

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, OCTOBER 21, 1997

SESSION OF 1997

181ST OF THE GENERAL ASSEMBLY

No. 56

HOUSE OF REPRESENTATIVES

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

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

PRAYER

REV. KENNETH R. ARTHUR, Chaplain of the House of Representatives and executive director of the United Methodist Home for Children and Family Services, Inc., Mechanicsburg, Pennsylvania, offered the following prayer:

Let us pray:

We pray to Thee this day, O God of history, and are immediately reminded of the men and women who lived and died so that we might enjoy liberty and freedom. They were people whose vision beheld a righteous nation with equal treatment and fairness for all.

Keep us mindful this day of their sacrifice, that we might be more diligent in our efforts to fairly legislate, more highly motivated to make our decisions for the common good, and more willing to open our minds to the possibility of ever greater things to come. In so doing, we will achieve Your will and bring us to the satisfaction of a job well done. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Monday, October 20, 1997, will be postponed until printed. The Chair hears no objection.

LEAVES OF ABSENCE

The SPEAKER. Leaves of absence.

The Chair recognizes the Democratic whip, who requests a leave of absence for the gentleman from Lawrence, Mr. LaGROTTA, for today's session. Without objection, leave will be granted. The Chair hears none.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND Tabled

HB 95, PN 103

By Rep. HERMAN

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, authorizing county appropriations for the observance of Flag Day; and further providing for payments to historical societies.

LOCAL GOVERNMENT.

HB 907, PN 1015

By Rep. HERMAN

An Act repealing the act of May 16, 1951 (P.L.300, No.60), entitled, as amended, "An act authorizing certain counties to establish fire training schools for the paid and volunteer firemen of municipalities within the county."

LOCAL GOVERNMENT.

HB 1527, PN 1850

By Rep. HERMAN

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

LOCAL GOVERNMENT.

SB 669, PN 1143

By Rep. HERMAN

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing for automatic certification, for definitions, for applicability, for ordinances on lease rental debt, for small borrowing for capital purposes and for management of funds; making a repeal; and making editorial changes.

LOCAL GOVERNMENT.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1930

By Representative MASLAND

An Act amending the act of July 6, 1989 (P.L.169, No.32), known as the Storage Tank and Spill Prevention Act, further providing for aboveground storage tanks.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, October 21, 1997.

No. 1931 By Representatives VITALI, BELFANTI, COY, ITKIN, WASHINGTON, BELARDI, PRESTON, SCRIMENTI, STEELMAN, TANGRETTI, ROBINSON, MELIO and TRELLO

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for fraud in awarding Commonwealth grants.

Referred to Committee on JUDICIARY, October 21, 1997.

No. 1932 By Representatives CONTI, PESCI, GEIST, YOUNGBLOOD, BELARDI, CORRIGAN, E. Z. TAYLOR, MELIO and GIGLIOTTI

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, further providing for abandoned and unclaimed property records.

Referred to Committee on FINANCE, October 21, 1997.

No. 1933 By Representatives CONTI, MUNDY, L. I. COHEN, GRUITZA, BROWN, GODSHALL, HERMAN, CLYMER, YOUNGBLOOD, SCRIMENTI and MANDERINO

An Act establishing the Inmate Functional Literacy Program for certain inmates in State correctional facilities so that they may become functionally literate; and providing for powers and duties of the Department of Corrections.

Referred to Committee on JUDICIARY, October 21, 1997.

No. 1934 By Representatives GORDNER, RUBLEY, WOGAN, COLAIZZO, CURRY, WOJNAROSKI, FAIRCHILD, McCALL, LAUGHLIN, ORIE, LEDERER, HASAY, HALUSKA, BATTISTO, TIGUE, STABACK, SAYLOR, YOUNGBLOOD, HENNESSEY, BENNINGHOFF, E. Z. TAYLOR, PETRARCA, BAKER, BELARDI, LUCYK, M. COHEN, VAN HORNE, MELIO, TRELLO, ITKIN, CALTAGIRONE, BOSCOLA and MICOZZIE

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

Referred to Committee on PROFESSIONAL LICENSURE, October 21, 1997.

No. 1935 By Representatives M. COHEN, BELARDI, TRELLO, ITKIN, ROBINSON, HORSEY, LEDERER, LEVDANSKY, JAMES, STABACK, HENNESSEY, NICKOL, YOUNGBLOOD, SCRIMENTI and THOMAS

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, providing for ownership of life insurance policy on a child.

Referred to Committee on INSURANCE, October 21, 1997.

No. 1936 By Representatives MELIO, FICHTER, TRELLO, TANGRETTI, DALEY, GIGLIOTTI, DRUCE, COLAIZZO, COLAFELLA, TRAVAGLIO, SHANER, EACHUS, OLASZ, BOSCOLA, CORPORA, PETRARCA, JAROLIN, STURLA, STEELMAN, ROBINSON, VAN HORNE, TRICH,

YOUNGBLOOD, GRUITZA, ROBERTS, CASORIO, WALKO, READSHAW, KAISER, RAMOS, KIRKLAND, HORSEY, JOSEPHS, BATTISTO, PESCI, VEON, COY, ROONEY, GEORGE, BUXTON, BEBKO-JONES, MUNDY, SAINATO, MARKOSEK, McGEEHAN, McCALL, STETLER, ITKIN, DeWEESE, SURRA, M. COHEN, BELFANTI, STABACK, BELARDI, LAUGHLIN, HANNA, CORRIGAN, DeLUCA, CAWLEY, TIGUE, WOJNAROSKI, C. WILLIAMS, HALUSKA and MANDERINO

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for emission inspection expenditures.

Referred to Committee on TRANSPORTATION, October 21, 1997.

No. 1937 By Representative MASLAND

An Act authorizing the Borough of Carlisle, Cumberland County, to sell certain Project 70 lands free of Project 70 restrictions in return for use of the sale proceeds to assist the Central Pennsylvania Conservancy purchase a tract of land.

Referred to Committee on STATE GOVERNMENT, October 21, 1997.

No. 1938 By Representatives BISHOP, PESCI, BELARDI, McGEEHAN, YOUNGBLOOD, MELIO, CIVERA, C. WILLIAMS, MANDERINO and A. H. WILLIAMS

An Act prohibiting the use of commercial credit ratings which do not contain certain information; conferring powers and duties on the Department of Community and Economic Development; establishing remedies; and imposing penalties.

Referred to Committee on CONSUMER AFFAIRS, October 21, 1997.

No. 1939 By Representatives ARMSTRONG, D. W. SNYDER, CLYMER, STERN, ZUG, ROHRER, BAKER, SCHRODER, MAITLAND, BROWN, NICKOL, FARGO, E. Z. TAYLOR, BARD, SAYLOR, WOGAN, ORIE, PLATTS, SEMMEL and LYNCH

An Act establishing the Office of Administrative Hearings as an independent administrative agency to provide an impartial tribunal for contested cases in certain agencies; providing for the appointment of a chief administrative law judge and administrative law judges; and providing for powers and duties.

Referred to Committee on JUDICIARY, October 21, 1997.

No. 1940 By Representatives ORIE, L. I. COHEN, HERMAN, HENNESSEY, STEVENSON, LEVDANSKY, LAUGHLIN, MAYERNIK, VAN HORNE, MASLAND, GEIST, WOGAN, HALUSKA, BARD, E. Z. TAYLOR, SAYLOR, MELIO, BELFANTI, BARRAR, M. COHEN, WILT, DeLUCA, MANDERINO, C. WILLIAMS, PISTELLA, ITKIN, RAMOS, HORSEY, BOSCOLA, YOUNGBLOOD, SEYFERT, STEELMAN, TRELLO and SAINATO

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

Referred to Committee on JUDICIARY, October 21, 1997.

No. 1941 By Representatives ORIE, E. Z. TAYLOR, KENNEY, GANNON, HARHART, TIGUE, CORRIGAN, LAUGHLIN, STEVENSON, WALKO, MELIO, BELARDI, HENNESSEY, DeLUCA, C. WILLIAMS, ITKIN, BOSCOLA, THOMAS, YOUNGBLOOD, SEYFERT, STEELMAN, KIRKLAND and TRELLO

An Act amending the act of June 29, 1953 (P.L.304, No.66), known as the Vital Statistics Law of 1953, providing for regulation of electronic access to vital statistics records.

Referred to Committee on HEALTH AND HUMAN SERVICES, October 21, 1997.

No. 1942 By Representatives WAUGH, READSHAW, HERMAN, BUNT, BELARDI, FARGO, LAUGHLIN, BARRAR, VANCE, WALKO, BELFANTI, ZIMMERMAN, McNAUGHTON, FAIRCHILD, EGOLF, PLATTS, SAYLOR, STABACK, E. Z. TAYLOR, McGEEHAN, CORRIGAN, TRELLO, DALEY, SEMMEL, STEELMAN, C. WILLIAMS and DeLUCA

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for interference with devices, signs or signals.

Referred to Committee on TRANSPORTATION, October 21, 1997.

No. 1943 By Representatives HANNA, WALKO, RUBLEY, COLAIZZO, HERSHEY, WOJNAROSKI, CORRIGAN, BUNT, LAUGHLIN, MUNDY, STEELMAN, GODSHALL, DALEY, BATTISTO, TIGUE, STABACK, YOUNGBLOOD, ROBINSON, ARGALL, PISTELLA, BELARDI, M. COHEN, COY, SERAFINI, TRELLO, ITKIN and BOSCOLA

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, providing for farmland preservation.

Referred to Committee on LOCAL GOVERNMENT, October 21, 1997.

No. 1944 By Representatives KIRKLAND, EVANS, STERN, TRAVAGLIO, BELARDI, CARN, PESCI, ROBINSON, SAINATO, JAMES, HALUSKA and TANGRETTI

An Act amending the act of June 29, 1996 (P.L.434, No.67), known as the Job Enhancement Act, providing for targeted communities.

Referred to Committee on COMMERCE AND ECONOMIC DEVELOPMENT, October 21, 1997.

No. 1945 By Representatives DENT, BROWNE, ADOLPH, ARMSTRONG, BARD, COY, DALLY, FAIRCHILD, FARGO, FLICK, HENNESSEY, LESCOVITZ, McNAUGHTON, NAILOR, ROSS, RUBLEY, SEYFERT, C. WILLIAMS, WOGAN, M. N. WRIGHT and RAMOS

An Act amending Title 15 (Corporations and Unincorporated Associations) of the Pennsylvania Consolidated Statutes, providing for classification.

Referred to Committee on COMMERCE AND ECONOMIC DEVELOPMENT, October 21, 1997.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 282 By Representative THOMAS

A Resolution memorializing Congress to pass H.R. 950, referred to as the Job Creation and Infrastructure Restoration Act of 1997.

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, October 21, 1997.

No. 283 By Representatives LLOYD, CARONE, KREBS, STEELMAN, DeLUCA, SURRA, GORDNER, SANTONI, LEDERER, MELIO, PESCI, MANDERINO, CURRY, BOSCOLA, JOSEPHS, WALKO, BELFANTI, LEVDANSKY, MUNDY, SCRIMENTI, BELARDI, CAWLEY, M. COHEN, C. WILLIAMS and ITKIN

A Resolution amending House Rule 30.

Referred to Committee on RULES, October 21, 1997.

SENATE MESSAGE

ADJOURNMENT RESOLUTION FOR CONCURRENCE

The clerk of the Senate, being introduced, presented the following extract from the Journal of the Senate, which was read as follows:

In the Senate
October 20, 1997

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, October 27, 1997, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Monday, October 27, 1997, unless sooner recalled by the Speaker of the House of Representatives.

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

On the question,
Will the House concur in the resolution of the Senate?
Resolution was concurred in.
Ordered, That the clerk inform the Senate accordingly.

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader. Mr. PERZEL. Mr. Speaker, I move that the following bills be removed from the tabled bill calendar:

- HB 722;
- HB 1636; and
- HB 1826.

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

BILLS RECOMMITTED

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

- HB 722;
- HB 1636; and
- HB 1826.

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

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 911, PN 2463 (Amended) By Rep. HERSHEY

An Act amending the act of July 9, 1990 (P.L.340, No.78), known as the Public Safety Emergency Telephone Act, further providing for definitions, for the powers and duties of the Pennsylvania Emergency Management Agency and the Pennsylvania Public Utility Commission, for county plans, for training, for rules and regulations and for expenditures for mobile communications equipment; and providing for immunity.

VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS.

HB 1561, PN 1901 By Rep. HERSHEY

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, authorizing the department to arrange for burial details in the Indiantown Gap National Cemetery; and making an appropriation.

VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS.

HB 1633, PN 2035

By Rep. HERSHEY

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for the powers and duties of the Deputy Adjutant General for Veterans Affairs; and making a repeal.

VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS.

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—200

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

ADDITIONS—0

NOT VOTING-0

EXCUSED-2

LaGrotta

Nickol

MISS JUNIOR PENNSYLVANIA PRESENTED

The SPEAKER. The Chair at this time recognizes the gentleman, Mr. McCall, for the purpose of making an introduction. Mr. McCall.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, it is with great pleasure that today I announce to the members of the General Assembly Miss Junior Pennsylvania. Her name is Moria Petchel. Moria was crowned Miss Junior Pennsylvania in July and competed in the national competition for Miss Junior USA and was first runner-up in that competition. She was judged on beauty, ability to speak, content of speech, poise, and her modeling technique.

With her are her parents, Joann and John Petchel, and other family members, John and Rita Mihalachick, and her maternal and paternal grandmothers, Eleanor Petchel and Mary Dutzer. They are to the left of the Speaker. If they would please rise.

GUESTS INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today Donald Cole, who is serving as a guest page. He is a sixth grade student at the Feaser Middle School in Middletown, the son of Nancy Cole, secretary to Representative Leh, here today as the guest of Representative Tulli. Would the guest please rise; the guest page please rise.

As the guest page of Representative Phyllis Mundy, Heidi Franco is here today with her sister, Rebecca; mother, Irene; and grandmother, Rita Kilgallon. Would they please rise; in the balcony.

Representative Victor Lescovitz has today as his guest page his son, Trey, a seventh grade student at Our Lady of Lourdes School in Washington County. Trey, would you please rise so we could come to meet you. He is here in front of the Speaker.

CALENDAR

BILLS ON THIRD CONSIDERATION

BILLS PASSED OVER

The SPEAKER. The Chair turns to page 1 of today's calendar. All the bills on page 1 are over.

The House proceeded to third consideration of SB 55, PN 953, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for operating watercraft under influence of alcohol or controlled substance, for chemical testing and for classification of offenses and penalties.

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-200

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

NAYS—0

NOT VOTING—0

EXCUSED—2

LaGrotta

Nickol

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.

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BILLS PASSED OVER

The SPEAKER. The balance of the bills on page 2 are over. Page 3. HB 1331 is over.

* * *

The House proceeded to third consideration of **HB 1412, PN 1803**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for responsibilities of law enforcement agencies and court-ordered relief.

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

Ms. **WILLIAMS** offered the following amendment No. **A4132**:

Amend Title, page 1, line 2, by inserting after "Statutes," providing for sanctions on driver's licenses and vehicle registrations against support delinquents; and

Amend Bill, page 1, lines 6 and 7, by striking out all of said lines and inserting

Section 1. Title 23 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:

§ 4356. Denial or suspension of a driver's license or motor vehicle registration.

(a) General rule.—Where the domestic relations section has been unable to attach the income of an obligor pursuant to section 4348 (relating to attachment of income) and the obligor owes support in an amount equal to or greater than three months of the monthly support obligation, the court shall issue an order directing the Department of Transportation to:

(1) prohibit the issuance or renewal of all classes of motor vehicle operator's licenses and registrations of the obligor; or

(2) require the suspension of all classes of motor vehicle operator's licenses and registrations of the obligor.

(b) Notice to obligor.—

(1) Prior to the issuance of an order to suspend, nonrenew or deny motor vehicle operator's licenses and registrations, the court shall send written notice to the obligor. The notice shall specify:

(i) The amount of arrears owed.

(ii) How, when and where the notice may be contested.

(iii) That the grounds for contesting the notice shall be limited to mistakes of fact. Mistakes of fact shall be limited to errors in the amount of arrears owed or mistaken identity of the obligor.

(iv) That an order to the department to automatically suspend, nonrenew or deny the license will occur in all cases 30 days after issuance of the notice unless the arrearage is paid or a periodic payment schedule is approved by the court.

(c) Order.—

(1) Thirty days after the issuance of the notice, if the obligor has not paid the arrearage or entered into a court-approved periodic payment schedule, the court shall issue an order to the department to suspend or deny the issuance or renewal of all motor vehicle operator's licenses and registrations. Upon receipt, the department shall immediately comply with that order.

(2) An order providing for a periodic payment schedule shall also provide that failure to comply with the schedule shall result in the immediate suspension, nonrenewal or denial of the obligor's motor vehicle licenses and registrations. This order may include a requirement that the obligor's motor vehicle operator's license be suspended and the obligor receive only an occupational limited license from the department if the obligor qualifies for one until the arrearage is satisfied or until the court issues an order removing the suspension of driving privileges. Only those obligors who have a periodic payment schedule approved by the court may qualify for an occupational limited license. The obligor must meet and follow requirements set forth in 75 Pa.C.S. § 1553 (relating to occupational limited license) in applying and using an occupational limited license.

(3) To contest the order, the obligor must appear before the domestic relations section not later than ten days after issuance of the order. The grounds for contesting shall be limited to mistakes of fact. If as determined by the domestic relations section a mistake of fact has occurred, the action shall be modified accordingly within ten days.

(4) Upon receiving an order, the department shall send a notice to the obligor of the order of the court for suspension, nonrenewal or denial of motor vehicle operator's licenses and registrations. The notice shall clearly state the reasons and statutory grounds for the suspension, nonrenewal or denial and the mailing address for the court that issued the order. It may include any other notices prescribed by the department or the court. The department shall develop the form and content of this notice. The notice shall include requirements for the obligor to return all suspended driver's licenses, vehicle registrations and registration plates to the department.

(5) Within 30 days of receiving a notice that a registration has been suspended, the obligor shall return the vehicle's license plates to the department unless the arrearage is paid or a periodic payment schedule is approved by the court.

(d) Reinstatement or issuance of license and registration.—Where the court has issued an order pursuant to subsection (c) and the obligor has satisfied the arrearage, the court shall order the department to reinstate or issue the licenses or registrations immediately, provided that the obligor meets any and all other requirements for issuance or reinstatement. The department shall have ten days to return all driver's licenses, vehicle registrations and registration plates to the obligor.

(e) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Department." The Department of Transportation of the Commonwealth.

"Motor vehicle operator's license." A license or permit to drive a motor vehicle issued under 75 Pa.C.S. (relating to vehicles).

"Occupational limited license." A license issued under 75 Pa.C.S. § 1553 (relating to occupational limited license).

"Registration." The authority for a vehicle to operate on a highway as evidence by the issuance of an identifying card and registration plate.

"Suspend" To withdraw temporarily by formal action of the department any license, registration or privilege issued or granted by the department.

Section 2. Sections 6105(e) and 6108(a)(7) of Title 23 are amended to read:

Amend Sec. 2, page 3, line 25, by striking out "2" and inserting

3

On the question,

Will the House agree to the amendment?

The SPEAKER. On the question of the adoption of the Williams amendment, the Chair recognizes the lady from Montgomery.

Ms. WILLIAMS. I am very proud to offer this amendment today, Mr. Speaker.

My amendment will have, I think, a very positive impact on the collection of child support payments. As you know, Federal law requires Pennsylvania and all the other States to pass this specific type of legislation by the end of the year. My legislation would have the courts order the Pennsylvania Department of Transportation suspend all driver's licenses and vehicle registrations for anyone who owes 3 or more months of child support and refuses to make the payment.

The difference in this amendment as to other of the legislation that has been put forth is that there is a provision in my amendment so that occupational licenses would not be suspended. Of course, if we take away a means of making money, then the people would not have the ability to have child support.

My legislation is based on a law that passed in Maine, which helped the State collect more than \$31 million in child support from people who ignored requests for payment.

Currently, we have over \$1 billion outstanding in delinquent child support in Pennsylvania according to the State DPW (Department of Public Welfare). The number of delinquencies in child support exceeds 100,000 people. That is nearly—

The SPEAKER. The lady will yield.

Conferences, please cease.

The lady may continue.

Ms. WILLIAMS. Thank you, Mr. Speaker.

Pennsylvania has an unconscionable collection rate of 29 percent of those who have become overly delinquent in child support.

My legislation has the support of the Delaware Valley Chapter of the Association of Children for the Enforcement of Support, which is known as ACES. This group represents thousands of people in Philadelphia, Bucks, Montgomery, Delaware, and elsewhere.

This is a very important piece of legislation, and I urge you all to vote "yes" on this amendment. We need to comply with Federal laws by the end of the year, and I urge your vote. Thank you very much.

The SPEAKER. The gentleman, Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, I would like to interrogate the maker of the amendment.

The SPEAKER. The lady indicates she will stand for interrogation. You may begin.

Mr. LLOYD. Mr. Speaker, you indicated that it would be possible to have an occupational license, or I guess what you really said was that it would not be suspended. What I am interested in finding out, Mr. Speaker, is what happens if I have a good and valid license and I am in arrears on a child support payment? I see some language in here which suggests that the court may give me an occupational license. I wonder if you could explain how that would work.

Ms. WILLIAMS. Well, what would happen, first of all, in my bill there is a provision that if you are actually having trouble with your child support, you can work out a payment plan with the courts. But the courts already suspend licenses for other reasons, and this would be, if you have a valid license you would get a notice, just as if you had points and your points were taken away you would get a notice saying your license is suspended.

Mr. LLOYD. No; Mr. Speaker, what I am trying to understand, on the second page of the amendment, starting on line 7, there is language which appears to suggest that the following could happen: I am in arrears on child support; I get a notice; the judge issues an order; and the judge's order says that my regular license is suspended, and instead of a regular license I get an occupational limited license which will allow me to go to work so that I can earn the money to pay the child support. Am I understanding that correctly? Is that what would actually happen?

Ms. WILLIAMS. That it would not actually happen?

Mr. LLOYD. No. Is that what would actually happen?

Ms. WILLIAMS. Yes. Well, that is what the legislation says would happen. Now, the occupational license is for people who are truckdrivers, who are busdrivers — people who earn their living driving.

Mr. LLOYD. Well, except that the occupational limited license under the Vehicle Code is available to anybody, not just the people who drive for their living but for people to drive to and from work.

Ms. WILLIAMS. You are correct on that.

Mr. LLOYD. So it says that if they are otherwise eligible, and part of the problem, I think, here just may be a matter of semantics, but you are not requiring them to fit within one of the categories under the occupational limited license law in order to get an occupational limited license under this court order.

Ms. WILLIAMS. You are correct.

Mr. LLOYD. Okay. So in other words, Mr. Speaker, it would be possible for someone who did not have any other traffic citations against him to lose his license because of nonpayment of support but be given an occupational limited license which he could maintain as long as he was working in order to make the child support payments.

Ms. WILLIAMS. Yes, and then he would have the problem that if he was picked up for some minor violation off working hours, that he could lose his license and his insurance.

Mr. LLOYD. Right. Okay. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman from Delaware, Mr. Civera. The gentleman will yield.

Conferences on the floor, please move to the outer rooms.

Mr. Civera.

Mr. CIVERA. Thank you, Mr. Speaker.

Mr. Speaker, after looking at the amendment, I rise to support the amendment. It has been agreed to by both sides of the aisle that

the members of the General Assembly will support Representative Williams' amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Franklin, Mr. Fleagle.

Mr. FLEAGLE. Thank you, Mr. Speaker.

Mr. Speaker, would the prime sponsor of this amendment consent to interrogation?

The SPEAKER. You could do a duo with the prime sponsor. The gentleman perhaps could be a gentleman and move to another— Never mind. All right.

The lady indicates she will stand for interrogation. You may begin.

Mr. FLEAGLE. Now I will have to speak with my back to her, Mr. Speaker, and that is very rude, too.

The SPEAKER. You are speaking to the Chair, not—

Mr. FLEAGLE. Good point.

Mr. Speaker—

The SPEAKER. And I know you would not—

Mr. FLEAGLE. I am new here, Mr. Speaker.

The SPEAKER. And I know you would not be rude to the Chair.

Mr. FLEAGLE. Okay. Mr. Speaker, in my end of the State, living in an area that is contiguous with another State — i.e., Maryland, and also with West Virginia and Virginia — one of the problems that we have is that a lot of these so-called deadbeat dads skip the State. Now, that does not avoid paying any kind of child payments, but it does in essence delay them and makes it tougher to enforce them.

My question, Mr. Speaker, to the prime sponsor is, will this affect those who leave the State, being that they probably will not have a Pennsylvania driver's license at that time? In other words, they will probably have a Maryland license. Is there a way that their Pennsylvania privileges would be suspended and then revoked perhaps in another State because of that privilege being revoked in Pennsylvania where they had formerly been a resident?

Ms. WILLIAMS. Thank you.

Mr. Speaker, Maryland has a similar law to what we are proposing today. In addition, the Federal legislation requires that the State, which I believe is happening, set up a computerized tracking system for this which would work among States. So I think that would probably alleviate your concerns.

Mr. FLEAGLE. So just to clarify that, if this amendment is passed and the bill is signed into law—

Ms. WILLIAMS. They could not move to Maryland.

Mr. FLEAGLE. —Maryland privileges will also be revoked if they would leave the State?

Ms. WILLIAMS. Yes. Yes, sir.

Mr. FLEAGLE. Okay. Thank you.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Horsey.

Mr. HORSEY. Mr. Speaker, would the maker of the amendment stand for interrogation?

The SPEAKER. The lady indicates she will stand for interrogation. The gentleman, Mr. Horsey, may begin.

Mr. HORSEY. Madam Speaker, what are the provisions on other licenses? Are there any provisions at all on other licenses? We give out liquor licenses, we give out medical licenses, we give

out teacher's licenses, dental licenses in the State. Madam Speaker, are you familiar with provisions or other licenses—

The SPEAKER. Mr. Horsey, "Mr." Speaker will do.

Mr. HORSEY. Oh; okay.

Mr. Speaker, are there other provisions on other types of licenses in the State that you know of? In other words, do we do the same thing for other licenses — medical licenses, dental licenses?

Ms. WILLIAMS. Yes; we do. That is considered under Act 62 of 1993.

Mr. HORSEY. So if a person is a practicing doctor and he is a deadbeat dad, we are able to suspend his license.

Ms. WILLIAMS. That is correct.

Mr. HORSEY. And if he is a schoolteacher and he has a teaching license, we can suspend his license.

Ms. WILLIAMS. Yes; you are correct, sir, but unfortunately, not everyone is a doctor or a schoolteacher.

Mr. HORSEY. No, no, no. I am just speaking, Mr. Speaker, I am just speaking about the persons who get licenses from the State.

Ms. WILLIAMS. That is correct.

Mr. HORSEY. Thank you, Mr. Speaker.

May I comment on the bill?

The SPEAKER. The gentleman is in order.

Mr. HORSEY. And it is real simple, Mr. Speaker. If other folks are able to lose their professional licenses or any license in any manner at all relative to them doing business in this State, I do not have a problem with their driver's licenses. So, Mr. Speaker, I would support Madam Williams' amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the lady for the second— No?

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—193

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

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

NAYS-7

Armstrong	Hasay	Rohrer	Wilt
Daley	Leh	Tigue	

NOT VOTING-0

EXCUSED-2

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

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

The SPEAKER. 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-200

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

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

NAYS-0

NOT VOTING-0

EXCUSED-2

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

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

BILLS PASSED OVER

The SPEAKER. The balance of the bills on page 3 are over. Page 4. HB 21 and HB 1628 are over.

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?

The SPEAKER. The Chair recognizes the gentleman, Mr. Pistella, who offers the first of two amendments. The clerk will read—

Mr. PISTELLA. Mr. Speaker?

The SPEAKER. The gentleman, Mr. Pistella.

Mr. PISTELLA. Mr. Speaker, I would like to withdraw both amendments. That would be amendment A4142 and amendment A1859.

The SPEAKER. The Chair thanks the gentleman.

Mr. PISTELLA. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the bill on third consideration?

MOTION TO RECOMMIT

The SPEAKER. The gentleman, Mr. Cohen, from Philadelphia.

Mr. COHEN. Mr. Speaker, I would like to be recognized to make a motion to recommit.

The SPEAKER. The gentleman is in order.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, HB 441 has a lot of amendments to it, including one of mine, but the bill is conceptually flawed, and none of the amendments or all of them combined do not deal adequately with the flaws in this bill.

This bill, as we discussed before when it last came up, goes far beyond the normal process of criminal justice. It opens up a whole new area of crime. The crime that this bill opens up for the first time in Pennsylvania, for the first time in the United States, is the crime of not showing up to work. Not showing up to work is not a crime anywhere for anybody in the United States.

Now, the National Guard has an argument as to why it ought to be a crime for the National Guard. The military justice system, they say, is inefficient, it is not strong enough in some ways, it is too strong in other ways, and therefore, by making it a crime, even a minor crime, they will secure the loyalty of people who are not deterred by the current penalties, which are either too great in the National Guard's judgment or too small to be effective.

Mr. Speaker, the National Guard is not the only organization in American society—

The SPEAKER. Mr. Cohen.

Mr. COHEN. Yes?

The SPEAKER. The motion is to recommit, not the merits of the bill. Please.

Mr. COHEN. Well, Mr. Speaker, I believe it is the merits of the bill that lead to the motion of recommitment. Okay.

Mr. Speaker, I move to recommit this bill, because although about 5 months have elapsed since we last debated it, the bill is still unchanged. There has been no attempt to seriously weigh the objections to this bill, the implications of this bill for society as a whole, and the implications of this bill for the National Guard. No public hearing has been held; no task force has been convened; no rational investigatory process has been undergone by the backers of this bill or by the National Guard. I think we need a process in which to fully study this, and the best organization to study this is the Military Affairs and Emergency Preparedness Committee. They have the expertise, they have the devotion to the guardsmen, they have the devotion to the Guard as a whole, and they have the ability and willingness to undertake this kind of study.

So I therefore move that this bill be recommitted to the House Military and Veterans Committee, both to preserve the civil liberties of all Pennsylvanians and to preserve the future of the National Guard.

The SPEAKER. The Chair thanks the gentleman.

On the question,

Will the House agree to the motion?

The SPEAKER. The Chair recognizes the gentleman, Mr. Snyder, on the question of recommitment.

Mr. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, HB 441 was the subject of quite a bit of debate on the House floor on May 5 of this year. Due to some of the issues that the maker of the motion raised, the bill was held over until this month to allow further consideration of some of the issues and concerns that were brought out during that debate.

Mr. Speaker, I look at the voting schedule, and I see approximately three amendments to this bill which I do not think are overwhelming in terms of their quantity nor their substance that make it difficult for the members of this House to listen to the makers of those amendments and to consider those amendments on their merit. Also, Mr. Speaker, this issue was the subject of various correspondence to the Governor and to the makers of the legislation, including a letter that Mr. Cohen wrote on May 2 expressing his opposition to the legislation.

Mr. Speaker, recommitment is not the process to debate the bill on its merits or to take a vote on whether or not we should vote substantively on this issue. I think that there are some concerns that members may have about this legislation, but I think it would be better to have that debate and take those votes according to the votes based on the merit of the bill rather than recommitting it, because the maker has not provided any additional information that could be considered as a result of recommitment.

So therefore, we ask for a "no" vote on recommitment.

The SPEAKER. The gentleman, Mr. Michlovic.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, I would agree with the gentleman who just spoke if those amendments were agreed-to amendments, but they are not. There has been no compromise. There has been no attempt to deal with this issue in a fashion that meets the concerns that the gentleman raised earlier this year.

So respecting that, I think it is an appropriate motion. I think we should send this back to the Military and Veterans and Emergency Preparedness Committee to take a more comprehensive look at the technicalities of the legislation and the issue at hand.

I agree with him on the thrust of his comments, why this bill is inappropriate, so therefore, I urge support of his motion to recommit. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the motion, the Chair recognizes the gentleman from Philadelphia County, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, in the course of discussions with the National Guard, I have learned they need clarity — extreme clarity. They met with about a half dozen of us or so who were very, very concerned about it, and we discussed our concerns for an hour and a half, 2 hours, and after we discussed it for a couple of hours and indicated

in increasingly frustrated language how terrible this bill was, how seriously and adversely it would affect National Guard recruiting and retention policies, the terrible precedent it would set for the civil liberties and the rights of all employees in Pennsylvania, after we said this for about 2 hours, they said, now are you going to support the bill? We just were not able to seriously convince them that we were serious in our objections to this bill.

I think sending this bill back to committee will send a very clear and unequivocal message to the National Guard that the solution of making Pennsylvania National Guardsmen the only people in the entire United States, the only people in the entire history of the United States, who can face criminal penalties for not showing up to work is not an acceptable solution to their problems. Their problems are very minor in the overall scheme of things. This is a drastic solution which creates far, far more problems than it solves.

Sending this bill back to Military and Veterans Affairs will send a very strong message to the National Guard that they have to use their expertise to seriously engage with the members of the Military and Veterans Affairs Committee and other members of the House and work out a reasonable solution that is in the interests both of the National Guard, the National Guard members, and all the people of Pennsylvania.

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

The following roll call was recorded:

YEAS-97

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

NAYS-103

Adolph	Egolf	Maher	Schuler
Allen	Fairchild	Maitland	Semmel
Argall	Fargo	Major	Serafini
Armstrong	Feese	Marsico	Seyfert
Baker	Fichter	Masland	Smith, B.
Bard	Fleagle	Mayernik	Smith, S. H.
Barley	Flick	McGill	Snyder, D. W.
Barrar	Gannon	McIlhattan	Stairs
Benninghoff	Geist	McNaughton	Steil

Birmelin	Gladeck	Micozzie	Stern
Boyes	Godshall	Miller	Stevenson
Brown	Gruppo	Nailor	Strittmatter
Browne	Habay	O'Brien	Taylor, E. Z.
Bunt	Harhart	Orie	Taylor, J.
Carone	Hasay	Perzel	True
Chadwick	Hennessey	Phillips	Tulli
Civera	Herman	Pippy	Vance
Clark	Hershey	Platts	Waugh
Clymer	Hess	Raymond	Wilt
Cohen, L. I.	Hutchinson	Reinard	Wogan
Conti	Jadlowiec	Rohrer	Wright, M. N.
Cornell	Kenney	Ross	Zimmerman
Dally	Krebs	Rublely	Zug
Dempsey	Lawless	Sather	
Dent	Leh	Saylor	Ryan,
DiGirolamo	Lynch	Schroder	Speaker
Druce			

NOT VOTING-0

EXCUSED-2

LaGrotta Nickol

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

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

The SPEAKER. My understanding at this point, Mr. Pistella, is you have withdrawn your two amendments.

Mrs. Lederer, I have you marked for two amendments. Are you offering them?

Mrs. LEDERER. I have withdrawn both of those amendments, Mr. Speaker.

The SPEAKER. Thank you.

Mr. Cohen, I have you marked for an amendment. Are you offering that amendment? The clerk will read the Cohen amendment.

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

Mr. COHEN offered the following amendment No. A2101:

Amend Sec. 1, page 1, lines 6 and 7, by striking out all of said lines and inserting

Section 1. Sections 5301(a)(2) and 6010 of Title 51 of the Pennsylvania Consolidated Statutes are amended to read:

§ 5301. Commanding officer's nonjudicial punishment.

(a) General rule.—Under such regulations as the Governor may prescribe, any commanding officer may, in addition to or in lieu of admonition or reprimand, impose one of the following disciplinary punishments for minor offenses without the intervention of a court-martial:

(2) Upon other military personnel of his command:

(i) withholding of privileges for not more than two consecutive weeks;

(ii) restriction to certain specified limits, with or without suspension from duty, for not more than two consecutive weeks;

(iii) extra duties for not more than 14 days, which need not be consecutive, and for not more than two hours per day, holidays included;

(iv) reduction to next inferior grade if the grade from which demoted was established by the command or an equivalent or lower command; [or]

(v) if imposed by an officer exercising special court-martial jurisdiction over the offender, a fine or forfeiture of pay and allowances of not more than \$10[.]; or

~~(vi) In cases of absence without leave only, the levy of a fine of not less than \$50 nor more than \$200.~~

Amend Sec. 1 (Sec. 6010), page 1, line 9, by striking out "(a) Penalty OFFENSE DEFINED.—"

Amend Sec. 1 (Sec. 6010), page 2, line 21, by inserting after "DIRECT"

~~or by nonjudicial punishment under section 5301
(a)(2) (relating to commanding officer's nonjudicial punishment)~~

Amend Sec. 1 (Sec. 6010), page 2, lines 22 through 30; page 3, lines 1 through 30; page 4 lines 1 through 6, by striking out all of said lines on said pages

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

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, this amendment offers an alternative plan to solve the National Guard's problems. This amendment strikes out the language making the members of the Pennsylvania National Guard the only people in this country who have committed a crime for missing work and increases their power, increases the National Guard's power, to fine civilly within the military justice system, to fine National Guardsmen. It allows them to have a fine from \$50 to \$200 for missing work. Currently, they are limited to a fine of \$25. It is their belief that a fine of \$25 is insubstantial. People who miss work gladly pay the \$25 fine and go on and keep missing work.

I would note, in addition to the \$25 fine that they pay under the current system, they also forfeit \$75 for each day they miss work. So in the current system, the current penalty for missing work is \$100 a day. This would raise it to up to \$300 a day.

This is far, far more reasonable than dragging people to court and attempting to give people a criminal record for missing work. The National Guard should not be singled out in this fashion. These are people who are extremely patriotic, extremely dedicated to the welfare of the United States and the welfare of the citizens of Pennsylvania. This fine is much more reasonable than a criminal conviction.

I would urge support of this amendment.

The SPEAKER. On the Cohen amendment, the Chair recognizes the gentleman, Mr. Wogan. Do you desire recognition on this?

Mr. WOGAN. Excuse me, Mr. Speaker; I did not know I was being recognized.

I just listened to the gentleman, my colleague from Philadelphia, and what he said would make sense, but my understanding is that there is Federal law that would preclude what

he is trying to do, and I do not think that the limit is \$25; I think that the limit is \$10, that we cannot change the military justice system within Pennsylvania because there is Federal law which will not let us, and because of the supremacy clause, we must yield to the Federal Government.

And I will reiterate, the present system would allow the Pennsylvania military justice system after a court-martial to only — after a board; I am sorry — to impose a maximum fine of \$10, and that is why we are here today. So although the gentleman from Philadelphia is well intentioned, because of Federal law we are doing something, if we voted for this amendment, that would be totally meaningless.

So I would ask that we oppose the amendment.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Michlovic, on the issue.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, just first some clarification on the issue.

I support the gentleman's amendment, Mr. Cohen's amendment. As I understand it, the limit is \$25, not \$10, but the limit, it is under Title 32 on adjudicative court proceedings, court-martials. This proceeding is not a court-martial. Title 32 is silent on that action. So it is questionable whether that limit regarding court-martials applies to these kinds of cases, which are non-court-martial cases.

Indeed, the State of Delaware — and we understand there are several other States, although we could not find which ones at this late time — the State of Delaware has a \$65 limit. They have not been penalized by the Federal Government at all. They are moving along with their proceedings with a \$65 limit. Nobody is causing them any problem. And it appears as though we can raise this limit without any penalty or retaliation from the Federal Government.

So I would urge that we adopt the Cohen amendment and take the position that this is a non-court-martial case and it does not apply under Title 32. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Snyder.

Mr. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, in response to this amendment, an analysis was done for the Adjutant General of the Commonwealth of Pennsylvania, and I would like to just read a paragraph of that analysis which supports what Representative Wogan has noted in his remarks in opposition to this amendment.

The SPEAKER. The gentleman will yield.

The gentleman may continue.

Mr. SNYDER. Thank you, Mr. Speaker.

I quote from a memorandum dated October 10, 1997, and it reads in part, quote, "The Constitution of the United States permits states to possess a militia. The states can establish requirements for discipline and control of its force, but this force will not be recognized or funded as part of the reserve components of the United States, unless they satisfy the conditions of that status. Congress established laws limiting the discipline and management of the 'National Guard'. To be a part of the National Guard we have to comply with the federal guidelines. Discipline is left to the governor, but maximum punishments are established by Congress. Representative Cohen's proposed Amendment violates federal law and would result in our loss of federal status, should we wish to impose this punishment. There is nothing that would prohibit a state from disciplining a member of its...national guard through its local judicial system. The proposed course of action would not be

violative of federal law and keep in mind it was never our intention to increase the punishment, merely to use a standing system that has immediate control over the individual, to return the soldier to drill as quickly as possible," unquote.

Mr. Speaker, the point of this is that whether or not we agree with the merits of this amendment, to risk the Federal status of our National Guard and the funding of our National Guard by imposing a law that is in violation of the standards and guidelines set by Congress I think would be a mistake, and I therefore would request a "no" vote on this amendment.

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

Mr. COHEN. Thank you.

Mr. Speaker, will the majority whip consent to interrogation?

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

Mr. COHEN. Thank you.

Mr. Speaker, is the gentleman aware that the State of Delaware has a fine of \$65 a day for everybody who misses work and who is a member of the National Guard?

Mr. SNYDER. Mr. Speaker, I do not have a copy of Delaware's statute, so I am not sure if it is relevant or not to the issue that we have right before us.

Mr. COHEN. The gentleman is aware, though, that Delaware does fine those who go AWOL (absent without leave) \$65 a day?

Mr. SNYDER. I am not aware of their specific statute.

Mr. COHEN. Mr. Speaker, will the gentleman indicate how the State of Delaware is able to do this if this letter quotes accurate information?

Mr. SNYDER. Mr. Speaker, if the questioner knows the answer to this question, I am sure he will enlighten us with the answer.

Mr. COHEN. Thank you, Mr. Speaker.

The answer is, we can do it. Delaware does it; other States do it; we can do it. As Tom Michlovic indicated a few minutes ago, different sections of the law provide different things. The \$25 or \$10 limit that was discussed earlier is in one section of the Federal law. It is a limit in one category. This amendment would not affect that limit. The reason other States can do it is because it does not violate Federal law.

It should be noted this is not an opinion of any Federal agency. There is nothing in that letter which indicates that anybody in the National Guard checked with the Federal Government in any way. When we met with the National Guard several months ago, the National Guard had not checked with the Federal Government. There is no reason to believe they have checked with the Federal Government since. Nothing in that letter indicates there has been any check with the Federal Government. The National Guard has stuck its head in the sand, has refused to rationally research this situation. They have refused to talk to other States. They have refused to talk to the Federal Government.

This amendment makes sense. This amendment will solve problems. If this amendment fails and the bill passes unamended, all we are going to do is create a national embarrassment for the Pennsylvania National Guard and for the members of this General Assembly. I urge support of this amendment.

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

The following roll call was recorded:

YEAS-98

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

NAYS-102

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

NOT VOTING-0

EXCUSED-2

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

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

The SPEAKER. The Chair recognizes the gentleman, Mr. Michlovic. Do you have an amendment?

Mr. MICHLOVIC. Yes; I do, Mr. Speaker. It has been introduced.

The SPEAKER. The clerk will read the amendment.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. MICHLOVIC offered the following amendment No. A2462:

Amend Title, page 1, lines 2 and 3, by striking out "further providing for absence without leave." and inserting

further providing for apprehension of persons absent without leave; and providing for administrative leave.

Amend Bill, page 1, lines 6 through 16; pages 2 and 3, lines 1 through 30; page 4, lines 1 through 7, by striking out all of said lines on said pages and inserting

Section 1. Section 5202 of Title 51 of the Pennsylvania Consolidated Statutes is amended to read:

§ 5202. Apprehension of persons absent without leave.

(a) Apprehension.—Any civil officer having authority to apprehend offenders under the laws of the United States or of a state, territory, commonwealth or possession, or of the District of Columbia, or any [military officer] commissioned officer subject to this part [who has been authorized by the Governor by regulation] may summarily apprehend any person subject to this part absent without leave from the State military forces and deliver him into the custody of the State military forces.

(b) Costs.—~~The costs incurred in the apprehension of any person absent without leave as a result of the involvement of any civilian authority shall be paid by the person who is absent without leave.~~

Section 2. Chapter 53 of Title 51 is repealed and the title is amended by adding a chapter to read:

CHAPTER 53 ADMINISTRATIVE PUNISHMENT

Sec.

5301. Election of punishment.

5302. Punishments.

5303. Referral to commanders of superior grade.

5304. Procedures.

5305. Review of administrative punishment.

5306. Commanders.

5307. Regulations.

5308. Status of administrative punishment.

5309. Suspension, set aside or remission.

§ 5301. Election of punishment.

(a) Election.—When a commander has probable cause to believe that a member under his command or supervision has committed an offense under this part, the commander shall elect whether to take no action, to proceed with administrative punishment under this chapter or with a court-martial convened under this part.

(b) Administrative punishment prohibition.—No person may be subject to administrative punishment under this chapter for an offense that has been the subject of trial by court-martial or civilian court of competent jurisdiction.

(c) Court-martial prohibited.—No person may be tried by court-martial for an offense for which administrative punishment has been imposed under this chapter.

(d) Rights.—A member upon whom a commander proposes to impose administrative punishment shall not have the right to demand trial by court-martial, but shall have the rights to notice, opportunity for a hearing, presentation of a defense, representation by counsel, fair and impartial consideration and appeal as provided by this chapter.

§ 5302. Punishments.

(a) First level commander.—When the commander who proposes to impose administrative punishment on an enlisted member or warrant officer of his command holds the grade of major or below, the punishments he may impose, in addition to an admonition or reprimand, include one of the following:

(1) Withholding of privileges for no more than ten duty days.

(2) Restriction, not including confinement of any kind, to specified limits or a military post, armory or installation, with or without suspension from duty, for no more than five consecutive duty days.

(3) Extra duties for no more than seven duty days, which need not be consecutive and extending for no more than two hours before or after the normal duty day.

(4) An administrative penalty of not more than \$50.

(b) Second level commander.—When the commander who proposes to impose administrative punishment on an enlisted member or warrant officer of his command holds the grade of lieutenant colonel or above, the punishments he may impose, in addition to an admonition or reprimand, include no more than two of the following:

(1) Withholding of privileges for no more than 15 duty days.

(2) Restriction, not including confinement of any kind, to specified limits of a military post, armory or installation, with or without suspension from duty, for no more than ten consecutive duty days.

(3) Extra duties for no more than 15 duty days, which need not be consecutive and extending for no more than two hours before or after the normal duty day.

(4) Reduction to the next inferior grade.

(5) An administrative penalty of not more than \$100.

(c) Commissioned officers.—Administrative punishment may be imposed on commissioned officers only by commanders who are superior in grade to the alleged offender and who hold the grade of lieutenant colonel or above. An authorized commander imposing administrative punishment on a commissioned officer may impose, in addition to an admonition or reprimand, any one or more of the following punishments:

(1) Withholding of privileges for no more than 15 duty days.

(2) Restriction, not including confinement of any kind, to specified limits of an armory, post or installation for not more than 15 consecutive duty days.

(3) An administrative penalty of not more than \$200.

§ 5303. Referral to commanders of superior grade.

(a) Referral.—When a commander determines that an alleged offense should be disposed of under this chapter, he may, in lieu of imposing the punishment himself, refer the offense to a superior commander of higher grade in the chain of command of the alleged offender.

(b) Actions.—When an alleged offense is referred to a superior commander by a subordinate commander, the superior commander may take any one of the following actions:

(1) Dismiss the proposed administrative punishment.

(2) Refer the matter back to the subordinate commander for further disposition.

(3) Refer the matter to the appropriate court-martial convening authority.

(4) Impose the administrative punishments authorized by section 5302 (relating to punishment) in accordance with the procedures of this chapter.

§ 5304. Procedures.

(a) Notice to offender.—A commander who proposed to impose administrative punishment on a member of his or her command shall furnish the individual written notice on a form designated by military regulation. This notice shall include a statement describing the alleged offense, a description of the maximum punishment applicable under this chapter and advice as to the alleged offender's rights, including the right to a hearing, the right to submit matters in defense, mitigation or

extenuation and the right to counsel. Military counsel shall be assigned to consult with the alleged offender at no expense to the member unless the member shall waive his right to consult military counsel in writing. A member may employ civilian counsel at his own expense to represent him in proceedings under this chapter.

(b) Reply.—A member who has been served a notice of proposed administrative punishment shall have no less than three duty days to reply to the notice. The reply may include written matters in defense, mitigation or extenuation and may request a hearing before the commanding officer. In determining how long a member should be given to reply, a commander shall consider the availability of counsel, in no case shall administrative punishment be imposed before a member has the opportunity to consult with military counsel unless the member waives that right in writing.

(c) Proof.—A commander who proposes to impose administrative punishment shall make no determination on the merits until after the member has had the opportunity to reply to the notice, consult with or waive counsel, submit matters in defense, extenuation or mitigation and have a hearing before the commander. In order to impose punishment, a commander must be convinced by the available evidence that the member has committed the offense for which administrative punishment is proposed. The rules of evidence applicable to courts-martial do not apply to administrative punishments, but commanders may consider only relevant and material evidence and must exclude from their consideration any statements or evidence taken or seized in violation of this part.

(d) Notification of punishment.—If the commander is convinced by the evidence that the member has committed the offense, after full and fair consideration of all matters submitted by the member, then the commander shall notify the member of the nature of punishment imposed. The notice shall include written findings of fact and conclusions of law.

(e) Execution of punishment.—No administrative punishment imposed under this chapter shall be executed until after the member has had 15 days opportunity to appeal to the next superior commander unless the member shall earlier waive that opportunity in writing.

§ 5305. Review of administrative punishment.

(a) Appeal.—Any member upon whom administrative punishment has been imposed by a commander may appeal the punishment to the next superior commander within 15 days of the imposition of the punishment.

(b) Form, contents.—Appeals shall be in writing and shall state the grounds for the appeal and the reasons supporting the appeal.

(c) Judge advocate review.—A commander who receives an appeal from administrative punishment shall refer the matter to his staff judge advocate to review the entire case and make findings and conclusions as to disposition. If the commander has no staff judge advocate or if the staff judge advocate is disqualified from acting in the case, the State Judge Advocate shall appoint a judge advocate from another command or component to act as reviewing officer.

(d) Action.—Upon receipt of the findings and conclusions of the reviewing judge advocate, the commander handling the appeal may take action consistent with the findings and conclusions. The commander will not sustain the imposition of punishment where the reviewing judge advocate has concluded that punishment is improper under applicable laws and regulations, not based on substantial evidence or inappropriate under the facts and circumstances of the case. If the reviewing judge advocate concludes that imposition of punishment is lawful and appropriate under the facts and circumstances, the commander may sustain the punishment imposed by the subordinate commander, impose any authorized lesser punishment or impose no punishment at all. The decision of the commander on appeal is final and not subject to further appeal to superior commanders, except that it may be appealed to the Court of Military Review under section 5917 (relating to appeals). Nothing in this subsection shall be construed to diminish the authority of appropriate commanders to suspend, remit or set aside punishments in accordance with section 5309 (relating to suspension, set-aside or remission).

§ 5306. Commanders.

For purposes of this chapter, the Adjutant General, all deputy adjutants general, and any assistant adjutants general designated by the Adjutant General shall be considered commanders. The commanding officer of any unit of any size of any element of the Pennsylvania National Guard or Pennsylvania Guard is a commander for purposes of this chapter.

§ 5307. Regulations.

The Adjutant General may, by military regulations not inconsistent with this chapter, specify the procedures applicable to administrative punishments.

§ 5308. Status of administrative punishment.

(a) No conviction.—Administrative punishment imposed under this chapter shall not be considered as a conviction for any purpose.

(b) Agency adjudication.—An order imposing administrative punishment is considered an adjudication for purposes of the Title 2 (relating to administrative law and procedure) and regulations thereunder, provided that to the extent of any inconsistency between the provisions of this chapter and the Title 2, the provisions of this chapter shall govern.

(c) Records.—Records of administrative punishment imposed under this chapter shall be maintained in appropriate official records of the member punished for no longer than one year after the punishment has been fully executed, except in the case of reduction in grade, when the record shall be maintained for one year after the member attains the grade from which reduced or is separated from the Pennsylvania National Guard or Pennsylvania Guard, whichever comes first.

§ 5309. Suspension, set-aside or remission.

A commander who imposes administrative punishment, his successor in command or any superior commander may, for good cause shown, suspend, set-aside or remit any punishments imposed under this chapter at any time before the punishment is fully executed or, in the case of a reduction in grade, at any time while the member is serving in the reduced grade. When a punishment is suspended, the period of suspension shall not exceed six months, after which the punishment shall be remitted unless sooner vacated by the commander granting the suspension or his successor in command.

Section 3, Title 51 is amended by adding sections to read:

§ 5917. Appeals.

(a) General rule.—The final and conclusive findings and sentences of courts-martial, as reviewed and approved, as required by this part and a final order imposing administrative punishment under Chapter 53 (relating to administrative punishment) may be appealed to the Court of Military Review established under this section.

(b) Time.—Appeals must be filed no later than 30 days after the sentence or punishment has been ordered into execution by the commander, convening authority or the Governor. The filing of an appeal shall not automatically stay the execution of any sentence or punishment, except that a dismissal, dishonorable discharge or bad conduct discharge shall not be executed until disposition of the appeal. The appellant may ask the court to stay the execution of remaining portions of the sentence or punishment, and the president judge of the court shall have the power to act upon a motion for a stay.

(c) Court membership.—The Court of Military Review shall consist of three former or retired judge advocates of the Pennsylvania military forces or the armed forces of the United States appointed by the Governor to perform this duty. At least one of the judges shall be a former or retired judge advocate of the Pennsylvania Army National Guard, and at least one of the judges shall be a former or retired judge advocate of the Pennsylvania Air National Guard. All judges of the Court of Military Review shall be attorneys admitted to practice before the Supreme Court of Pennsylvania. The president judge of the Court of Military Review shall be designated by the Governor. The term of a judge on the Court of Military Review shall be ten years. Judges of the Court of Military Review shall be compensated by payment of a per diem payment equal to the pay and allowances paid for one day of active State duty under section 3102 (relating to pay of others and enlisted personnel in active State

service) to a member of the Pennsylvania National Guard in the grade of colonel (O6) for each day the judge performs duty under this section. In addition, judges of the Court of Military Review shall be reimbursed for the ordinary and necessary expenses they incur in carrying out their duties under this section.

(d) Jurisdiction.—The Court of Military Review shall have original jurisdiction over appeals from courts-martial in the same manner and with the same scope of review as the Superior Court exercises over appeals from the courts of common pleas under 42 Pa.C.S. § 742 (relating to appeals from courts of common pleas). The Court of Military Review shall have original jurisdiction over appeals from imposition of administrative punishment under Chapter 53 (relating to administrative punishment) in the same manner and with the same scope of review as the Commonwealth Court exercises over appeals from actions of administrative agencies under 42 Pa.C.S. § 763 (relating to direct appeals from government agencies).

(e) Appeal to Commonwealth Court.—Final orders of the Court of Military Review may be appealed pursuant to 42 Pa.C.S. § 763 to the Commonwealth Court in the same manner and with the same scope of review as final actions of administrative agencies.

(f) Rules.—The Court of Military Review may promulgate rules of practice and procedure.

§ 5918. Orders for payment of money to be certified to court.

The Adjutant General may certify to any court of common pleas in this Commonwealth any order, sentence, decree or judgment for the payment of any moneys whatsoever, under this part, and a copy of the order, sentence, decree or judgment when so certified shall be entered and indexed in the court as a judgment with the same effect as if it had been recorded therein as a judgment of the court of common pleas of the county where recorded.

Section 4. This act shall take effect in 60 days.

On the question,

Will the House agree to the amendment?

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

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, my amendment provides another alternative, I think a more appropriate way to resolve this problem. The amendment has passed this House before. It passed on June 6, 1978, before I was even in this House, and that is some years ago, and the amendment was supported by the National Guard at that time as a means of resolving this particular problem.

Essentially what it does, rather than set up a civilian review, it simply allows an officer, a commissioned officer, to go out and apprehend the AWOL person and bring him back to the base and then proceed with the appropriate administrative process to do that. It does not use the civilian courts to adjudicate the process. It does not get into all of the problems of having the two-masters situation where the National Guard, which comes under the authority of the Governor, would then also come under, if we pass this bill without this amendment, would come under the unified court system and the Supreme Court, and it makes it a little difficult to serve two masters. That is why it is better to put this whole issue entirely within the military justice system, as I am doing in my amendment.

I remind you that no other State in the country uses civilian courts to adjudicate AWOL cases, military kinds of cases. This is not an appropriate venue. So I am asking that you pass my amendment, which, again, will allow the commissioned officer to go apprehend the person, bring him back to the base, and take

administrative action that is already available to them, and I think we could solve the problem with this and a couple of other amendments and get rid of this problem of AWOL within the Pennsylvania National Guard.

I urge the House to support my amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

GUEST INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today, as the guest of Representative Benjamin Ramos, Sumner Drain, a student intern from Temple University who is currently working in the Representative's Philadelphia district office. Would that guest please rise; to the left of the Speaker.

CONSIDERATION OF HB 441 CONTINUED

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

Mr. WOGAN. Thank you, Mr. Speaker.

I rise to oppose the Michlovic amendment, because it has some very significant flaws. My experience in the Army Reserve over 22½ years, I have not always been a JAG (Judge Advocate General) officer, but even before I was a JAG officer, I was involved with another unit where we did have nonjudicial punishment, where we did have court-martials, and we did have board proceedings.

Number one, the nonjudicial punishment that Representative Michlovic is talking about is something that has to be agreed to by the person who is AWOL. If they do not agree to the nonjudicial punishment, then the only procedure left to the military would be a court-martial, and as we have established before, back in May, that is an incredibly expensive procedure.

And the second really significant flaw is, you have got to remember, these people are AWOL. They are not at drill. If they are not at drill, then they are not going to be able to agree to even go to the nonjudicial punishment, let alone a court-martial.

And the third flaw, which I cannot believe I actually heard this as an argument, do we really think that it is going to be any more protective of civil liberties not to do what HB 441 does but to send out National Guard officers to people's front doors and drag them back to drill? I would oppose that. I am a lieutenant colonel; I would hate to have to do that duty.

The Michlovic amendment, with all due respect to the gentleman, whom I do respect, makes no sense whatsoever, and it should be defeated.

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

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, with regard to the gentleman's comment—

The SPEAKER. The gentleman will yield.

Mr. Michlovic.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

With regard to the gentleman's comment, I think that he hit the crux of the issue. He is a lieutenant colonel; he would not want to go out that door and apprehend different people. That is a big part of the problem here. The National Guard does not want to go out and do what they do in the military, which is go out and apprehend

that person, bring them back, and take the necessary action. What we are asking is that some civilian go do that, some constable go do that, and then take them before a civilian magistrate. And let me tell you, I circulated to all of you this past week a letter from the gentleman representing the district magistrates, and they do not want to deal with these cases either. They have no experience in them; they have no knowledge in them; and besides, in many cases, they just simply do not have the time for them.

We were told that the preponderance of the problems occur within the more urban sections of the State — Philadelphia, Pittsburgh, the various cities. It also happens that those areas are the areas where the district magistrates are the busiest. They have more work than they can handle, and we are just unloading on them. And if you are the district magistrate and you have issues in your neighborhood with kids and gangs and drivers' problems, domestic problems, all kinds of local problems, and you are trying to handle that, and you have AWOL cases now coming in, which one are you going to handle — and you cannot handle them all as it is — which one are you going to deal with? You are going to throw that AWOL case out.

In fact, I submit to you that the bill itself does not resolve the problem, because the magistrate, the guy that comes before him is going to say to the magistrate, "Well, I couldn't go to duty this morning because I had a sick kid," and the magistrate, "Okay. Get out of here." Is he going to come down on the side of the National Guard, somebody with no face, no name, no association to that magistrate, or is he going to come down on the side of the guardsman who is somebody in his community, a voter in his community? More than likely this solution is not going to really solve the problem, just human nature being what it is.

And the issue again is, who goes out and gets that person, and the gentleman pointed out that he did not want to do that; they want to keep morale in the National Guard and all of that. Well, that is fine, but you still have to take responsibility for your end of the business, and getting people to work in the military system, getting them to live up to their commitment, is part of the National Guard's mission. That is part of their responsibility. They should not fluff it off on the civilian court system.

So that is why I am offering this amendment, and I urge that everybody support the amendment, and if there are flaws in the makeup, I am certainly open to the gentleman joining me in trying to correct them at some point in time, in having the people from the National Guard join me in drafting an amendment that would resolve the problem.

But let us not stonewall it. Let us deal with the problem in the military justice system. Let us pass this amendment and send a strong signal that we do not want to be the first State to put this issue on our civilian courts. No other State, no other State, has ever had these kinds of cases in its civilian court. We should not either. Let us pass this amendment and resolve it within the military system. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—99

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

NAYS—101

Adolph	Egolf	Maher	Schuler
Allen	Fairchild	Maitland	Semmel
Argall	Fargo	Marsico	Serafini
Armstrong	Feese	Masland	Seyfert
Baker	Fichter	Mayernik	Smith, B.
Bard	Fleagle	McGill	Smith, S. H.
Barley	Flick	McIlhattan	Snyder, D. W.
Barrar	Gannon	McNaughton	Stairs
Benninghoff	Geist	Micozzie	Steil
Birmelin	Gladeck	Miller	Stern
Boyes	Godshall	Nailor	Stevenson
Brown	Gruppo	O'Brien	Strittmatter
Browne	Habay	Orie	Taylor, E. Z.
Bunt	Harhart	Perzel	Taylor, J.
Chadwick	Hasay	Phillips	True
Civera	Hennessey	Pippy	Tulli
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
Druce	Lynch	Schroder	

NOT VOTING—0

EXCUSED—2

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

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

Ms. STEELMAN offered the following amendment No. A4168:

Amend Sec. 1 (Sec. 6010), page 2, line 29, by striking out “\$50 NOR MORE THAN \$200” and inserting

~~\$25 nor more than \$50~~

Amend Sec. 1 (Sec. 6010), page 2, line 30, by striking out “\$300 NOR MORE THAN \$1,000” and inserting

~~that equal to the compensation due for attendance at the appointed place of duty~~

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

The SPEAKER. On the question of the adoption of the amendment offered by the lady, Ms. Steelman, the Chair recognizes the lady.

Ms. STEELMAN. Thank you, Mr. Speaker.

This amendment, although it does not solve some of the issues that have already been raised and were attempted to be corrected in previous amendments, does speak to an issue that we discussed back in May, and that is the inequity of the level of fines that are being imposed through this procedure.

Since we had the discussion on the floor in May about this bill, I have talked to a number of National Guardsmen back in my district. I do not know how many of you have had the opportunity to do that. I do not know how many of you have noticed, if you have, perhaps, the same phenomenon that I have observed, which is that those people who are associated with the National Guard as officers and as people in the community who have other jobs that pay pretty well do not seem to take these fines too seriously, but quite a lot of the young people who are in the National Guard today in Pennsylvania are college students, who find this to be one of the few ways left that they can pay for a college education in Pennsylvania, and for these young people, a fine of between \$300 and \$1,000 is an inordinately large sum of money. The guardsmen that I talked to are not people who have had any trouble with showing up on duty, but when I talked to them about these fines, their response was that they thought that this level was unfair, and in the course of our discussions, we came jointly to the conclusion that it would be more equitable if the fines for repeated offenses were set at the level that the offender should be fined an amount of money equal to what he or she would have made if the person had shown up for duty.

Now, what is happening here is that, actually, this young person is getting hit twice. They are not, obviously, getting paid for the duty that they missed while they were AWOL, and they are having to pay a sum of money equal again to that, and that is going to be a significant amount of money for a lot of the young people who are in the Guard. This is, as I gathered from my discussion with young guardsmen, an amount of money that for them is significant enough that it would act as a real deterrent to absenting themselves from their duty.

I am asking you to adopt this amendment because I think that generally in passing legislation, in imposing fines and penalties for breaking the law, that we do try in this legislature to maintain a level of fairness. The punishment ought to fit the crime. I think that that is what this amendment does, and I hope that you will adopt it.

The SPEAKER. The Chair thanks the lady.
The Chair recognizes the gentleman, Mr. Hershey.
Mr. HERSHEY. Thank you, Mr. Speaker.

I wish to speak on the amendment.
I am asking the members to vote “no” on amendment 4168.

What this bill does is this attempts to discipline the person, not to raise money for the Guard but to make it a fee that he would think twice before he missed. Now, if we just break that down to something smaller, it will not do what we attempted to do.

I think this bill is a fair bill, I think it has some teeth in it, and with that, I ask you to vote “no” on amendment 4168. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question, Ms. Steelman.

Ms. STEELMAN. Thank you, Mr. Speaker.

I would like to respond to that comment by saying that it falls in line with most of my observations in talking with guardsmen. Those who make more than \$50,000 a year do not think this is a big fine. Those who make less than \$20,000 a year, most of whom are the people who are going to be affected by it, think it is an overwhelming fine.

Twice what they would have made for showing up for work is a deterrent, and I am asking you to recognize that.

The SPEAKER. On the question of the adoption of the amendment, the gentleman, Mr. Kaiser.

Mr. KAISER. Thank you, Mr. Speaker.

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

When you enter into the National Guard, you have a responsibility, and as far as I am concerned, your responsibility is to show up when that time comes, and if someone cannot make it, then they have to pay the fine. It is that simple. We have found out in this body that Pennsylvanians have lost their life in duty to the National Guard. We had a service several years ago when a scud missile killed a number of reservists from Greensburg.

This is something that they must do, it is their responsibility, and I do not buy the line that we should lower the fines because of their income. If you make a decision to join the National Guard, then you have to abide by their rules.

So please defeat this amendment. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—67

Battisto	Dermody	Lucyk	Scrimenti
Bebko-Jones	Donatucci	Manderino	Shaner
Belardi	Evans	Markosek	Steelman
Bishop	George	Melio	Stetler
Buxton	Gigliotti	Michlovic	Sturla
Cappabianca	Gruitza	Myers	Surra
Carn	Haluska	Olasz	Tangretti
Casorio	Hanna	Pesci	Thomas
Cawley	Itkin	Petrarca	Travaglio
Cohen, M.	James	Preston	Trello
Colafrilla	Jarolin	Ramos	Trich
Colaizzo	Josephs	Rieger	Veon
Corpora	Kirkland	Roberts	Vitali
Corrigan	Laughlin	Robinson	Walko
Cowell	Lescovitz	Roebuck	Washington
Curry	Levdansky	Rooney	Williams, A. H.
Daley	Lloyd	Santoni	

NAYS—132

Adolph	Eachus	Major	Schuler
Allen	Egolf	Marsico	Semmel
Argall	Fairchild	Masland	Serafini
Armstrong	Fargo	Mayemik	Seyfert
Baker	Feese	McCall	Smith, B.
Bard	Fichter	McGeehan	Smith, S. H.
Barley	Fleagle	McGill	Snyder, D. W.
Barrar	Flick	Mellhattan	Staback
Benninghoff	Gannon	McNaughton	Stairs
Birmelin	Geist	Micozzie	Steil
Blaum	Gladeck	Miller	Stern
Boscola	Godshall	Mundy	Stevenson
Boyes	Gordner	Nailor	Strittmatter
Brown	Gruppo	O'Brien	Taylor, E. Z.
Browne	Habay	Oliver	Taylor, J.
Bunt	Harhart	Oric	Tigue
Butkovitz	Hasay	Perzel	True
Caltagirone	Hennessey	Petrone	Tulli
Carone	Herman	Phillips	Vance
Chadwick	Hershey	Pippy	Van Horne
Civera	Hess	Pistella	Waugh
Clark	Horsey	Platts	Williams, C.
Clymer	Hutchinson	Raymond	Wilt
Cohen, L. I.	Jadlowiec	Readshaw	Wogan
Conti	Kaiser	Reber	Wojnaroski
Cornell	Keller	Reinard	Wright, M. N.
Coy	Kenney	Rohrer	Yewcic
Dally	Krebs	Ross	Youngblood
DeLuca	Lawless	Rublely	Zimmerman
Dempsey	Lederer	Sainato	Zug
Dent	Leh	Sather	
DeWeese	Lynch	Saylor	Ryan,
DiGirolamo	Maher	Schroder	Speaker
Druce	Maitland		

NOT VOTING—1

Belfanti

EXCUSED—2

LaGrotta Nickol

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

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

The SPEAKER. 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 Philadelphia County, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I would again urge that this bill not pass the House of Representatives today.

We have heard various arguments in support of this bill. We heard an argument from a general who is in the Army Reserve—

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

Conferences on the floor, please.

Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, my friend and colleague who is in the Army Reserve quotes his expertise in the Army Reserve to support this bill, but the Army Reserve people are going around and attacking this bill and saying, if this bill passes, they are going to call it "join the National Guard and go to jail" bill, and the Army Reserve is not affected by this bill.

Every day in the House of Representatives, there are one or two or three, occasionally more than that, people who are absent for one reason or another. Members of the House of Representatives have people sick at home or they have some other urgent business. We do not have to go before a justice of the peace to explain why we are absent and to avoid paying a fine. We do not have to risk 90 days in jail if we are absent.

We have policemen every day who are guarding our citizens, who for one reason or another cannot show up for work. Policemen now do not have to go before a justice of the peace and explain why they are absent.

We have nurses and doctors, on whose help we rely, who every day in this Commonwealth are absent from work. They do not have to go before a justice of the peace.

We have workers on whom the great business enterprises in this Commonwealth depend, and if they are absent, they do not have to go before a justice of the peace and explain why.

But we are singling out the members of the National Guard, and we are saying that they uniquely, among all others, should be criminally punishable by the civil courts of this Commonwealth for failing to show up at work. They should be criminally punishable for failing to show up at work. They should be the only National Guardsmen in the United States who are so criminally punished, and they should be the only people in the United States who can be brought before a civil court. And then we expect that after we pass this amendment, people are going to want to join the National Guard. We expect that the salary of \$75 a day is such a magnificent salary.

Mr. Speaker, when people join the National Guard, they do so because of a desire to serve their country and to serve the State of Pennsylvania. They show that they have faith in our country; they have faith in this State.

This legislation is a tremendous slap in the face at the National Guard. This shows the deepest contempt for any human being that I have seen manifested in the 24 years in the legislature, and this threatens other people, Mr. Speaker.

What are we going to do, Mr. Speaker, when some local police department comes in and says, "Gee, you know, my policemen are fine people, but I want to bring them before the local magistrate if they don't show up at work"? What are we going to say to some local police commissioner when he makes that argument, or what are we going to say if the head of the State Police makes that argument? What are we going to say when some hospital says, "Gee, we have an absentee problem among our nurses and doctors; we don't want to fire them; we just want to help them, and the way to help them is to give them criminal records so they won't be absent anymore"? What are we going to say, Mr. Speaker, when these arguments come back for other people?

I think we should save ourselves an awful lot of aggravation in the future and save the citizens of Pennsylvania an awful lot of

worry both about the future direction of this State and about our dedication to the people of Pennsylvania. I would strongly urge, although I do not expect this to happen, I would strongly urge that members of this House show their respect for the National Guard, show their respect for the members of the National Guard, and show their respect for the basic human dignity of all Pennsylvania workers and vote against this bill.

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

Mr. LUCYK. Thank you, Mr. Speaker.

I stand this morning here, or this afternoon, I should say, to urge my fellow members to vote against this measure.

We in the House, many of us, are strong supporters of the National Guard. We understand what the National Guard is, the duties of the National Guard, why it was formed, and the valuable service that the National Guard performs here in the Commonwealth. Most of us have always been there when the National Guard needed help in recruiting. As Mr. Cohen said just before, we raised the pay rate of our National Guardsmen. We have made it easier for our National Guardsmen to attend college; we paid for that. Every time the National Guard has come to us with a measure to aid in their recruiting and to improve the performance of the National Guard, we have been there. But now the National Guard is coming to this legislature and saying, we want you to do something to make people stay in the National Guard, not to go AWOL. It is like a negative thing they are asking us to do right now.

We who have served in the Armed Forces know the policy and the way the Armed Forces handles AWOL, absent without leave. It is handled internally. The company commander of a unit has the power to do several things when a person is absent without leave. But what we are being asked by the National Guard, what they are saying is that we do not want to handle this, that we do not want to handle this internally; we do not want to take care of our own problem; we want you to take care of it; we want the civil court system to take care of it; we want a magistrate to go out and serve a person and bring that person before a district magistrate and have that district magistrate inflict punishment that should be done by the National Guard.

Now, I believe that if anyone goes AWOL, they should be punished, because there is a duty involved, there are several things involved, but I do not think the civil court system should do it. If the laws that govern the National Guard in doing this need improvement or need change, I am for it, and this is what I have been saying all along.

So, you know, let us take a look at this. Do we want the civilian court system to handle the military cases? There is a lot to think about in this, and I think if you think about it long enough, you are going to say no.

I say, you know, if we need changes to the National Guard, to the laws regulating the National Guard in respect to this, I will be the first to propose them, but this is not the way to do it. I thank you very much, sir.

The SPEAKER. The gentleman, Mr. Michlovic.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, I cannot do much better than that. I think Mr. Lucyk really has, you know, gotten to the bottom line here.

I want to remind everybody that this is the 250th anniversary this year of the nation's oldest National

Guard — Pennsylvania — and we are all proud of that, and as he said, we want to work with them to find solutions to do this. This is not a solution.

One solution might be to go to our Federal Representatives and lobby them to get the law changed so that we can raise the fines to an appropriate level that will provide enough of a motivation or an incentive for these AWOL persons to come back and fulfill their duties. We have not done that. We have not even attempted to do that.

Instead, we are moving this whole thing into civilian courts, and I remind you what I said earlier: It is not going to solve the problem. Those magistrates are not going to deal with this issue in a fashion that is suitable to the National Guard. It is going to come back to this floor, and we are going to have to find another solution. What I am urging is that we find that solution before we go back and experience, hoping that this thing will work. It is not going to work. The magistrates are not going to deliver the way the National Guard believes they are going to deliver here. I think that for that reason, it is really an unworkable solution.

I think for all the reasons laid out by the gentleman, Mr. Lucyk, we ought to vote this down today, indicate very strongly that we want a solution that deals with the issue internally and not within the civilian courts.

I urge your rejection of HB 441 as currently written. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the lady from Philadelphia County, Mrs. Lederer.

Mrs. LEDERER. Mr. Speaker, I rise to oppose this bill. I think the military needs to discipline their own, and perhaps they should be more selective when they recruit.

Speaking as a Philadelphian, I am concerned about the cost of this litigation through the courts of Philadelphia. Our calendars are very overcrowded. Military law should be handled by the military and not through the court system of the counties.

I urge a "no" vote.

The SPEAKER. The Chair thanks the lady.

The gentleman from Philadelphia County, Mr. Wogan.

Mr. WOGAN. Thank you, Mr. Speaker.

Mr. Speaker, I think some of the previous speakers have forgotten some very important points, and what we are talking about is the military. We are not talking about the Boy Scouts or the Girl Scouts or a country club; we are talking about the military.

The military, yes, has its own rules. When you join the military — and everybody here joins the military voluntarily, since we do not have a draft anymore — people know what they are getting into, and the military does things to people that would never be accepted in the civilian world, and I know because I am in the military. They test us for drugs, they test us for AIDS, they do things like send us to foreign countries, and you do not really have anything to say about that. Two-thirds of the members of my unit are on planes today — some of them were on planes yesterday — coming back from Germany and Bosnia.

This is serious business. This is totally different from dealing with a civilian workplace, because they are not just civilians, they are military people, and because of all the cutbacks on the Federal level, both in the Reserve components and in the Guards, and there are some big Guard cutbacks on the horizon, which is one of the reasons why we are here today, because the National Guard in Pennsylvania is having a strength problem, and if it does not

measure up because of its strength problems as compared with Maryland or Delaware or New York, then the cuts are going to be made here in Pennsylvania; we are going to lose Pennsylvania National Guard units. Think about that if you have National Guard units in your communities. They may be gone.

We have to do— And we, the General Assembly, we make the laws; we have given the National Guard its own criminal justice code; we make the laws for the Pennsylvania National Guard, not Congress. The ball really is in our court. It is up to us to do this. The National Guard has a problem. It cannot solve the problem without our help, and we will save — do not make any mistake about this — we will save the taxpayers money by doing this because we have an existing system in place, the district justices, and in Pittsburgh and Philadelphia we have the municipal court. They are there. They are paid by the taxpayers already.

Without that system, to have to go through what the Guard would have to do with administrative discharge boards and court-martials, you have to put quite a few people on active duty. You even have to pay the person who was AWOL. You have got to pay for an attorney for him. You have got to pay for a recorder who is a prosecutor. You have got to pay sometimes for a military judge. You have got to pay for three or four or five board members. You have got to pay for witnesses who are also in the military. You are talking about a whole lot of money that we will incur to try to get rid of these people who, do not forget, have broken their word; they have violated their oaths by not going to drill.

I can tell you, I thought that the gentleman from Allegheny made some good points, but I did not mention, my first job in the Army Reserve was the worst job I ever had, and Representative Gladeck remembers the old system. There are a lot of us who were in during the Vietnam War, and in those days the rules were different than they are today, and you know what happened to people who did not go to five MUTA's (multiple unit training assemblies), which is a weekend and half of another day? They were ordered to active duty against their will. They were snatched out of civilian life, and they were sent to Germany or they were sent to Vietnam.

Well, those rules have changed. We cannot do that anymore, and I do not think we should do that anymore, but we should do HB 441. I ask for an affirmative vote.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Tigue.

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, the previous speaker; Representative Wogan, mentioned that the military is involved in serious business. There is no question. It is not a routine job, and people make commitments. The problem we have in today's society is that, first of all, we have an all-volunteer force. When he talked about what happened during the Vietnam era or even the Korean conflict era, where people who missed drills were sent on active duty, the reason why that was stopped is because the active-duty forces — the Army, the Navy, the Air Force, and the Marine Corps — said, we do not want your problems. That is why it was stopped. It was not stopped because there was a change in the law.

These people who are AWOL, whether they are in the National Guard or the Reserves, we should not want them in our Reserves, we should not want them in our military; we should discharge them.

The reason that the National Guard is having this problem is because we are recruiting people who are substandard. These are the people who are AWOL.

There is no reason that Pennsylvania should be singled out and involve the civilian courts in a military problem. We should not allow our court system to be tied up with the Uniform Code of Military Justice. If in fact we need military judges and military attorneys, then we should devise a program to enlist these people, to recruit them.

We all claim we support the military, and I think we do, whether it is the National Guard or the active-duty personnel. But active-duty have problems with AWOL; the Army, Air Force, and Marine Corps Reserves have problems with AWOL. They do not go to civilian courts. They get rid of the problem.

This is a numbers game. I do not want to see the Reserves or the National Guard in Pennsylvania reduced in numbers, but if we cannot provide quality people who are going to fulfill their commitment, then maybe we should look at those units, or maybe— And we have done things here in this chamber as well as the Senate to improve recruiting. We provide educational benefits, and we should do these other things. We should not take military problems to a civilian court.

What happens if a soldier or National Guard person goes to a magistrate and then they start appealing? Who pays for that? What happens when we go to the Commonwealth Court or the Superior Court and in fact the Supreme Court? I do not think we want to get involved and we want to go down that road.

So I would ask you to defeat this bill. If the National Guard commanders have a better solution, I am for it. This is not a solution. This is just another way of handling deadbeat National Guard people. Get rid of them, and let us get on with the duty of what the military should be involved in.

So I would ask you to defeat this bill. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Zug.

Mr. ZUG. Thank you, Mr. Speaker.

I represent Fort Indiantown Gap. That is where the National Guard is headquartered. A couple of years ago, the Federal Government, through the BRAC commission (Base Closure and Realignment Commission), put Fort Indiantown Gap on the hit list, basically to lose Federal funds. We survived that, although we are now losing that as an Army garrison, but the National Guard is going to take that over, and I think ultimately, because of things that Lebanon County did and the Governor did through the BRAC commission response group, I think that Fort Indiantown Gap is going to be a lot better than it was. But we are contingent on getting money from the Federal Government so we can operate the Gap and all the armories throughout Pennsylvania. I think there is an armory in every county, so it affects everybody.

Nationally, what I have been told by the Adjutant General's office is, there are eight divisions in the country of National Guard units. The Federal Government is going to reduce that to four divisions. Pennsylvania is one of the eight that has a national division in Pennsylvania. We are one of the eight States. If we lose that division, we will lose jobs; we will lose National Guard people in every one of the armories all throughout the Commonwealth, in everybody's home area.

What this legislation does, I think, is helps the National Guard keep the people who have elected themselves to become National Guard people. We have historically done things to promote

National Guard involvement in Pennsylvania. We, not too long ago, put in a bill that allows National Guard individuals to get a reduced-cost education in Pennsylvania. We put the carrot out in front of people to make sure that there is retention, that people who enlist stay there, so our numbers are high, so that we can go to the Federal Government and say, we need to keep a division, because what this does is keeps jobs in Pennsylvania, it keeps Federal money coming in here, so that we do not have to supplement what we lose at the Gap and at all those armories throughout the Commonwealth of Pennsylvania.

This is some proposal to help the other end of that retention, the people who are not showing up for whatever reasons, to make sure that they show up. I have talked to the Adjutant General's people, some of the deputy adjutants. They do not want to use this thing at all. They just want to make sure that people understand that if you do not show up for work, you do not honor the commitment that you made, something could happen to you.

I think we need to support this not for the Gap but for all National Guard people, all National Guard armories throughout Pennsylvania, so that we can keep our readiness in Pennsylvania high, so we keep a division and we can continue the pride that we have in one of the oldest National Guard divisions in the nation. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the lady, Ms. Steelman.

Ms. STEELMAN. Thank you, Mr. Speaker.

Will the maker of the bill stand for a brief interrogation?

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

Ms. STEELMAN. Thank you, Mr. Speaker.

I understand; we have certainly fully discussed the idea that this bill is going to keep people who are now in the National Guard from failing to fulfill their responsibilities. We have also heard a lot of discussion to the effect that we need to keep up the numbers of people in the National Guard. Now that we are about to become the only State in the nation that will take National Guardsmen before a district justice and fine them and we are about to become the only State in the nation that will fine them up to \$1,000 for missing a drill, is this information going to be part of the information that recruiting officers share with the young people who are sitting down in the offices?

Now, I know if you have looked at the posters, you see that there is a lot of emphasis in recruiting for the National Guard on money and college credits and the kinds of benefits that you can get. How clear are the recruiting officers going to make it to the young people who are considering enlisting in the Guard that only in Pennsylvania can you be fined \$1,000 for missing a drill?

Mr. STEVENSON. Mr. Speaker, I have been informed by the National Guard that they are going to place the provisions of this bill in their policy and procedures and hand it out to all the new recruits.

Ms. STEELMAN. They are going to hand it out to all the new recruits. By that, do you mean all the potential recruits, the ones who are sitting there talking to the recruiting officer and hearing about how they can make money for coming to meetings and make money for going out in the summer and get part of their college money paid for them? Is that going to be part of that discussion—

Mr. STEVENSON. Yes.

Ms. STEELMAN. —or do they find out about it after they have already enrolled?

Mr. STEVENSON. I believe your initial question dealt with while they were sitting there, deciding whether to enroll and join the Guard. Yes, they are going to be handed those policies and procedures, and those will be discussed.

Ms. STEELMAN. Given the income level of many of the young people who are turning to the National Guard to enroll these days, do you think that that is going to have a beneficial effect on the likelihood of their enrollment if they know they can be fined \$1,000 for missing drill?

Mr. STEVENSON. Absolutely. The benefits of the National Guard far exceed the detriments. I do not think this will be a detriment at all. After all, people, when they join, sign an oath to defend us, and let us hope that they mean it when they sign it. It is only those that do not mean it that we are after to prosecute.

Ms. STEELMAN. Thank you, Mr. Speaker.

Mr. Speaker, I have concluded my interrogation. May I speak on the bill?

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

Ms. STEELMAN. After hearing all of the discussion on this bill and trying to bring the fines into a range that I thought would have provided a real incentive for people to show up but would not have exercised a really devastating effect on young Guard members, I am beginning to think that this bill is going to turn out to be an example of the law of unintended consequences; that is, I think it may very well, as one of our previous speakers suggested, have the undesired effect of reducing enrollments in the National Guard, because the more the word about that \$1,000 fine gets out, the less attractive this option is going to look.

On the other hand, it has also been said a couple times in the course of this discussion that perhaps what we really need is a more highly selected Guard, and I think that if the penalties that are contained in this bill are fully explained to young people who are considering enrolling in the Guard, there will be the beneficial effect that people who might be inclined to go AWOL after their enrollment will thereby be inhibited from enrolling.

So I have come around to the conclusion that perhaps, although this is a bad bill in itself, it may actually have some desirable consequences, and I am going to vote for the bill, but I am not sure that those desirable consequences are exactly what some of the other members of this House who are voting for the bill would like to see. We will just have to see how it plays out.

The SPEAKER. The gentleman, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Will the prime sponsor of the bill rise for a brief interrogation?

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

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, do we have any idea how many people currently this bill would affect if in fact this does not change their habits? I mean, how many people are there that go AWOL and how many people are there in the Pennsylvania National Guard? What percentage are we talking about here?

Mr. STEVENSON. Mr. Speaker, could I have the question repeated, please?

Mr. STURLA. Mr. Speaker, how many people are there currently in the Pennsylvania National Guard and how many

would fall under this category of having gone AWOL in the past year? I mean, what percentage of the National Guard are we talking about here that could be prosecuted under this, if current trends do not change?

Mr. STEVENSON. Approximately 230 individuals.

Mr. STURLA. 230 out of how many?

Mr. STEVENSON. 18,000.

Mr. STURLA. So what percentage is that? Less than 1 percent?

Mr. STEVENSON. I do not have a calculator. I would say less than 1, yes.

Mr. STURLA. Mr. Speaker, the department says it is about 4 percent, from the information that I have, but if it is 1 percent, as you claim, or somewhere in that neighborhood, the argument has been made earlier today that if we lose these people, if we discharge them instead of keeping them in the services, that somehow we will not qualify for Federal money and we are going to shut down parts of the National Guard. Can you tell me what— I mean, if we lose 1 percent of the National Guard members, are we going to lose National Guard units in the State of Pennsylvania?

Mr. STEVENSON. As I have been informed by the National Guard, they are very much concerned about our state of readiness, and they do not want to lose one individual. They want to try to save them all and encourage all to stay with the Guard.

Mr. STURLA. Mr. Speaker, I guess my question is, if for some other reason we lose 1 percent of our National Guard members, are we going to shut down units in the State of Pennsylvania? I mean, I am concerned about this issue now. If we lose 1 percent of our National Guard members, are we at the risk of shutting down National Guard units in the State of Pennsylvania?

Mr. STEVENSON. As the National Guard has informed me, we have one of the highest if not the highest AWOL rates in the United States, and yes, they are concerned.

Mr. STURLA. Mr. Speaker, my question is whether or not there is the potential to shut down National Guard units if we lose 1 percent of the members.

Mr. STEVENSON. Yes; there is that potential.

Mr. STURLA. So whether or not it is from this or for something else, if our numbers fall 1 percent below where they are right now, we better be back here figuring out a way to prevent National Guard units from shutting down in Pennsylvania. Is that your contention?

Mr. STEVENSON. That is accurate.

Mr. STURLA. Mr. Speaker, what is the fiscal note on this bill in terms of the costs to the courts in Pennsylvania?

GUESTS INTRODUCED

The SPEAKER. While the gentleman is looking for the fiscal note, the Chair will take this opportunity to welcome to the hall of the House, as guests of the gentleman, Mr. McCall, Chris Williams, Amanda Rowe, and Laura O'Gorman, seated here to the left of the Speaker. Would these guests please rise.

CONSIDERATION OF HB 441 CONTINUED

Mr. STEVENSON. Mr. Speaker, the "FISCAL IMPACT" from the Appropriations Committee states, "There would be no fiscal impact to the Commonwealth with the adoption of this legislation."

Mr. STURLA. Mr. Speaker, if somebody appeals their ruling from a district justice and it goes to common pleas court or beyond, are you saying that there is no cost to the court system in the State of Pennsylvania?

Mr. STEVENSON. Mr. Speaker, any costs involved in court proceedings are far outweighed by savings to the Guard in training costs, which are approximately \$56,000 per Guard member that would be saved.

Mr. STURLA. Mr. Speaker, I did not ask what it costs to train a guardsman; I asked whether there would be any costs to the court systems of Pennsylvania.

The SPEAKER. Will the gentleman yield.

The question of a fiscal note, the fiscal notes are not prepared by the gentleman. Perhaps you should be interrogating the Appropriations Committee on that question.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, one final question of the gentleman: Those people that are chronically absent from the Guard currently, those that are AWOL that we are trying to prosecute, are they counted as the active complement within the National Guard now, in terms of the numbers, the strength of their force?

Mr. STEVENSON. Yes, they are.

Mr. STURLA. So somebody who is chronically absent and does not show up is still counted as somebody who is an active guardsman, in terms of the numbers?

Mr. STEVENSON. Yes.

Mr. STURLA. Mr. Speaker, if that is the case, does it matter whether or not these people are chronically absent, in terms of the number of Guard people that we have?

I mean, what you are saying is, it does not matter whether they are absent or not; as long as they are enrolled in the Guard, they count as one of our numbers and we will not lose any Federal dollars. Is that true?

Mr. STEVENSON. I am sorry, Mr. Speaker. Could you repeat the question?

Mr. STURLA. Mr. Speaker, if the people that are chronically absent are counted as active complement, then the fact that they are AWOL, there is no reason to believe that we would lose any dollars in Pennsylvania by them being AWOL. Is that correct?

Mr. STEVENSON. No. The Federal Government is starting to take a look at this, Mr. Speaker, and probably its policies will be changing, and the National Guard of Pennsylvania is extremely concerned that they are in danger of losing possibly a Guard unit.

Mr. STURLA. So you are saying that if somebody is AWOL, they do not count as an active person?

The SPEAKER. Will the gentleman yield.

There are conferences throughout this hall that really should be moved from the hall to the outer conference rooms.

Mr. STURLA. Mr. Speaker, it is my understanding that they are not currently counted, that if they are AWOL on a chronic basis, that they are not counted as an active member of the force, in terms of the numbers that we report to the Federal Government. Are you saying that if we start prosecuting these people somehow,

that they will be counted or that they will not be counted in the future?

Mr. STEVENSON. No, I am not. Pennsylvania counts them; the Federal Government does not. That is the difference. You did not ask that question, Mr. Speaker.

Mr. STURLA. Okay. So the Federal Government does not count them currently if they are chronically AWOL, but somehow the fact that they are AWOL is going to affect our numbers? I do not understand. I mean, if they are not counted by the Federal Government right now, how can their either being discharged or still being chronically absent change our numbers with the Federal Government, if they are not currently counted by the Federal Government?

Mr. STEVENSON. The Federal Government is taking a look at their current policy on how they look at AWOL's, and the Pennsylvania National Guard, they are afraid that that is going to change and to our detriment.

Mr. STURLA. Mr. Speaker, how can it change to our detriment if they currently are not counted? Are they going to start counting them now?

Mr. STEVENSON. Again, you are confusing how the Pennsylvania National Guard looks at it versus the Feds.

Mr. STURLA. Mr. Speaker, I am not concerned how the Pennsylvania National Guard looks at it; I am concerned how the Federal Government looks at it. If the Federal Government currently does not count them, how will their changing that policy affect us, other than to bump our numbers up?

Mr. STEVENSON. Very simply, Mr. Speaker, you can have 90 percent in attendance but you are only 60 percent ready, and that is what the Pennsylvania National Guard is afraid of.

Mr. STURLA. Mr. Speaker, if the Federal Government currently does not count the people that are AWOL, how will any change in the policy, whether we prosecute them or not, change the count that the Federal Government gives us in terms of the number of people that we have? Will it change that at all?

Mr. STEVENSON. Yes.

Mr. STURLA. How? Could you please explain that to me. How will our number be higher with the Federal Government?

Mr. STEVENSON. Quite frankly, under the current scenario you have proposed, I am not sure what you are driving at, Mr. Speaker, what the speaker is driving at. I would like him to restate the question.

Mr. STURLA. Thank you.

Mr. Speaker, it is my understanding that currently those people that are chronically AWOL are not counted by the Federal Government as part of the State's complement. How will any change in the way we prosecute those people that are AWOL change the Federal Government's count for Pennsylvania?

Mr. STEVENSON. Mr. Speaker, any response to that question would be speculation. Therefore, I do not have an answer at this time.

Mr. STURLA. Thank you, Mr. Speaker.

If I could make a comment, please.

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

Mr. STURLA. Mr. Speaker, I am not an expert on this issue, but it is pretty obvious that the Federal count is not going to change as a result of any way we prosecute these things. The argument that has been made that we are going to somehow change economic development in Pennsylvania because of our

Guard numbers, it is not going to change and it is a specious argument.

I would urge a "no" vote on this legislation. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Colafella.

Mr. COLAFELLA. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose this piece of legislation.

What this legislation simply does is it passes on more costs to the taxpayers of Pennsylvania. Whenever National Guard people are going to be accused of going AWOL and going to a district magistrate, not only do the taxpayers of Pennsylvania now have to encounter military problems, but then if the military Guard person loses its case and appeals to the next courts, the taxpayers of Pennsylvania now have to pay for those kinds of costs.

Yesterday we had an opportunity to lower taxes in Pennsylvania. We voted against them. Maybe I am beginning to find out why. We must simply have so much money in this State that we are even willing to take care of the Federal Government's responsibilities in reference to military personnel.

This makes no sense. We should not be in this business, and this is not a Democrat-Republican issue. It just makes no sense for the taxpayers of Pennsylvania to take care of the military's problems.

As Representative Stevenson said, he talked about the military, the Federal Government worrying about the National Guard. Let them worry about it, but do not saddle our taxpayers with this. It makes no sense. It is wrong. Take care of your taxpayers. Thank you very much, and vote "no."

On the question recurring,
Shall the bill pass finally?

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

(Members proceeded to vote.)

Ms. STEELMAN. Mr. Speaker?

The SPEAKER. Ms. Steelman. For what purpose does the lady rise?

Ms. STEELMAN. To suggest that since we are taking a vote on the importance of people being at work when they say they are, that perhaps votes should only be recorded for those members who are in their seats.

The SPEAKER. They are the rules of the House. Thank you, Ms. Steelman.

On the question recurring,
Shall the bill pass finally?

The following roll call was recorded:

YEAS—108

Adolph	Fairchild	Marsico	Semmel
Allen	Fargo	Masland	Serafini
Argall	Feese	Mayernik	Seyfert
Armstrong	Fichter	McGill	Smith, B.
Baker	Fleagle	McIlhattan	Smith, S. H.
Bard	Flick	McNaughton	Snyder, D. W.
Barley	Gannon	Micozzie	Stairs
Barrar	Geist	Miller	Steelman
Belfanti	Gladeck	Nailor	Steil

Benninghoff	Godshall	O'Brien	Stern
Birmelin	Gruppo	Orie	Stevenson
Boyes	Habay	Perzel	Strittmatter
Brown	Harhart	Petrone	Taylor, E. Z.
Browne	Hennessey	Phillips	Taylor, J.
Bunt	Herman	Pippy	True
Chadwick	Hershey	Platts	Tulli
Civera	Hess	Raymond	Vance
Clark	Hutchinson	Readshaw	Waugh
Clymer	Jadlowiec	Reber	Wilt
Cohen, L. I.	Kaiser	Reinard	Wogan
Conti	Kenney	Rohrer	Wojnaroski
Cornell	Krebs	Ross	Wright, M. N.
Dally	Leh	Rublely	Zimmerman
Dempsey	Lynch	Sather	Zug
Dent	Maher	Saylor	
DiGirolamo	Maitland	Schroder	Ryan,
Druce	Major	Schuler	Speaker
Egolf	Markosek		

NAYS-92

Battisto	DeLuca	Lescovitz	Sainato
Bebko-Jones	Dermody	Levdansky	Santoni
Belardi	DeWeese	Lloyd	Scrimenti
Bishop	Donatucci	Lucyk	Shaner
Blaum	Eachus	Manderino	Staback
Boscola	Evans	McCall	Stetler
Butkovitz	George	McGeehan	Sturla
Buxton	Gigliotti	Melio	Surra
Caltagirone	Gordner	Michlovic	Tangretti
Cappabianca	Gruitza	Mundy	Thomas
Carn	Haluska	Myers	Tigue
Carone	Hanna	Olasz	Travaglio
Casorio	Hasay	Oliver	Trello
Cawley	Horsy	Pesci	Trich
Cohen, M.	Itkin	Petrarca	Van Horne
Colaifella	James	Pistella	Veon
Colaizzo	Jarolin	Preston	Vitali
Corpora	Josephs	Ramos	Walko
Corrigan	Keller	Rieger	Washington
Cowell	Kirkland	Roberts	Williams, A. H.
Coy	Laughlin	Robinson	Williams, C.
Curry	Lawless	Roebuck	Yewcic
Daley	Lederer	Rooney	Youngblood

NOT VOTING-0

EXCUSED-2

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

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

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DECISION OF CHAIR RESCINDED ON HB 1628

The SPEAKER. Without objection, the Chair rescinds its announcement that HB 1628 is over for the day.

RULES SUSPENDED

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

Mr. LUCYK. Mr. Speaker, I move that the rules of the House be suspended to permit the consideration of HB 1628.

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

The following roll call was recorded:

YEAS-193

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

NAYS-7

Carone	Krebs	Platts	Steil
Hanna	Lawless	Steelman	

NOT VOTING-0

EXCUSED-2

LaGrotta Nickol

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.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1628, PN 2436**, entitled:

An Act amending the act of March 30, 1811 (P.L.145, No.99), entitled "An act to amend and consolidate the several acts relating to the settlement of the public accounts and the payment of the public monies, and for other purpose," further providing for deferred compensation plans of the Commonwealth and political subdivisions; and making editorial changes.

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-200

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

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

NAYS-0

NOT VOTING-0

EXCUSED-2

LaGrotta Nickol

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.

RESOLUTIONS PURSUANT TO RULE 35

Mr. O'BRIEN called up **HR 277, PN 2408**, entitled:

A Resolution expressing sorrow over the death of Richie Ashburn.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-200

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

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

NAYS-0

NOT VOTING-0

EXCUSED-2

LaGrotta Nickol

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

* * *

Ms. SEYFERT called up **HR 280, PN 2437**, entitled:

A Resolution declaring November 19, 1997, as "Nation's Day" in Pennsylvania.

On the question,
Will the House adopt the resolution ?

The following roll call was recorded:

YEAS-200

Adolph	DiGirolamo	Maher	Schroder
Allen	Donatucci	Maitland	Schuler
Argall	Druce	Major	Scrimenti
Armstrong	Eachus	Manderino	Semmel
Baker	Egolf	Markosek	Serafini
Bard	Evans	Marsico	Seyfert
Barley	Fairchild	Masland	Shaner
Barrar	Fargo	Mayermik	Smith, B.
Battisto	Feese	McCall	Smith, S. H.
Bebko-Jones	Fichter	McGeehan	Snyder, D. W.
Belardi	Fleagle	McGill	Staback
Belfanti	Flick	McIlhattan	Stairs
Benninghoff	Gannon	McNaughtan	Steelman
Birmelin	Geist	Melio	Steil
Bishop	George	Michlovic	Stern
Blaum	Gigliotti	Micozzie	Stetler
Boscola	Gladeck	Miller	Stevenson

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

NAYS-0

NOT VOTING-0

EXCUSED-2

LaGrotta Nickol

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

Mr. GORDNER called up **HR 284, PN 2446**, entitled:

A Resolution proclaiming the month of October as "Domestic Violence Awareness Month."

On the question,
Will the House adopt the resolution ?

The following roll call was recorded:

YEAS-200

Adolph	DiGirolamo	Maher	Schroder
Allen	Donatucci	Maitland	Schuler
Argall	Druce	Major	Scrimenti
Armstrong	Eachus	Manderino	Semmel
Baker	Egolf	Markosek	Serafini
Bard	Evans	Marsico	Seyfert
Barley	Fairchild	Masland	Shaner

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

NAYS-0

NOT VOTING-0

EXCUSED-2

LaGrotta Nickol

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

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the majority Appropriations Committee chairman, Mr. Barley.

Mr. BARLEY. Thank you, Mr. Speaker.

I would like to call a meeting of the Appropriations Committee in the majority Appropriations conference room immediately upon recess today.

The SPEAKER. The Chair thanks the gentleman.

FINANCE COMMITTEE MEETING

The SPEAKER. The gentleman, Mr. Boyes, the chairman of the Finance Committee.

Mr. BOYES. Thank you, Mr. Speaker.

The House Finance Committee meeting originally scheduled for Thursday, October 23, has been changed. The meeting is now scheduled for Wednesday, October 22, 1997, in the majority caucus room, room 140, at 9:30 a.m.

I would ask that all members of the House Finance Committee pay particular attention to this announcement. This is going to be an extremely important meeting for all members of the Finance Committee, to be there at 9:30 in the majority caucus room on Wednesday. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

INTERGOVERNMENTAL AFFAIRS COMMITTEE MEETING

The SPEAKER. The Chair has been asked to announce that there will be a meeting of the Intergovernmental Affairs Committee today at the recess in room 39 of the East Wing. The agenda will include SR 74 and HR 260.

ANNOUNCEMENT BY MR. SURRA

The SPEAKER. The gentleman, Mr. Surra.

Mr. SURRA. Mr. Speaker, I would like to announce an immediate meeting of the House Democratic Policy Committee in our caucus room.

The SPEAKER. The Chair thanks the gentleman.

DEMOCRATIC CAUCUS

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

Mr. COHEN. Mr. Speaker, in addition to the Policy Committee meeting, there will be a caucus upstairs as well. All members are urged to attend.

The SPEAKER. For the information of the members, no votes will be taken tomorrow, nor will there be further votes today.

The Chair corrects its earlier statement. There will be housekeeping votes and the movement of bills back and forth.

ANNOUNCEMENT BY MR. EGOLF

The SPEAKER. Mr. Egolf.

Mr. EGOLF. I would like to make an announcement for the canoe caucus — these are the people going on the canoe trip this afternoon. Be at the meeting point at West Fairview by 3 o'clock. We are moving that up one-half hour. Be there, please, by 3 o'clock.

CALENDAR CONTINUED**DECISION OF CHAIR RESCINDED**

The SPEAKER. The Chair turns to today's calendar.

Without objection, the Chair rescinds its announcement that the bills on page 1 of today's calendar are over. The Chair hears no objection.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 371, PN 1974**, entitled:

An Act amending the act of June 10, 1982 (P.L.454, No.133), entitled "An act protecting agricultural operations from nuisance suits and ordinances under certain circumstances," further providing for definitions.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. PERZEL. Mr. Speaker, I move that HB 371 be recommitted to Appropriations.

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

The House proceeded to third consideration of **HB 1768, PN 2205**, entitled:

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, providing for payment of indemnification and depopulation incentives for avian influenza.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. PERZEL. Mr. Speaker, I move that HB 1768 be recommitted to Appropriations.

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

The House proceeded to third consideration of **HB 1809, PN 2259**, entitled:

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, further defining "garbage" for purposes of domestic animals.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. PERZEL. Mr. Speaker, I move that HB 1809 be recommitted to Appropriations.

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

**HOUSE BILL
INTRODUCED AND REFERRED**

No. 1948 By Representative MYERS

An Act making additional appropriations of State and Federal funds to the Department of Public Welfare for welfare-to-work projects.

Referred to Committee on APPROPRIATIONS, October 21, 1997.

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

HB 76, PN 2465 (Amended) By Rep. GANNON

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for police animals; and providing penalties.

JUDICIARY.

HB 1058, PN 1180 By Rep. GANNON

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for licenses.

JUDICIARY.

HB 1744, PN 2466 (Amended) By Rep. GANNON

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for collection of restitution, reparation, fees, costs, fines and penalties and for record requirements.

JUDICIARY.

HB 1745, PN 2467 (Amended)

By Rep. GANNON

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for restitution for injuries to person or property.

JUDICIARY.

HB 1756, PN 2180

By Rep. GANNON

An Act amending the act of August 6, 1941 (P.L.861, No.323), referred to as the Pennsylvania Board of Probation and Parole Law, further providing for the power to parole.

JUDICIARY.

SB 641, PN 674

By Rep. GANNON

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for law enforcement records concerning juveniles.

JUDICIARY.

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

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

HB 76;
 HB 1058;
 HB 1744;
 HB 1745;
 HB 1756;
 HB 911;
 HB 1561;
 HB 1633; and
 SB 641.

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

BILLS RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.

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

HB 76;
 HB 1058;
 HB 1744;
 HB 1745;
 HB 1756;
 HB 911;
 HB 1561;
 HB 1633; and
 SB 641.

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

RECESS

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

Hearing none, this House will stand in recess for a period of 1 hour so that it may return and take the report of the Appropriations Committee.

AFTER RECESS

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

**BILL REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND TABLED****HB 1948, PN 2468**

By Rep. BARLEY

An Act making additional appropriations of State and Federal funds to the Department of Public Welfare for welfare-to-work projects.

APPROPRIATIONS.

BILLS REREPORTED FROM COMMITTEE**HB 565, PN 1291**

By Rep. BARLEY

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for visitation rights and partial custody.

APPROPRIATIONS.

HB 656, PN 2470 (Amended)

By Rep. BARLEY

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, providing for reimbursement for diabetic supplies.

APPROPRIATIONS.

HB 1291, PN 2407

By Rep. BARLEY

An Act amending the act of December 14, 1982 (P.L.1227, No.281), known as the Architects Licensure Law, adding definitions; further providing for firm practice, for permitted practices and for unauthorized practice; and making editorial changes.

APPROPRIATIONS.

RESOLUTIONS REPORTED FROM COMMITTEE**HR 260, PN 2336**

By Rep. FLICK

A Resolution calling upon the President of the United States to avoid entering into any new climate treaty commitments pursuant to the Berlin Mandate that could adversely affect the United States; and calling upon the United States Senate to reject any proposed protocol or amendment not in compliance with Senate Resolution No. 98.

INTERGOVERNMENTAL AFFAIRS.

SR 74, PN 1376

By Rep. FLICK

A Concurrent Resolution concerning international negotiations on Global Climate Change.

INTERGOVERNMENTAL AFFAIRS.

BILLS ON SECOND CONSIDERATION

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

HB 565, PN 1291, and HB 1291, PN 2407.**BILL REMOVED FROM TABLE**

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

Mr. BARLEY. Mr. Speaker, I move that HB 1948 be removed from the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

ADJOURNMENT

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

Hearing none, the Chair recognizes the gentleman from Northampton County, Mr. Dally.

Mr. DALLY. Mr. Speaker, I move that this House do now adjourn until Wednesday, October 22, 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 2:31 p.m., e.d.t., the House adjourned.