
 Section 14. Use of inmate work force not to affect certain employees.
 State and county employers shall ensure continued employment of any State or county employees displaced due to the relocation of a service to any State or county correctional facility within this Commonwealth for the purposes of convict labor. Salary and benefits for such continued employment shall be equivalent or greater than that of the position vacated due to the relocation of the service to the correctional facility.
 Section 15. Penalties.

In addition to any other penalties provided by law, any private business, private enterprise or nonprofit entity which is determined by the board after a hearing or a court of competent jurisdiction to have violated any provision of this act or the regulations promulgated under this act shall have its certification immediately suspended pending a hearing. Any private business, private enterprise or nonprofit entity whose certification is revoked or suspended or terminated pursuant to this section shall be liable to reimburse the Commonwealth or the county, as appropriate, for all costs associated with the restoration of the facility.

- Amend Sec. 14, page 12, line 8, by striking out "14" and inserting 16
- Amend Sec. 15, page 12, line 18, by striking out "15" and inserting 17
- Amend Sec. 16, page 12, line 24, by striking out "16" and inserting 18

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

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

Mr. SCHULER. Thank you, Mr. Speaker.

This amendment, A5272, is the finished product of long deliberations between Representative Caltagirone and Representative Belfanti and me. It is an agreed-to amendment, and we would ask your support for this amendment. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Caltagirone.
 Mr. CALTAGIRONE. Thank you, Mr. Speaker.

I would just like to concur in the statements just made by Representative Schuler that organized labor, along with Representative Belfanti and Representative Itkin's office, concurred in the language in this amendment, and I would urge the members of the House to support the amendment. Thank you, Mr. Speaker.

The SPEAKER. On the question, the gentleman, Mr. Blaum.
 Mr. BLAUM. Thank you, Mr. Speaker.

I am sure it is a very fine amendment. I am just wondering if someone could explain it to the members of the House.

The SPEAKER. The gentleman, Mr. Schuler, agrees to undertake that job.

Mr. SCHULER. Thank you, Mr. Speaker.

This is quite an extensive amendment, but I will go over some of the highlights of the amendment.

What we did was to increase the number of labor representatives on the board, increasing the board to 12. The original concept was that the AFL-CIO would have been represented, but we felt that some of the other unions that are not under the umbrella of the AFL-CIO would have added to the board, so we increased that.

We also put in the fact of reporting of violations to the enforcement agency that would be related to the infraction.

We put in another major aspect that 50 percent of the medical costs that a private industry would pay its workers would have to

be paid to the county or the State for those medical benefits. That was to bring up some fairness in it that the taxpayers of Pennsylvania would not be supporting an industry in the prisons.

We also put a cap on the number of inmates that will be able to get involved in the prison industry. We put a cap of 75 percent of the total number of inmates and a cap of no more than 100 in any one specific industry.

Those, basically, are the major changes to the amendment that we agreed to — Representative Caltagirone and Representative Belfanti and I. Thank you, Mr. Speaker.

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

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, as Representative Schuler indicated, this amendment, as well as one additional amendment which will be introduced by Representative Itkin, is the product of very long and intense negotiations, and this amendment by itself would still not make the legislation acceptable to many parties, but this coupled with an amendment which will be called up very shortly does make the bill fair, palatable, and it does protect the private-sector employers who otherwise might be affected by unfair competition, so we are asking that our members vote for this amendment as well as Representative Itkin's amendment, which will be called up later.

The SPEAKER. The gentleman, Mr. Schuler.

Mr. SCHULER. Thank you, Mr. Speaker.

I do want to include one other item in the amendment that I overlooked. Representative Fairchild and some of the members had some problems dealing with some of the State workers and county employees, and the amendment also includes some protection for those employees. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—196

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

Clark	Hess	Pettit	Trich
Clymer	Horsey	Phillips	Tulli
Cohen, L. I.	Hutchinson	Piccola	Vance
Cohen, M.	Itkin	Pistella	Van Horne
Colafella	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	King	Reinard	Wozniak
Daley	Kirkland	Rieger	Wright, D. R.
DeLuca	Krebs	Roberts	Wright, M. N.
Dempsey	Kukovich	Robinson	Yewcic
Dent	LaGrotta	Roebuck	Youngblood
Dermody	Laughlin	Rohrer	Zimmerman
DeWeese	Lawless	Rooney	Zug
DiGirolamo	Lederer	Rubley	
Donatucci	Leh	Rudy	Ryan,
Druce	Lescovitz	Sainato	Speaker
Durham	Levdansky		

NAYS-0

NOT VOTING-0

EXCUSED-6

Colaizzo	Petrone	Travaglio	True
Mihalich	Schroder		

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. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

May I interrogate someone that can speak to this bill?

The SPEAKER. The bill is not on final passage at the moment.

Do you want to interrogate someone on final passage?

Mr. THOMAS. Yes.

The SPEAKER. We have somewhere between six and nine amendments. Do you want to be recognized on final passage?

Mr. THOMAS. On final passage.

The SPEAKER. On final passage; fine.

The gentleman, Mr. Caltagirone, do you have an amendment to offer?

Mr. CALTAGIRONE. Mr. Speaker, that is being withdrawn because of the omnibus amendment and the agreement, and I do want to commend Representative Schuler for the fine job that he did in helping to work out the negotiations to resolve this difficult issue. The amendment is being withdrawn, Mr. Speaker. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Piccola, do you have an amendment, or have you withdrawn your amendment? The gentleman has withdrawn his amendment.

The gentleman, Mr. Itkin, we have you marked for two amendments. It is my understanding you have but one amendment.

Does the clerk know which one you are offering, Mr. Itkin?

The clerk will read amendment A5314.

On the question recurring,

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

Mr. ITKIN offered the following amendment No. A5314:

Amend Sec. 4, page 5, line 6, by striking out "majority"

Amend Sec. 4, page 5, line 6, by inserting after "of"

nine of

Amend Sec. 4, page 5, line 7, by striking out "present will" and inserting

of the board shall

Amend Sec. 5, page 5, by inserting between lines 27 and 28

(4) Publish the application for inclusion or continuation of the prospective private sector prison industry in the Pennsylvania Bulletin within ten days of receipt.

(5) Provide written notification to competing private nonprison enterprises based upon the findings of the Secretary of Commerce.

Amend Sec. 5, page 5, line 28, by striking out "(4)" and inserting

(6)

Amend Sec. 5, page 6, line 1, by striking out "(5)" and inserting

(7)

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

(8)

Amend Sec. 5, page 6, line 10, by striking out "(7)" and inserting

(9)

Amend Bill, page 11, by inserting between lines 16 and 17

Section 10. Competing enterprises.

The Secretary of Commerce shall make reasonable written effort to locate competing private nonprison enterprises upon publication of the application for inclusion or continuation of the prospective private sector prison industry as a notice in the Pennsylvania Bulletin. The findings of the secretary shall be provided to the board.

Section 11. Filing of objections.

(a) Filing.—Any private nonprison enterprise that would compete with a prospective private sector prison industry may file objections with the board regarding the inclusion or continuation of the prospective private sector prison industry in the program. Objections are limited to the following subjects: unfair competition and the dislocation of workers.

(b) Time.—Objections must be filed with the board no later than 30 days after publication of the application for inclusion or continuation of the proposed private sector prison industry as a notice in the Pennsylvania Bulletin.

(c) Determination of board.—Upon receipt of an appropriate objection the board shall hold a hearing. The decision of the board on the objection shall constitute a determining factor in the approval or disapproval of the prospective private sector prison industry application.

Amend Sec. 10, page 11, line 17, by striking out "10" and inserting 12

Amend Sec. 11, page 11, line 20, by striking out "11" and inserting 13

Amend Sec. 12, page 11, line 24, by striking out "12" and inserting 14

Amend Sec. 13, page 12, line 1, by striking out "13" and inserting 15

Amend Sec. 14, page 12, line 8, by striking out "14" and inserting 16

Amend Sec. 15, page 12, line 18, by striking out "15" and inserting 17

Amend Sec. 16, page 12, line 24, by striking out "16" and inserting 18

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

The SPEAKER. On the question of the adoption of the Itkin amendment A5314, the gentleman is recognized.

Mr. ITKIN. Mr. Speaker, this also is an agreed-to amendment. It would do a few things. One, it would require a vote of nine to approve a prison industry application. It would require the publication of the prison industry application in the Pennsylvania Bulletin. It would require the Secretary of Commerce to seek out competing nonprison businesses and give them notice of the application. It would permit nonprison businesses to object to the application. The board would then hold a hearing if that were the case and decide on the objection.

It is a very simple amendment, and as I said, too, it is an agreed-to amendment.

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

Mr. SCHULER. Thank you, Mr. Speaker.

The gentleman is correct. It is an agreed-to amendment. I think it is a good amendment. We ask for your support. Thank you.

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

The following roll call was recorded:

YEAS-195

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

Coy	Kenney	Readshaw	Williams
Curry	King	Reber	Wogan
Daley	Kirkland	Reinard	Wozniak
DeLuca	Krebs	Rieger	Wright, D. R.
Dempsey	Kukovich	Roberts	Wright, M. N.
Dent	LaGrotta	Robinson	Yeweic
Dermody	Laughlin	Roebuck	Youngblood
DeWeese	Lawless	Rohrer	Zimmerman
DiGirolamo	Lederer	Rooney	Zug
Donatucci	Leh	Rubley	
Druce	Lescovitz	Rudy	Ryan,
Durham	Levdansky	Sainato	Speaker
Egolf			

NAYS-0

NOT VOTING-1

Carn

EXCUSED-6

Colaizzo	Petrone	Travaglio	True
Mihalich	Schroder		

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?

The SPEAKER. It is the understanding of the Chair that the gentleman, Mr. Fairchild, has withdrawn both amendments. The Chair thanks the gentleman.

I have the gentleman, Mr. Sturla, marked down for three amendments. It is my understanding now that the gentleman is only going to offer one.

Mr. STURLA. Two, Mr. Speaker.

The SPEAKER. The clerk may pick one of the two amendments.

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

Mr. STURLA offered the following amendment No. A5005:

Amend Title, page 1, line 5, by striking out "and"

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

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

Amend Sec. 1, page 1, line 11, by inserting after "Industry" and Inmate Work Force

Amend Sec. 2, page 2, by inserting between lines 18 and 19

In enacting this legislation, it is also the intent of the General Assembly to give inmates the opportunity to volunteer their time for litter retrieval and collection along the public roads of this Commonwealth and for other appropriate public service work projects and to authorize superintendents, wardens and other officials in charge of correctional facilities or institutions to establish work forces composed of those inmates who may safely perform the tasks assigned to them.

Amend Sec. 3, page 2, by inserting between lines 29 and 30

“Correctional facility” or “correctional institution.” Any jail, prison or detention facility operated by the Commonwealth or by a county or jointly by more than one county and used for the detention and confinement of persons convicted and under sentence for violations of the criminal laws of this Commonwealth. For purposes of this act, the term shall also include any motivational boot camp as defined in section 3 of the act of December 19, 1990 (P.L.1391, No.215), known as the Motivational Boot Camp Act. The term does not include any correctional facility used for the detention and confinement of juvenile offenders.

Amend Sec. 3, page 3, by inserting between lines 4 and 5

“Inmate.” An individual who has been convicted of an indictable offense and is serving a sentence in a correctional facility or institution.

“Municipality.” A municipal corporation or quasi-municipal corporation, including counties.

Amend Sec. 3, page 3, by inserting between lines 19 and 20

“Public road.” Any highway, road, way or place of whatever nature adopted by the proper State, county or other municipal authority for the use of the general public as a matter of right for the purpose of vehicular traffic.

“Public service work project.” A project undertaken or carried out by the State or a municipality which shall include repair, maintenance or cleanup work projects in any State or local park, playground, recreational area or on any public road or any other work project in a public facility which does not supplant the jobs of existing workers.

“Secretary.” The Secretary of Corrections of the Commonwealth.

“Superintendent.” The person in primary charge of a State correctional facility.

“Warden.” The person in primary charge of the administration and management of a county or multicounty correctional institution.

“Work force.” An inmate work force provided for under section 10.

Amend Bill, page 11, by inserting between lines 16 and 17
Section 10. Inmate litter retrieval forces.

(a) Authorization.—The superintendent or warden of a correctional facility or institution is hereby authorized to establish an inmate work force. A work force established under this section shall be used, at the discretion of the superintendent or warden, to retrieve and collect litter along the public roads or perform other public service work projects that are deemed to be within the capabilities of the inmates. The work force shall be composed of individuals sentenced to serve terms of imprisonment in a correctional facility or institution. The use of inmate labor for the purpose of litter retrieval and collection or other public service work under this section shall be solely voluntary on the part of the inmate and shall in no way be compulsory or used as a form of punishment.

(b) Composition of force.—A correctional facility’s or institution’s work force shall be composed of inmates who, in the determination of the superintendent or warden, or the superintendent’s or warden’s designee, may safely perform the work. Any inmate assigned to work on a litter force shall, in the judgment of the superintendent or warden making the assignment, or a designee, be physically and medically able to perform the work.

(c) Exceptions.—No work force may include any inmate whose presence in the community would present a danger to public safety or any inmate serving a sentence for a conviction of one or more of the following provisions:

- (1) 18 Pa.C.S. § 2501 (relating to criminal homicide).
- (2) 18 Pa.C.S. § 2901 (relating to kidnapping).
- (3) 18 Pa.C.S. § 3121 (relating to rape).
- (4) 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse).
- (5) 18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) (relating to robbery).
- (6) A person convicted of any other crime of violence or who commits a crime while on a work release program or who is deemed guilty of disqualifying misconduct within the correctional institution or facility.

(d) Search requirement.—All inmates shall be subject to current practice of search before and after taking part in the daily work schedule. The inmate shall be subject to the current practice of a urinalysis test if a controlled substance is found on the inmate’s person.

(e) Supervision of force.—While detailed to the work force, inmates shall be under the general supervision and control of the staff employees designated by the superintendent or warden of the correctional facility or institution. The superintendent or warden and the designated staff employees shall be responsible for the transportation, guarding, feeding or attention necessary for all inmates assigned to the work force.

(f) Immunity from civil liability.—Neither the Commonwealth nor any political subdivision thereof nor other agencies nor, except in cases of willful misconduct, the agents, employees or representatives of any of them engaged in inmate litter retrieval activities or other public service work, while complying with or attempting to comply with this act or any rule or regulation promulgated under this act, shall be liable for the death of or injury to any inmate detailed to a litter force or loss or damage to property as a result of any litter retrieval and collection activity.

Section 11. Rules.

The superintendent or warden of a correctional facility or institution establishing a work force in accordance with this act shall:

(1) Adopt any rules necessary for the effective implementation of a work force program. The rules shall specify the hours of labor for inmates assigned to a work force, rules for inmate conduct, deportment and good behavior allowance, and for any violations or infraction of the rules.

(2) Coordinate with the Department of Transportation maintenance offices in the respective counties and the relevant county and other municipal officials regarding proper deployment of the work force, and implement all safety measures required of State or county employees performing the work.

(3) Collaborate with the appropriate State, county and other municipal officials to develop procedures for the continued utilization of inmates for litter retrieval and collection and other public service work projects.

Section 12. Request for work force required.

(a) General rule.—A work force shall be detailed only in response to a prior written request made by the Secretary of Transportation or an appropriate officer of a municipality.

(b) Scope of request and guidelines.—A request submitted to the Department of Transportation shall be limited to a request for litter retrieval. The department’s Bureau of Maintenance and Operation shall establish standardized Statewide guidelines for use by county maintenance offices relative to submission of requests, types of roads, seasons of the year, material costs and litter disposal.

Section 13. Prohibition on use of work force.

A superintendent or warden, or a designee, may not detail a correctional facility’s or institution’s work force to perform litter retrieval and collection or other public service work projects that would eliminate the jobs that are currently performed by, or reduce the working hours of, individuals employed by the Commonwealth or by a county or other municipality.

Amend Sec. 10, page 11, line 17, by striking out “10” and inserting
14

Amend Sec. 11, page 11, line 20, by striking out “11” and inserting
15

Amend Sec. 12, page 11, line 24, by striking out “12” and inserting
16

Amend Sec. 13, page 12, line 1, by striking out “13” and inserting
17

Amend Sec. 14, page 12, line 8, by striking out “14” and inserting
18

Amend Sec. 15, page 12, line 18, by striking out “15” and inserting
19

Amend Sec. 16, page 12, line 24, by striking out “16” and inserting
20

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

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

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, this provides for voluntary inmate work force programs to do litter retrieval along highways. This is legislation that had passed in the last session unanimously and I believe in the session prior to that. I believe the gentleman, the prime sponsor of the bill, has agreed to this amendment, and it is something that I think would go a long way in helping out in areas where we perhaps cannot get the private sector to do some of the prison works that are being talked about.

The SPEAKER. The gentleman, Mr. Schuler.

Mr. SCHULER. Thank you, Mr. Speaker.

It is an agreed-to amendment. I think it will provide an opportunity for our inmates throughout the State to provide some constructive help to our communities and to the State. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—196

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

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Colaizzo	Petrone	Travaglio	True
Mihalich	Schroder		

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. STURLA offered the following amendment No. **A5288**:

Amend Sec. 11, page 3, line 40 (A5005), by inserting after "offices" and other executive department offices

Amend Sec. 11, page 3, line 40 (A5005), by inserting after "counties" and regions

Amend Sec. 12, page 3, line 52 (A5005), by inserting after "Transportation" , the secretary of any other department

Amend Sec. 12, page 3, line 53 (A5005), by striking out "guidelines.—A request submitted to" and inserting guidelines.—

- (1) Except as provided for in paragraph (2), all departments involved must establish Statewide guidelines relative to the submission of requests for litter retrieval and collection and other public service work projects.
- (2) A request submitted to

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

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

Mr. STURLA. Thank you, Mr. Speaker.

Essentially, what this does is expands the previous amendment to not just include the Department of Transportation but to include other departments within the State if they would like to do similar programs. This was a request of the Department of Corrections because they supported doing it on the highways but said there might be other areas where they would want to do some of these types of activities, and I would just urge concurrence. Thank you.

The SPEAKER. The gentleman, Mr. Schuler.

Mr. SCHULER. Thank you, Mr. Speaker.

This also is an agreed-to amendment. I ask for the members' support.

The SPEAKER. The gentleman, Mr. Snyder.
Mr. SNYDER. May I please interrogate the maker of the amendment?

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

Mr. SNYDER. Mr. Speaker, excuse me if I missed some of the discussion. I was trying to review some of these amendments, but as I am reading amendment 5288, it says there is the establishment of statewide guidelines for requests for litter retrieval and collection and other public service work projects. What would these guidelines include?

Mr. STURLA. That is actually part of the amendment that had been passed beforehand also. These are guidelines that would be promulgated by the departments as to how they want this implemented. When we negotiated this bill last session with the Department of Transportation, they wanted to establish guidelines by which the prisons would be allowed to take volunteer work forces out onto their highways, and so I wanted to give that opportunity to the other departments also so that we did not just show up in some park somewhere with a group of volunteer workers from the prison and say, we are here whether you want us or not, and so this would allow those departments to promulgate some guidelines as to in what cases they would accept those workers and under what conditions.

Mr. SNYDER. Well, Mr. Speaker, this is going, I think, beyond allowing the departments to adopt guidelines if they so wish by requiring guidelines, and as you know through your experience in the legislature how long the process takes to develop formal guidelines for such things, we could be delaying implementation of this program for a very lengthy time, because this is not a "may adopt" regulations; this is a "must adopt" guidelines. That is my concern, that why do we have to create a monster of bureaucracy for a program that should be very easily implemented. You know, if the department wants to do it on a case-by-case basis, why can they not do that? Why can we not allow some flexibility? I just do not understand. Maybe you can give me a sound reason why we must mandate these guidelines to be promulgated.

Mr. STURLA. Well, Mr. Speaker, I really do not have a problem with it. It was at the request of the Department of Transportation originally that that clause was put in there, because they absolutely wanted that, and perhaps some of the other departments do not. I simply pick that language up again to apply to the other departments, but I mean, if you want to remove it, I do not have a problem with that.

Mr. SNYDER. Mr. Speaker, that ends my interrogation. Could I just make a brief comment?

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

Mr. SNYDER. Mr. Speaker, so many times here we start out with good intentions and create a burden that makes the implementation of some of these programs very difficult if not impossible. You know, I can understand why some departments are looking to bolster their bureaucracy in their departments as a way to avoid addressing these issues, but I would ask the members to oppose this amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS-116

Armstrong	Druce	Lucyk	Schuler
Bard	Evans	Maitland	Scrimenti
Battisto	Fairchild	Manderino	Shaner
Bebko-Jones	Fajt	Markosek	Staback
Belardi	Feese	Mayernik	Steelman
Belfanti	Gamble	McCall	Steil
Bishop	George	McGeehan	Stetter
Blaum	Gigliotti	Melio	Strittmatter
Boscola	Gordner	Michlovic	Sturla
Bunt	Gruitza	Micozzie	Surra
Butkovitz	Habay	Miller	Tangretti
Buxton	Haluska	Mundy	Thomas
Caltagirone	Hanna	Olasz	Tigue
Cappabianca	Hennessey	Oliver	Trello
Carn	Horsey	Pesci	Trich
Carone	Itkin	Petrarca	Van Horne
Cawley	James	Pistella	Veon
Cohen, M.	Jarolin	Preston	Vitali
Colafella	Josephs	Ramos	Walko
Corpora	Kaiser	Readshaw	Washington
Corrigan	Kirkland	Rieger	Williams
Cowell	Krebs	Roberts	Wozniak
Coy	Kukovich	Robinson	Wright, D. R.
Curry	LaGrotta	Roebuck	Yewcic
Daley	Laughlin	Rooney	Youngblood
DeLuca	Lederer	Rublely	Zimmerman
Dempsey	Leh	Rudy	
Dermody	Lescovitz	Sainato	Ryan,
DeWeese	Levdansky	Santoni	Speaker
Donatucci	Lloyd		

NAYS-78

Adolph	Fargo	Lynch	Rohrer
Allen	Farmer	Major	Sather
Argall	Fichter	Marsico	Saylor
Baker	Fleagle	Masland	Serafini
Barley	Flick	McGill	Sheehan
Birmelin	Gannon	Merry	Smith, B.
Boyes	Geist	Nailor	Smith, S. H.
Brown	Gladeck	Nickol	Snyder, D. W.
Browne	Godshall	Nyce	Stairs
Chadwick	Gruppo	O'Brien	Stern
Civera	Harhart	Perzel	Stish
Clark	Hasay	Pettit	Taylor, E. Z.
Clymer	Herman	Phillips	Taylor, J.
Cohen, L. I.	Hershey	Piccola	Tulli
Conti	Hess	Pitts	Vance
Cornell	Hutchinson	Platts	Waugh
Dent	Jadlowiec	Raymond	Wogan
DiGirolamo	Kenney	Reber	Wright, M. N.
Durham	King	Reinard	Zug
Egolf	Lawless		

NOT VOTING-2

Keller	Semmel
--------	--------

EXCUSED-6

Colaizzo	Petrone	Travaglio	True
Mihalich	Schroder		

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, on the question of final passage, recognizes the gentleman from Philadelphia, Curtis Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, may I raise some questions of inquiry to the maker of the bill?

The SPEAKER. The gentleman, Mr. Schuler, indicates he will stand for interrogation. You may go ahead.

Mr. THOMAS. Thank you.

Mr. Speaker, what type of employment opportunities will be made available to inmates under your bill?

Mr. SCHULER. Mr. Speaker, in answer to the gentleman's question as to what type of activities, that could vary, but let me give you some experiences of my own. For example, there was a chain factory that was making dog chains, and they wanted to put on the latch at the end of the chain, and they gave this to a prison industry, and that was put into effect. All the prisoners or the inmates had to do was put this latch on, and it was done through a production-bonus-type thing, and in fact, in one situation the inmate did not even want to talk, because he was going so fast and making more money that he did not even want to discuss what he was doing.

A second opportunity might be in the area of, some prisons have used airline-reservation-type things. It may be in various other activities. I could give you a list of those activities that are now in effect in about 33 States, if you would like to have that.

Mr. THOMAS. Would you do that?

Mr. SCHULER. I will.

Mr. THOMAS. And I guess for my purposes, if I was to draw closure to your answer, then the door is pretty much open as to the type of opportunities that might be made available to inmates. Is that correct?

Mr. SCHULER. Well, I do not know how far the door is open. It depends on the type of activity. You have to understand that you are only talking about a small percentage of the population of our prisons, and even of that small population, most of these inmates will be in transit. There will be a very — well, how shall I say it — a very great turnover in the members who work in this type of thing, so that restricts the activity, plus all the other restrictions that we put in here to protect jobs. That will restrict the activities that you are going to have.

Mr. THOMAS. Okay. My second concern was to wages. How much will inmates receive for work that they will provide under this particular legislation?

Mr. SCHULER. Well, the income would be no less than the minimum wage and whatever the surrounding area in comparable workers' situation.

Mr. THOMAS. My third question is, will this opportunity be made available to inmates in all State correctional institutions, or will this be made available in some?

Mr. SCHULER. It will be made available on a voluntary basis to all State correctional institutions and all county institutions.

Mr. THOMAS. So who would have the authority to determine when and where? The Commissioner of Corrections?

Mr. SCHULER. Well, the legislation first sets up a commission, a private industry council, who would accept applications from different prisons, whether it be State or county. They in turn would then make an approval of a permit. Now, you have to also understand, a lot of this comes under the guidelines and laws of the Federal Government, so you have two agencies that would have to approve these prison industries. But yes, a prison industry could be submitted from the State correctional institution, and then it would have to be approved and meet all the Federal guidelines and what is in the bill.

Mr. THOMAS. Mr. Speaker, is there any concern with the demographics of the Pennsylvania correctional system? What I am talking about is, I think the last data that I saw from the Department of Corrections, in Pennsylvania minorities make up well over the largest population of correctional institutions, but when we look at management employment and look at the industry from the economic side, minorities represent maybe less than 20 percent of the overall population. Is there any possibility that the demographics of the system can be taken into consideration as we consider available employment opportunities, as we consider subcontracts, as we consider the whole economic side of this legislation?

Mr. SCHULER. Mr. Speaker, that is a difficult question to answer. I do not believe there is any specific geographical boundaries in the bill, but again, it would depend on the local county prison or the State institution to file that application. They may want to consider that in their application. However, I do not believe the bill, at the present time, requires that to be done.

Mr. THOMAS. Now, you indicated that a private industry council would be set up to oversee the implementation of this bill. My question — and it might be a very simplistic question — is, as you know, under the Federal Job Partnership Training Act, the local agencies which administer the JPTA Act are called private industry councils. Will there be any conflict when one refers to the private industry councils throughout the Commonwealth of Pennsylvania that administer the Job Partnership Training Act versus the private industry council that will administer the basic tenets of HB 124?

Mr. SCHULER. Mr. Speaker, I see no conflict between the two. Really, I do not.

Mr. THOMAS. Okay. Who will make referrals or who will make up this private industry council?

Mr. SCHULER. Well, it is stated in the bill, Mr. Speaker. Let me read them to you.

Okay. The council will be made up of the Secretary of Corrections; the Secretary of Labor and Industry; labor will have two representatives; a county commissioner; two members from the Senate and from the House for all four caucuses; the wardens association and business will be represented on this council.

Mr. THOMAS. So this body will be able to make, what, four recommendations?

Mr. SCHULER. They will approve any applications that come before them for a prison industry, yes.

Mr. THOMAS. No, but I guess on the council. You said that this body will make recommendations for representation on the council. Does the House have input or can the House have representation on this private industry council?

Mr. SCHULER. Yes. This House will have its members designated to be on that council, and that will be up to the majority and minority caucuses.

Mr. THOMAS. So will it be two or one from each caucus?

Mr. SCHULER. Well, I believe it is one from each caucus.

Mr. THOMAS. One from each caucus?

Mr. SCHULER. That would be four members then.

Mr. THOMAS. Mr. Speaker, my next question, and maybe it is in the bill, and I apologize for not having read the bill in detail, but as you know, we passed a lot of legislation that talks about restitutional recovery, and I guess my concern is, will there be a system in place that will provide for restitution in situations where an inmate is doing work, making a reasonable salary, and receiving those wages? Can an inmate's wages be attached to satisfy a restitutional order?

Mr. SCHULER. Yes. Let me give you background on the income that these inmates would make. For example, they would be given their pay, and it would be designated in writing how this pay would be divided. Part of the pay would be for room and board, which is saving the taxpayers money; the second aspect would be the compensation to any crime victim; also, financial assistance to their families. And under Federal law, you are not allowed to take more than 80 percent, so 20 percent would remain, and it would be kept for a savings for the inmate.

Mr. THOMAS. Okay.

Mr. Speaker, bear with me. I just have two more questions.

One is, as you know, there is an effort in Pennsylvania to expand community correctional facilities.

Mr. SCHULER. I did not understand that, Mr. Speaker.

Mr. THOMAS. There is an effort in Pennsylvania to expand community correctional facilities so as to, I guess, make beds available for more violent offenders inside the institution. So my question is, will the community corrections component of the Department of Corrections be able to participate in this particular program?

Mr. SCHULER. The answer to your question, Mr. Speaker, is yes, they will, as long as they are housed in a State or county facility, and I might add, all of these activities have to take place inside the institution.

Mr. THOMAS. Oh. So then it would not apply to community corrections because— Well, community correctional facilities are facilities in communities throughout the Commonwealth of Pennsylvania, and more often than not, the facility represents a subcontracting arrangement with some private organization. An example, the largest provider of community-based correction services in Philadelphia County is Volunteers of America, which is out of New Jersey. So my question is whether or not somebody like Volunteers of America, who has a contract with the Commonwealth of Pennsylvania to provide community correction facilities, will they be able to participate in this industry-driven opportunity as outlined in HB 124?

Mr. SCHULER. Mr. Speaker, any private industry or nonprofit organization may participate in this program.

Mr. THOMAS. Okay. So it is not just limited to institutions—

Mr. SCHULER. That is right.

Mr. THOMAS. —but it can also apply to community-based facilities that are being financed by the Department of Corrections?

Mr. SCHULER. If they wish, Mr. Speaker, to file an application and get approval, they may.

Mr. THOMAS. Okay.

Mr. Speaker, my last concern, and this is not really a question; it is more a recommendation, and it is a recommendation to both the majority and minority caucus leaders.

I strongly urge that they give some consideration to the demographics of our correctional institutions in Pennsylvania, and the demographics that I am talking about is that there is this feeling that the largest population in our correctional institutions are African-Americans and other poor people. That is on the population side, but on the management and economic side of the system, African-Americans and other minorities might represent less than 20 or maybe less than 10 percent of all management and employees of the system.

The other concern that is being given a lot of attention is, we will probably have somewhere close to 30 institutions on line by the end of this year. The bulk of those institutions are being built in rural Pennsylvania while the inmates living in those institutions are coming out of urban Pennsylvania, and it is urban Pennsylvania that is suffering the greatest when it comes to unemployment and business opportunities. And so to that end, there needs to be— We need to take a look at who are in our correctional institutions, where those institutions are being built, and how can the system arguably, as negative as it is, how it can be operated in such a way that it benefits all Pennsylvanians as opposed to certain segments of Pennsylvania or as opposed to certain populations of Pennsylvania.

So that is a recommendation to the majority and minority caucus leaders. I think you have done a good job in fashioning this legislation. You have been receptive to changes that I think make the legislation more progressive than it was in its original form. So I stand up to commend you, Representative Schuler and the other people who came together to put this together, and I know that you will do the right thing in trying to make sure that this bill benefits all Pennsylvanians. Thank you.

The SPEAKER. The Chair recognizes the gentleman, Mr. Birmelin, on final passage.

Mr. BIRMELIN. Thank you, Mr. Speaker.

I will make my remarks brief but very poignant, I believe, and that is, I think this is a great piece of legislation. I am asking the members to support it.

I have been on the House Judiciary Committee for several years now, and we have had two public hearings — one under former Democratic chairman and majority chairman at the time, Caltagirone. We have heard a lot of input on this, an idea whose time has come.

In regard to that, I would also point out to you that you will shortly be receiving a memo from myself, as the subcommittee chairman on Crime and Corrections of the Judiciary, inviting you to visit some of the prisons in Pennsylvania in the month of November, in just a few weeks. I would strongly suggest that you at least avail yourself of one or more of those prison tours to find out how legislation like this can make a difference.

If you have been in the prisons of Pennsylvania, you see that in many cases the inmates are sitting around hour after hour, day after day, month after month, year after year with absolutely nothing to do that is constructive, and legislation like this, which will insert some form of real job training, some form of accomplishment, and some form of the ability to give inmates a way to earn some money to pay off their debt to society and to pay their bills back home, is very constructive, positive, and is needed.

I encourage you to vote for this legislation because it is going to be a step in the right direction, and I ask for an affirmative vote. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Huntingdon, Mr. Sather.

Mr. SATHER. Thank you, Mr. Speaker.

Could I possibly interrogate the prime sponsor?

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

Mr. SATHER. Thank you, Mr. Speaker.

Just clarification on this legislation. When we talk about underemployed residents or others, I have a class of individuals who do repetitive labor-intensive work in a skills developmental workshop, mentally retarded individuals. Would this legislation protect those people, that that type of industry would not go within the walls of State correctional institutions?

Mr. SCHULER. Mr. Speaker, it would protect them under the provisions of the bill related to displacement of workers, and also with the recent adoption of the Itkin amendment, they would be protected.

Mr. SATHER. Thank you, Mr. Speaker.

I am finished with my interrogation. I would like to make a comment.

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

Mr. SATHER. Thank you, Mr. Speaker.

I would like to thank the prime sponsor and others and Mr. Fairchild for legislation that has been amenable to many of us who had concerns initially, and I will stand to support this legislation. Thank you.

The SPEAKER. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman, Mr. Kukovich, from Westmoreland.

Mr. KUKOVICH. Mr. Speaker, I think I would like to frame this as a point of parliamentary inquiry.

I believe that the amendment has been a compromise that probably a lot of us can embrace. My concern is, in light of the questions that are being asked and some confusion over how the bill works—

The SPEAKER. The gentleman will yield.

The House will come to order. Sergeant at Arms, kindly clear the area behind the rail. Conferences in the side aisles, in all aisles, please break up.

The gentleman, Mr. Kukovich.

Mr. KUKOVICH. Thank you, Mr. Speaker.

My point is, this is a very sensitive vote, and I think most of the members, now that the amendments have been placed in it, would probably like to vote for it. They do not want to be viewed as being soft on crime on one hand, but on the other hand, they do not want to vote in a way that might hurt employment in the private sector in their areas. All I am suggesting is whether the prime sponsor would be willing to wait for a final passage vote until the bill is reprinted or whether a motion to place the bill on the final passage postponed calendar would be in order so the bill could not be amended or toyed with. We can see the bill once it is reprinted and vote accordingly, probably on Monday.

The SPEAKER. The only thing I recognize in your statement as a point of parliamentary inquiry is, could you make a motion to

place it on the postponed calendar, and the answer to that would be yes.

Mr. KUKOVICH. Mr. Speaker, what I would like to do is maybe ask one question of interrogation to the prime sponsor, and that would be to voluntarily do it, and then I would make the motion to—

The SPEAKER. Well, that, of course, is in order, and the gentleman indicates he will stand for interrogation.

Mr. KUKOVICH. Thank you, Mr. Speaker.

I would once again pose the question whether the prime sponsor would be willing to give the membership a chance to see the bill reprinted with the amendments and then we can vote it as soon as possible, the next day.

Mr. SCHULER. Well, Mr. Speaker, this bill has been around for over 4 years, maybe even longer. There has been a lot of debate on this. It was reported out of committee last year under Mr. Caltagirone, the prime sponsor. I think enough discussion has gone on. I think all the members had the opportunity to look at this. I think that we are at a point now that we should take the vote.

So I would request, Mr. Speaker, that we vote the bill. Thank you.

Mr. KUKOVICH. Thank you, Mr. Speaker.

I understand, although the amendments that were passed today have not been around, and I really do not think there is that big of a problem. But again, I think it is a very sensitive vote, and I am not trying to delay or cause any obstruction. I think it would be reasonable.

MOTION TO PLACE BILL ON FINAL PASSAGE POSTPONED CALENDAR

Mr. KUKOVICH. What I would like to do is make a motion that we place it on the final passage postponed calendar. It could be voted Monday. We will have a full understanding of what the amendments do and no amendments could be offered to that bill, unless, of course, the rules were suspended. So I would like to make that motion.

The SPEAKER. The gentleman, Mr. Kukovich, has moved that the bill, HB 124, PN 175, as amended, be placed on the final passage postponed calendar.

On the question,

Will the House agree to the motion?

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, I can appreciate the gentleman, Mr. Kukovich's concern about the complexity of the amendments and the bill itself, both philosophical issues and issues about competition with Pennsylvania employers and displacement of Pennsylvania employees, but I do believe as we go through the final passage debate, we can explain exactly what is in the bill, what is not in the bill, and how it affects the rest of Pennsylvania. I would prefer, Mr. Speaker, that we proceed to a final passage vote and give us the opportunity to make sure that all members in the chamber understand what is in this legislation.

So I am going to ask for a "no" vote on holding the bill over and delaying it any further.

The SPEAKER. The gentleman, Mr. Schuler, on the question of the motion.

Mr. SCHULER. Thank you, Mr. Speaker.

I would ask the members to vote “no” on this motion. As I said previously, we have been working on this for quite a long time, and I think it is time now to vote. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS-45

Bebko-Jones	Hanna	Mundy	Steelman
Blaum	Horsey	Oliver	Tangretti
Boscola	Jarolin	Petrarca	Tigue
Buxton	Kukovich	Pettit	Trello
Cappabianca	LaGrotta	Preston	Trich
Carn	Lawless	Readshaw	Van Horne
Cawley	Levdanski	Rieger	Vitali
Corpora	Lloyd	Roberts	Walko
Corrigan	McGill	Robinson	Williams
Curry	Melio	Roebuck	Wozniak
Donatucci	Michlovic	Scrimenti	Yewcic
Haluska			

NAYS-151

Adolph	Egolf	Laughlin	Sainato
Allen	Evans	Lederer	Santoni
Argall	Fairchild	Leh	Sather
Armstrong	Fajt	Lescovitz	Saylor
Baker	Fargo	Lucy	Schuler
Bard	Farmer	Lynch	Semmel
Barley	Feese	Maitland	Serafini
Battisto	Fichter	Major	Shaner
Belardi	Fleagle	Manderino	Sheehan
Belfanti	Flick	Markosek	Smith, B.
Birmelin	Gamble	Marsico	Smith, S. H.
Bishop	Gannon	Masland	Snyder, D. W.
Boyes	Geist	Mayernik	Staback
Brown	George	McCall	Stairs
Browne	Gigliotti	McGeehan	Steil
Bunt	Gladeck	Merry	Stern
Butkovitz	Godshall	Micozzie	Stetler
Caltagirone	Gordner	Miller	Stish
Carone	Gruitza	Nailor	Strittmatter
Chadwick	Gruppo	Nickol	Sturla
Civera	Habay	Nyce	Surra
Clark	Harhart	O'Brien	Taylor, E. Z.
Clymer	Hasay	Olasz	Taylor, J.
Cohen, L. I.	Hennessey	Perzel	Thomas
Cohen, M.	Herman	Pesci	Tulli
Colafella	Hershey	Phillips	Vance
Conti	Hess	Piccola	Veon
Cornell	Hutchinson	Pistella	Washington
Cowell	Itkin	Pitts	Waugh
Coy	Jadlowiec	Platts	Wogan
Daley	James	Ramos	Wright, D. R.
DeLuca	Josephs	Raymond	Wright, M. N.
Dempsey	Kaiser	Reber	Youngblood
Dent	Keller	Reinard	Zimmerman
Dermody	Kenney	Rohrer	Zug
DeWeese	King	Rooney	
DiGirolamo	Kirkland	Rubley	Ryan,
Druce	Krebs	Rudy	Speaker
Durham			

NOT VOTING-0

EXCUSED-6

Colaizzo	Petrone	Travaglio	True
Mihalich	Schroder		

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,
Shall the bill pass finally?

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

Mr. LLOYD. Mr. Speaker, I would like to interrogate the prime sponsor.

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

Mr. LLOYD. Mr. Speaker, as I understand the amendments which went in this morning, if a private business wants to employ prisoners and his competitor thinks that this is going to create an unfair advantage, there is now a procedure for the person who is objecting to have that matter heard by the board and the board is supposed to make a decision as to whether or not this is unfair competition. What is the standard which the board is to use to decide whether or not it is fair or unfair?

Mr. SCHULER. Mr. Speaker, I do not know if there is a standard, to answer your question today. I would suspect that the board would have to try to draw up some standards on their own through this commission, but I cannot answer your question today.

If I may add one other thing. It is not only unfair competition but it is also displacement of workers that can be appealed.

Mr. LLOYD. That is my second question, Mr. Speaker.

I understand what displacement of workers is when you are talking about, I have a factory; I have 100 garment workers in that factory; you propose to open up a garment factory in the prison, and my 100 workers are going to lose their jobs. I understand that that fits the classical definition of “displacement of workers.” What I do not understand is, suppose I am going or thinking about going into a particular kind of business and so are you, but you decide that you are going to run over to the local prison and get prisoners to work for you. I have not hired my employees yet so no one is being displaced, but had it not been for the fact that you took advantage of the prison industry bill, one of us would have hired law-abiding citizens to do those jobs. What, if any, protections are there in this bill under those circumstances?

Mr. SCHULER. Well, Mr. Speaker, it is my impression, under the Itkin amendment, that if that situation would occur, the individual would have the opportunity to file a complaint with the commission and then that individual would have to provide evidence to the fact that my business, as you refer to it, was creating unfair competition and displacement of workers, and then the board would make that decision by a supermajority vote.

Mr. LLOYD. Mr. Speaker, on the final passage question.

The SPEAKER. The gentleman is in order.

Mr. LLOYD. Mr. Speaker, I know this bill is going to pass and I know that in some form it is going to become law, but today I am going to vote against it.

Mr. Speaker, I have in my district right now about 1,500 State prisoners. If the administration carries forward its proposal to convert the Somerset State Hospital into a State prison, within a year or so there will be somewhere between 2,500 and 3,000 State prisoners within about a 1-mile distance of each other.

Mr. Thomas said in the previous debate that the unemployment problems are in the city. Well, that may be true with regard to some parts of the Commonwealth, but my county has had one of the most consistently high unemployment rates for the last 15 to 20 years. We have had a lot of people laid off in garment industries, which would fit very nicely into this prison industry proposal. We have other kinds of industries which do work for the defense industry, for example, in assembling things. I am very concerned that while we are trying to get money to help run the prison system by having these people work and be productive, that we are, on the other hand, going to displace the people who are obeying the law — the people who are trying to take care of their families, to pay their mortgages, to pay for health insurance, and I just— To me, we are tilting the balance in the absence of some kind of a standard as to what is fair or unfair competition; we are tilting the balance too far toward getting money out of the prisoners.

I do not see anything wrong with making prisoners go out and pick up litter — and Mr. Sturla's amendment helps this bill — I do not see anything wrong with making prisoners go out to the parks or go out to the abandoned mine sites or to go out where we are trying to convert a railroad abandoned line into a rails-to-trails project and pick up garbage and do manual labor, because by and large those are things that are not going to get done unless there is some public work force. So I do not have a problem with that, and I do not have a problem with trying to give skills to these people so that when they are released from prison, they have a better chance to get a job. What I do have a problem with is opening up a situation when, without adequate protections, my constituents who pay their taxes, who obey the law, are going to lose their jobs or are going to lose at least the opportunity to get new jobs which are created in the community.

Until we get some standards in this bill, Mr. Speaker, I think we ought not pass it. Thank you.

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

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, I appreciate the comments by the gentleman, Mr. Lloyd, and I, for one, planned up until yesterday on standing before the House in opposition to this legislation. Although we had negotiated many items, I still believed that there was the possibility of unfair competition which would displace Pennsylvania employees and perhaps shut down Pennsylvania employers.

A good example — and perhaps we have not explained this legislation well enough today — but a good example would have been United States flags. There are three Pennsylvania companies that manufacture U.S. flags. One of them employs 200 people; one, 175 people; and one, 100 people, and before the amendment that was offered and adopted earlier by Representative Itkin, it was my fear, even though the prime sponsor of the legislation felt that there were protections, they were not adequate enough, and that perhaps an individual could start a flag manufacturing business inside a prison and throw 500 law-abiding citizens out of work.

Now, what we did in these amendments, Mr. Speaker, was — and I would like this under legislative intent — we prohibit the manufacture of any goods in any prison where we can locate a

Pennsylvania employer who is at the present time manufacturing that item. We prohibit the employment of prisoners to do any jobs that are presently being performed by a Pennsylvania worker.

I would have liked, perhaps, to make this a national issue, but there was no way that we could find out whether a candlemaker in the State of Wyoming would be affected by making candles in the Coal Township prison. It is just impossible to determine. But we do have provisions in this legislation that require the Department of Corrections to post in the Pennsylvania Bulletin the possibility of a prison industry. It allows 30 days for any Pennsylvania employer to file an objection because they believe that that industry might have a negative impact on their industry.

We also provide that the Department of Corrections contact the Department of Commerce to find out whether or not there are any existing employers in Pennsylvania that are manufacturing a certain type of good or commodity. We then require that written notice be sent to those employers to ask them whether or not they want to file an objection.

If there is an objection filed, the prison board — and it is difficult to phrase standards of decisionmaking — but the prison board must adopt by a supermajority, 75 percent of the board must decide to put a prison industry in where there is an objection filed. It requires 9 out of 13 individuals to vote for that. And please be advised that the way the prison boards are being set up, there are always going to be five minority members, five members of this board that are controvertibly on opposite sides of most issues. So there will always be enough votes to negate the potential for an industry being set up that would unfairly compete with a Pennsylvania employer.

Now, there is no way that we can determine how in the future some future employer might decide to make the little jacks in the Cracker Jack boxes, which heretofore are being manufactured in Sri Lanka or Singapore. We just cannot determine that. What we can do and what we did do was insure that existing employers have very, very adequate protection that they will not be subjected to unfair competition.

One of the other issues that I think has been glossed over. I think the original legislation would have allowed the compensation for these employees to go two or three directions: one would be for fines and restitution; the other would be towards room and board; and lastly, there would be an amount set aside for a bank account for them for when they are released.

We have broadened the ways that that money can be disseminated. The people who are in jail may now send a portion of that money to their families who, because their loved one is in prison, may be having a very difficult time in making ends meet. There are prisoners in this State, Mr. Speaker, that are for this legislation, because it gives them the ability to pay off some of those fines, to help support their families, and to give them a little nest egg so that the week they come out, they do not have to hold up a liquor store because they are broke; they have some money put aside.

I am opposed to forced prison labor. Please do not consider this the same as what they do in Beijing, China. This is a voluntary program. If prisoners do not want to work in the shop, they do not have to.

So, Mr. Speaker, while for 4 years we negotiated and for many, many months I was determined to oppose this legislation, I believe that Mr. Schuler and the rest of us who have worked on this have come a long way. We are protecting Pennsylvania employers,

employees, and we are doing the right thing by many of the prisoners who want this opportunity.

So again, it is pure conjecture as to what future employees might be affected because of some new innovative widget that is going to be manufactured in a prison that somebody else might think about 6 months later, and because it is already being manufactured in a prison, they cannot go into that business. There is no way for us to figure that out, and so we cannot deal with issues like that. But, Mr. Speaker, I am here to ask for a "yes" vote on final passage.

The SPEAKER. The gentleman from Cambria, Mr. Yewcic.

Mr. YEWIC. Thank you, Mr. Speaker.

In my county we have a State prison, and they have a laundry service. Every time the local business' contract comes up, they want to go to the State prison, send their laundry service up to the State prison and take away jobs from people in my community of Johnstown, take their jobs away. Now we are told that, well, this does not involve any jobs in Pennsylvania; it is businesses outside of Pennsylvania, that we will use those people to do the jobs in the prisons. Well, I am wondering, are the new economic development practitioners now working for the Department of Corrections? If there is a business out there that needs to come to Pennsylvania, we spend a lot of time with economic development; let us do that and promote jobs in our district instead of letting them go through our prisons. These people gave up their rights.

I agree with Representative Lloyd, who said there are a lot of things prisoners could do. For instance, they could clean up litter, work in our parks, clean our roads, whatever it takes, but do not take jobs away from people that need jobs, that obey the law, and want to support their families.

Therefore, I oppose this legislation. Thank you, Mr. Speaker.

The SPEAKER. The gentleman from Berks, Mr. Caltagirone.

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

I will make this quick.

The State County Commissioners Association favors this legislation. The Pennsylvania State Wardens Association favors this legislation. Former Commissioner Lehman was very much in support of this legislation, and the current Department of Corrections Commissioner Horn is in favor of this legislation. I do not know what more you would need as endorsements for getting this bill moved out of the House and over to the Senate, because this has been 4 years in the making.

I would urge my colleagues to remember that when they cast their vote, and cast their vote in the affirmative. Thank you, Mr. Speaker.

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

Mr. DALEY. Yes, Mr. Speaker. I thank you.

On the bill?

The SPEAKER. Final passage.

Mr. DALEY. Initially I thought that this bill made a lot of sense in terms of providing an adequate remedy to a problem that we have in prison, and that is to provide some source of labor and initiative for our local prisoners, but when I listened to Mr. Belfanti, Mr. Lloyd's comments became quite enlightening, because I do not know of any small businessperson that I deal with that reads the Pennsylvania Bulletin. If that is the only way these people are going to find out if there is going to be a competitive business that is going to be undertaken by a prison, all the small businesses I know of that I deal with never have that opportunity to read that, unless you are a doctor, an engineer, an architect, or

a lawyer. And if any type of manufacturing job that is in competition with local businesses will not be undertaken, I do not know what types of manufacturing jobs will be done in prisons, so it does not make sense to me. And if there is an obligation or an objection that takes a supermajority to determine if that prison is going to go forward with that type of job, I would venture to say that that board is going to be committed to move that project forward.

I do not find this really addressing the types of things that need to be addressed in terms of prisons. If we are going to provide labor for prisoners, it should be hard labor for people that go in for those types of crimes that need to be punished. I do not think we need to punish the small business owners of Pennsylvania, and I ask for a negative vote. And I understand what Mr. Lloyd's sympathies are, and I agree totally.

The SPEAKER. On the question of final passage, the Chair recognizes the gentleman, Mr. Schuler, the last debater.

Mr. SCHULER. Thank you, Mr. Speaker.

In response to Representative Daley, I think you are correct, Mr. Speaker, it is in the journal, but also it is my understanding under the Itkin amendment that a written statement must be sent to any industry in the vicinity of the prison that would be in jeopardy in the State. So I think there is a second channel that is used to protect those private industries.

Mr. Speaker, over the last 8 months we have been passing quite a few laws dealing with crime. Now we have the opportunity to take a positive step and to provide an occupation and provide some of these inmates with work, to develop work habits, and to let them earn some money. One of the biggest criticisms that inmates have in prison is the boredom. I hope that we can address that issue with this legislation. I ask for your support.

And in closing, Mr. Speaker, I would like to thank Representative Piccola and the House Judiciary Committee for their support. A special recognition to Representative Caltagirone, who has worked with me, he and Representative Belfanti, on this legislation. Without their help, I do not think we would have the bill here today. And last, I would like to thank the staff members who spent a lot of time and energy, both staffs of the Democrat and Republican Caucuses, in bringing about this bill.

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

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Trello, I was under the impression that there were no further debaters when I recognized the gentleman, Mr. Schuler, the prime sponsor.

Mr. TRELLO. Well, I will be very, very brief.

The SPEAKER. Thank you.

Mr. TRELLO. First of all, Mr. Speaker — thank you — I also want to congratulate Messrs. Schuler, Caltagirone, and Belfanti and all the members that put an awful lot of time into this bill. I think they have worked on an impossible task, and they are never going to satisfy everybody, including yours truly.

I think almost everything has been done to make this piece of legislation a worthwhile piece of legislation, but my problem with this piece of legislation is the simple fact that it would be almost impossible to get a new industry in Pennsylvania, because it would qualify for a facility inside our prisons. That will do two things: number one, it will take away jobs that are absolutely necessary in my legislative district where the collapse of the steel mill has just about eliminated our tax base and jobs; and number two, the tax base is the most important issue in my district. If they build no new industries in my district, there is no tax increase in our tax base.

So I am going to have to vote "no" on this bill, Mr. Speaker. Thank you very much.

The SPEAKER. Does the gentleman, Mr. Thomas, desire recognition on final passage?

Mr. THOMAS. Yes, Mr. Speaker. I have one question for Representative Belfanti.

The SPEAKER. Mr. Belfanti? He indicates he will stand for interrogation. You may begin.

Mr. THOMAS. Thank you.

Mr. Speaker, you said something that kind of raised some questions in my mind, and I would like to go back to that Pennsylvania or American flag.

You indicated that under the Itkin amendment, if there was a company in Pennsylvania that was producing that flag as of today, that the prison industry could not compete to produce that flag. Is that correct?

Mr. BELFANTI. That is absolutely correct.

Mr. THOMAS. Okay.

My question is, the word "today" raises some questions in my mind. Suppose the company or companies in Pennsylvania that are currently producing the flag are, let us say for the 1996 fiscal order of flags they are in the tax amnesty program, and they have until January to get their State taxes straightened out. Or let us say that they are facing financial problems which minimize their ability to bid on that job for the 1996 fiscal year. In that kind of situation, what would stop the prison industry from stepping in and taking that opportunity?

Mr. BELFANTI. Mr. Speaker, it is my position that the language that is in the legislation now as the result of the Schuler and Itkin amendments would prohibit the manufacture of any type of garment where the potential exists that that garment either has been produced here in the State or is likely to be produced here in the State.

One of the problems I had with this legislation all along is that a prison industry, a privately owned prison industry, is not paying a light bill, they are not paying a water bill, they are not paying some of the insurances; the prison is paying for that, and so how can a legitimate businessman hope to compete with that. I believe that the language we have adopted prevents that or eliminates that possibility.

In addition, I would just like to quickly respond to something Representative Daley mentioned.

Mr. THOMAS. But before you do that, Mr. Speaker, let me finish.

Mr. BELFANTI. Okay.

Mr. THOMAS. And I did not see anything in the Itkin or Schuler amendments that repealed or wiped out current regulations that provide that if you are a business that has been doing business for Pennsylvania and you owe taxes or you have some other financial obligations that you owe to the Commonwealth of Pennsylvania, which can never be owed by the Pennsylvania Department of Corrections, that you are precluded from gaining additional opportunities until that debt obligation is satisfied, and in that kind of situation, I do not see anything that would preclude the prison industry from becoming a prime producer of that opportunity in that kind of situation.

Mr. BELFANTI. Well, Mr. Speaker, they could not have become a prison industry to begin with, that there is no way under this legislation that anything, any good that is presently being produced here, can be produced in the prison.

Under the language of this legislation, it is my belief that widgets that are now being manufactured out of State, and hopefully out of the country, are going to be produced in a very labor-intensive setting in the prisons. So the manufacturer who owes taxes, who cannot get into prison, is not already in competition with the flagmaker who is in the prison, because that first flagmaker, the flagmaker in the prison, could not have gotten by the board.

And that is why I believe that I need to digress a second to Mr. Daley's comments, and that is that we are not just limiting the notice to the Pennsylvania Bulletin. Prior to the employer wanting to open a shop up in a prison, the Department of Corrections must contact the Department of Commerce and the Department of Labor and any other State agency and do a search to determine whether or not there is a present employer in Pennsylvania manufacturing a good that conceivably could be manufactured in the prison. That employer must then be notified in writing and given the opportunity to describe how this prison industry would unfairly compete with him or her, and if that individual files such an objection and is given the ability to object and make his case before the board, it would take 9 out of 13 members to overrule that individual's concerns, and that is not going to happen, because the makeup of the board insures that there is a five-member minority on the board.

So I do not think it is the intention of anyone here to try and displace law-abiding citizens or law-abiding employers from either continuing their livelihood or continuing their business operations. That is not the intention of the legislation.

Mr. THOMAS. And, Mr. Speaker, I guess in closing, I recognize that that does not appear to be the intent of this legislature, but I guess as you very well know, I know I have learned it in my short period of time, and that is, legislative intent is not all the time what is carried out once we get into implementation. We have a couple situations right now where we specifically stated in the legislation, and I refer to Act 102 which specifically stated that XYZ would happen, but now that the Secretary is—

The SPEAKER. The gentleman will yield. The gentleman is straying from—

Mr. THOMAS. I know, but just by—

The SPEAKER. He is not straying; he is running away from the subject matter.

Mr. THOMAS. Well, my point is, without the analogy, and that is, legislative intent does not provide sufficient protections to guarantee that we do not pass a bill that ultimately leads to displacement, and displacement of not only workers but also business opportunities for hardworking Pennsylvanians. Thank you.

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

Mr. SERAFINI. Mr. Speaker, briefly, I would like to say that I appreciate the work that has been done on this legislation. I do not believe anyone is against the initial desire to get prisoners to work in the State of Pennsylvania, and the manner in which we do it is a very complex one. And I am sure that the Senate will have their own ideas to institute into this legislation, and I believe it is time to get this legislation to the Senate and continue to work on it once they put their amendments to this package.

I appreciate it and thank everyone who worked so hard on this legislation.

The SPEAKER. The gentleman, Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, I want to echo the comments of Representative Trello. I think the concept is one that perhaps can get the interest of a lot of members of the General Assembly, but when reading the fine print, you know, let us take a business that is just over the Pennsylvania border in Emmitsburg, Maryland; let us take a business over the Pennsylvania border in Youngstown, Ohio; Binghamton, New York; Camden, New Jersey, that employs Pennsylvania residents. Those businesses would not be covered by the protections of this bill; therefore, the Pennsylvania workers that work at these businesses just over the Pennsylvania border would also not be covered, and I think that is something that the members should take into consideration as they cast a final vote on this bill.

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-144

Adolph	Druce	Leh	Sainato
Allen	Durham	Lescovitz	Santoni
Argall	Egolf	Maitland	Sather
Armstrong	Evans	Major	Saylor
Baker	Fairchild	Markosek	Schuler
Bard	Fajt	Marsico	Scrimenti
Barley	Fargo	Masland	Semmel
Battisto	Farmer	Mayernik	Serafini
Belfanti	Fichter	McCall	Shaner
Birmelin	Fleagle	McGeehan	Sheehan
Boscola	Flick	McGill	Smith, B.
Boyes	Gamble	Melio	Smith, S. H.
Brown	Gannon	Merry	Snyder, D. W.
Browne	Geist	Micozzie	Stairs
Bunt	Gigliotti	Miller	Steil
Caltagirone	Gladeck	Nailor	Stern
Carone	Godshall	Nickol	Stetler
Chadwick	Gordner	Nyce	Stish
Civera	Gruitza	O'Brien	Strittmatter
Clark	Habay	Perzel	Sturla
Clymer	Hanna	Pettit	Taylor, E. Z.
Cohen, L. I.	Harhart	Phillips	Taylor, J.
Cohen, M.	Hasay	Piccola	Trich
Colafella	Hennessey	Pitts	Tulli
Conti	Herman	Platts	Vance
Cornell	Hershey	Preston	Vitali
Corrigan	Hess	Raymond	Walko
Cowell	Hutchinson	Readshaw	Waugh
Coy	Itkin	Reber	Wogan
Curry	Jadlowiec	Reinard	Wright, D. R.
DeLuca	Jarolin	Rieger	Wright, M. N.
Dempsey	Josephs	Roberts	Zimmerman
Dent	Kaiser	Robinson	Zug
Dermody	Kenney	Rohrer	
DeWeese	Krebs	Rubley	Ryan,
DiGirolamo	Laughlin	Rudy	Speaker
Donatucci	Lederer		

NAYS-50

Bebko-Jones	Gruppo	Michlovic	Surra
Belardi	Haluska	Mundy	Tangretti
Bishop	Horsey	Olasz	Thomas
Blaum	James	Oliver	Tigue
Butkovitz	King	Pesci	Trello

Buxton	Kirkland	Petrarca	Van Horne
Cappabianca	Kukovich	Pistella	Veon
Carn	Lawless	Ramos	Washington
Cawley	Levdansky	Roebuck	Williams
Corpora	Lloyd	Rooney	Wozniak
Daley	Lucyk	Staback	Yewcic
Feese	Lynch	Steelman	Youngblood
George	Manderino		

NOT VOTING-2

Keller	LaGrotta
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EXCUSED-6

Colaizzo	Petrone	Travaglio	True
Mihalich	Schroder		

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

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

RULES COMMITTEE MEETING

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

BILL ON CONCURRENCE REPORTED FROM RULES COMMITTEE

HB 22, PN 199 (Amended) By Rep. PERZEL

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for arrest without warrant.

RULES.

ADJOURNMENT

The SPEAKER. Are there any announcements in special session? Special session.

Are there any corrections of the record in special session? Any reports of committee in special session? Any further business by the Republican or Democratic floor leaders in special session?

Hearing none, the Chair recognizes the gentleman from Philadelphia, Mr. Horsey.

Mr. HORSEY. Mr. Speaker, I move that the special session do now adjourn until Monday, October 23, 1995, at 1:05 p.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 1:06 p.m., e.d.t., the House adjourned.