

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, MAY 5, 1997

SESSION OF 1997

181ST OF THE GENERAL ASSEMBLY

No. 30

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (MATTHEW J. RYAN)
PRESIDING

PRAYER

REV. TIMOTHY R. BAER, Chaplain of the House of Representatives and pastor of Fishing Creek Salem United Methodist Church, Etters, Pennsylvania, offered the following prayer:

Shall we pray:

Almighty God, we lift our hearts in thanksgiving for all the beauty surrounding us. All creation beckons us to appreciate the intricacies of color, the varieties of plant and animal, the complexities of humanness. May our hearts be filled with awe and thankfulness for the richness of the world in which we live.

Almighty God, grant to the members of this body a sacred moment of quiet as they take up the duties of this day. Open their hearts that they may have Your wisdom in their decisions, understanding in their thinking, love in their attitudes, compassion in their judgments.

These are Your servants, Almighty God, the chosen of the people. Save them from the trappings of the nonessential; save them from all that saps strength, frays nerves, shortens life, and adds nothing to their usefulness to You in this Commonwealth. Help them give themselves to that which is important and to recognize the trivial when they see it. Give them courage to say no to everything that is not in accord with Your way and yes to all that moves this Commonwealth ahead in love and charity.

With expectation of great things to come, we pray. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Wednesday, April 30, 1997, will be postponed until printed. The Chair hears no objection.

SENATE MESSAGE

HOUSE BILL
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 844, PN 1199**, with information that the Senate has passed the same without amendment.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1432 By Representatives COLAIZZO, BOYES, TRELLO, DEMPSEY, PESCI, GIGLIOTTI, SHANER, DRUCE, TIGUE, CORRIGAN, HUTCHINSON, CLYMER, RUBLEY, HABAY, BROWNE, PIPPY, BENNINGHOFF, GORDNER, MELIO and TANGRETTI

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

Referred to Committee on FINANCE, May 1, 1997.

No. 1433 By Representatives SAINATO, DeWEESE, COY, GEORGE, SHANER, PETRARCA, MARKOSEK, ARGALL, PESCI, LEVDANSKY, READSHAW, LYNCH, BOSCOLA, TRAVAGLIO, EACHUS, BAKER, BELARDI, HENNESSEY, JAROLIN, C. WILLIAMS, DeLUCA, SCRIMENTI, McCALL, HERMAN, HUTCHINSON, CASORIO, ROONEY, SURRA, ROBERTS, GIGLIOTTI, PISTELLA, LaGROTTA, VEON, MIHALICH, BEBKO-JONES, McILHATTAN, M. COHEN, LESCOVITZ, BATTISTO, HANNA, STEELMAN, TRICH, OLASZ, VAN HORNE, WALKO, PETRONE, SANTONI, LUCYK, TRELLO, GANNON, LAUGHLIN, HABAY, YOUNGBLOOD, HORSEY, E. Z. TAYLOR, HALUSKA, DALEY, REBER, STABACK, CORPORA, WOJNAROSKI, COLAFELLA, SERAFINI, BELFANTI, SEYFERT, MELIO, COLAIZZO and TANGRETTI

An Act providing for grants to volunteer fire companies for the purchase of certain equipment.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, May 1, 1997.

No. 1434 By Representatives GEORGE, COY, ITKIN, EVANS, McCALL, BATTISTO, PESCI, SHANER, SURRA, VITALI, FAIRCHILD, WOJNAROSKI, TIGUE, BELFANTI, COLAIZZO, YOUNGBLOOD, PETRARCA, READSHAW, STEIL, LEVDANSKY, WALKO, STEELMAN, JOSEPHS, TRELLO, PISTELLA, LAUGHLIN and ROONEY

An Act amending the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act, further defining "department"; and further providing for certain contracts.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, May 1, 1997.

No. 1435 By Representatives GEORGE, McCALL, BATTISTO, PESCI, SHANER, BELARDI, SURRA, VITALI, FAIRCHILD, WOJNAROSKI, VAN HORNE, GORDNER, VEON, TIGUE, ARGALL, BELFANTI, HERMAN, STABACK, COLAIZZO, YOUNGBLOOD, PETRARCA, READSHAW, STEIL, LEVDANSKY, WALKO, BENNINGHOFF, ITKIN, DeLUCA, RUBLEY, STEELMAN, TRELLO, EVANS, PISTELLA, COY, JAMES, LAUGHLIN and ROONEY

An Act amending the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act, further defining "department"; and further providing for unlawful conduct relating to waste from other states.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, May 1, 1997.

No. 1436 By Representatives GEORGE, BATTISTO, PESCI, SHANER, SURRA, VITALI, WOJNAROSKI, BELFANTI, STABACK, COLAIZZO, YOUNGBLOOD, PETRARCA, OLASZ, READSHAW, STEIL, WALKO, STEELMAN, JOSEPHS, TRELLO, EVANS, PISTELLA, COY, LAUGHLIN and ROONEY

An Act amending the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act, further providing for definitions.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, May 1, 1997.

No. 1437 By Representatives GEORGE, VEON, COY, EVANS, DeWEESE, McCALL, CAPPABIANCA, BATTISTO, PESCI, SHANER, BELARDI, SURRA, VITALI, FAIRCHILD, WOJNAROSKI, VAN HORNE, GORDNER, TIGUE, BELFANTI, STABACK, COLAIZZO, YOUNGBLOOD, PETRARCA, READSHAW, STEIL, LEVDANSKY, WALKO, DeLUCA, RUBLEY, STEELMAN, JOSEPHS, TRELLO, PISTELLA, LAUGHLIN, TANGRETTI and ROONEY

An Act amending the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act, further defining "department"; and further providing for recycling fees.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, May 1, 1997.

No. 1438 By Representatives PIPPY, MARKOSEK, BOYES, STERN, STEVENSON, HABAY, ORIE, TRELLO, LAUGHLIN, FARGO, ROSS, ARMSTRONG, STEELMAN, GANNON, SERAFINI, NAILOR, ALLEN, BROWN, L. I. COHEN, LEH, McCALL, KENNEY, BENNINGHOFF, ROONEY, EGOLF, RAYMOND, E. Z. TAYLOR, COY, MAITLAND, LYNCH and PETRONE

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for additional deductions; and making an editorial change.

Referred to Committee on FINANCE, May 1, 1997.

No. 1439 By Representative CASORIO

An Act authorizing the release of Project 70 restrictions imposed on certain lands owned by the City of Jeannette, Westmoreland County, in return for the imposition of Project 70 restrictions placed on certain lands purchased by the City of Jeannette.

Referred to Committee on STATE GOVERNMENT, May 1, 1997.

No. 1440 By Representatives STETLER, CALTAGIRONE, JOSEPHS, COY, YEWIC, MELIO, STURLA, MUNDY, CASORIO, M. COHEN, STEELMAN, CURRY, MANDERINO, PLATTS, RAMOS, SURRA, SANTONI, MICHLOVIC, VAN HORNE, MARKOSEK, TRELLO, WALKO, DERMODY, PISTELLA, LaGROTTA, C. WILLIAMS, BUXTON, BEBKO-JONES, LEVDANSKY and MAYERNIK

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for the district attorney.

Referred to Committee on LOCAL GOVERNMENT, May 5, 1997.

No. 1441 By Representatives STETLER, GEORGE, BELARDI, COY, WALKO, MELIO, JOSEPHS, HALUSKA, BELFANTI, SEMMEL, STEELMAN, RAMOS, CLARK, MUNDY, DeLUCA, TRELLO, YOUNGBLOOD, COLAFELLA, STABACK, PISTELLA, HORSEY, THOMAS, ROONEY and M. COHEN

An Act providing for the disclosure to patients by practitioners of the healing arts of the types of health insurance payments accepted, for enforcement and for a civil penalty.

Referred to Committee on PROFESSIONAL LICENSURE, May 5, 1997.

No. 1442 By Representatives TIGUE, ITKIN, READSHAW, PESCI, WOJNAROSKI, LAUGHLIN, ARMSTRONG, SATHER, BUTKOVITZ, SANTONI, MELIO, CAPPABIANCA, BELARDI, E. Z. TAYLOR, ROONEY, HENNESSEY, HUTCHINSON, McCALL, BATTISTO, BROWNE, YEWIC, YOUNGBLOOD, STABACK, MANDERINO, ROSS, OLASZ, TRAVAGLIO, TRELLO, DeLUCA, WALKO, C. WILLIAMS, BOSCOLA, CAWLEY, CURRY, MUNDY, JAMES, JOSEPHS, STURLA, CORPORA,

BUNT, PISTELLA, SERAFINI, HASAY, CIVERA and THOMAS

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, providing for checks issued by the Commonwealth.

Referred to Committee on FINANCE, May 5, 1997.

No. 1443 By Representatives TIGUE, LUCYK, OLASZ, SAYLOR, BELARDI, NAILOR, YOUNGBLOOD, SCHULER, LEDERER, TRAVAGLIO, CAWLEY, PLATTS, ROONEY, TRELLO, CAPPABIANCA, DALEY, READSHAW, MUNDY, GRUITZA, WALKO, GEIST, FICHTER, KELLER, TRICH, WAUGH, ROBERTS, WOGAN, BOSCOLA, STABACK, SERAFINI, ROSS, BEBKO-JONES, HENNESSEY, BARRAR, E. Z. TAYLOR, CLYMER, SHANER, FEESE, LAUGHLIN, TANGRETTI, VAN HORNE, LYNCH, DeLUCA, SCRIMENTI, FAIRCHILD, MICHLOVIC, SURRA, EGOLF, COWELL, SATHER, STERN, PIPPY, ADOLPH, CIVERA, BUNT, PETRARCA, RAYMOND, PESCI, MELIO, RAMOS and STEELMAN

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for termination of leases.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, May 5, 1997.

No. 1444 By Representatives TIGUE, CAWLEY, HENNESSEY, GORDNER, PESCI, WOJNAROSKI, SANTONI, MELIO, JAROLIN, BELARDI, SAINATO, VAN HORNE, ROONEY, TRICH, McCALL, BATTISTO, YOUNGBLOOD, STABACK, CAPPABIANCA, OLASZ, TRAVAGLIO, TRELLO, DeLUCA, WALKO, BOSCOLA, MUNDY, STURLA, CORPORA, PISTELLA, SERAFINI, HASAY, CIVERA and THOMAS

An Act establishing the School Real Property Tax Reduction Fund; and providing for funding, distribution and use of the fund.

Referred to Committee on EDUCATION, May 5, 1997.

SENATE BILLS FOR CONCURRENCE

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

SB 7, PN 1031

Referred to Committee on STATE GOVERNMENT, May 5, 1997.

SB 176, PN 1024

Referred to Committee on INSURANCE, May 1, 1997.

BILL SIGNED BY SPEAKER

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

HB 844, PN 1199

An Act amending the act of May 26, 1947 (P.L.318, No.140), known as The C.P.A. Law, further providing for education requirements and for reinstatement.

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

ACTUARIAL NOTE

The SPEAKER. The Chair acknowledges receipt of an actuarial note for amendment A0710 to HB 162, PN 1067.

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

SELECT SUBCOMMITTEE APPOINTMENTS

The SPEAKER. The Chair acknowledges correspondence from the gentleman, Mr. Gruppo, which the clerk will read.

The following communication was read:

House of Representatives
Commonwealth of Pennsylvania
Harrisburg

April 29, 1997

Representative Matthew J. Ryan, Speaker
House of Representatives
139 Main Capitol Building

Dear Speaker Ryan:

As Chairman of the House Aging and Youth Committee, I would like to advise you of who has been appointed from the membership of the House Aging and Youth Committee to serve on the House Resolution 127 Select Subcommittee.

I have appointed Representative Katie True to serve as chairman of the Select Subcommittee and Representative Sheila M. Miller, Representative Allan Egolf, and Representative Kerry A. Benninghoff to serve as members of the Select Subcommittee.

Representative Blaum has appointed Representative T. J. Rooney, Representative Dante Santoni, and Representative P. Michael Sturla to serve as members of the Select Subcommittee.

Sincerely,
Leonard Q. Gruppo, Chairman
House Aging and Youth Committee

LQG:jf

COMMUNICATION**LOBBYIST LIST PRESENTED**

The SPEAKER. The Chair acknowledges receipt of a list of lobbyists who have registered under the Lobbying Registration and Regulation Act, which the clerk will file.

The following communication was submitted:

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

May 1, 1997

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

In compliance with Act No. 712 of the 1961 Session and Act No. 212 of the 1976 Session of the General Assembly titled the "Lobbying Registration and Regulation Act," we herewith jointly present a list containing the names and addresses of the persons who have registered from April 1, 1997 through April 30, 1997 inclusive, for the 181st Session of the General Assembly. This list also contains the names and addresses of the organizations represented by these registrants.

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

Ted Mazia, Chief Clerk
House of Representatives

(For list, see Appendix.)

**PLYMOUTH-WHITEMARSH SENIOR
HIGH SCHOOL BOYS BASKETBALL TEAM
PRESENTED**

The SPEAKER. The House will come to order.
Members, please take your seats.

Conferences in the side aisle, please move to the outer chamber.
Conferences in the center aisle, please break up; conferences, please break up.

The Chair recognizes the lady, Mrs. Cohen.

Mrs. COHEN. Thank you, Mr. Speaker.

Mr. Speaker and fellow members of the House of Representatives, it gives me great honor to present to you today the Plymouth-Whitemarsh Senior High School boys varsity basketball team, who captured the 1997 PIAA quad-A State basketball championship. We are very proud of the team, the school, and of course, the coaches, and particularly Representative Gladeck and I am most proud of the team's number one fan, Representative John Fichter.

Representative Gladeck will introduce the coaches and the members of the team. Thank you.

Mr. GLADECK. Thank you, Representative Cohen.

It gives me great honor, as a legislator that has represented part of the Colonial School District for a long time, to introduce head coach Al Angelos and his assistant coaches, George Wadlin, Jim Donofrio, Mike Pachella, and Mike Carlin. Gentlemen, congratulations on your accomplishment.

I would also at this time like to ask the individual team members to stand as I read their names, and they are sitting to the rear of the House on the right-hand side: Bryan Collins, Gene Shipley, Nishu Jani, Kevin Dougherty, John Fazio, Mark LaPera, Jon Brantz, Chuck Moore, Kevin Gall, Mike Cianci, Bill Guess, Stewart Kupfer, and John Salmons. I would like to ask the House if they would give them a round of applause.

Ladies and gentlemen of the House, if I may for a second, this is quite an accomplishment for a suburban school district like the Colonials from Plymouth-Whitemarsh. They are not a traditional basketball factory, although they have had a good team for many, many years, and for them to accomplish what they have is really quite an accomplishment. Personally, I would like to say congratulations and good luck in the future. Thank you.

**GREENSBURG CENTRAL CATHOLIC
HIGH SCHOOL GIRLS BASKETBALL TEAM
PRESENTED**

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

Mr. TANGRETTI. Thank you, Mr. Speaker.

It is my distinct honor and privilege this afternoon to present to my colleagues and to all others in viewing and listening distance the 1996 PIAA-AA girls basketball championship team, the Greensburg Central Catholic Centurions.

One of the most satisfying aspects of this job, of course, is to have individuals of this character and this nature, our young individuals from our districts, come here as we see Monday after Monday, and as I have always said in any opportunity I have, that if the media would present these kids every night on the news, we probably would have less problems than we have ordinarily.

Joining me on the dais are Anna Weber, Theresa Dannhardt, Hillary Prokay, and Jenny Berrett, four of the starting six. Five of the starting six are going on to college on scholarships. The sixth, probably because of an injury, would be in the same situation, but I am sure as a walk-on, she also will have a scholarship before it is over. Three of the girls scored over 1,000 points, and we have the all-time leading scorer with 1,684 points.

So, ladies and gentlemen, I would like to present in the rear of the House the rest of the team, along with head coach Scott Breegle, assistant coach Ed Pultz, and athletic director/trainer Marty Brea. Please stand and be recognized — the 1996 champions.

Thank you, Mr. Speaker, very much.

**SUSQUEHANNA TOWNSHIP HIGH SCHOOL
BOYS BASKETBALL TEAM PRESENTED**

The SPEAKER. The gentleman, Mr. McNaughton.

Mr. McNAUGHTON. Thank you, Mr. Speaker.

Mr. Speaker, the Susquehanna Township boys basketball team has had a remarkable year. Even after losing one of its top

returning seniors, the "Hanna Tribe" went on to win an amazing 31 games and defeat Lewistown to capture the AAA boys basketball State championship.

But these young men are not only talented athletes, but they are exceptional human beings. Several are members of the National Honor Society. Some volunteer their time over the summer to teach the game to young boys and girls. All work together to ensure victories in their activities both on and off the court.

Mr. Speaker, under the guidance of Coach Emery Cook, they demonstrated class, poise, and determination in their run for the State championship. After their victory, there was the usual flurry of articles about the new champions, and every single article talked about how this team was not only a group of champions but a class act — gracious in victory, humble in defeat, and always espousing the virtues of working hard for the team. Mr. Speaker, they deserve our congratulations and our respect for their many accomplishments both on and off the court.

Please join me in welcoming the 1997 PIAA class AAA boys basketball team, in the back of the House, the Susquehanna Township High School team. Thank you.

GUEST INTRODUCED

The SPEAKER. The Chair takes this opportunity to welcome to the hall of the House today Dave Johnson, the planning director of Butler County.

FORMER MEMBER WELCOMED

The SPEAKER. Also, the Chair takes special pleasure in welcoming back to the floor a former member, Jim Burd of Butler County. Jim is in the back.

GUESTS INTRODUCED

The SPEAKER. There is a delegation, Chester County delegation, of Republican Committee men and women here as the guests of the Chester County delegation and Elinor Taylor. I believe they are in the gallery. Is that true? Yes. Welcome to the hall of the House.

The Chair welcomes to the hall of the House today Michael Wilson, a guest of Representative Julie Harhart of the 183d Legislative District. Michael was the winner of a "There Ought To Be a Law" contest. His entry dealt with the mandatory Pennsylvania emissions inspection. That is something we probably all should read and see what he thinks of it. He is a student at Northampton High School. He is seated here to my left. His parents, Colleen and Curtis, and his brother, Curtis, are seated in the gallery. Would all of the guests please rise.

As the guest of Representative Leroy Zimmerman, Brooks Harding is seated to the left of the rostrum. Welcome, Mr. Harding.

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the gentleman, Mr. Snyder, for the purpose of taking leaves of absence. The gentleman requests a leave for the gentleman from

Allegheny County, Mr. PETTIT, for the day's session, and the gentleman from Philadelphia County, Mr. PERZEL, for the first part of today's session.

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

The Chair recognizes the gentleman, Mr. Itkin, who requests leave for today's session for the gentleman from Bucks, Mr. CORRIGAN; the gentleman from Allegheny County, Mr. PISTELLA; the gentleman from Philadelphia County, Mr. ROEBUCK; the lady from Indiana County, Ms. STEELMAN.

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

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—197

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

DeWeese

Lloyd

Saylor

ADDITIONS—0

NOT VOTING—0

EXCUSED—6

Corrigan
PerzelPettit
Pistella

Roebuck

Steelman

LEAVES ADDED—3

Bishop

McGeehan

Tulli

LEAVES CANCELED—3

Corrigan

Perzel

Steelman

GUESTS INTRODUCED

The SPEAKER. The Chair is pleased to recognize, as guest pages today of Representative Saylor, Megan Oberdick and Sarah Erdman from the Eastern York Middle School. Would these two guests please rise. They are seated in front of the Speaker. Thank you.

HOUSE BILL INTRODUCED AND REFERRED

No. 1446 By Representatives McNAUGHTON,
SAYLOR, TRELLO and ORIE

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further defining "compensation" for personal income tax purposes to exclude cafeteria plans and certain other benefits.

Referred to Committee on FINANCE, May 5, 1997.

CALENDAR

BILL ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 847, PN 1414**, entitled:

An Act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal year July 1, 1997, to June 30, 1998, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1997; to provide appropriations from the State Lottery Fund, the Energy Conservation and Assistance Fund, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund, the Emergency Medical Services Operating Fund, the Ben Franklin/IRC Partnership Fund, the Tuition Payment Fund, the Banking Department Fund and the Firearm Ownership Fund to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department; to provide appropriations from the Motor License Fund for the fiscal year July 1, 1997, to June 30, 1998, for the

proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive and Judicial Departments of the Commonwealth and for the establishment of restricted receipt accounts for the fiscal year July 1, 1997, to June 30, 1998, and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 1997; and to provide for the additional appropriation of State and Federal funds for the Executive and Judicial Departments of the Commonwealth for the fiscal year July 1, 1996, to June 30, 1997, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1996.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. It is moved by the gentleman, Mr. Barley, that the House nonconcur in the amendments inserted by the Senate.

The question recurs, will the House concur in the amendments inserted by the Senate?

On that question, Mr. Itkin.

Mr. ITKIN. Mr. Speaker, I would like to find out from the chairman of the Appropriations Committee, if I may, about the prognosis of this legislation. Would he stand for interrogation?

The SPEAKER. The what?

Mr. ITKIN. What is going to happen to this bill.

The SPEAKER. The question before the House deals with concurrence, not prognosis.

Mr. ITKIN. I understand, Mr. Speaker.

Would Mr. Barley consent to a brief interrogation, please?

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

Mr. ITKIN. Mr. Speaker, this is HB 847. It is a bill which we passed in the House a couple of weeks ago; it went over to the Senate. It was amended by the Senate, stripping out many of the amendments that were placed in the bill on the floor of this House. What are you going to recommend today? What action are you going to recommend on this particular vote today, Mr. Speaker?

Mr. BARLEY. Thank you, Mr. Speaker.

I believe that when the bill was called up, the indication was made on my behalf, and of course with my agreement, that I am recommending we nonconcur with the bill in its present form.

Mr. ITKIN. Mr. Speaker, we hear rumors, and there is nothing to substantiate it, that there are now efforts going on to revise this particular bill. Could you indicate if that is true and when you would expect to have a conference report, if we nonconcur and it is successful, brought back to the House?

Mr. BARLEY. Mr. Speaker, the gentleman is correct when he indicates that there is continuing dialogue. I think I stood before the members — and I know I stood before my own caucus — and indicated that it is genuinely a work in progress where we are giving consideration to suggestions from our members.

I have, by way of example, Mr. Speaker, with me today probably four or five pages of suggestions, things such as recommendations to the Auditor General's Office, engineering equipment, supercomputer, special education, several pages. I am just trying to give you an example of some of the suggestions that I have been given.

This letter, Mr. Speaker, the cover letter to these suggestions is signed by the Democrat leader and also the Democrat chairman of the Appropriations Committee. Now, that was dated April 28, and I have been continuing to give consideration to the suggestions

that were made under this cover letter as well as suggestions of many of our members, and that work is continuing. Again, the work in progress of being able to get into position the 1997-98 budget is before us, and that process is continuing.

Mr. ITKIN. Mr. Speaker, if we take your suggestions and nonconcur, thereby sending the bill to a conference committee, do you have some concerns that current provisions in the bill as it is currently drafted might be removed and that various appropriation levels that are now in the bill might be further reduced?

Mr. BARLEY. Mr. Speaker, as I indicated, the business of adopting a budget is a work in progress, and we are proceeding with that. As we go to conference committee, the suggestions of our members, all of our members, will be paid close attention to.

I believe it is premature for me to stand here at this moment and guarantee you or even suggest with any certainty exactly what will be in the budget. But I can guarantee you my commitment to continue to work on behalf of the members that have made suggestions, members from both sides of the aisle, using the example that I used earlier that was transmitted to my office, and I do plan and do intend to continue that as we go into a conference committee.

Mr. ITKIN. But, Mr. Speaker, normally the expectation is that the conference committee looks at both versions of the budget, what the House passed and what the Senate passed, and then make a determination of what to accept with either version or perhaps some compromise between them, but in many years, that has not been followed. The conference committee has basically rewritten the budget far different than the versions that either the House or the Senate originally adopted. Do you have any reason to believe that if we nonconcurred today, that we might find ourselves in a similar situation?

Mr. BARLEY. Well, Mr. Speaker, at this point we do not have a conference committee appointed, and I think it would be speculative to at this point indicate what may or may not be in the budget. I think the only thing I can continue to do is pledge to continue my work on the budget, and it is a work in progress, and we will be continuing to do that on behalf of all of our members.

Mr. ITKIN. Mr. Speaker, thank you very much. That concludes my interrogation.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. DeWeese, on the question of concurrence.

Mr. DeWEESE. Thank you, Mr. Speaker.

Relative to concurrence, I want at least the members on this side of the aisle to be specifically aware that what we are being asked to concur in or nonconcur in reflects very little of what was sent to the Senate, and ostensibly that is the reason the gentleman from Lancaster County asks us to nonconcur.

But nonconcurrence should be done today — and I would endorse the gentleman's perspective that it should be done today — with a specific awareness that we as a chamber, a chamber that is sometimes seen in a secondary or subsidiary capacity, especially when it comes to concurrence and nonconcurrence, by the Senate and by the executive branch, it should be done knowing that 128 times the big board lit up, and House and House staff through hard work were able to realize 128 amendments. Ninety-one of those came from this side of the aisle — 91 came from Philadelphia and Pittsburgh and from our rural contingent, from Erie and from the Lehigh Valley and from Montgomery County and from

Washington County and from Pittsburgh — 91 times with your help we built a budget that was reflective of the House, this chamber.

In the hurly-burly and hullabaloo of the next couple of days, as we think about concurrence or nonconcurrence today, this chamber should realize its own strength, its own vitality, its own independence, its own hegemony. We should not kowtow and acquiesce to the senatorial juggernaut whipped along by Tom Ridge. We should be a part of this process, both sides, and it should not be forgotten, as we nonconcur today, as the gentleman from Lancaster and the rest of us nonconcur today, it should not be forgotten that 91 times Democratic amendments were injected into the proposal, and on 37 occasions your amendments were also embraced.

What we have to nonconcur in today, except for some sewage money and some State Police money, looks absolutely nothing like the document that we sent to the Senate. So I agree, I agree with my worthy colleague from Lancaster that we should nonconcur, but as the excitement begins to roil the waters in the next 12 or 24 or 36 hours, this chamber ought — notwithstanding its peril if it does not — it ought to consider what we have done and the amendments that we injected, and the framework of the budget will either have our imprimatur on it or it will be a Senate document with the acquiescence of the Governor.

Those are our choices, but those choices are not to be made for several hours, Mr. Speaker. So having made those elliptical responses to your comments about concurrence and nonconcurrence, I would suggest, as the gentleman does, that we nonconcur. Thank you.

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—1

Petrarca

NAYS—196

Adolph	DiGirolamo	Lucyk	Schroder
Allen	Donatucci	Lynch	Schuler
Argall	Druce	Maitland	Scrimanti
Armstrong	Eachus	Major	Semmel
Baker	Egolf	Manderino	Serafini
Bard	Evans	Markosek	Seyfert
Barley	Fairchild	Marsico	Shaner
Barrar	Fargo	Masland	Smith, B.
Battisto	Feese	Mayernik	Smith, S. H.
Bebko-Jones	Fichter	McCall	Snyder, D. W.
Belardi	Fleagle	McGeehan	Staback
Belfanti	Flick	McGill	Stairs
Benninghoff	Gannon	McIlhattan	Steil
Birmelin	Geist	McNaughton	Stern
Bishop	George	Melio	Stetler
Blaum	Gigliotti	Michlovic	Stevenson
Boscola	Gladeck	Micozzie	Strittmatter
Boyes	Godshall	Mihalich	Sturla
Brown	Gordner	Miller	Surra
Browne	Gruitza	Mundy	Tangretti
Bunt	Gruppo	Myers	Taylor, E. Z.
Butkovitz	Habay	Nailor	Taylor, J.
Buxton	Haluska	Nickol	Thomas
Caltagirone	Hanna	O'Brien	Tigue
Cappabianca	Harhart	Olasz	Travaglio
Carn	Hasay	Oliver	Trelio

Carone	Hennessey	Orie	Trich
Casorio	Herman	Pesci	True
Cawley	Hershey	Petrone	Tulli
Chadwick	Hess	Phillips	Vance
Civera	Horsey	Pippy	Van Horne
Clark	Hutchinson	Platts	Veon
Clymer	Itkin	Preston	Vitali
Cohen, L. I.	Jadlowiec	Ramos	Walko
Cohen, M.	James	Raymond	Washington
Colaella	Jarolin	Readshaw	Waugh
Colaizzo	Josephs	Reber	Williams, A. H.
Conti	Kaiser	Reinard	Williams, C.
Cornell	Keller	Rieger	Wilt
Corpora	Kenney	Roberts	Wogan
Cowell	Kirkland	Robinson	Wojnaroski
Coy	Krebs	Rohrer	Wright, M. N.
Curry	LaGrotta	Rooney	Yewcic
Daley	Laughlin	Ross	Youngblood
Daily	Lawless	Rubley	Zimmerman
DeLuca	Lederer	Sainato	Zug
Dempsey	Leh	Santoni	
Dent	Lescovitz	Sather	Ryan,
Dermody	Levdansky	Saylor	Speaker
DeWeese	Lloyd		

NOT VOTING-0

EXCUSED-6

Corrigan	Pettit	Roebuck	Steelman
Perzel	Pistella		

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the amendments were not concurred in.

Ordered, That the clerk inform the Senate accordingly.

RESOLUTIONS PURSUANT TO RULE 35

Mr. B. SMITH called up HR 136, PN 1487, entitled:

A Resolution commemorating the outstanding service of the members of the Armed Guard during World Wars I and II and thanking the surviving crewmen of the Armed Guard for their service.

On the question,
Will the House adopt the resolution ?

The following roll call was recorded:

YEAS-194

Adolph	DeWeese	Levdansky	Saylor
Allen	DiGirolamo	Lloyd	Schroder
Argall	Donatucci	Lucyk	Schuler
Armstrong	Druce	Lynch	Scrimenti
Baker	Eachus	Maitland	Semmel
Bard	Egolf	Major	Serafini
Barley	Evans	Manderino	Seyfert
Barrar	Fairchild	Markosek	Shaner
Battisto	Fargo	Marsico	Smith, B.
Bebko-Jones	Feese	Masland	Smith, S. H.
Belardi	Fichter	Mayernik	Snyder, D. W.
Belfanti	Fieagle	McCall	Staback
Benninghoff	Flick	McGeehan	Stairs
Birmelin	Gannon	McGill	Steil
Bishop	Geist	McIlhattan	Stern
Blaum	George	McNaughton	Stetler
Boscola	Gigliotti	Melio	Strittmatter
Boyes	Gladeck	Michlovic	Sturla

Brown	Godshall	Micozzie	Surra
Browne	Gordner	Mihalich	Tangretti
Bunt	Gruitza	Miller	Taylor, E. Z.
Butkovitz	Gruppo	Myers	Taylor, J.
Buxton	Habay	Nailor	Thomas
Caltagirone	Haluska	Nickol	Tigue
Cappabianca	Hanna	O'Brien	Travaglio
Carn	Harhart	Oliver	Trello
Carone	Hasay	Orie	Trich
Casorio	Hennessey	Pesci	True
Cawley	Herman	Petrarca	Tulli
Chadwick	Hershey	Petrone	Vance
Civera	Hess	Phillips	Van Home
Clark	Horsey	Pippy	Veon
Clymer	Hutchinson	Platts	Vitali
Cohen, L. I.	Itkin	Preston	Walko
Cohen, M.	Jadlowiec	Ramos	Washington
Colaella	James	Raymond	Waugh
Colaizzo	Jarolin	Readshaw	Williams, A. H.
Conti	Josephs	Reber	Williams, C.
Cornell	Kaiser	Reinard	Wilt
Corpora	Keller	Rieger	Wogan
Cowell	Kenney	Roberts	Wojnaroski
Coy	Kirkland	Robinson	Wright, M. N.
Curry	Krebs	Rohrer	Yewcic
Daley	LaGrotta	Rooney	Youngblood
Daily	Laughlin	Ross	Zimmerman
DeLuca	Lawless	Rubley	Zug
Dempsey	Lederer	Sainato	
Dent	Leh	Santoni	Ryan,
Dermody	Lescovitz	Sather	Speaker

NAYS-0

NOT VOTING-3

Mundy	Olasz	Stevenson
-------	-------	-----------

EXCUSED-6

Corrigan	Pettit	Roebuck	Steelman
Perzel	Pistella		

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

RESOLUTIONS PASSED OVER

The SPEAKER. HR's 146 and 147 are over.

Mr. DENT called up HR 149, PN 1595, entitled:

A Resolution congratulating Muhlenberg College on the occasion of its sesquicentennial.

On the question,
Will the House adopt the resolution ?

The following roll call was recorded:

YEAS-197

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

NAYS-0

NOT VOTING-0

EXCUSED-6

Corrigan	Pettit	Roebuck	Steelman
Perzel	Pistella		

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

* * *

Mr. SERAFINI called up **HR 150, PN 1596**, entitled:

A Resolution encouraging institutions of higher education in Pennsylvania to support the establishment of Institutes for Learning in Retirement for the senior citizens of this Commonwealth.

On the question,
Will the House adopt the resolution ?

The following roll call was recorded:

YEAS-197

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

NAYS-0

NOT VOTING-0

EXCUSED-6

Corrigan	Pettit	Roebuck	Steelman
Perzel	Pistella		

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

* * *

Ms. JOSEPHS called up **HR 151, PN 1597**, entitled:

A Resolution memorializing the Governor to proclaim the ten days of May 4 through 13, 1997, as "Days of Remembrance of the Victims of the Holocaust."

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—197

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Corrigan
PerzelPettit
Pistella

Roebuck

Steelman

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

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the gentleman, Mr. Fargo, for the purpose of making a caucus announcement.

Mr. FARGO. Thank you, Mr. Speaker.

The Republican members will caucus at 2 o'clock. We plan to come back for further votes at 3 o'clock or at the call of the Speaker. Thank you.

DEMOCRATIC CAUCUS

The SPEAKER. The gentleman, Mr. Cohen. Do you have an announcement?

Mr. COHEN. Thank you, Mr. Speaker.

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

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The gentleman, Mr. Barley.

Mr. BARLEY. Thank you, Mr. Speaker.

There is a need to have a meeting of the Appropriations Committee. I would like to call for that meeting at 3 o'clock, anticipating a return to the floor at about that time. So if members would note on the Appropriations Committee, a meeting at 3 o'clock in the conference room.

The SPEAKER. The Appropriations Committee will meet at 3 p.m. in the Appropriations Committee room.

FINANCE COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman, Mr. Boyes, for the purpose of making an announcement.

Mr. BOYES. Thank you, Mr. Speaker.

The Finance Committee will meet at the recess; an immediate meeting of the Finance Committee at the call of the recess.

The SPEAKER. The Chair thanks the gentleman.

RECESS

The SPEAKER. Any further announcements?

Do the Republican or Democratic floor leaders have any further announcements?

Hearing none, the Chair is going to declare the House in recess until 3 o'clock, unless sooner recalled by the Chair or extended by the Chair.

This House is in recess.

RECESS EXTENDED

The time of recess was extended until 3:30 p.m.; further extended until 4 p.m.

AFTER RECESS

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

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair recognizes the majority whip, who asks that the majority leader be removed from the leave-of-absence list. Without objection, that will take place.

LEAVE OF ABSENCE

The SPEAKER. The Chair recognizes the gentleman, Mr. Itkin, who asks that the gentleman from Philadelphia, Mr. McGEEHAN, be placed on leave for the remainder of the day. Without objection, this leave will be granted. The Chair hears no objection.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair welcomes back the gentleman, Mr. Corrigan, who will be removed from leave.

GUESTS INTRODUCED

The SPEAKER. The Chair welcomes to the hall of the House today a group here as the guests of Representative Ralph Kaiser. This group is from the Bethel Park High School — the State champion hockey class AAA, their coaches, and families. They are seated in the rear of the hall. Would that group please rise so that we might welcome them.

LEAVE OF ABSENCE

The SPEAKER. The Chair recognizes the gentleman, Mr. Snyder, who asks that the gentleman, Mr. TULLI, be placed on leave. Without objection, the leave is granted. The Chair hears no objection.

**BILLS REPORTED FROM COMMITTEES,
CONSIDERED FIRST TIME, AND TABLED****HB 277, PN 307**

By Rep. CLYMER

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

STATE GOVERNMENT.

HB 1028, PN 1157

By Rep. CLYMER

An Act amending the act of December 19, 1990 (P.L.1200, No.202), known as the Solicitation of Funds for Charitable Purposes Act, further providing for reports by charitable organizations.

STATE GOVERNMENT.

HB 1236, PN 1390

By Rep. BOYES

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further excluding certain transfers of real property to trusts from taxation under the Realty Transfer Tax.

FINANCE.

HB 1397, PN 1655

By Rep. BOYES

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for allocation of cigarette tax receipts to the Children's Health Fund.

FINANCE.

HB 1426, PN 1704 (Amended)

By Rep. REINARD

An Act amending the act of December 3, 1959 (P.L.1688, No.621), known as the Housing Finance Agency Law, further providing for homeowner's emergency assistance.

URBAN AFFAIRS.

HB 1446, PN 1703

By Rep. BOYES

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further defining "compensation" for personal income tax purposes to exclude cafeteria plans and certain other benefits.

FINANCE.

SB 126, PN 123

By Rep. CLMYER

An Act authorizing the Pennsylvania Fish and Boat Commission to convey a portion of a Project 70 tract of land in Porter Township, Clinton County, under certain conditions to the Township of Porter, a municipal corporation of the Commonwealth of Pennsylvania.

STATE GOVERNMENT.

SB 236, PN 260

By Rep. CLYMER

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to Medford's, Inc., a tract of land situate in the City of Chester, Delaware County, Pennsylvania.

STATE GOVERNMENT.

SB 613, PN 644

By Rep. CLYMER

An Act authorizing the Department of General Services, with the approval of the Governor and the Secretary of Conservation and Natural Resources, to sell and convey to Wayne S. Oldham certain excess land situate in the Township of Richland, Cambria County.

STATE GOVERNMENT.

BILLS REREPORTED FROM COMMITTEE

HB 270, PN 300

By Rep. BARLEY

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

APPROPRIATIONS.

SB 732, PN 1053 (Amended)

By Rep. BARLEY

An Act changing the name of the Thaddeus Stevens State School of Technology.

APPROPRIATIONS.

SB 869, PN 874

By Rep. BARLEY

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 1997, to June 30, 1998, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1997.

APPROPRIATIONS.

SB 870, PN 1054 (Amended)

By Rep. BARLEY

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 1997, to June 30, 1998, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1997.

APPROPRIATIONS.

BILL ON SECOND CONSIDERATION

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

HB 270, PN 300.

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. PERZEL. Mr. Speaker, I move that HB 1426 be removed from the table.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. PERZEL. Mr. Speaker, I move that HB 1426 be recommitted to the Committee on Appropriations.

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

LEAVE OF ABSENCE

The SPEAKER. The Chair once again returns to today's leaves of absence and recognizes the gentleman, Mr. Itkin, who requests leave for the lady from Philadelphia, Ms. BISHOP. Without objection, leave will be granted. The Chair hears none, and leave is granted to the lady, Ms. Bishop, for today's session.

CALENDAR CONTINUED**RESOLUTIONS PURSUANT TO RULE 35**

Mr. CIVERA called up HR 155, PN 1631, entitled:

A Resolution proclaiming the week of May 5 through 11, 1997, as "Arson Awareness Week" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-193

Adolph	DeWeese	Lloyd	Schroder
Allen	DiGirolamo	Lucyk	Schuler
Argall	Druce	Lynch	Scrimenti
Armstrong	Eachus	Maitland	Semmel
Baker	Egolf	Major	Serafini
Bard	Evans	Manderino	Seyfert
Barley	Fairchild	Markosek	Shaner
Barrar	Fargo	Marsico	Smith, B.
Battisto	Feese	Masland	Smith, S. H.
Bebko-Jones	Fichter	Mayernik	Snyder, D. W.
Belardi	Fleagle	McCall	Staback
Belfanti	Flick	McGill	Stairs
Benninghoff	Gannon	McIlhattan	Steil
Birmelin	Geist	McNaughton	Stern
Blaum	George	Melio	Stetler
Boscola	Gigliotti	Michlovic	Stevenson
Boyes	Gladeck	Micozzie	Strittmatter
Brown	Godshall	Mihalich	Sturla
Browne	Gordner	Miller	Surra
Bunt	Gruitza	Mundy	Tangretti
Butkovitz	Gruppo	Myers	Taylor, E. Z.
Buxton	Habay	Nailor	Taylor, J.
Caltagirone	Haluska	Nickol	Thomas
Cappabianca	Hanna	O'Brien	Tigue
Carn	Harhart	Olasz	Travaglio
Carone	Hasay	Orie	Trello
Casorio	Hennessey	Perzel	Trich
Cawley	Herman	Pesci	True
Chadwick	Hershey	Petrarca	Vance
Civera	Hess	Petrone	Van Horne
Clark	Horsey	Phillips	Veon
Clymer	Hutchinson	Pippy	Vitali

Cohen, L. I.	Itkin	Platts	Walko
Cohen, M.	Jadlowiec	Preston	Washington
Colafrilla	James	Ramos	Waugh
Colaizzo	Jarolin	Raymond	Williams, A. H.
Conti	Josephs	Readshaw	Williams, C.
Cornell	Kaiser	Reber	Wilt
Corpora	Keller	Reinard	Wogan
Corrigan	Kenney	Roberts	Wojnaroski
Cowell	Kirkland	Robinson	Wright, M. N.
Coy	Krebs	Rohrer	Yewcic
Curry	LaGrotta	Rooney	Youngblood
Daley	Laughlin	Ross	Zimmerman
Dally	Lawless	Rubley	Zug
DeLuca	Lederer	Sainato	
Dempsey	Leh	Santoni	Ryan,
Dent	Lescovitz	Sather	Speaker
Dermody	Levdansky	Saylor	

NAYS-0

NOT VOTING-3

Donatucci	Oliver	Rieger
-----------	--------	--------

EXCUSED-7

Bishop	Pettit	Roebuck	Tulli
McGeehan	Pistella	Steelman	

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

* * *

Mrs. RUBLEY called up **HR 157, PN 1633**, entitled:

A Resolution designating the week of May 4 through 10, 1997, as "Drinking Water Week" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-195

Adolph	DiGirolamo	Lloyd	Saylor
Allen	Donatucci	Lucyk	Schroder
Argall	Druce	Lynch	Schuler
Armstrong	Eachus	Maitland	Scrimenti
Baker	Egolf	Major	Semmel
Bard	Evans	Manderino	Serafini
Barley	Fairchild	Markosek	Seyfert
Barrar	Fargo	Marsico	Shaner
Battisto	Feese	Masland	Smith, B.
Bebko-Jones	Fichter	Mayernik	Smith, S. H.
Belardi	Fleagle	McCall	Snyder, D. W.
Belfanti	Flick	McGill	Staback
Benninghoff	Gannon	McIlhatten	Stairs
Birmelin	Geist	McNaughton	Steil
Blaum	George	Melio	Stern
Boscola	Gigliotti	Michlovic	Stetler
Boyes	Gladeck	Micozzie	Stevenson
Brown	Godshall	Mihalich	Strittmatter
Browne	Gordner	Miller	Sturla
Bunt	Gruizta	Mundy	Surra
Butkovitz	Gruppo	Myers	Tangretti
Buxton	Habay	Nailor	Taylor, E. Z.
Caltagirone	Haluska	Nickol	Taylor, J.
Cappabianca	Hanna	O'Brien	Thomas

Cam	Harhart	Olasz	Tigue
Carone	Hasay	Oliver	Travaglio
Casorio	Hennessey	Orie	Trello
Cawley	Herman	Perzel	Trich
Chadwick	Hershey	Pesci	True
Civera	Hess	Petrarca	Vance
Clark	Horsey	Petrone	Van Home
Clymer	Hutchinson	Phillips	Veon
Cohen, L. I.	Itkin	Pippy	Vitali
Cohen, M.	Jadlowiec	Platts	Walko
Colafrilla	James	Preston	Washington
Colaizzo	Jarolin	Ramos	Waugh
Conti	Josephs	Raymond	Williams, A. H.
Cornell	Kaiser	Readshaw	Williams, C.
Corpora	Keller	Reber	Wilt
Corrigan	Kenney	Reinard	Wogan
Cowell	Kirkland	Roberts	Wojnaroski
Coy	Krebs	Robinson	Wright, M. N.
Curry	LaGrotta	Rohrer	Yewcic
Daley	Laughlin	Rooney	Youngblood
Dally	Lawless	Ross	Zimmerman
DeLuca	Lederer	Rubley	Zug
Dempsey	Leh	Sainato	
Dent	Lescovitz	Santoni	Ryan,
Dermody	Levdansky	Sather	Speaker
DeWeese			

NAYS-0

NOT VOTING-1

Rieger

EXCUSED-7

Bishop	Pettit	Roebuck	Tulli
McGeehan	Pistella	Steelman	

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

* * *

Mr. GRUPPO called up **HR 160, PN 1636**, entitled:

A Resolution declaring the month of May 1997 as "Older Pennsylvanians Month" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-195

Adolph	DiGirolamo	Lloyd	Saylor
Allen	Donatucci	Lucyk	Schroder
Argall	Druce	Lynch	Schuler
Armstrong	Eachus	Maitland	Scrimenti
Baker	Egolf	Major	Semmel
Bard	Evans	Manderino	Serafini
Barley	Fairchild	Markosek	Seyfert
Barrar	Fargo	Marsico	Shaner
Battisto	Feese	Masland	Smith, B.
Bebko-Jones	Fichter	Mayernik	Smith, S. H.
Belardi	Fleagle	McCall	Snyder, D. W.
Belfanti	Flick	McGill	Staback
Benninghoff	Gannon	McIlhatten	Stairs
Birmelin	Geist	McNaughton	Steil
Blaum	George	Melio	Stern

Boscola	Gigliotti	Michlovic	Stetler
Boyes	Gladeck	Micozzie	Stevenson
Brown	Godshall	Mihalich	Strittmatter
Browne	Gordner	Miller	Sturla
Bunt	Gruitza	Mundy	Surra
Butkovitz	Gruppo	Myers	Tangretti
Buxton	Habay	Nailor	Taylor, E. Z.
Caltagirone	Haluska	Nickol	Taylor, J.
Cappabianca	Hanna	O'Brien	Thomas
Cam	Harhart	Olasz	Tigue
Carone	Hasay	Oliver	Travaglio
Casorio	Hennessey	Orie	Trello
Cawley	Herman	Perzel	Trich
Chadwick	Hershey	Pesci	True
Civera	Hess	Petrarca	Vance
Clark	Horse	Petrone	Van Home
Clymer	Hutchinson	Phillips	Veon
Cohen, L. I.	Itkin	Pippy	Vitali
Cohen, M.	Jadlowiec	Platts	Walko
Colaella	James	Preston	Washington
Colaizzo	Jarolin	Ramos	Waugh
Conti	Josephs	Raymond	Williams, A. H.
Cornell	Kaiser	Readshaw	Williams, C.
Corpora	Keller	Reber	Wilt
Corrigan	Kenney	Reinard	Wogan
Cowell	Kirkland	Roberts	Wojnaroski
Coy	Krebs	Robinson	Wright, M. N.
Curry	LaGrotta	Rohrer	Yewcic
Daley	Laughlin	Rooney	Youngblood
Dally	Lawless	Ross	Zimmerman
DeLuca	Lederer	Rubley	Zug
Dempsey	Leh	Sainato	
Dent	Lescovitz	Santoni	Ryan,
Dermoddy	Levdansky	Sather	Speaker
DeWeese			

NAYS-0

NOT VOTING-1

Rieger

EXCUSED-7

Bishop	Pettit	Roebuck	Tulli
McGeehan	Pistella	Steelman	

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

SUPPLEMENTAL CALENDAR A

RESOLUTION PURSUANT TO RULE 35

Ms. MUNDY called up HR 161, PN 1702, entitled:

A Resolution declaring May 8 through 11, 1997, as "Northeast Pennsylvania Flower Show Days" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-196

Adolph	DiGirolamo	Lucy	Saylor
Allen	Donatucci	Lynch	Schroder
Argall	Druce	Maitland	Schuler

Armstrong	Eachus	Major	Scrimenti
Baker	Egolf	Manderino	Semmel
Bard	Evans	Markosek	Serafini
Barley	Fairchild	Marsico	Seyfert
Barrar	Fargo	Masland	Shaner
Battisto	Feese	Mayernik	Smith, B.
Bebko-Jones	Fichter	McCall	Smith, S. H.
Belardi	Fleagle	McGill	Snyder, D. W.
Belfanti	Flick	McIlhattan	Staback
Benninghoff	Gannon	McNaughton	Stairs
Birmelin	Geist	Melio	Steil
Blaum	George	Michlovic	Stern
Boscola	Gigliotti	Micozzie	Stetler
Boyes	Gladeck	Mihalich	Stevenson
Brown	Godshall	Miller	Strittmatter
Browne	Gordner	Mundy	Sturla
Bunt	Gruitza	Myers	Surra
Butkovitz	Gruppo	Nailor	Tangretti
Buxton	Habay	Nickol	Taylor, E. Z.
Caltagirone	Haluska	O'Brien	Taylor, J.
Cappabianca	Hanna	Olasz	Thomas
Cam	Harhart	Oliver	Tigue
Carone	Hasay	Orie	Travaglio
Casorio	Hennessey	Perzel	Trello
Cawley	Herman	Pesci	Trich
Chadwick	Hershey	Petrarca	True
Civera	Hess	Petrone	Vance
Clark	Horse	Phillips	Van Home
Clymer	Hutchinson	Pippy	Veon
Cohen, L. I.	Itkin	Platts	Vitali
Cohen, M.	Jadlowiec	Preston	Walko
Colaella	James	Ramos	Washington
Colaizzo	Jarolin	Raymond	Waugh
Conti	Josephs	Readshaw	Williams, A. H.
Cornell	Kaiser	Reber	Williams, C.
Corpora	Keller	Reinard	Wilt
Corrigan	Kenney	Rieger	Wogan
Cowell	Kirkland	Roberts	Wojnaroski
Coy	Krebs	Robinson	Wright, M. N.
Curry	LaGrotta	Rohrer	Yewcic
Daley	Laughlin	Rooney	Youngblood
Dally	Lawless	Ross	Zimmerman
DeLuca	Lederer	Rubley	Zug
Dempsey	Leh	Sainato	
Dent	Lescovitz	Santoni	Ryan,
Dermoddy	Levdansky	Sather	Speaker
DeWeese	Lloyd		

NAYS-0

NOT VOTING-0

EXCUSED-7

Bishop	Pettit	Roebuck	Tulli
McGeehan	Pistella	Steelman	

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

HR 136 RECONSIDERED

The SPEAKER. The Chair recognizes the gentleman Mr. Bruce Smith, who moves that the vote by which HR 13 passed on the 5th day of May be reconsidered.

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

The following roll call was recorded:

YEAS-196

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

NAYS-0

NOT VOTING-0

EXCUSED-7

Bishop	Pettit	Roebuck	Tulli
McGeehan	Pistella	Steelman	

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

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

RESOLUTION PLACED ON
POSTPONED CALENDAR

The SPEAKER. The Chair recognizes the majority leader.
Mr. PERZEL. Mr. Speaker, I move that HR 136 be placed on the postponed calendar.

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

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair recognizes the gentleman, Mr. Itkin.
Mr. ITKIN. Mr. Speaker, may we return to leaves of absence?
The SPEAKER. The gentleman, Mr. Itkin.
Mr. ITKIN. Mr. Speaker, I would like to rescind leave for the lady from Indiana, Ms. Steelman, and have her name added to the master roll.

The SPEAKER. The presence of the lady, Ms. Steelman, in the hall of the House is noted. She will be removed from leave.

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of SB 299, PN 293, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor, to sell and convey to the City of Farrell certain surplus land situate in the City of Farrell, Mercer County.

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

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

The question is, shall the bill pass finally?

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

YEAS-197

Adolph	DiGirolamo	Lucyk	Schroder
Allen	Donatucci	Lynch	Schuler
Argall	Druce	Maitland	Scrimenti
Armstrong	Eachus	Major	Semmel
Baker	Egolf	Manderino	Serafini
Bard	Evans	Markosek	Seyfert
Barley	Fairchild	Marsico	Shaner
Barrar	Fargo	Masland	Smith, B.
Battisto	Feese	Mayernik	Smith, S. H.
Bebko-Jones	Fichter	McCall	Snyder, D. W.
Belardi	Fleagle	McGill	Staback
Belfanti	Flick	McIlhatten	Stairs
Benninghoff	Gannon	McNaughton	Steelman
Birmelin	Geist	Melio	Steil
Blaum	George	Michlovic	Stern
Boscola	Gigliotti	Micozzie	Stetler
Boyes	Gladeck	Mihalich	Stevenson
Brown	Godshall	Miller	Strittmatter
Browne	Gordner	Mundy	Sturla

Bunt	Gruitza	Myers	Surra
Butkovitz	Gruppo	Nailor	Tangretti
Buxton	Habay	Nickol	Taylor, E. Z.
Caltagirone	Haluska	O'Brien	Taylor, J.
Cappabianca	Hanna	Olasz	Thomas
Cam	Harhart	Oliver	Tigue
Carone	Hasay	Orie	Travaglio
Casorio	Hennessey	Perzel	Trello
Cawley	Herman	Pesci	Trich
Chadwick	Hershey	Petrarca	True
Civera	Hess	Petrone	Vance
Clark	Horsey	Phillips	Van Home
Clymer	Hutchinson	Pippy	Veon
Cohen, L. I.	Itkin	Platts	Vitali
Cohen, M.	Jadlowiec	Preston	Walko
Colafella	James	Ramos	Washington
Colaizzo	Jarolin	Raymond	Waugh
Conti	Josephs	Readshaw	Williams, A. H.
Cornell	Kaiser	Reber	Williams, C.
Corpora	Keller	Reinard	Wilt
Corrigan	Kenney	Rieger	Wogan
Cowell	Kirkland	Roberts	Wojnaroski
Coy	Krebs	Robinson	Wright, M. N.
Curry	LaGrotta	Rohrer	Yewcic
Daley	Laughlin	Rooney	Youngblood
Dally	Lawless	Ross	Zimmerman
DeLuca	Lederer	Rubley	Zug
Dempsey	Leh	Sainato	
Dent	Lescovitz	Santoni	Ryan,
Dermoddy	Levdansky	Sather	Speaker
DeWeese	Lloyd	Saylor	

NAYS-0

NOT VOTING-0

EXCUSED-6

Bishop	Pettit	Roebuck	Tulli
McGeehan	Pistella		

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

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

* * *

The House proceeded to third consideration of **HB 909, PN 1017**, entitled:

An Act designating a section of U.S. Route 15 in Union County, Pennsylvania, as the Donald L. Heiter Memorial Highway.

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

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

The question is, shall the bill pass finally?

The Chair recognizes the gentleman from Erie, Mr. Scrimenti.
Mr. SCRIMENTI. Thank you, Mr. Speaker.

I would like to make a motion to suspend the rules for an amendment, please.

The SPEAKER. Did I understand the gentleman to say he wishes to suspend the rules to offer an amendment?

Mr. SCRIMENTI. Yes, please; yes.

The SPEAKER. Will the gentleman yield for a moment.

DECISION OF CHAIR RESCINDED

The SPEAKER. Without objection, the Chair rescinds its decision that HB 909 was agreed to on third consideration. The Chair hears no objection.

On the question recurring,

Will the House agree to the bill on third consideration?

RULES SUSPENDED

The SPEAKER. The gentleman, Mr. Scrimenti, moves that the House suspend its rules to permit the offering of an amendment.

On the question,

Will the House agree to the motion?

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

Mr. SCRIMENTI. Thank you, Mr. Speaker.

This amendment is identical to an amendment I ran last week on HB 77. It was amendment 1021 that would name the Forest W. Hopkins Memorial Highway, which is Route 17 in Erie County.

I ask for the members' support. Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS-188

Adolph	DeWeese	Lloyd	Schuler
Allen	DiGirolamo	Lucyk	Scrimenti
Argall	Donatucci	Major	Semmel
Armstrong	Druce	Manderino	Serafini
Baker	Eachus	Markosek	Seyfert
Bard	Egolf	Marsico	Shaner
Barley	Evans	Masland	Smith, B.
Barrar	Fairchild	Mayermik	Smith, S. H.
Battisto	Fargo	McCall	Snyder, D. W.
Bebko-Jones	Feese	McGill	Staback
Belardi	Fichter	McIlhattan	Stairs
Belfanti	Fleagle	McNaughton	Steelman
Benninghoff	Flick	Melio	Stern
Birmelin	Gannon	Michlovic	Stetler
Blaum	Geist	Micozzie	Stevenson
Boscola	George	Mihalich	Strittmatter
Boyes	Gigliotti	Miller	Sturla
Brown	Gladeck	Mundy	Surra
Browne	Godshall	Myers	Tangretti
Bunt	Gordner	Nailor	Taylor, E. Z.
Butkovitz	Gruitza	Nickol	Taylor, J.
Buxton	Gruppo	O'Brien	Thomas
Caltagirone	Habay	Olasz	Tigue

Cappabianca	Haluska	Oliver	Travaglio
Carn	Hanna	Orie	Trello
Casorio	Harhart	Perzel	Trich
Cawley	Hasay	Pesci	True
Chadwick	Hennessey	Petrarca	Vance
Civera	Herman	Petrone	Van Horne
Clark	Hershey	Phillips	Veon
Clymer	Hess	Pippy	Vitali
Cohen, L. I.	Horsey	Preston	Walko
Cohen, M.	Hutchinson	Ramos	Washington
Colaella	Itkin	Raymond	Waugh
Colaizzo	Jadlowiec	Readshaw	Williams, A. H.
Conti	James	Reber	Williams, C.
Cornell	Jarolin	Reinard	Wilt
Corpora	Josephs	Roberts	Wogan
Corrigan	Kaiser	Rohrer	Wojnaroski
Cowell	Keller	Rooney	Wright, M. N.
Coy	Kenney	Ross	Yewcic
Curry	Kirkland	Rublely	Youngblood
Daley	Laughlin	Sainato	Zimmerman
Dally	Lawless	Santoni	Zug
DeLuca	Lederer	Sather	
Dempsey	Leh	Saylor	Ryan,
Dent	Lescovitz	Schroder	Speaker
Dermody	Levdansky		

NAYS-6

Carone	Lynch	Platts	Steil
Krebs	Maitland		

NOT VOTING-3

LaGrotta	Rieger	Robinson
----------	--------	----------

EXCUSED-6

Bishop	Pettit	Roebuck	Tulli
McGechan	Pistella		

A majority of the members required by the rules having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

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

Mr. **SCRIMENTI** offered the following amendment No. **A1872**:

Amend Title, page 1, line 2, by removing the period after "Highway" and inserting

; and designating a section of the southern tier expressway in Erie County as the Forest W. Hopkins Memorial Highway.

Amend Sec. 1, page 1, line 5, by inserting after "Section 1." Donald L. Heiter Memorial Highway.

(a) Bridge designation.—

Amend Sec. 2, page 1, line 11, by striking out "Section 2." and inserting

(b) Markers.—

Amend Bill, page 1, by inserting between lines 14 and 15 Section 2. Forest W. Hopkins Memorial Highway.

(a) Bridge designation.—The eight-mile segment of Route 17 in Erie County, from Greenfield Township to the New York State line, is hereby designated and shall be known as the Forest W. Hopkins Memorial Highway.

(b) Historical significance.—Forest W. Hopkins was a committed community servant, who served with distinction as a State Representative from the Fourth Legislative District from 1967 to 1978. Mr. Hopkins died in office in 1978.

(c) Markers.—Within 60 days of completion of construction of the highway segment described in subsection (a), the Department of Transportation shall erect and maintain road signs displaying the designation "Forest W. Hopkins Memorial Highway," at the beginning and end of the highway segment.

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

The following roll call was recorded:

YEAS-196

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

NAYS-0

NOT VOTING-1

Robinson

EXCUSED-6

Bishop
McGeehanPettit
Pistella

Roebuck

Tulli

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS-196

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

NAYS-0

NOT VOTING-1

Donatucci

EXCUSED-6

Bishop
McGeehanPettit
Pistella

Roebuck

Tulli

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

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

* * *

The House proceeded to third consideration of **SB 184, PN 177**, entitled:

An Act redesignating the Pullman Viaduct (SR 3001) in Butler County as the Picklegate Crossing.

On the question,

Will the House agree to the bill on third consideration?

Mr. **LaGROTTA** offered the following amendment No. **A1818**:

Amend Title, page 1, line 2, by removing the period after "Crossing" and inserting
; and redesignating the Fifth Street Bridge (SR 0065) in Ellwood City, Lawrence County, as the Lincoln High School and Veterans Memorial Bridge.

Amend Sec. 1, page 1, line 5, by striking out "Bridge designation" and inserting

Pullman Viaduct

Amend Sec. 1, page 1, line 6, by inserting before "The"

(a)

Amend Sec. 2, page 1, line 10, by striking out all of said line

Amend Sec. 2, page 1, line 11, by inserting before "The"

(b)

Amend Sec. 2, page 1, line 12, by striking out "section 1" and inserting

subsection (a)

Amend Bill, page 1, by inserting between lines 12 and 13
Section 2. Fifth Street Bridge.

(a) The Fifth Street Bridge (SR 0065) in Ellwood City Borough, Lawrence County, is hereby redesignated and shall be known as the Lincoln High School and Veterans Memorial Bridge.

(b) The Department of Transportation shall erect appropriate markers or signs to indicate the redesignation under subsection (a).

On the question,

Will the House agree to the amendment?

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

Mr. LaGROTTA. Thank you, Mr. Speaker.

Mr. Speaker, this amendment, which has been drafted with the approval of the prime sponsor, Senator White in the Senate, simply renames a new bridge in the borough of Ellwood City, Lawrence County, that was just constructed and opened by the Department of Transportation, and I would appreciate your support.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—197

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Bishop
McGeehan

Pettit
Pistella

Roebuck

Tulli

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?

MOTION TO SUSPEND RULES

The SPEAKER. Mr. Scrimenti, are you seeking recognition?
Mr. SCRIMENTI. Yes, Mr. Speaker. To make a motion, please.
The SPEAKER. The gentleman will state his motion.

Mr. SCRIMENTI. Mr. Speaker, I would like to make a motion to suspend the rules to offer an amendment, please.

The SPEAKER. The gentleman, Mr. Scrimenti, moves that the rules of the House be suspended to permit him to offer an amendment to SB 184, PN 177.

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

The SPEAKER. Does the gentleman, Mr. Scrimenti, desire to take the place of the minority leader in debate?

Mr. SCRIMENTI. Yes, Mr. Speaker.

Mr. Speaker, I would like to have this opportunity to run this amendment to name a highway in Erie County the Forest W. Hopkins Highway. This looks like a good opportunity to recognize a former member of the House, and I ask the membership for their support.

The SPEAKER. On the question of suspension of the rules, the gentleman, Mr. Snyder.

Mr. SNYDER. Mr. Speaker, we have already voted this amendment twice as a House. The gentleman has not filed timely amendments to these bills, and we would ask for a "no" vote on suspension.

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

The following roll call was recorded:

YEAS—94

Battisto	DeWeese	Lucyk	Scrimenti
Bebko-Jones	Donatucci	Manderino	Shaner
Belardi	Eachus	Markosek	Staback
Belfanti	Evans	Mayernik	Steelman
Blum	George	McCall	Stetler
Boscola	Gigliotti	Melio	Sturla
Butkovitz	Gordner	Michlovic	Surra
Buxton	Gruitza	Mihalich	Tangretti
Caltagirone	Haluska	Mundy	Thomas
Cappabianca	Hanna	Myers	Tigue
Carn	Horsey	Olasz	Travaglio
Casorio	Itkin	Oliver	Trello
Cawley	James	Pesci	Trich
Cohen, M.	Jarolin	Petrarca	Van Horne

Colaella	Josephs	Petrone	Veon
Colaizzo	Kaiser	Preston	Vitali
Corpora	Keller	Ramos	Walko
Corrigan	Kirkland	Readshaw	Washington
Cowell	LaGrotta	Roberts	Williams, A. H.
Coy	Laughlin	Robinson	Williams, C.
Curry	Lederer	Rooney	Wojnaroski
Daley	Lescovitz	Sainato	Yewcic
DeLuca	Levdansky	Santoni	Youngblood
Dermody	Lloyd		

NAYS-102

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

NOT VOTING-1

Rieger

EXCUSED-6

Bishop	Pettit	Roebuck	Tulli
McGeehan	Pistella		

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

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

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

NAYS-0

NOT VOTING-1

Rieger

EXCUSED-6

Bishop	Pettit	Roebuck	Tulli
McGeehan	Pistella		

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. SB 361 is over temporarily.

Mr. WALKO. Mr. Speaker?

The SPEAKER. It is over temporarily. We will come back to it.

Mr. WALKO. Thank you, Mr. Speaker.

* * *

The House proceeded to third consideration of **HB 441, PN 1628**, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for absence without leave.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

The Chair recognizes the gentleman, Mr. Lucyk.

Mr. LUCYK. Thank you, Mr. Speaker.

The intent and purpose of this bill is to give the Pennsylvania National Guard some help in retaining personnel in the way it treats the people who fail to show up at meetings and are therefore considered AWOL (absent without leave). The National Guard feels that the penalties that are within its power to impose are not sufficient and has asked the House to grant it other means of doing this.

Since the bill was released from committee, some questions have come up concerning the bill. Several members of the committee have talked with me about this and also some other members concerning the appropriateness of the bill, and it centers around really three points: the appropriateness of trying military personnel in civilian courts; trial without the provision of counsel to the accused; and number three, other avenues which may be open to help the National Guard in its recruiting efforts, but more importantly, in retaining the people who have enlisted.

MOTION TO RECOMMIT

Mr. LUCYK. So, Mr. Speaker, for those reasons I would like to make a motion that this bill be recommitted to the Veterans Affairs and Emergency Preparedness Committee.

The SPEAKER. The gentleman, Mr. Lucyk, moves that HB 441 be recommitted to the Committee on Military Affairs, Mr. Lucyk?

On the question,

Will the House agree to the motion?

The SPEAKER. On that question, Mrs. Lederer, are you seeking recognition on that question?

Mrs. LEDERER. Yes, I am, Mr. Speaker.

The SPEAKER. The lady is recognized.

Mrs. LEDERER. Mr. Speaker, I oppose this bill in its present form because it does not provide legal representation for National Guard men and women—

The SPEAKER. The lady will yield.

The question before the House now is on recommitment to the Committee on Military Affairs. The question is not on the merits of the bill.

Mrs. LEDERER. Mr. Speaker, I agree with the recommitment.

The SPEAKER. The Chair thanks the lady.

PARLIAMENTARY INQUIRY

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

The SPEAKER. The gentleman, Mr. DeWeese.

Mr. DeWEESE. A point of parliamentary inquiry.

The lady from Philadelphia was anxious to comment about why she was in favor of the motion to recommit, and I am being respectful to the Chair. How is it possible to comment relative to her desire to recommit if she does not say why she wants to recommit, what about the bill makes her want to recommit? I am only questioning if it is not appropriate for the lady to have had 60 seconds to make that comment.

The SPEAKER. Thank you.

I would be pleased to recognize once again the lady from Philadelphia, if she would care to have more to say on the matter.

Mrs. LEDERER. Mr. Speaker, my concern is that—

The SPEAKER. On the question of recommitment.

Mrs. LEDERER. On the question of recommitment.

—that the bill should be recommitted because I feel that the National Guard men and women deserve representation, legal representation, and for other reasons. Thank you.

The SPEAKER. Thank you.

The gentleman, Mr. Hershey.

Mr. HERSHEY. To speak on the bill, Mr. Speaker.

I am chairman of the—

The SPEAKER. The merits of the bill—

Mr. HERSHEY. On the motion to recommit. I am sorry.

The SPEAKER. The gentleman is recognized on the recommitment question.

Mr. HERSHEY. HB 441 came to the Veterans Committee on recommendation by the IMPACCT Commission (Improve Management Performance Commission and Cost Control Task Force) to save money for the Commonwealth. We have a lot of people not showing up that register for the Guard. They do not show up, and I think that this is a fair — it was voted out of committee — and I think it is a fair compromise, and we are asking the members to vote “no” on recommitment.

The SPEAKER. The Chair thanks the gentleman.

Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I join Mr. Lucyk and Mrs. Lederer in urging a recommitment for this legislation. I think this legislation raises numerous complex legal issues — issues of the role of the relationship between the civil and military courts; issues of the role of representation; issues of penalties incurred by people for the act of volunteering to serve their country. I believe that these issues are very, very complex, that the rights of Pennsylvanians who are

exemplary and admirable are being seriously threatened by this legislation, and that this is not the intent of the National Guard.

I believe that the National Guard is just focusing, as Mr. Hershey indicated, on one specific narrow problem, and they are not fully cognizant of all the many far greater problems this solution is causing. They mean well, but they are out of their field of expertise. Their field of expertise is military law, and they are entering the field of civilian law where they know very little—

The SPEAKER. Mr. Cohen, Mr. Cohen, recommittal.

Mr. COHEN. For these reasons, Mr. Speaker, because we are dealing with areas in which the main advocates of this bill lack expertise and which threatens to do serious legal harm to the people who are in the National Guard, I join Mr. Lucyk in urging recommittal of this legislation.

The SPEAKER. The gentleman from Beaver, Mr. Colafella, on the question of recommittal.

Mr. COLAFELLA. Mr. Speaker, I ask for recommittal of this particular piece of legislation. What this legislation simply says is that whenever a person is in the National Guard and is AWOL, we now want a district magistrate to handle this particular matter, and this may be the first step. The next step may be when the Regular person as a Regular Army goes AWOL, that the district magistrates are going to be asked to deal with the AWOL people rather than the military, and it makes no sense that magistrates—

The SPEAKER. Mr. Colafella, on the question of recommittal, please.

Mr. COLAFELLA. Well, I am giving you my reason for recommittal, and that is the only way I can do it. And for those reasons I ask for recommittal. Thank you, Mr. Speaker.

The SPEAKER. On the question, Mr. Snyder — recommittal.

Mr. SNYDER. Mr. Speaker, the chairman of Veterans Affairs and Emergency Preparedness has spoken on the basis why this bill is needed. The committee has done quite a bit of work on this bill, and I would ask our members and urge our members to vote against recommittal of 441.

The SPEAKER. On the question of recommittal, the gentleman, Mr. Wogan.

Mr. WOGAN. Thank you, Mr. Speaker.

Mr. Speaker, I know I am not supposed to address the merits of this bill, but I have to tell you that—

The SPEAKER. Please do not.

Mr. WOGAN. I promise I will not, but I will in general say that I heard quite a number of misstatements made by the ladies and gentlemen who wish to recommit this bill. They are completely wrong in some of their objections. There may be worthwhile objections to this bill, but I have not heard many on the House floor, and I know of which I am speaking, because I am a JAG (Judge Advocate General) officer, a lieutenant colonel, with 22 years in the United States Army Reserve.

I think the members here are intelligent enough to listen to the arguments here on the floor. This bill has already been passed upon by the House Military and Veterans Affairs. I would ask that the members, ladies and gentlemen, oppose the motion to recommit. Listen to the arguments, and vote accordingly afterwards. Thank you.

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

The following roll call was recorded:

YEAS—96

Battisto	DeWeese	Lloyd	Santoni
Bebko-Jones	Donatucci	Lucyk	Serimenti
Belardi	Eachus	Manderino	Shaner
Belfanti	Evans	Markosek	Staback
Blaum	George	Mayernik	Steelman
Boscola	Gigliotti	McCall	Stetler
Butkovitz	Gordner	Melio	Sturla
Buxton	Gruitza	Michlovic	Surra
Caltagirone	Haluska	Mihalich	Tangretti
Cappabianca	Hanna	Mundy	Thomas
Cam	Horsey	Myers	Tigue
Casorio	Itkin	Olasz	Travaglio
Cawley	James	Oliver	Trello
Cohen, M.	Jarolin	Pesci	Trich
Colafella	Josephs	Petrarca	Van Horne
Colaizzo	Kaiser	Petrone	Veon
Corpora	Keller	Preston	Vitali
Corrigan	Kirkland	Ramos	Walko
Cowell	Krebs	Readshaw	Washington
Coy	LaGrotta	Rieger	Williams, A. H.
Curry	Laughlin	Roberts	Williams, C.
Daley	Lederer	Robinson	Wojnarowski
DeLuca	Lescovitz	Rooney	Yewcic
Dermody	Levdansky	Sainato	Youngblood

NAYS—101

Adolph	Druce	Maitland	Schuler
Allen	Egolf	Major	Semmel
Argall	Fairchild	Marsico	Serafini
Armstrong	Fargo	Masland	Seyfert
Baker	Feese	McGill	Smith, B.
Bard	Fichter	McIlhattan	Smith, S. H.
Barley	Fleagle	McNaughton	Snyder, D. W.
Barrar	Flick	Micozzie	Stairs
Benninghoff	Gannon	Miller	Steil
Birmelin	Geist	Nailor	Stern
Boyes	Gladeck	Nickol	Stevenson
Brown	Godshall	O'Brien	Strittmatter
Browne	Gruppo	Orie	Taylor, E. Z.
Bunt	Habay	Perzel	Taylor, J.
Carone	Harhart	Phillips	True
Chadwick	Hasay	Pippy	Vance
Civera	Hennessey	Platts	Waugh
Clark	Herman	Raymond	Wilt
Clymer	Hershey	Reber	Wogan
Cohen, L. I.	Hess	Reinard	Wright, M. N.
Conti	Hutchinson	Rohrer	Zimmerman
Cornell	Jadlowiec	Ross	Zug
Dally	Kenney	Rubley	
Dempsey	Lawless	Sather	Ryan,
Dent	Leh	Saylor	Speaker
DiGirolamo	Lynch	Schroder	

NOT VOTING—0

EXCUSED—6

Bishop	Pettit	Roebuck	Tulli
McGeehan	Pistella		

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 lady from Philadelphia County, Mrs. Lederer.

Mrs. LEDERER. Mr. Speaker, I stand to oppose this bill, because this bill does not provide legal representation for the Guard men and women.

We provide legal counsel for murderers, rapists, arsonists, and anybody accused of a crime. They are presumed innocent, and they are afforded legal representation, but the Guard does not now and will not in a civilian court provide legal representation.

And who will pay the court costs for all this litigation? Philadelphia courts are overcrowded, overworked, and underfunded. There is no stipulation in this bill for who will pay for the court costs and the legal representation, which we will be forced to provide. I think that the military should adjudicate their own personnel problems, and I think that we should look for another solution to this problem.

Should this pass, does that mean that every Army, Navy, Marine, Coast Guard, and other AWOL case come before civilian courts? I think this is a very bad precedent to set, and I ask for a "no" vote on this bill. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, will the chairman of the Military and Veterans Affairs Committee consent to interrogation?

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, you say that this idea originally came from the IMPACCT Commission?

Mr. HERSHEY. That is correct.

Mr. COHEN. Could you elaborate on that, please?

Mr. HERSHEY. The information that I got, Mr. Speaker, is we have a lot of individuals register and they go into the Guard and then they do not show up. They do not show up, and they give reasons like, I took my child to soccer camp; I took my child to baseball camp, and I understand the fine is relatively small. So the Guard then looks for new individuals to replace the ones that are not showing up, and they need to clean up the rolls. So they feel that it will save the Commonwealth considerable dollars.

Mr. COHEN. Mr. Speaker, was this originally the suggestion of the National Guard or was this the suggestion of the IMPACCT Commission when it began?

Mr. HERSHEY. To my knowledge, the National Guard.

Mr. COHEN. And the IMPACCT Commission bought the suggestion of the National Guard that this was a good idea?

Mr. HERSHEY. That is correct.

Mr. COHEN. Did the IMPACCT Commission or the National Guard consider the costs to the courts of the Commonwealth of Pennsylvania in making their recommendation?

Mr. HERSHEY. It is my estimation that they feel there will be approximately 200 cases a year to prosecute.

Mr. COHEN. You do not know whether they considered the cost of those prosecutions to the court system or not?

Mr. HERSHEY. The accused will pay their own court costs. This will bring the discipline that we need.

To speak a little bit on that, if I may, Mr. Speaker—

Mr. COHEN. Mr. Speaker, I am finished with my interrogation.

The SPEAKER. The Chair thanks the gentleman. Do you wish to speak on the bill?

Mr. COHEN. Yes; I do, Mr. Speaker.

The SPEAKER. The gentleman is in order.

Mr. COHEN. Mr. Speaker, I respectfully, as somebody who has supported the National Guard for many, many years, I respectfully disagree with their conclusions in this matter.

I do not believe that bringing 200 cases a year, which is the number that comes from their information paper and Mr. Hershey just quoted, is going to greatly increase the attractiveness of serving in the National Guard to either the current members of the National Guard or to prospective members of the National Guard. Obviously there is going to be a lot of publicity for these cases. People are going to be embarrassed; people are not going to want to go through this. And a message is going to be sent to people throughout the State of Pennsylvania that going into the National Guard incurs real risks, and that if you have a demanding family situation — a kid who wants you to go to soccer games; a wife who wants you home more; a boss who wants you to do more work — that if you have a demanding situation, you are kind of crazy to join the Pennsylvania National Guard, because they really do not care about the other problems of your life.

Now, the National Guard is concerned because they spend a lot of money training people who join the National Guard — I think the figures have been thrown about about \$50,000 a person — and this money in some cases, in a small percentage of the cases, goes to waste because the people are not showing up. I would suggest that this is a rather common occurrence in the workplace, that people are trained and then for one reason or another they do not do the job the way they ought to. There are policemen trained; there are firemen trained; there are nurses trained; there are State employees trained; there are Federal employees trained. There are people in all the Armed Forces branches who get the training, money is spent on them, and then they do not show up to work, and in no other case, in no other case in Pennsylvania law, military law or nonmilitary law, do we apply any criminal penalties, even the minor criminal penalties provided for in this bill, for not showing up to work.

This is a rather radical invasion of labor-management policy to propose criminal penalties for people who do not show up to work. Now, they are in the Armed Forces, they are going AWOL, but the Armed Forces are not enforcing tough sanctions against them. The Armed Forces at the Federal level in the National Guard are making decisions that being what is labeled "tough" by the Pennsylvania National Guard hurts their efficiency, it hurts their recruitment process, it hurts their retention process. They are making a judgment at the Federal Government that cracking down on people who are volunteering to do a significant amount of work at very low compensation per year — the average compensation, I was told this morning, is only about \$4,000 per year; it only goes up to a maximum compensation of \$12,000 a year — for very, very minimal compensation, people are joining the National Guard to be available to serve our country abroad and to fight to preserve our safety at home, and they are being singled out here for possible imposition of criminal penalties.

Now, we are told that criminal penalties are worse. We are really doing them a favor, we are told, that these minor criminal penalties are going to get them to straighten up and then they are

going to decide, because we care enough about them to impose criminal penalties, they are going to decide that we really want to stay in the National Guard; the National Guard is really great, and we want to stay there. I would suggest that we apply the reality test. If we passed a special law saying that members of the State legislative staff would face criminal penalties for not showing up to work, do we expect that more people would want to join our staffs if they could be faced with criminal penalties? Somebody else, I mean, what about State Reps? Would people be more likely to be members of this House if each time you missed a session day you could face criminal penalties, even minor criminal penalties, for not showing up to work? Would that be a real recruitment strength for both parties to really get candidates to run for this position? Would it be a real recruitment try for somebody who is on the fence about whether or not to run for election to know that if he or she did not show up for work, he would get criminal penalties? Of course it is not, and the National Guard members, we are dealing here with a population of people that 5 days a week are civilian people. They can or cannot join the Guard. It is their choice. There is no draft to compel them. They are joining because they want to serve. Putting criminal penalties on them, even minor criminal penalties, is going to be a very severe disincentive to serve and is going to be a very, very bad precedent for Pennsylvania criminal law, and we are undoubtedly going to be hit with other demands that we also impose criminal law for the same allegedly benign purpose, just to get people to show up to work, knowing that if they get minor criminal penalties for not showing up to work, then certainly they will show up, and then we will not have to fire them or otherwise discipline them.

This is a very radical change in labor-management policy in Pennsylvania. It is a radical change that is coming not from any of the traditional people that are interested in labor-management situations such as the Chamber of Commerce or the Pennsylvania Manufacturer's Association or the AFL-CIO. It is coming from the Pennsylvania National Guard. This is an area in which they have no expertise.

We just narrowly defeated a motion for recommittal. It would be my hope that we could send Pennsylvania National Guard members and all workers a message that we understand what it is to have a family, we understand what it is to have more than one job, we understand that sometimes you cannot be in two places at one time. Sometimes you have other obligations, and you should not be criminally punished because you have obligations to more than one person.

I would urge a "no" vote on this legislation. This is very radical legislation in terms of the overall impact. This may not only be the most important vote of the legislative session; this may be, in the long run, the most important vote cast in the Pennsylvania legislature in the 20th century. I would urge a "no" vote.

The SPEAKER. The Chair recognizes the gentleman from Allegheny County, Mr. Stevenson.

Mr. STEVENSON. Thank you, Mr. Speaker.

The intent of this bill, HB 441, is to address a problem that the Pennsylvania National Guard currently faces. The Pennsylvania National Guard is currently the second largest Guard unit in this country, a Guard unit that brings in nearly \$280 million in Federal funding to this Commonwealth. In order to guarantee this funding for the future, the Pennsylvania National Guard must maintain an

adequate number of soldiers to ensure that Pennsylvania will remain at division status and not shrink to a brigade status.

Last session, this legislature took the first step in this endeavor by passing the Pennsylvania National Guard Education Act. The intent of this act was to draw more individuals into the Guard by offering a college education funding program which is competitive with other military reserve components.

This legislation, HB 441, is an attempt to ensure that these individuals will remain in the Guard and fulfill their commitment. The intent of the legislation is to make it a summary offense for those Guard members who go AWOL and do not respond to a written notice by the department to return to duty. Under current law, the Guard's only recourse with these individuals is to dishonorably discharge them. The PA Code of Military Justice is not geared to monetarily punish these individuals. Given the fact that 253 National Guard members have been mustered out in the past 6 months on a nonperformance discharge, I think that we can see the need for this legislation here in this chamber today.

I would just like to refute some of the statements that my colleagues have made. A statement was made that people are not afforded the right to counsel — legal counsel in this case. In any summary offense in this Commonwealth, you are not entitled to have an attorney represent you. If you want to pay for one, you can have one, and in this case there are no prison sentences; there is no dishonorable discharge. It is a summary offense, a small fine, a stick to get them to come back to work.

A statement was made that this is a criminal penalty for people that do not show up to work. Mr. Speaker, I think it goes deeper than that. This is a penalty for people who violate their oath to this United States and the Commonwealth of Pennsylvania to protect and serve and defend us.

Further, Mr. Speaker, this is a middle-of-the-road approach by the National Guard. They do not want to dismiss them or imprison the AWOL soldiers. They simply want to penalize them with small fines, and this will only be done after several written notices are sent. Thereafter, they will receive a citation to appear at a local magistrate.

Based upon the foregoing, Mr. Speaker, I would ask for an affirmative vote of HB 441. Thank you.

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

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, the opponents of this bill are basically arguing that we should mandate a lawyer if somebody gets a parking ticket. It does not make any sense, Mr. Speaker, and I would ask for a "yes" vote on the bill.

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

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, I stand to oppose HB 441 for a number of reasons.

Those reasons are basically that we are trying to solve a problem the military has — in this case, it is the National Guard — by imposing civilian law on them. If you are in the Reserves — the Army, the Navy, the Marine Corps, or the Air Force — you come under the Uniform Code of Military Justice. If you were an individual Guardsman or Guardswoman, you also come under the Uniform Code of Military Justice on many occasions; for instance, when you are on your 2-week summer camp, et cetera. You also come under State law.

Every service has this problem of people who do not show up for drill. I can attest to that. I was a commanding officer in four units. So there is a problem with people not showing up for drill; I understand that. At one time the solution to that was to send them on active duty. So if you had a Marine Reservist who did not attend drills, you would put them on active duty. That sort of was their punishment. And then finally, the military establishment who patrolled active duty said, we no longer want these people on active duty; you have had problems with them, you have not been able to solve them, do not send them to us.

We do not have a draft anymore. We hear about selectivity in recruitment; that is a problem. Sometimes the recruiting establishment gets caught up in a numbers game and just recruits to fill quotas.

I would ask everyone, please, do not support this bill. The answer to the problem that the National Guard has is not sending people from the military side to civilian courts. The answer is, if they are covered by State law, to change the State law so that it is in accordance with the Uniform Code of Military Justice.

If I were an Army Reservist and I missed a drill — and a drill, by the way, is a 4-hour period — and I missed a couple of drills, I would go before my company commander, my battalion commander, without a court, without an attorney, and he or she would decide my fate. If I did not agree with what the verdict was, I could appeal that to a court. That is the system that should be used in the National Guard.

If the National Guard is recruiting people — and really, the Federal Government pays for the training — and they send someone to training, and they come back and they find out they do not like it and they are not drilling, these are the things that should be done. I do not think we should keep people in units who cause problems. They can be discharged. They are not discharged with an honorable discharge. That is the solution.

This is going to create a dual system, and in fact I will tell you something. If I were recruiting for the Army versus the National Guard and this bill passes, I would tell the prospective recruit, do not join the National Guard because you could end up in a civilian court, whereas if you miss drill with us, that will not happen. But the point is, let us let the military solve their own problems. It is no longer right to say, when we are at summer camp, we are under the Uniform Code of Military Justice and we are soldiers like everyone else, and then to come back on the weekends and say, well, we are not like everyone else; give us a State law to solve this problem.

The magistrates do not want to deal with this. They do not want to be involved in military problems, so let us defeat this bill and go back and look at the answer to the National Guard's problems of retention. It does not seem to be a problem of recruitment; it is a problem of retention. Let us not keep bad people in the National Guard with bad laws. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Armstrong, from Lancaster County.

Mr. ARMSTRONG. Thank you, Mr. Speaker.

May I interrogate the prime sponsor of the bill?

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

Mr. ARMSTRONG. Mr. Speaker, is there a cost, and what is

that cost per individual to dishonorably discharge such an individual who does not show up?

Mr. STEVENSON. Mr. Speaker, it costs roughly between \$50,000 and \$55,000 to train and recruit someone for the National Guard. That would be the cost.

Mr. ARMSTRONG. The cost to train, I understand, you said is roughly \$50,000?

Mr. STEVENSON. To train and recruit, yes.

Mr. ARMSTRONG. Well, what is the cost to dishonorably discharge them?

Mr. STEVENSON. You would lose that which you have invested to discharge. If you court-martial, it would be the cost of the JAG officer added on.

Mr. ARMSTRONG. What is the cost of the fine that they would have to pay?

Mr. STEVENSON. If it is the first offense, currently \$10.

Mr. ARMSTRONG. What are the subsequent offenses?

Mr. STEVENSON. I believe it is \$10 on every offense right now.

Mr. ARMSTRONG. All right.

Mr. Speaker, I guess I have — One more thing. What is the cost of dishonorably discharging such an individual? I have never heard that yet. What is the cost of dishonorably discharging?

Mr. STEVENSON. You are losing a person which you have trained to defend the Commonwealth and the United States. Also, to discharge them in that fashion, it goes on their permanent employment record. It would hurt them with future employment.

Mr. ARMSTRONG. Mr. Speaker, I guess I am done, but I would like to make a couple comments.

The SPEAKER. The gentleman, Mr. Armstrong.

Mr. ARMSTRONG. I am really not satisfied with the answer; maybe somebody else has an answer.

Mr. STEVENSON. Yes. I would like to defer to Representative Wogan.

The SPEAKER. The gentleman, Mr. Wogan.

Mr. WOGAN. Thank you, Mr. Speaker.

I will try to answer the gentleman from Lancaster's question without giving a money figure, because I cannot do that. But I do court-martials and I set them up, so I have a general idea what it will cost to do a court-martial in the National Guard.

Number one, to do a court-martial you have to have a board, which is at least three individuals, usually officers. They all have to be paid for the day. I am going to assume it is 1 day; it could be a 2-day proceeding. You also have to provide a JAG officer for the defendant. That JAG officer will have to be paid for the day. You also have to pay for another JAG officer who will be the recorder. That is what we would call a prosecutor in civilian parlance. So, of course, you have got to pay for the recorder's salary also or military compensation. You have got to pay for a court reporter to take down the notes, who is usually an enlisted person, not an officer. Sometimes you will have a legal adviser, but not all the time. That is a semimilitary judge who will sit there. That is usually a major or above. So you have got to pay for all those people. And then if you are calling witnesses, who will, of course, be military personnel, you have got to pay them, put them on orders for the day or two that they are testifying or waiting around, and I have been involved in court-martials where there are 12, 13, 14, 15 witnesses.

So you have got to pay all the salaries for all those individuals to do a court-martial, and if you win, you can fine the individual who has not shown up, who has broken his contract, \$10. I hope that answers the gentleman from Lancaster's question.

Mr. ARMSTRONG. Mr. Speaker, what I have just heard is when you go through a court-martial, you can charge them at that point \$10?

Mr. WOGAN. My understanding, based upon conversations with people from the National Guard Bureau, is if the individual is not separated from the military, then the only other penalty that could accrue would be a fine of \$10. And again, their rules are a little different from Army Reserve, from Army regulations, but that is the information I have from the National Guard Bureau. It is either out completely of the military or a \$10 fine. Apparently there is no in-between.

Mr. ARMSTRONG. All right, Mr. Speaker. I guess I am finished with my interrogation. I will make a couple comments.

The SPEAKER. The gentleman is recognized.

Mr. ARMSTRONG. I appreciate the indulgence of the speakers for their answers. It did create some questions in my mind, and I think they have been answered. It does seem to be a bit cheaper to take this into the civilian court, so I rise in support of this bill. Thank you.

The SPEAKER. The lady, Ms. Steelman.

Ms. STEELMAN. Thank you, Mr. Speaker.

Will the sponsor of the bill stand for a few questions?

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

Ms. STEELMAN. Thank you, Mr. Speaker.

I also have some questions about the way that this penalty is supposed to operate and why, if the National Guard operates under the Uniform Code of Military Justice, we need to have this second level of State penalties kick in. We have just heard that under the provisions of the Code of Military Justice by which the Guard is supposed to be governed, that someone who is absent without leave and convicted of that in a court-martial cannot be fined more than \$10. What is it that prevents the Uniform Code of Military Justice from being amended to increase the fines?

Mr. STEVENSON. Mr. Speaker, the Uniform Code of Military Justice does not apply to the Pennsylvania National Guard while they are in the State, normally during training exercises. The Pennsylvania Code of Military Justice does. It is the same fine of \$10 a day. It is felt that it has not worked to date. They need to go a different direction — increase the fines — and basically try to save, it is predicted about 80 percent of the AWOL people, and—

Ms. STEELMAN. Well, that still does not answer the question, whose job would it be? Is it the House of Representatives' job to amend the Pennsylvania Code of Military Justice? Is that what we should be doing rather than looking at making this a summary offense?

Mr. STEVENSON. We are not part of the Federal Government and Federal law. Federal law does set the fines, so we are trying to set the fines for violations in Pennsylvania.

Ms. STEELMAN. So why is it then that the Federal Government is not looking at making this kind of change? Is Pennsylvania the only State or one of the only States that is having this problem with so many people going AWOL since we increased—

Mr. STEVENSON. Yes.

Ms. STEELMAN. Okay. Now, we were told last session — of course, you were not here — that we had to increase the benefits that we offered people to join the National Guard in order to ensure that Pennsylvania had a much larger National Guard force than would be expected on the basis of its actual population, and apparently we increased the benefits to such an extent that we are now encouraging people to enter the National Guard who really in some ways are not prepared to be there, and that is why they are going AWOL? Is that the problem?

Mr. STEVENSON. Mr. Speaker, I really could not hear the lady from Indiana County.

The SPEAKER. Members will take their seats.

Ms. STEELMAN. Mr. Speaker, I am waiting for it to be quieter so that the gentleman can hear me.

The SPEAKER. So am I; so am I. Thank you. Why do you not walk back the aisle and tap that man on the shoulder and ask him to be seated.

Ms. STEELMAN. Thank you, Mr. Speaker.

I will attempt to repeat my question more briefly.

Last session we were told that we had to increase the benefits and encourage more people, especially more young people, college students in particular or prospective college students, to join the National Guard so that we could continue to have a significantly larger force than would be predicted on the basis of Pennsylvania's actual population. Are you now telling us that the National Guard has discovered that encouraging so many people to join the Guard has resulted in them getting a number of applicants who, for one reason or another, simply do not really seem to belong there and that is why they are going AWOL?

Mr. STEVENSON. Okay. Thank you.

Mr. Speaker, the Guard Education Act is working. We are trying to enact additional penalties here to save the ones that are being discharged. And again, it is predicted that 80 percent of approximately 600 people will be saved by simply being brought under these charges. We are hopeful that a lot will agree to sign their participation agreement and get back to their unit, in which case the case will be dropped — no fines.

Ms. STEELMAN. Looking at these 253 cases in the last 6 months, how many of those are individuals who failed to show up when they were actually called out on some form of active duty, such as dealing with problems that we have had with things like floods and tire fires? How many of them were people who did not manage to show up for their summer tour of duty, and how many of them were people who just did not show up for the regular meetings in their home base?

Mr. STEVENSON. Thank you.

Mr. Speaker, all of the individuals that were discharged are repeat offenders. They missed numerous meetings, just not several. So hopefully that will answer your question.

Ms. STEELMAN. You said earlier in response to someone else's question that the people are only brought up on this charge in the military after they have received a number of written notices. Can you show me where in the bill it says that in order to be charged with a summary offense, an offender has to be served or presented with even one written notice that he or she is being considered AWOL for having, let us see, as the bill says, "fails to go to his appointed place of duty at the time prescribed..."?

Mr. STEVENSON. Right. There are no written-notice provisions in this bill. It is going to be done by regulation, and I have been assured that it is going to be at least two to three misses before they receive their first notice.

Ms. STEELMAN. However, what it says in the bill is that as soon as a Guard member is late for one meeting, he can be called or she can be called before a district justice and fined not less than \$50 nor more than \$200, and if he or she is late for a second meeting without any further notice, this Guardsperson will be subject to a fine of not less than \$300 nor more than \$1,000 plus the court costs. Do you have an estimate for us of what those court costs are likely to average?

Mr. STEVENSON. First off, the National Guard may institute summary offense proceedings. They do not have to. It is at their discretion.

Ms. STEELMAN. Indeed they may, for as little as being 5 minutes late to one meeting according to this bill. We are not requiring them to do so—

Mr. STEVENSON. That is not the intent of this legislation.

Ms. STEELMAN. —but we are certainly giving them great discretion.

The SPEAKER. One at a time.

Ms. STEELMAN. Mr. Speaker, I understand that your intent here is good. Unfortunately, what the law is is what is written in the law. We have tried many times in this chamber — I remember a few — to establish cases of legislative intent, and of course—

The SPEAKER. Is the lady interrogating or making statements at this time?

Ms. STEELMAN. The lady is introducing her question at some length, Mr. Speaker.

The SPEAKER. It is very lengthy. Would you kindly hold it down to questions.

Ms. STEELMAN. I will do my best, Mr. Speaker.

The intent behind the words does not matter to the courts as much as the words, so would the sponsor care to withdraw the bill for today in order to revise the bill in such a way as to make the intent behind the bill more clear to those district justices and those people in the National Guard who will have to deal with it?

Mr. STEVENSON. Mr. Speaker, no, I do not intend to withdraw this bill.

Ms. STEELMAN. Then my final question is, since we have gone to such lengths to encourage high school students, college students, prospective college students, to enroll in the National Guard, what leads you to believe that a fine of \$1,000 plus court costs is a small sum of money to a college student? For somebody in the legislature, a fine of \$1,000 might be tolerable, but for a college student, this does not make sense to me.

Mr. STEVENSON. Mr. Speaker, the \$1,000 fine will only be levied for numerous offenses, and quite frankly, we do not want to give the repeat offenders an easy way out. They are violating an oath they took.

Ms. STEELMAN. Where does it say in the bill that the \$1,000 fine, which apparently is left up to the discretion of the district justice, will only be levied for serious repeat offenses?

Mr. STEVENSON. Mr. Speaker, the bill states, for the second offense and every offense thereafter, the fine shall be not less than \$300 nor more than a \$1,000 fine.

Ms. STEELMAN. Yes, which means that having been late twice to a meeting under the terms of this bill—

Mr. STEVENSON. No, this—

Ms. STEELMAN. —a college student could be hit with a \$1,000 fine plus court costs, because unfortunately, that is the way the bill is actually written.

That concludes my interrogation, Mr. Speaker. May I make a brief comment on the bill?

The SPEAKER. The lady is in order.

Ms. STEELMAN. Thank you, Mr. Speaker.

I believe that the intention behind this bill is a good one, but I believe that the drafting flaws in the bill, together with the fact that this does not seem to be a problem that is recognized by other National Guard units, suggests that perhaps the strategy that ought to be adopted is to vote down the bill today and suggest that the officials of the Pennsylvania National Guard consult with National Guardspeople in other States and try and figure out how they have solved this problem without this kind of draconian statute. Thank you.

MOTION TO RECOMMIT

The SPEAKER. The gentleman, Mr. Coy.

Mr. COY. Thank you, Mr. Speaker.

Mr. Speaker, we have heard a lot of debate and I think there is more to be heard. Candidly, I think there were several good points made on both sides of the issue, but what is clear to me is the bill needs further review. And I know the House acted some time ago in a negative manner to a motion to recommit, but I think there have been new arguments, new points raised, and I am going to make a motion that the bill be recommitted to the Committee on Military and Veterans Affairs.

DECISION OF CHAIR RESCINDED

The SPEAKER. Without objection, the Chair rescinds its decision that HB 441 was agreed to on third consideration.

On the question recurring,

Will the House agree to the bill on third consideration?

BILL PASSED OVER

The SPEAKER. Without objection, HB 441 will be held over until tomorrow, with amendments.

CONDOLENCE RESOLUTION

The SPEAKER. Members will please take their seats. We are about to take up a condolence resolution. The Sergeant at Arms will close the doors of the House. Members will please take their seats. We are about to take up a condolence resolution on the death of a former member. Please take your seats.

The clerk will read the resolution.

The following resolution was read:

COMMONWEALTH OF PENNSYLVANIA
THE HOUSE OF REPRESENTATIVES

RESOLUTION

WHEREAS, Paul Suchko of West Newton passed away on April 22, 1997 at the age of seventy-five; and

WHEREAS, Born in 1921 in Smithdale, Mr. Suchko was the owner of Suchko Gas & Oil and various other businesses in the area. He was a former representative of the 58th Legislative District and past Westmoreland County register of wills. He was currently a legislative assistant for the 58th District, House of Representatives. A United States Army veteran of World War II, he was awarded three bronze stars for his valorous actions. Mr. Suchko was a member and past president of the 99th Infantry Division Association, past commander of VFW No. 7812 of West Newton and a member of the 5th District Democratic Club; and

WHEREAS, Mr. Suchko meant many things to many people, including a well respected business and civic leader, dedicated veteran and, most of all, a loving husband, father, grandfather and brother; now therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania note with great sadness the passing of Paul Suchko; express heartfelt condolences to his daughters, Linda S. Ulander and Paula S. Kubler; sons, Paul M. Suchko and Christopher Suchko; and two grandchildren; and be it further

RESOLVED, That a copy of this resolution, sponsored by the Honorable Herman Mihalich, be transmitted to the Family of Paul Suchko.

Matthew Ryan
Speaker of the House
ATTEST:
Ted Mazia
Chief Clerk of the House

On the question,
Will the House adopt the resolution?

The SPEAKER. Those in favor of the resolution will rise and remain standing as a mark of respect for the deceased former member. Guests will also please rise.

(Whereupon, the members of the House and all visitors stood in a moment of silence in solemn respect to the memory of the Honorable Paul Suchko.)

The SPEAKER. The resolution has been unanimously adopted.

The Sergeant at Arms will open the doors of the House.

The Chair is advised that there will be no more votes today.

Mr. WALKO. Mr. Speaker?

The SPEAKER. The gentleman, Mr. Walko.

Mr. WALKO. Thank you, Mr. Speaker.

I would like to be recognized to make a statement for the record that I would like to be recognized prior to action on SB 361 tomorrow or whenever it is called for a vote.

The SPEAKER. It would be appreciated if you would advise the Parliamentarian of this tomorrow morning when we open.

Mr. WALKO. I will. Thank you, Mr. Speaker.

SENATE MESSAGE

SENATE INSISTS ON AMENDMENTS
NONCONCURRED IN BY HOUSE

The clerk of the Senate, being introduced, informed that the Senate has insisted upon its amendments nonconcurred in by the House of Representatives to **HB 847, PN 1414**.

MOTION INSISTING UPON NONCONCURRENCE
IN SENATE AMENDMENTS

Mr. PERZEL moved that the House insist upon its nonconcurrence in Senate amendments to HB 847, PN 1414, and that a committee of conference on the part of the House be appointed.

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

CONFERENCE COMMITTEE APPOINTED

The SPEAKER. The Chair appoints as a committee of conference on the part of the House on HB 847, PN 1414:

Messrs. PERZEL, BARLEY, and EVANS.

Ordered, That the clerk inform the Senate accordingly.

RECESS

The SPEAKER. Does the majority leader or minority leader have any further business? Any reports of committee chairmen? Corrections of the record?

Hearing none, this House will be in recess to the call of the Chair.

AFTER RECESS

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

CONFERENCE COMMITTEE MEETING

The SPEAKER. The members should be advised that the Committee of Conference on HB 847 will meet at 9 p.m. this evening in room 140 of the Main Capitol Building.

RECESS

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

Hearing none, this House will stand in recess to the call of the Chair.

AFTER RECESS

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

**THE SPEAKER PRO TEMPORE
(DONALD W. SNYDER) PRESIDING****SENATE MESSAGE****SENATE INSISTS ON AMENDMENTS
NONCONCURRED IN BY HOUSE**

The clerk of the Senate, being introduced, informed that the Senate has insisted upon its amendments nonconcurrent in by the House of Representatives to **HB 847, PN 1414**, and has appointed Senators LOEPER, TILGHMAN and FUMO a committee of conference to confer with a similar committee of the House of Representatives (already appointed) on the subject of the differences existing between the two Houses in relation to said bill.

**REPORT OF COMMITTEE
OF CONFERENCE PRESENTED**

Mr. PERZEL presented the Report of the Committee of Conference on **HB 847, PN 1725**.

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER pro tempore. The Chair recognizes the Representative from Chester County, Representative Chris Ross.

Mr. ROSS. Mr. Speaker, I move that this House do now adjourn until Tuesday, May 6, 1997, at 11 a.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 9:45 p.m., e.d.t., the House adjourned.