

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, OCTOBER 5, 1999

SESSION OF 1999

183D OF THE GENERAL ASSEMBLY

No. 46

HOUSE OF REPRESENTATIVES

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

**THE SPEAKER PRO TEMPORE
(PATRICIA H. VANCE) PRESIDING**

PRAYER

REV. WILLIAM A. MILLER, Chaplain of the House of Representatives and retired United Methodist minister, Myerstown, Pennsylvania, offered the following prayer:

Our Father. You have given us this good land for our heritage, and we humbly ask You, O God, that we may always prove ourselves a people mindful of Your favor, glad to do Your will. Bless our land and our Commonwealth with honorable industry, with sound learning and pure manners. Save us from violence, discord, and confusion; from pride and arrogance; and from every evil way. And we ask that You will defend our liberties and fashion into one people the multitudes brought here out of many backgrounds and tongues, and endue with the spirit of wisdom those to whom in Your name we entrust the authority of government, that there may be justice and peace at home, and that through obedience to Your love and Your law, we may show forth Your praise among the nations of the earth. So bless and direct the business that will be transacted in this room this day, and in the time of prosperity, fill our hearts with thankfulness, and in the time of trouble, suffer not our trust in You to fail.

All of these petitions we ask in the name of our Lord God, the creator and the preserver of all mankind. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, the approval of the Journal of Monday, October 4, 1999, will be postponed until printed. The Chair hears no objection.

JOURNALS APPROVED

The SPEAKER pro tempore. However, there are Journals which are approved for Wednesday, June 16, 1999, and Thursday, June 17, 1999. Without objection, these Journals are approved.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1920 By Representatives McILHINNEY, M. COHEN, COLAFELLA, FARGO, FREEMAN, GEIST, HENNESSEY, HERSHEY, KIRKLAND, R. MILLER, PISTELLA, SATHER, SEMMEL, SEYFERT, STABACK, STEELMAN, TIGUE, TRELLO, WALKO, WILT, YEWIC and YOUNGBLOOD

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

Referred to Committee on JUDICIARY, October 5, 1999.

No. 1921 By Representatives McILHINNEY, ARGALL, BARRAR, BELARDI, BELFANTI, BISHOP, CAPPABIANCA, CLYMER, CORRIGAN, COSTA, DeLUCA, FAIRCHILD, GRUCELA, HARHAI, HENNESSEY, LAUGHLIN, LEDERER, LEVDANSKY, MELIO, R. MILLER, MUNDY, RAMOS, SATHER, SCHULER, SERAFINI, SEYFERT, SHANER, STABACK, STEELMAN, STEVENSON, E. Z. TAYLOR, J. TAYLOR, TIGUE, TRAVAGLIO, TRELLO, WILLIAMS, WOJNAROSKI and YUDICHAK

An Act establishing the Universal Newborn Hearing Screening Program.

Referred to Committee on HEALTH AND HUMAN SERVICES, October 5, 1999.

No. 1922 By Representatives DiGIROLAMO, THOMAS, E. Z. TAYLOR, PRESTON, GEIST, STERN, BEBKO-JONES, SOLOBAY, DALEY, STABACK, BASTIAN, RUBLEY, HORSEY, FRANKEL, CASORIO, WOJNAROSKI, B. SMITH, WOGAN, KENNEY, READSHAW, MELIO, LEDERER, EGOLF, WILT, BELFANTI, McCALL, J. TAYLOR, PISTELLA, CLYMER, SEMMEL, S. MILLER, HARHAI, YUDICHAK and RAYMOND

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for accidents involving death or personal injury while not properly licensed.

Referred to Committee on TRANSPORTATION, October 5, 1999.

No. 1923 By Representatives CLYMER, ARGALL, ARMSTRONG, BAKER, BELARDI, CALTAGIRONE, CAPPABIANCA, COSTA, DeLUCA, FREEMAN, GODSHALL, GRUCELA, HALUSKA, HANNA, HARHAI, HASAY,

HENNESSEY, HERSHEY, HORSEY, JOSEPHS, LaGROTTA, LAUGHLIN, LEDERER, LEH, LUCYK, MAITLAND, MANDERINO, McCALL, MELIO, NAILOR, O'BRIEN, ORIE, PIPPY, READSHAW, SEYFERT, SHANER, B. SMITH, STABACK, E. Z. TAYLOR, J. TAYLOR, WALKO, WILT, YOUNGBLOOD and COLAFELLA

An Act establishing the Farmer Assistance Program for owners and operators of farms suffering losses as a result of the drought of 1999; establishing the Drought Relief Fund; and making an appropriation.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, October 5, 1999.

No. 1924 By Representatives WALKO, READSHAW, JAMES, BARRAR, LAUGHLIN, STURLA, MARKOSEK, WILLIAMS, SCRIMENTI, FRANKEL, SHANER, TRAVAGLIO, EVANS, TANGRETTI, FLICK, M. COHEN, COLAFELLA, STEELMAN, BROWNE, RAMOS, L. I. COHEN, FREEMAN, JOSEPHS, TRELLO, ROONEY, CARN, HARHAI and COSTA

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

Referred to Committee on FINANCE, October 5, 1999.

No. 1925 By Representatives WALKO, DeWEESE, GEORGE, BELARDI, GORDNER, FRANKEL, MANN, SOLOBAY, MANDERINO, MUNDY, DeLUCA, VAN HORNE, SHANER, CORRIGAN, EVANS, DALEY, LAUGHLIN, PETRARCA, GRUCELA, SCRIMENTI, WOJNAROSKI, STABACK, SURRA, McCALL, COSTA, JOSEPHS, TRELLO, YUDICHAK, YOUNGBLOOD, HARHAI, TRAVAGLIO, VEON, MELIO, RAMOS, STEELMAN and CAPPABIANCA

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, further defining "managed care plan"; and further providing for exceptions relating to quality health care accountability and protection.

Referred to Committee on INSURANCE, October 5, 1999.

No. 1926 By Representatives WALKO, DeWEESE, GEORGE, BELARDI, GORDNER, FRANKEL, MANN, SOLOBAY, MANDERINO, MUNDY, DeLUCA, VAN HORNE, SHANER, CORRIGAN, EVANS, FREEMAN, DALEY, LAUGHLIN, PETRARCA, GRUCELA, SCRIMENTI, WOJNAROSKI, STABACK, SURRA, McCALL, COSTA, BEBKO-JONES, TRELLO, YUDICHAK, YOUNGBLOOD, HARHAI, TRAVAGLIO, VEON, MELIO, RAMOS, STEELMAN and CAPPABIANCA

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, further defining "managed care plan"; further providing for duties of managed care plans and for required disclosure; and providing for duties of the Health Care Cost Containment Council.

Referred to Committee on INSURANCE, October 5, 1999.

No. 1927 By Representatives MUNDY, YUDICHAK, BROWNE, STABACK, CAWLEY, BELARDI, WOJNAROSKI, M. COHEN, PRESTON, SURRA, TIGUE, BELFANTI, EVANS, HORSEY, STEELMAN, WALKO, SEYFERT, RAMOS, FREEMAN, CURRY, LAUGHLIN, PISTELLA, YOUNGBLOOD and HARHAI

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, requiring notice to be given to certain persons upon requests for changes in use of certain properties.

Referred to Committee on LOCAL GOVERNMENT, October 5, 1999.

No. 1928 By Representatives ROHRER, ARMSTRONG, BASTIAN, BIRMELIN, CHADWICK, CLYMER, L. I. COHEN, DEMPSEY, EGOLF, FAIRCHILD, FARGO, FLICK, FORCIER, GLADECK, HERSHEY, LEH, MAITLAND, MARSICO, MASLAND, METCALFE, S. MILLER, NAILOR, ROSS, SCHRODER, SEYFERT, STEVENSON, STRITTMATTER, E. Z. TAYLOR, TRUE, WILT, ZIMMERMAN and ZUG

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, eliminating authority for the fair share fee for employees of Commonwealth entities; and relieving certain employee organizations of certain duties and obligations.

Referred to Committee on LABOR RELATIONS, October 5, 1999.

No. 1929 By Representatives ROHRER, ARMSTRONG, BASTIAN, BIRMELIN, CHADWICK, CLYMER, L. I. COHEN, DEMPSEY, EGOLF, FAIRCHILD, FARGO, FLICK, FORCIER, GLADECK, HERSHEY, LEH, MAITLAND, MARSICO, MASLAND, METCALFE, S. MILLER, NAILOR, ROSS, SCHRODER, SEYFERT, STEVENSON, STRITTMATTER, E. Z. TAYLOR, TRUE, WILT, ZIMMERMAN and ZUG

An Act repealing the act of June 2, 1993 (P.L.45, No.15), known as the Public Employee Fair Share Fee Law, relieving certain employee organizations of certain duties and obligations.

Referred to Committee on LABOR RELATIONS, October 5, 1999.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 263 By Representatives O'BRIEN, ARMSTRONG, BEBKO-JONES, BELARDI, BELFANTI, BROWNE, CAPPABIANCA, CIVERA, M. COHEN, COY, DAILEY, FAIRCHILD, FRANKEL, GEIST, GIGLIOTTI, GODSHALL, HARHAI, HERMAN, HERSHEY, JOSEPHS, LEDERER, MASLAND, ORIE, PESCI, PHILLIPS, PISTELLA, PLATTS, SANTONI, SEMMEL, SEYFERT, SHANER, B. SMITH, SOLOBAY, STABACK, STEELMAN, STURLA, E. Z. TAYLOR, TIGUE, TRELLO, TRUE, WALKO, WILLIAMS and YOUNGBLOOD

A Resolution urging the Governor to include the nationally recognized Child Lures Community Plan in his 1999-2000 budget proposal.

Referred to Committee on RULES, October 5, 1999.

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 4, 1999

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week, it reconvene on Monday, October 18, 1999, 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 18, 1999, 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.

COMMUNICATION FROM PUBLIC UTILITY COMMISSION

The SPEAKER pro tempore. The Chair acknowledges receipt of the annual report on the Dual Party Relay Service and Telecommunication Device Distribution Program, submitted by the Pennsylvania Public Utility Commission pursuant to Act 34 of 1995.

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

ACTUARIAL NOTES

The SPEAKER pro tempore. The Chair is in receipt of the following actuarial notes: a note for SB 1093, PN 1324; SB 1101, PN 1341; HB 1731, PN 2136; HB 1402, PN 1644; and HB 1401, PN 1643.

(Copies of actuarial notes are on file with the Journal clerk.)

LEAVES OF ABSENCE

The SPEAKER pro tempore. Are there requests for leaves of absence?

The Chair recognizes the majority whip, who requests leave of absence for the gentleman from Chester County, Mr. HENNESSEY, for October 5; the gentleman from

Dauphin County, Mr. McNAUGHTON, also for October 5; and the lady from Allegheny County, Miss ORIE, for October 5. Without objection, the leaves of absence are granted.

The Chair recognizes the minority whip, who has no requests for leaves of absence.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 1903, PN 2363

By Rep. O'BRIEN

An Act relating to the temporary extension of long-term medication prescriptions.

HEALTH AND HUMAN SERVICES.

SB 405, PN 1384 (Amended)

By Rep. O'BRIEN

An Act providing a mechanism for parents to confer upon other persons the power to consent to medical and mental health care of their children; and regulating procedure.

HEALTH AND HUMAN SERVICES.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—200

Adolph	Evans	Mann	Schuler
Allen	Fairchild	Markosek	Scrimanti
Argall	Fargo	Marsico	Semmel
Armstrong	Feese	Masland	Serafini
Baker	Fichter	Mayernik	Seyfert
Bard	Fleagle	McCall	Shaner
Barley	Flick	McGeehan	Smith, B.
Barrar	Forcier	McGill	Smith, S. H.
Bastian	Frankel	McIlhatten	Snyder
Battisto	Freeman	McIlhinney	Solobay
Bebko-Jones	Gannon	Melio	Staback
Belardi	Geist	Metcalfe	Stairs
Belfanti	George	Michlovic	Steelman
Benninghoff	Gigliotti	Micozzie	Steil
Birmelin	Gladeck	Miller, R.	Stern
Bishop	Godshall	Miller, S.	Stetler
Blaum	Gordner	Mundy	Stevenson
Boyes	Grucela	Myers	Strittmatter
Browne	Gruitza	Nailor	Sturla
Bunt	Habay	Nickol	Surra
Butkovitz	Haluska	O'Brien	Tangretti
Buxton	Hanna	Oliver	Taylor, E. Z.
Caltagirone	Harhai	Perzel	Taylor, J.
Cappabianca	Harhart	Pesci	Thomas
Carn	Hasay	Petrarca	Tigue
Casorio	Herman	Petrone	Travaglio
Cawley	Hershey	Phillips	Trello
Chadwick	Hess	Pippy	Trich
Civera	Horsey	Pistella	True
Clark	Hutchinson	Platts	Tulli
Clymer	Jadlowiec	Preston	Vance
Cohen, L. I.	James	Ramos	Van Home
Cohen, M.	Josephs	Raymond	Veon
Colafrella	Kaiser	Readshaw	Vitali
Cornell	Keller	Reinard	Walko
Corrigan	Kennedy	Rieger	Washington
Costa	Kirkland	Roberts	Waters

Coy	Krebs	Robinson	Williams
Curry	LaGrotta	Roebuck	Wilt
Dailey	Laughlin	Rohrer	Wogan
Daley	Lawless	Rooney	Wojnaroski
Dally	Lederer	Ross	Wright
DeLuca	Leh	Rubley	Yewcic
Dempsey	Lescovitz	Ruffing	Youngblood
Dermody	Levdansky	Sainato	Yudichak
DeWeese	Lucyk	Samuelson	Zimmerman
DiGirolamo	Lynch	Santoni	Zug
Donatucci	Maher	Sather	
Druce	Maitland	Saylor	Ryan,
Eachus	Major	Schroder	Speaker
Egolf	Manderino		

ADDITIONS—0

NOT VOTING—0

EXCUSED—3

Hennessey	McNaughton	Orie
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LEAVES CANCELED—2

McNaughton	Orie
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GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair is pleased to welcome to the hall of the House the political science class from Bloomsburg University, who are the guests of Representative John Gordner. They are located in the balcony. Would the guests please rise.

The Chair is also pleased to introduce guests of Representative Peter Zug, who are here today on behalf of the Eighth Air Force Historical Society for the passage of HR 239, the "Mighty Eighth Air Force Week" resolution. The guests are Frank H. Smoker, Jr., major general, USAF, retired. General Smoker is also the Pennsylvania Chapter president of the Eighth Air Force. Also present today is Mr. Robert Wills, also a member of the Eighth Air Force Historical Society. Would the guests please rise. They are seated to the left of the Chair.

CALENDAR

RESOLUTIONS PURSUANT TO RULE 35

Mr. ZUG called up **HR 239, PN 2268**, entitled:

A Resolution declaring October 8 through 14, 1999, as "Mighty Eighth Air Force Week" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—200

Adolph	Evans	Mann	Schuler
Allen	Fairchild	Markosek	Scrimenti
Argall	Fargo	Marsico	Semmel

Armstrong	Feese	Masland	Serafini
Baker	Fichter	Mayernik	Seyfert
Bard	Flaegle	McCall	Shaner
Barley	Flick	McGeehan	Smith, B.
Barrar	Forcier	McGill	Smith, S. H.
Bastian	Frankel	McIlhattan	Snyder
Battisto	Freeman	McIlhinney	Solobay
Bebko-Jones	Gannon	Melio	Staback
Belardi	Geist	Metcalfe	Stairs
Belfanti	George	Michlovic	Steelman
Benninghoff	Gigliotti	Micozzie	Steil
Birmelin	Gladeck	Miller, R.	Stern
Bishop	Godshall	Miller, S.	Stetler
Blaum	Gordner	Mundy	Stevenson
Boyes	Grucela	Myers	Strittmatter
Browne	Gruitza	Nailor	Sturla
Bunt	Habay	Nickol	Surra
Butkovitz	Haluska	O'Brien	Tangretti
Buxton	Hanna	Oliver	Taylor, E. Z.
Caltagirone	Harhai	Perzel	Taylor, J.
Cappabianca	Harhart	Pesci	Thomas
Carn	Hasay	Petrarca	Tigue
Casorio	Herman	Petrone	Travaglio
Cawley	Hershey	Phillips	Trello
Chadwick	Hess	Pippy	Trich
Civera	Horsely	Pistella	True
Clark	Hutchinson	Platts	Tulli
Clymer	Jadlowiec	Preston	Vance
Cohen, L. I.	James	Ramos	Van Horne
Cohen, M.	Josephs	Raymond	Veon
Colafella	Kaiser	Readshaw	Vitali
Cornell	Keller	Reinard	Walko
Corrigan	Kenney	Rieger	Washington
Costa	Kirkland	Roberts	Waters
Coy	Krebs	Robinson	Williams
Curry	LaGrotta	Roebuck	Wilt
Dailey	Laughlin	Rohrer	Wogan
Daley	Lawless	Rooney	Wojnaroski
Dally	Lederer	Ross	Wright
DeLuca	Leh	Rubley	Yewcic
Dempsey	Lescovitz	Ruffing	Youngblood
Dermody	Levdansky	Sainato	Yudichak
DeWeese	Lucyk	Samuelson	Zimmerman
DiGirolamo	Lynch	Santoni	Zug
Donatucci	Maher	Sather	
Druce	Maitland	Saylor	Ryan,
Eachus	Major	Schroder	Speaker
Egolf	Manderino		

NAYS—0

NOT VOTING—0

EXCUSED—3

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

Mr. HARHAI called up **HR 254, PN 2350**, entitled:

A Resolution urging the Westmoreland County Industrial Development Corporation and the City of Monessen to designate the boat launch area of the Monessen Riverfront Industrial Park in the City of Monessen, Westmoreland County, as the Herman Mihalich Memorial Boat Launch.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—199

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

NAYS—0

NOT VOTING—1

Butkovitz

EXCUSED—3

Hennessey McNaughton Orié

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

Mr. BUNT called up **HR 255, PN 2351**, entitled:

A Resolution honoring the life and distinguished naval career of Charles "Pete" Conrad, native of this Commonwealth and one of this nation's distinguished astronauts, on the occasion of his death on July 8, 1999.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—200

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

NAYS—0

NOT VOTING—0

EXCUSED—3

Hennessey McNaughton Orie

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

* * *

RESOLUTION PASSED OVER

The SPEAKER pro tempore. HR 256 will be over for today.

* * *

Mrs. COHEN called up **HR 257, PN 2353**, entitled:

A Resolution commending the Governor for proclaiming the month of October 1999 as "Breast Cancer Awareness Month" and October 15, 1999, as "National Mammography Day" in this Commonwealth and urging all citizens of this Commonwealth to join in its observance by renewing their awareness of breast cancer and by becoming knowledgeable about the most current medical developments regarding this tragic disease.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—200

Adolph	Evans	Mann	Schuler
Allen	Fairchild	Markosek	Scrimenti
Argall	Fargo	Marsico	Semmel
Armstrong	Feese	Masland	Serafini
Baker	Fichter	Mayernik	Seyfert
Bard	Fleagle	McCall	Shaner
Barley	Flick	McGeehan	Smith, B.
Barrar	Forcier	McGill	Smith, S. H.
Bastian	Frankel	McIlhattan	Snyder
Battisto	Freeman	McIlhinney	Solobay
Bebko-Jones	Gannon	Melio	Staback
Belardi	Geist	Metcalfe	Stairs
Belfanti	George	Michlovic	Steelman
Benninghoff	Gigliotti	Micozzie	Steil
Birmelin	Gladeck	Miller, R.	Stern
Bishop	Godshall	Miller, S.	Stetler
Blaum	Gordner	Mundy	Stevenson
Boyes	Grucela	Myers	Strittmatter
Browne	Gruitza	Nailor	Sturla
Bunt	Habay	Nickol	Surra
Butkovitz	Haluska	O'Brien	Tangretti
Buxton	Hanna	Oliver	Taylor, E. Z.
Caltagirone	Harhai	Perzel	Taylor, J.
Cappabianca	Harhart	Pesci	Thomas
Carn	Hasay	Petrarca	Tigue
Casorio	Herman	Petrone	Travaglio
Cawley	Hershey	Phillips	Trello
Chadwick	Hess	Pippy	Trich
Civera	Horsey	Pistella	True
Clark	Hutchinson	Platts	Tulli
Clymer	Jadlowiec	Preston	Vance
Cohen, L. I.	James	Ramos	Van Home
Cohen, M.	Josephs	Raymond	Veon
Colafella	Kaiser	Readshaw	Vitali
Cornell	Keller	Reinard	Waiko
Corrigan	Kenney	Rieger	Washington
Costa	Kirkland	Roberts	Waters
Coy	Krebs	Robinson	Williams
Curry	LaGrotta	Roebuck	Wilt

Dailey	Laughlin	Rohrer	Wogan
Daley	Lawless	Rooney	Wojnaroski
Daily	Lederer	Ross	Wright
DeLuca	Leh	Rubley	Yewcic
Dempsey	Lescovitz	Ruffing	Youngblood
Dermody	Levdansky	Sainato	Yudichak
DeWeese	Lucyk	Samuelson	Zimmerman
DiGirolamo	Lynch	Santoni	Zug
Donatucci	Maher	Sather	
Druce	Maitland	Saylor	Ryan,
Eachus	Major	Schroder	Speaker
Egolf	Manderino		

NAYS—0

NOT VOTING—0

EXCUSED—3

Hennessey McNaughton Orie

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

* * *

Mrs. COHEN called up **HR 258, PN 2354**, entitled:

A Resolution designating October 1999 as "Arts and Humanities Month" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

Adolph	Egolf	Mann	Schuler
Allen	Evans	Markosek	Scrimenti
Argall	Fairchild	Marsico	Semmel
Armstrong	Fargo	Masland	Serafini
Baker	Feese	Mayernik	Seyfert
Bard	Fichter	McCall	Shaner
Barley	Fleagle	McGeehan	Smith, B.
Barrar	Flick	McGill	Smith, S. H.
Bastian	Forcier	McIlhattan	Snyder
Battisto	Frankel	McIlhinney	Solobay
Bebko-Jones	Freeman	Melio	Staback
Belardi	Gannon	Metcalfe	Stairs
Belfanti	Geist	Michlovic	Steelman
Benninghoff	George	Micozzie	Steil
Birmelin	Gigliotti	Miller, R.	Stern
Bishop	Gladeck	Miller, S.	Stetler
Blaum	Godshall	Mundy	Stevenson
Boyes	Gordner	Myers	Strittmatter
Browne	Grucela	Nailor	Sturla
Bunt	Gruitza	Nickol	Surra
Butkovitz	Habay	O'Brien	Tangretti
Buxton	Haluska	Oliver	Taylor, E. Z.
Caltagirone	Hanna	Perzel	Taylor, J.
Cappabianca	Harhai	Pesci	Thomas
Carn	Harhart	Petrarca	Tigue
Casorio	Hasay	Petrone	Travaglio
Cawley	Herman	Phillips	Trello
Chadwick	Hershey	Pippy	Trich
Civera	Hess	Pistella	True
Clark	Horsey	Platts	Tulli
Clymer	Hutchinson	Preston	Vance
Cohen, L. I.	Jadlowiec	Ramos	Van Home
Cohen, M.	James	Raymond	Veon
Colafella	Kaiser	Readshaw	Vitali

Cornell	Keller	Reinard	Walko
Corrigan	Kenney	Rieger	Washington
Costa	Kirkland	Roberts	Waters
Coy	Krebs	Robinson	Williams
Curry	LaGrotta	Roebuck	Wilt
Dailey	Laughlin	Rohrer	Wogan
Daley	Lawless	Rooney	Wojnaroski
Dally	Lederer	Ross	Wright
DeLuca	Lescovitz	Rubley	Yewcic
Dempsey	Levdansky	Ruffing	Youngblood
Dermody	Lucyk	Sainato	Yudichak
DeWeese	Lynch	Samuelson	Zimmerman
DiGirolamo	Maher	Santoni	Zug
Donatucci	Maitland	Sather	
Druce	Major	Saylor	Ryan,
Eachus	Manderino	Schroder	Speaker

NAYS-0

NOT VOTING-2

Josephs Leh

EXCUSED-3

Hennessey McNaughton Orie

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

* * *

Mrs. COHEN called up **HR 260, PN 2356**, entitled:

A Resolution designating the Philly Pops as the official pops orchestra of the Commonwealth of Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-200

Adolph	Evans	Mann	Schuler
Allen	Fairchild	Markosek	Scrimenti
Argall	Fargo	Marsico	Semmel
Armstrong	Feese	Masland	Serafini
Baker	Fichter	Mayernik	Seyfert
Bard	Fleagle	McCall	Shaner
Barley	Flick	McGeehan	Smith, B.
Barrar	Forcier	McGill	Smith, S. H.
Bastian	Frankel	McIlhatten	Snyder
Battisto	Freeman	McIlhinney	Solobay
Bebko-Jones	Gannon	Melio	Staback
Belardi	Geist	Metcalfe	Stairs
Belfanti	George	Michlovic	Steelman
Benninghoff	Gigliotti	Micozzie	Steil
Birmelin	Gladeck	Miller, R.	Stern
Bishop	Godshall	Miller, S.	Stetler
Blaum	Gordner	Mundy	Stevenson
Boyes	Grucela	Myers	Strittmatter
Browne	Gruitza	Nailor	Sturla
Bunt	Habay	Nickol	Surra
Butkovitz	Haluska	O'Brien	Tangretti
Buxton	Hanna	Oliver	Taylor, E. Z.
Caltagirone	Harhai	Perzel	Taylor, J.
Cappabianca	Harhart	Pesci	Thomas
Carn	Hasay	Petrarca	Tigue
Casorio	Herman	Petrone	Travaglio
Cawley	Hershey	Phillips	Trello
Chadwick	Hess	Pippy	Trich

Civera	Horsey	Pistella	True
Clark	Hutchinson	Platts	Tulli
Clymer	Jadlowiec	Preston	Vance
Cohen, L. I.	James	Ramos	Van Home
Cohen, M.	Josephs	Raymond	Veon
Colafella	Kaiser	Readshaw	Vitali
Cornell	Keller	Reinard	Walko
Corrigan	Kenney	Rieger	Washington
Costa	Kirkland	Roberts	Waters
Coy	Krebs	Robinson	Williams
Curry	LaGrotta	Roebuck	Wilt
Dailey	Laughlin	Rohrer	Wogan
Daley	Lawless	Rooney	Wojnaroski
Dally	Lederer	Ross	Wright
DeLuca	Leh	Rubley	Yewcic
Dempsey	Lescovitz	Ruffing	Youngblood
Dermody	Levdansky	Sainato	Yudichak
DeWeese	Lucyk	Samuelson	Zimmerman
DiGirolamo	Lynch	Santoni	Zug
Donatucci	Maher	Sather	
Druce	Maitland	Saylor	Ryan,
Eachus	Major	Schroder	Speaker
Egolf	Manderino		

NAYS-0

NOT VOTING-0

EXCUSED-3

Hennessey McNaughton Orie

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

* * *

Mr. TULLI called up **HR 262, PN 2358**, entitled:

A Resolution designating October 1999 as "Rett Syndrome Awareness Month" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-199

Adolph	Fairchild	Mann	Schuler
Allen	Fargo	Markosek	Scrimenti
Argall	Feese	Marsico	Semmel
Armstrong	Fichter	Masland	Serafini
Baker	Fleagle	Mayernik	Seyfert
Bard	Flick	McCall	Shaner
Barley	Forcier	McGeehan	Smith, B.
Barrar	Frankel	McGill	Smith, S. H.
Bastian	Freeman	McIlhatten	Snyder
Battisto	Gannon	McIlhinney	Solobay
Bebko-Jones	Geist	Melio	Staback
Belardi	George	Metcalfe	Stairs
Belfanti	Gigliotti	Michlovic	Steelman
Benninghoff	Gladeck	Micozzie	Steil
Birmelin	Godshall	Miller, R.	Stern
Bishop	Gordner	Miller, S.	Stetler
Blaum	Grucela	Mundy	Stevenson
Boyes	Gruitza	Myers	Strittmatter
Browne	Habay	Nailor	Sturla
Bunt	Haluska	Nickol	Surra
Butkovitz	Hanna	O'Brien	Tangretti
Buxton	Harhai	Oliver	Taylor, E. Z.
Caltagirone	Harhart	Perzel	Taylor, J.

Cappabianca	Hasay	Pesci	Thomas
Cam	Herman	Petrarca	Tigue
Casorio	Hershey	Petrone	Travaglio
Cawley	Hess	Phillips	Trello
Chadwick	Horsey	Pippy	Trich
Civera	Hutchinson	Pistella	True
Clark	Jadlowiec	Platts	Tulli
Clymer	James	Preston	Vance
Cohen, L. I.	Josephs	Ramos	Van Horne
Cohen, M.	Kaiser	Raymond	Veon
Cornell	Keller	Readshaw	Vitali
Corrigan	Kenney	Reinard	Walko
Costa	Kirkland	Rieger	Washington
Coy	Krebs	Roberts	Waters
Curry	LaGrotta	Robinson	Williams
Daily	Laughlin	Roebuck	Wilt
Daley	Lawless	Rohrer	Wogan
Dally	Lederer	Rooney	Wojnaroski
DeLuca	Leh	Ross	Wright
Dempsey	Lescovitz	Rubley	Yewcic
Dermody	Levdansky	Ruffing	Youngblood
DeWeese	Lucyk	Sainato	Yudichak
DiGirolamo	Lynch	Samuelson	Zimmerman
Donatucci	Maher	Santoni	Zug
Druce	Maitland	Sather	Ryan,
Eachus	Major	Saylor	Speaker
Egolf	Manderino	Schroder	
Evans			

NAYS—0

NOT VOTING—1

Colafella

EXCUSED—3

Hennessey McNaughton Orie

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

GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair is pleased to welcome to the hall of the House Ida Mae Mehalov and Bea Seigle from Shaler Township, Allegheny County, who are here today with the NFIB (National Federation of Independent Business) and are guests of Representatives Jeff Habay and Jess Stairs, and they are seated on the side. Would the ladies please rise.

The Chair is pleased to welcome Mike Grabarits, who is seated on the House floor, who is a guest of Representative Julie Harhart of the 183d Legislative District. Mike is the owner of Executrain of Pennsylvania, and he is here in Harrisburg for the NFIB's Small Business Summit. Would the gentleman please rise.

The Chair is also pleased to welcome to the hall of the House Jonathan O'Keefe of Greencastle, who is here as a guest page of Representative Pat Fleagle. Would the young gentleman please rise.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 913, PN 1013**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for visitation rights and partial custody when there is a deceased parent.

On the question,

Will the House agree to the bill on third consideration?

Mr. WALKO offered the following amendment No. **A2643**:

Amend Sec. 1 (Sec. 5311), page 2, lines 8 and 9, by striking out "the parent-child relationship" and inserting
any order or determination under section 5303
(relating to award of custody, partial custody or
visitation)

On the question,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—198

Adolph	Fairchild	Mann	Schuler
Allen	Fargo	Markosek	Scrimenti
Argall	Feese	Marsico	Semmel
Armstrong	Fichter	Masland	Serafini
Baker	Fleagle	Mayernik	Seyfert
Bard	Flick	McCall	Shaner
Barley	Forcier	McGeehan	Smith, B.
Barrar	Frankel	McGill	Smith, S. H.
Bastian	Freeman	McIlhattan	Snyder
Battisto	Gannon	McIlhinney	Solobay
Bebko-Jones	Geist	Melio	Staback
Belardi	George	Metcalfe	Stairs
Belfanti	Gigliotti	Michlovic	Steelman
Benninghoff	Gladeck	Micozzie	Steil
Birmelin	Godshall	Miller, R.	Stern
Bishop	Gordner	Miller, S.	Stetler
Boyes	Gruclera	Mundy	Stevenson
Browne	Gruitza	Myers	Strittmatter
Bunt	Habay	Nailor	Sturla
Butkovitz	Haluska	Nickol	Surra
Buxton	Hanna	O'Brien	Tangretti
Caltagirone	Harhai	Oliver	Taylor, E. Z.
Cappabianca	Harhart	Perzel	Taylor, J.
Cam	Hasay	Pesci	Thomas
Casorio	Herman	Petrarca	Tigue
Cawley	Hershey	Petrone	Travaglio
Chadwick	Hess	Phillips	Trello
Civera	Horsey	Pippy	Trich
Clark	Hutchinson	Pistella	True
Clymer	Jadlowiec	Platts	Tulli
Cohen, L. I.	James	Preston	Vance
Cohen, M.	Josephs	Ramos	Van Horne
Colafella	Kaiser	Raymond	Veon
Cornell	Keller	Readshaw	Vitali
Corrigan	Kenney	Reinard	Walko
Costa	Kirkland	Rieger	Washington
Curry	Krebs	Roberts	Waters
Daily	LaGrotta	Robinson	Williams
Daley	Laughlin	Roebuck	Wilt
Dally	Lawless	Rohrer	Wogan
DeLuca	Lederer	Rooney	Wojnaroski
Dempsey	Leh	Ross	Wright
Dermody	Lescovitz	Rubley	Yewcic
DeWeese	Levdansky	Ruffing	Youngblood
DiGirolamo	Lucyk	Sainato	Yudichak
Donatucci	Lynch	Samuelson	Zimmerman
Druce	Maher	Santoni	Zug
Eachus	Maitland	Sather	Ryan,
Egolf	Major	Saylor	Speaker
Evans	Manderino	Schroder	

NAYS—0

NOT VOTING—2

Blaum Coy

EXCUSED—3

Hennessey McNaughton Orie

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—199

Adolph	Fairchild	Mann	Schuler
Allen	Fargo	Markosek	Scrimenti
Argall	Feese	Marsico	Semmel
Armstrong	Fichter	Masland	Serafini
Baker	Fleagle	Mayernik	Seyfert
Bard	Flick	McCall	Shaner
Barley	Forcier	McGeehan	Smith, B.
Barrar	Frankel	McGill	Smith, S. H.
Bastian	Freeman	McIlhattan	Snyder
Battisto	Gannon	McIlhinney	Solobay
Bebko-Jones	Geist	Melio	Staback
Belardi	George	Metcalfe	Stairs
Belfanti	Gigliotti	Michlovic	Steelman
Benninghoff	Gladeck	Micozzie	Steil
Birmelin	Godshall	Miller, R.	Stern
Bishop	Gordner	Miller, S.	Stetler
Blaum	Grucela	Mundy	Stevenson
Boyes	Gruitza	Myers	Stritmatter
Browne	Habay	Nailor	Sturla
Bunt	Haluska	Nickol	Surra
Butkovitz	Hanna	O'Brien	Tangretti
Buxton	Harhai	Oliver	Taylor, E. Z.
Caltagirone	Harhart	Perzel	Taylor, J.
Cappabianca	Hasay	Pesci	Thomas
Carn	Herman	Petrarca	Tigue
Casorio	Hershey	Petrone	Travaglio
Cawley	Hess	Phillips	Trello
Chadwick	Horsey	Pippy	Trich
Civera	Hutchinson	Pistella	True
Clark	Jadlowiec	Platts	Tulli
Clymer	James	Preston	Vance
Cohen, L. I.	Josephs	Ramos	Van Horne
Cohen, M.	Kaiser	Raymond	Veon
Colafilella	Keller	Readshaw	Vitali
Cornell	Kenney	Reinard	Walko
Corrigan	Kirkland	Rieger	Washington
Costa	Krebs	Roberts	Waters
Coy	LaGrotta	Robinson	Williams
Curry	Laughlin	Roebuck	Wilt
Daily	Lawless	Rohrer	Wogan
Daley	Lederer	Rooney	Wojnaroski
DeLuca	Leh	Ross	Wright
Dempsey	Lescovitz	Rublely	Yewcic
Dermody	Levdansky	Ruffing	Youngblood
DeWeese	Lucyk	Sainato	Yudichak
DiGirolamo	Lynch	Samuelson	Zimmerman

Donatucci	Maher	Santoni	Zug
Druce	Maitland	Sather	
Eachus	Major	Saylor	Ryan,
Egolf	Manderino	Schroder	Speaker
Evans			

NAYS—0

NOT VOTING—1

Dally

EXCUSED—3

Hennessey McNaughton Orie

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

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

* * *

The House proceeded to third consideration of **HB 323, PN 330**, entitled:

An Act designating the polka as the official dance of Pennsylvania.

On the question,

Will the House agree to the bill on third consideration?

BILL RECOMMITTED

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

Mr. PERZEL. Madam Speaker, I move that HB 323 be recommitted to Rules.

On the question,

Will the House agree to the motion?

Motion was agreed to.

* * *

The House proceeded to third consideration of **HB 1078, PN 1224**, entitled:

An Act selecting and designating the square dance as the official American folk dance of the Commonwealth of Pennsylvania.

On the question,

Will the House agree to the bill on third consideration?

BILL RECOMMITTED

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

Mr. PERZEL. Madam Speaker, I move that HB 1078 be recommitted to Rules.

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

* * *

The House proceeded to third consideration of **HB 1150, PN 1299**, entitled:

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

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—199

Adolph	Evans	Manderino	Schroder
Allen	Fairchild	Mann	Schuler
Argall	Fargo	Markosek	Scrimenti
Armstrong	Feese	Marsico	Semmel
Baker	Fichter	Masland	Serafini
Bard	Fleagle	Mayernik	Seyfert
Barley	Flick	McCall	Shaner
Barrar	Forcier	McGeehan	Smith, B.
Bastian	Frankel	McGill	Smith, S. H.
Battisto	Freeman	McIlhattan	Snyder
Bebko-Jones	Gannon	McIlhinney	Solobay
Belardi	Geist	Melio	Staback
Belfanti	George	Metcalfe	Stairs
Benninghoff	Gigliotti	Michlovic	Steelman
Birmelin	Gladeck	Micozzie	Steil
Bishop	Godshall	Miller, R.	Stern
Blaum	Gordner	Miller, S.	Stetler
Boyes	Grucela	Mundy	Stevenson
Browne	Gruitza	Myers	Strittmatter
Bunt	Habay	Nailor	Sturla
Butkovitz	Haluska	Nickol	Surra
Buxton	Hanna	O'Brien	Tangretti
Caltagirone	Harhai	Oliver	Taylor, E. Z.
Cappabianca	Harhart	Perzel	Taylor, J.
Carn	Hasay	Pesci	Tigue
Casorio	Herman	Petrarca	Travaglio
Cawley	Hershey	Petrone	Trello
Chadwick	Hess	Phillips	Trich
Civera	Horsey	Pippy	True
Clark	Hutchinson	Pistella	Tulli
Clymer	Jadlowiec	Platts	Vance
Cohen, L. I.	James	Preston	Van Horne
Cohen, M.	Josephs	Ramos	Veon
Colafella	Kaiser	Raymond	Vitali
Cornell	Keller	Readshaw	Walko
Corrigan	Kenney	Reinard	Washington
Costa	Kirkland	Rieger	Waters
Coy	Krebs	Roberts	Williams
Curry	LaGrotta	Robinson	Wilt
Datiley	Laughlin	Roebuck	Wogan
Daley	Lawless	Rohrer	Wojnaroski
Dalty	Lederer	Rooney	Wright
DeLuca	Leh	Ross	Yewcic
Dempsey	Lescovitz	Rubley	Youngblood
Dermody	Levdanský	Ruffing	Yudichak
DeWeese	Lucyk	Sainato	Zimmerman

DiGirolamo	Lynch	Samuelson	Zug
Donatucci	Maher	Santoni	
Druce	Maitland	Sather	Ryan,
Eachus	Major	Saylor	Speaker
Egolf			

NAYS—0

NOT VOTING—1

Thomas

EXCUSED—3

Hennessey McNaughton Orie

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

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

RULES SUSPENDED

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

Mr. PERZEL. Madam Speaker, I move that the rules be suspended in order to allow HB 1692, PN 2381, to be considered.

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

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1692, PN 2381**, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for definitions, for special occasion permits and for wine auction permits; authorizing a multipurpose county-owned arena and convention center license; and further providing for limiting number of retail licenses in each municipality, for transfer of licenses, for local option relating to special occasion permits, for granting of liquor licenses in certain municipalities, for unlawful acts relative to malt or brewed beverages and licenses, for employment of minors and for penalties for the sale of liquor or malt or brewed beverage without being licensed.

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

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

Mr. CLYMER. To speak on final passage of this legislation.

The SPEAKER pro tempore. Would the gentleman, Mr. Clymer, hold, please. There are amendments to the bill. You will be recognized then on final passage.

BILL PASSED OVER TEMPORARILY

The SPEAKER pro tempore. This bill will be over temporarily.

ADDITIONS AND DELETIONS OF SPONSORS

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

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

THE SPEAKER (MATTHEW J. RYAN) PRESIDING

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 1684, PN 2071; and SB 1100, PN 1366.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 867, PN 925**, entitled:

An Act providing for the funding of volunteer groups to clean up and restore watersheds affected by acid mine drainage; establishing a project selection board to select and oversee projects to be funded; identifying funding sources to aid volunteer organizations in cleanup and restoration projects; and authorizing the Department of Environmental Protection to administer the funding of the selected projects.

On the question,

Will the House agree to the bill on third consideration?

The SPEAKER. The Chair recognizes the gentleman, Mr. George, who offers the following amendment, which the clerk will read. These amendments are available on your computers.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. **GEORGE** offered the following amendment No. **A3421**:

Amend Title, page 1, line 6, by striking out "and"

Amend Bill, page 1, line 7, by removing the period after "projects" and inserting

; providing for the establishment, operation and administration of the Commonwealth Watershed Improvement Fund; authorizing the incurring of indebtedness, with the approval of the electorate, to provide funding for improving this Commonwealth's land and water resources on a watershed basis including storm water management and elimination of acid mine drainage; creating the Watershed Improvement Sinking Fund; imposing additional powers and duties on the Department of Environmental Protection; and making an appropriation.

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Section 304. Funds.

Section 305. Proposal approval process.

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Section 307. Relationship to other State laws.

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Section 502. Definitions.

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Section 504. Referendum.

Section 505. Commonwealth indebtedness.

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Section 507. Annual report.

Section 508. Right to enter land.

Section 509. Federal programs.

Article VII. Miscellaneous Provisions

Section 701. Effective date.

Amend Bill, page 1, by inserting between lines 9 and 10

ARTICLE I

PRELIMINARY PROVISIONS

Amend Sec. 1, page 1, line 10, by striking out "1" and inserting 101

Amend Sec. 1, page 1, line 11, by striking out "act" and inserting article

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

, Partnership and Improvement

Amend Sec. 2, page 1, line 13, by striking out "2" and inserting 102

Amend Sec. 3, page 2, line 28, by striking out "3" and inserting 103

Amend Sec. 3, page 2, line 29, by striking out "As used in this section, the" and inserting

The

Amend Sec. 3, page 2, line 30, by inserting after "phrases" when used in this act,

Amend Sec. 3, page 3, line 17, by striking out "4" and inserting 301

Amend Bill, page 4, by inserting between lines 5 and 6

ARTICLE III

WATERSHED RESTORATION AND PARTNERSHIP

Amend Sec. 4, page 4, line 6, by striking out "4" and inserting 301

Amend Sec. 4, page 4, line 15, by striking out "7" and inserting 304

Amend Sec. 4, page 4, line 17, by striking out "act" and inserting article

Amend Sec. 5, page 5, line 5, by striking out "5" and inserting 302

Amend Sec. 5, page 5, line 10, by striking out "act" and inserting article

Amend Sec. 5, page 5, line 11, by striking out "act" and inserting article

Amend Sec. 6, page 5, line 13, by striking out "6" and inserting 303

Amend Sec. 6, page 5, line 14, by striking out all of said line and inserting

(a) Funding.—

(1) The moneys authorized by this article are

Amend Sec. 6, page 5, line 18, by striking out all of said line and inserting

(2) Any volunteer watershed organization seeking funding

for

Amend Sec. 6, page 5, line 22, by striking out "act" and inserting article

Amend Sec. 7, page 5, line 28, by striking out "7" and inserting 304

- Amend Sec. 7, page 6, line 6, by striking out "act" and inserting article
- Amend Sec. 8, page 7, line 3, by striking out "8" and inserting 305
- Amend Sec. 8, page 7, line 5, by striking out "act" and inserting article
- Amend Sec. 8, page 7, line 20, by striking out "act" and inserting article
- Amend Sec. 8, page 7, line 22, by striking out "act" and inserting article
- Amend Sec. 8, page 7, line 24, by striking out "7" and inserting 304
- Amend Sec. 9, page 7, line 28, by striking out "9" and inserting 306
- Amend Sec. 10, page 8, line 4, by striking out "10" and inserting 307
- Amend Sec. 10, page 8, line 5, by striking out "act" and inserting article
- Amend Bill, page 8, lines 9 and 10, by striking out all of said lines and inserting

ARTICLE V

WATERSHED PROTECTION

Section 501. Declaration of policy.

The General Assembly finds and declares as follows:

(1) Fundamental to the health and welfare of the people of this Commonwealth are the land and water resources of this Commonwealth as described in section 27 of Article I of the Constitution of Pennsylvania.

(2) Inadequate management of accelerated runoff of storm water resulting from development throughout a watershed increases flood flows and velocities, contributes to erosion and sedimentation, overtaxes the carrying capacity of streams and storm sewers, greatly increases the cost of public facilities to carry and control storm water, undermines floodplain management and flood control efforts in downstream communities, reduces groundwater recharge and threatens public health and safety.

(3) A comprehensive program of storm water management, including reasonable regulation of development and activities causing accelerated runoff, is fundamental to the public health, safety and welfare and the protection of the people of this Commonwealth, their resources and their environment.

(4) There are over 250,000 acres of abandoned surface mines with dangerous highwalls and water-filled pits. About 2,400 miles of streams do not meet water quality standards because of drainage from abandoned mines. There are uncounted households with inadequate water supplies due to acid mine drainage resulting from past mining practices.

(5) The prevention, control and elimination of watershed and waterways pollution from acid mine drainage and the reclamation of abandoned mine lands are urgent matters requiring action by the Commonwealth, not only for conservation purposes, but for the protection of the health and welfare of the citizens of this Commonwealth, especially those living in or adjacent to affected areas.

(6) Despite receiving an annual appropriation from the Federal Government, the moneys received by the Commonwealth under that appropriation are inadequate and are prioritized primarily to address specific safety issues and are therefore rarely available for water restoration projects. Moreover, moneys from forfeited bonds have been largely inadequate to make progress in the reduction of acid mine drainage.

Section 502. Definitions.

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

"Administrative expenses." An expenditure of funds, including, but not limited to, an expenditure of a Commonwealth agency for personnel

and other operating costs necessary to accomplish the purposes of this article. The term does not include the personnel cost for the development, design and construction management of abandoned mine land restoration projects.

"Fund." The Commonwealth Watershed Improvement Fund established in section 503.

"Issuing officials." The Governor, the Auditor General and the State Treasurer acting in concert to effect borrowing in accordance with and for the purposes of this article.

"Secretary." The Secretary of Environmental Protection of the Commonwealth.

"Studies." The collection, analysis and presentation of information, alternatives and recommendations in order that the Commonwealth or any municipality may singly or jointly determine a course of action to meet the purposes of this article.

Section 503. Commonwealth Watershed Improvement Fund.

(a) Establishment.—There is hereby established in the Treasury Department a restricted receipt account to be known as the Commonwealth Watershed Improvement Fund to provide moneys necessary to implement this article.

(b) Source of funds.—All proceeds from the sale of bonds or notes as approved under section 504 shall provide the necessary moneys for the fund.

(c) Appropriations.—All moneys in the fund are hereby appropriated on a continuing nonlapsing basis to the department. No funds may be expended by the department without authorization by the Governor.

(d) Interest.—All interest earned by the fund and all refunds or repayments shall be credited to the fund and are hereby appropriated to the department.

Section 504. Referendum.

(a) Question.—The question of incurring indebtedness of \$450,000,000 for the purpose of improving this Commonwealth's land and water resources on a watershed basis, including developing and implementing watershed-based storm water management plans, eliminating or abating acid mine drainage pollution of watersheds and waterways created by past mining practices, and the reclamation of abandoned mine lands shall be submitted to the electors at the next primary, municipal or general election following the effective date of this article.

(b) Certification.—The Secretary of the Commonwealth shall certify the form of the question under subsection (c) to the county boards of elections.

(c) Form of question.—The question shall be in substantially the following form:

Do you favor the incurring of indebtedness by the Commonwealth of \$450,000,000 to provide for improving this Commonwealth's land and water resources on a watershed basis, including the development and implementation of watershed-based storm water management plans, eliminating or abating acid mine drainage pollution of watersheds and waterways created by past mining practices and the reclamation of abandoned mine lands?

(d) Election.—The election shall be conducted at the next occurring general or municipal election following the effective date of this act, in accordance with the act of June 3, 1937 (P.L. 1333, No. 320), known as the Pennsylvania Election Code, except that the time limits for advertisement of notice of the election may be waived as to the question.

(e) Proceeds.—Proceeds of borrowing shall be deposited in the fund and shall be used to implement this article.

Section 505. Commonwealth indebtedness.

(a) Borrowing authorized.—

(1) Subject to the approval of the electorate of the referendum set forth in section 504 and under the provisions of section 7(a)(3) of Article VIII of the Constitution of Pennsylvania, the issuing officials are authorized and directed to borrow on the credit of the Commonwealth, money not exceeding in the aggregate

the sum of \$450,000,000, not including money borrowed to refund outstanding bonds, notes or replacement notes, as may be found necessary to carry out the purposes of this article.

(2) As evidence of the indebtedness authorized in this article, general obligation bonds of the Commonwealth shall be issued from time to time to provide moneys necessary to carry out the purposes of this article for such total amounts, in such form, in such denominations and subject to such terms and conditions of issue, redemption and maturity, rate of interest and time of payment of interest as the issuing officials direct, except that the latest stated maturity date shall not exceed 20 years from the date of the first obligation issued to evidence the debt.

(3) All bonds and notes issued under the authority of this act shall bear facsimile signatures of the issuing official and a facsimile of the great seal of the Commonwealth and shall be countersigned by a duly authorized officer of a duly authorized loan and transfer agent of the Commonwealth.

(4) All bonds and notes issued in accordance with the provisions of this section shall be direct obligations of the Commonwealth, and the full faith and credit of the Commonwealth are hereby pledged for the payment of the interest thereon, as it becomes due, and the payment of the principal at maturity. The principal of and interest on the bonds and notes shall be payable in lawful money of the United States.

(5) All bonds and notes issued under the provisions of this section shall be exempt from taxation for State and local purposes except as may be provided under Article XVI of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

(6) The bonds may be issued as coupon bonds or registered as to both principal and interest as the issuing officials may determine. If interest coupons are attached, they shall contain the facsimile signature of the State Treasurer.

(7) The issuing officials shall provide for the amortization of the bonds in substantial and regular amounts over the term of the debt so that the bonds of each issue allocated to the programs to be funded from the bond issue shall mature within a period not to exceed the appropriate amortization period for each program as specified by the issuing officials but in no case in excess of 30 years. The first retirement of principal shall be stated to mature prior to the expiration of a period of time equal to one-tenth of the time from the date of the first obligation issued to evidence the debt to the date of the expiration of the term of the debt. Retirements of principal shall be regular and substantial if made in annual or semiannual amounts whether by stated serial maturities or by mandatory sinking fund retirements.

(8) The issuing officials are authorized to provide by resolution for the issuance of refunding bonds for the purpose of refunding any debt issued under the provisions of this article and then outstanding, either by voluntary exchange with the holders of the outstanding debt or to provide funds to redeem and retire the outstanding debt with accrued interest, any premium payable thereon and the costs of issuance and retirement of the debt, at maturity or at any call date. The issuance of the refunding bonds, the maturities and other details thereof, the rights of the holders thereof and the duties of the issuing officials in respect thereto shall be governed by the provisions of this section insofar as they may be applicable. Refunding bonds, which are not subject to the aggregate limitation of \$450,000,000 of debt to be issued pursuant to this article, may be issued by the issuing officials to refund debt originally issued or to refund bonds previously issued for refunding purposes.

(9) Whenever any action is to be taken or decision made by the Governor, the Auditor General and the State Treasurer acting as issuing officials, and the three officers are not able unanimously to agree, the action or decision of the Governor and either the Auditor General or the State Treasurer shall be binding and final.

(b) Sale of bonds.—

(1) Whenever bonds are issued, they shall be offered for sale at not less than 98% of the principal amount and accrued interest and shall be sold by the issuing officials to the highest and best bidder or bidders after due public advertisement on the terms and conditions and upon such open competitive bidding as the issuing officials shall direct. The manner and character of the advertisement and the time of advertising shall be prescribed by the issuing officials. No commission shall be allowed or paid for the sale of any bonds issued under the authority of this article.

(2) Any portion of any bond issue so offered and not sold or subscribed for at public sale may be disposed of by private sale by the issuing officials in such manner and at such prices, not less than 98% of the principal amount and accrued interest, as the Governor shall direct. No commission shall be allowed or paid for the sale of any bonds issued under the authority of this article.

(3) When bonds are issued from time to time, the bonds of each issue shall constitute a separate series to be designated by the issuing officials or may be combined for sale as one series with other general obligation bonds of the Commonwealth.

(4) Until permanent bonds can be prepared, the issuing officials may in their discretion issue, in lieu of permanent bonds, temporary bonds in such form and with such privileges as to registration and exchange for permanent bonds as may be determined by the issuing officials.

(5) The proceeds realized from the sale of bonds and notes, except refunding bonds and replacement notes, under the provisions of this article shall be paid into the Watershed Improvement Fund in the Treasury Department and are specifically dedicated to the purposes of this article. The proceeds shall be paid by the State Treasurer periodically to those agencies authorized to expend them at such times and in such amounts as may be necessary to satisfy the funding needs of the agency. The proceeds of the sale of refunding bonds and replacement notes shall be paid to the State Treasurer and applied to the payment of principal, the accrued interest and premium, if any, and cost of redemption of the bonds and notes for which the obligations shall have been issued.

(6) Pending their application for the purposes authorized, moneys held or deposited by the State Treasurer may be invested or reinvested as are other funds in the custody of the State Treasurer in the manner provided by law. All earnings received from the investment or deposit of the funds shall be paid into the Treasury Department to the credit of the fund.

(7) The Auditor General shall prepare the necessary registry book to be kept in the office of the duly authorized loan and transfer agent of the Commonwealth for the registration of any bonds, at the request of owners thereof, according to the terms and conditions of issue directed by the issuing officials.

(8) There is hereby appropriated to the State Treasurer from the fund as much money as may be necessary for all costs and expenses in connection with the issue of and sale and registration of the bonds and notes in connection with this act and the payment of interest arbitrage rebates or proceeds of such bonds and notes.

(c) Temporary financing authorization.—

(1) Pending the issuance of bonds of the Commonwealth as authorized, the issuing officials are hereby authorized, in accordance with the provisions of this article and on the credit of the Commonwealth, to make temporary borrowings not to exceed one year in anticipation to the issue of bonds in order to provide funds in such amounts as may from time to time be deemed advisable prior to the issue of bonds. In order to provide for and in connection with such temporary borrowings, the issuing officials are hereby authorized in the name and on behalf of the Commonwealth to enter into any purchase, loan or credit agreement or agreements or other agreement or agreements with any banks or trust companies or other lending institutions, investment banking firms or persons in the United States having power to enter into the

same, which agreements may contain provisions not inconsistent with the provisions of this article as may be authorized by the issuing officials.

(2) All temporary borrowings made under the authorization of this section shall be evidenced by notes of the Commonwealth, which shall be issued from time to time for such amounts not exceeding in the aggregate the applicable statutory and constitutional debt limitation, in such form and in such denominations and subject to terms and condition of sale and issue, prepayment or redemption and maturity, rate or rates of interest and time of payment of interest as the issuing officials shall authorize and direct and in accordance with this article. Such authorization and direction may provide for the subsequent issuance of replacement notes to refund outstanding notes or replacement notes, which replacement notes shall, upon issuance thereof, evidence such borrowing, and may specify such other terms and conditions with respect to the notes and replacement notes thereby authorized for issuance as the issuing officials may determine and direct.

(3) When the authorization and direction of the issuing officials provide for the issuance of replacement notes, the issuing officials are hereby authorized in the name and on behalf of the Commonwealth to issue, enter into or authorize and direct the State Treasurer to enter into agreements with any banks, trust companies, investment banking firms or other institutions or persons in the United States having the power to enter the same:

(i) To purchase or underwrite an issue or series of issues of notes.

(ii) To credit, to enter into any purchase, loan or credit agreements, to draw moneys pursuant to any such agreements on the terms and conditions set forth therein and to issue notes as evidence of borrowings made under any such agreements.

(iii) To appoint an issuing and paying agent or agents with respect to notes.

(iv) To do all acts as may be necessary or appropriate to provide for the payment, when due, of the interest on and the principal of such notes.

Such agreements may provide for the compensation of any purchasers or underwriters of notes or replacement notes by discounting the purchase price of the notes or by payment of a fixed fee or commission at the time of issuance thereof, and all other costs and expenses, including fees for agreements related to the notes, issuing and paying agent costs and costs and expenses of issuance, may be paid from the proceeds of the notes.

(4) When the authorization and direction of the issuing officials provide for the issuance of replacement notes, the State Treasurer shall, at or prior to the time of delivery of these notes or replacement notes, determine the principal amounts, dates of issue, interest rate or rates, or procedures for establishing such rates from time to time, rates of discount, denominations and all other terms and conditions relating to the issuance and shall perform all acts and things necessary to pay or cause to be paid, when due, all principal of and interest on the notes being refunded by replacement notes and to assure that the same may draw upon any moneys available for that purpose pursuant to any purchase, loan or credit agreements established with respect thereto, all subject to the authorization and direction of the issuing officials.

(5) Outstanding notes evidencing the borrowings may be funded and retired by the issuance and sale of the bonds of the Commonwealth as hereinafter authorized. The refunding bonds must be issued and sold not later than a date one year after the date of issuance of the first notes evidencing such borrowings to the extent that payment of such notes has not otherwise been made or provided for by sources other than proceeds of replacement notes.

(6) The proceeds of all temporary borrowing shall be paid to the State Treasurer to be held and disposed of in accordance with the provisions of this article.

(d) Debt retirement.—

(1) All bonds issued under the authority of this article shall be redeemed at maturity, together with all interest due, from time to time, on the bonds, and these principal and interest payments shall be paid from the Watershed Improvement Sinking Fund, which is hereby created. For the specific purpose of redeeming the bonds at maturity and paying all interest thereon in accordance with the information received from the Governor, the General Assembly shall appropriate moneys to the Watershed Improvement Sinking Fund for the payment of interest on the bonds and notes and the principal thereof at maturity. All moneys paid into the Watershed Improvement Sinking Fund and all of the moneys not necessary to pay accruing interest shall be invested by the State Treasurer in such securities as are provided by law for the investment of the sinking funds of the Commonwealth.

(2) The State Treasurer shall determine and report to the Secretary of the Budget by November 1 of each year, the amount of money necessary for the payment of interest on outstanding obligations and the principal of the obligations, if any, for the following fiscal year and the times and amounts of the payments. It shall be the duty of the Governor to include in every budget submitted to the General Assembly full information relating to the issuance of bonds and notes under the provisions of this article and the status of the Watershed Improvement Sinking Fund for the payment of interest on the bonds and notes and the principal thereof at maturity.

(3) The General Assembly shall appropriate an amount equal to the sums that may be necessary to meet repayment obligations for principal and interest for deposit into the Watershed Improvement Sinking Fund.

(e) Annual limitation on debt obligations issued.—Bonds and notes, not including refunding bonds or replacement notes, as authorized in this article, shall not be issued in the aggregate principal amount of more than \$200,000,000 during any one State fiscal year.

(f) Expiration.—Authorization to issue bonds and notes, not including refunding bonds and replacement notes, for the purposes of this article shall expire four years from the effective date of this section.

Section 506. Duties, responsibilities and limitations on the department.

(a) Rules and regulations.—The department shall promulgate rules and regulations that are necessary to carry out the purposes of this article consistent with the criteria set forth in this article.

(b) Bond revenues.—The department shall utilize bond revenues for the following purposes:

(1) Eliminating or abating acid mine drainage pollution of watersheds and waterways created by past mining practices and the reclamation of abandoned mine lands. Not less than \$250,000,000 may be used for these purposes.

(2) Developing and implementing watershed-based storm water management plans as provided for in the act of October 4, 1978 (P.L.864, No.167), known as the Storm Water Management Act. Up to \$200,000,000 may be used for these purposes.

(c) Administrative expense limitation.—Administrative expenses for administering the purposes set forth in subsection (b) shall be limited to 5% of the funding received by the department for those purposes.

Section 507. Annual report.

Beginning on January 31, 2002, and annually thereafter, the department shall submit to the Governor and the General Assembly an annual report of projects and services provided by funding from this article.

Section 508. Right to enter land.

(a) Entry permissible.—If the secretary makes a finding of fact that:

(1) watershed and waterway pollution resulting from acid mine drainage created by past mining practices or abandoned mine lands exist and, in the public interest, corrective action should be taken; and

(2) the owners of the property upon which entry must be made to combat the acid mine drainage pollution or to reclaim abandoned mine lands are not known, are not readily available or will not give permission for the secretary or agents of the department to enter upon the premises;

then, upon giving notice by mail to the owners, if known, or, if not known, by posting notice upon the premises and advertising once in a newspaper of general circulation in the municipality in which the land lies, the secretary and agents of the department shall have the right to enter upon the premises, and any other land necessary in order to have access to the premises, to combat such conditions and to do all things necessary or expedient to do so.

(b) Entry chargeable to landowner.—

(1) The entry shall not be construed as an act of condemnation of property or of trespass. The moneys expended for that work and the benefits accruing to any premises so entered upon shall be chargeable against the land and shall mitigate or offset any claim in or any action brought by any owner of any interest in the premises for any alleged damages by virtue of that entry.

(2) This subsection shall not be construed as establishing any right of action or eliminating any immunity existing of the effective date of this act.

(c) Study or exploratory work.—The secretary and agents of the department may enter upon any lands for the purpose of conducting a study or exploratory work to determine if watershed and waterway pollution is from acid mine drainage created by past mining practices or if abandoned mine lands exist and to determine the feasibility of correcting such conditions. Entry shall not be construed as an act of condemnation of property or of trespass.

(d) Statement of expenses.—

(1) Within six months after the completion of any work to abate or eliminate pollution conditions from past mining practices as provided for in this article on privately owned property, the secretary shall itemize any moneys so expended and file a statement in the office of the prothonotary of the county in which the land lies, together with a notarized appraisal by an independent appraiser of the value of the land before and after the abatement or elimination of the pollution conditions, if the moneys so expended result in a significant increase in property value.

(2) The statement shall constitute a lien upon the land as of the date of the expenditure of the moneys and shall have priority as a lien second only to the lien of real estate taxes imposed upon the land.

(3) The lien may not exceed the amount determined by the appraisal to be the increase in the market value of the land as a result of the abatement or elimination of the pollution immediately after the department has completed its work, and the lien shall extend only to that portion of the premises directly involved in the work of the department under this act.

(4) The landowner may proceed as provided by the act of June 22, 1964 (Sp.Sess., P.L.84, No.6), known as the Eminent Domain Code, to petition for a board of view within 60 days of the filing of the lien, to determine the increase in the market value of that portion of the premises directly involved in the work contemplated in this article as a result of the abatement of the pollution conditions.

(5) The amount reported by the board of viewers to be the increase in value of the premises shall constitute the amount of the lien and shall be recorded with the statement provided in this section.

(6) Any party aggrieved by the decision of the viewers may appeal as provided in the Eminent Domain Code.

(7) The lien provided in this section shall be entered in the judgment index and shall be given the effect of a judgment against the land.

(8) The lien shall be enforced by the direct issuance of a writ of execution without prosecution to judgment of a writ of

scire facias in the manner provided by law for the enforcement, collection and revival of municipal liens.

(e) Authority of department.—

(1) The department may engage in the work and to do all things necessary and expedient to effect the programs authorized by this article.

(2) The department may enter into cooperative abatement projects under this article with the Federal Government and its agencies and other states and their agencies.

(3) In addition to any other remedies provided for in this article, the department may initiate, in the Commonwealth Court or the court of common pleas of the county in which the land lies, an action in equity for an injunction to restrain any interference with the exercise of the rights of entry provided in this article or the conduct of any project contemplated in this article.

(f) Treatment plants.—

(1) The department may construct and operate a plant or plants for the control and treatment of water pollution resulting from mine drainage. The extent of this control and treatment may be dependent upon the ultimate use of the water and shall be subject to the provisions of the act of June 22, 1937 (P.L.1987, No.394), known as The Clean Streams Law, and no control or treatment under this act shall be in any way less than that required under The Clean Streams Law.

(2) The construction of a plant may include major interceptors and other facilities appurtenant to the plant. In the operation of a plant:

(i) The department may permit coal mine operators or owners to discharge their mine drainage to such plant or plants.

(ii) The secretary shall have the authority to charge coal mine operators or owners for the treatment of mine drainage.

(3) The charge to the coal mine operators or owners for the treatment of mine drainage shall be based upon their proportional share of the capital and operating cost and the quantity and quality of the pollutant.

(4) The secretary may sell any by-product resulting from the operation of a plant. Moneys so received shall be placed in the General Fund and are hereby appropriated to the Department of Environmental Protection.

(5) The secretary may establish rules and regulations and establish rates to implement this subsection. Such rules and regulations may provide for the escrowing of payments made prior to the construction or operation of the plant or plants.

Section 509. Federal programs.

The department may utilize any available Federal programs and funds to augment the funds made available to the agencies under the provisions of this article.

ARTICLE VII

MISCELLANEOUS PROVISIONS

Section 701. Effective date.

This act shall take effect immediately.

On the question,

Will the House agree to the amendment?

The SPEAKER. On the question of the adoption of the amendment offered by the gentleman, Mr. George, being A3421, the Chair recognizes the gentleman, Mr. George.

Mr. George, come to the rostrum, please.

(Conference held at Speaker's podium.)

BILL PASSED OVER TEMPORARILY

The SPEAKER. Without objection, HB 867, PN 925, and the amendments will go over temporarily.

* * *

The House proceeded to third consideration of **HB 868, PN 926**, entitled:

An Act providing immunity for certain persons who reclaim certain abandoned lands or abate certain water pollution.

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

Mr. S. H. SMITH offered the following amendment No. **A3387**:

Amend Sec. 4, page 4, line 25, by removing the period after "water" and inserting
and by plugging abandoned oil or gas wells and removing production of storage facilities, supplies and equipment from areas disturbed in siting, drilling, completing and producing such wells.

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

PARLIAMENTARY INQUIRY

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

Mr. S. H. SMITH. Mr. Speaker, prior to consideration of this legislation, I would like to be recognized on a parliamentary inquiry.

The SPEAKER. The gentleman will state his point of parliamentary inquiry.

Mr. S. H. SMITH. Thank you, Mr. Speaker.

I would like to ask the Speaker for an interpretation as to whether or not I have a conflict of interest on this bill.

The SPEAKER. Would the gentleman be kind enough to state the facts which cause him to address this question.

Mr. S. H. SMITH. Thank you, Mr. Speaker.

The situation is, I had originally introduced this bill in the prior session. About a year and a half ago, I agreed to serve on a steering committee of a watershed trust. This legislation proposes to provide a limited liability protection for people that are involved in volunteer watershed organizations, such as I have in the interim joined. About a week and a half ago, I was notified by an attorney that I was a recipient of what they call a 60-day notice, 60-day letter, notice of intent to sue where this individual is saying that our watershed is not doing what we are supposed to be doing, and I am subject to the liability that this bill would actually seek to protect against in some cases.

The SPEAKER. I have consulted with the Parliamentarian. It is the opinion of the Chair that you are permitted to vote on this, that this is a piece of legislation dealing with a class and not specifically with you, and to the extent that our ruling helps you out, I have made that ruling.

Mr. S. H. SMITH. I appreciate that. Thank you, Mr. Speaker.

The SPEAKER. Will the gentleman yield for a moment.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair returns to leaves of absence and notes the presence on the floor of the House of the gentleman, Mr. McNaughton, who will be removed from the leave list.

CONSIDERATION OF HB 868 CONTINUED

The SPEAKER. Mr. Smith.

Mr. S. H. SMITH. On the amendment, Mr. Speaker?

The SPEAKER. On the amendment.

Mr. S. H. SMITH. Mr. Speaker, this amendment simply seeks to include oil and gas well pollution that would be emanating from an oil and gas well under the definition of a reclamation project, just expanding the definition a little bit from mining reclamation, acid mine dregs, to also include oil and gas wells. It is consistent with the rest of the bill, and I would ask the members to support this amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question of the amendment, the Chair recognizes the gentleman, Mr. George.

Mr. GEORGE. Mr. Speaker, I am in agreement with the gentleman, Mr. Smith, in that this type of violation to the environment has been ongoing. Even the State itself, up in Venango County, at that Federal museum, there is well after well that is spewing bad water on the lands of the Commonwealth.

I think this amendment will go a long way. I would urge that we would concur with the gentleman, Mr. Smith.

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—201

Adolph	Evans	Mann	Schuler
Allen	Fairchild	Markosek	Scrimenti
Argall	Fargo	Marsico	Semmel
Armstrong	Feese	Masland	Serafini
Baker	Fichter	Mayernik	Seyfert
Bard	Fleagle	McCall	Shaner
Barley	Flick	McGeehan	Smith, B.
Barrar	Forcier	McGill	Smith, S. H.
Bastian	Frankel	McIlhattan	Snyder
Battisto	Freeman	McIlhinney	Solobay
Bebko-Jones	Gannon	McNaughton	Staback
Belardi	Geist	Melio	Stairs
Belfanti	George	Metcalfe	Steelman
Benninghoff	Gigliotti	Michlovic	Steil
Birmelin	Gladeck	Micozzie	Stern
Bishop	Godshall	Miller, R.	Stetler
Blaum	Gordner	Miller, S.	Stevenson
Boyes	Grucela	Mundy	Strittmatter
Browne	Gruitza	Myers	Sturla
Bunt	Habay	Nailor	Surra
Butkovitz	Haluska	Nickol	Tangretti
Buxton	Hanna	O'Brien	Taylor, E. Z.
Caltagirone	Harhai	Oliver	Taylor, J.
Cappabianca	Harhart	Perzel	Thomas
Casorio	Hasay	Pesci	Tigue
Cawley	Herman	Petrarca	Travaglio
Chadwick	Hershey	Petrone	Trello
Civera	Hess	Phillips	Trich
Clark	Horsey	Pippy	True
Clymer	Hutchinson	Pistella	Tulli
	Jadlowiec	Platts	Vance

Cohen, L. I.	James	Preston	Van Home
Cohen, M.	Josephs	Ramos	Veon
Colafella	Kaiser	Raymond	Vitali
Cornell	Keller	Readshaw	Walko
Corrigan	Kenney	Reinard	Washington
Costa	Kirkland	Rieger	Waters
Coy	Krebs	Roberts	Williams
Curry	LaGrotta	Robinson	Wilt
Dailey	Laughlin	Roebuck	Wogan
Daley	Lawless	Rohrer	Wojnarowski
Dally	Lederer	Rooney	Wright
DeLuca	Leh	Ross	Yewcic
Dempsey	Lescovitz	Rubley	Youngblood
Dermody	Levdansky	Ruffing	Yudichak
DeWeese	Lucyk	Sainato	Zimmerman
DiGirolamo	Lynch	Samuelson	Zug
Donatucci	Maher	Santoni	
Druce	Maitland	Sather	Ryan,
Eachus	Major	Saylor	Speaker
Egolf	Manderino	Schroder	

NAYS—0

NOT VOTING—0

EXCUSED—2

Hennessey Orie

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.

(Members proceeded to vote.)

VOTE STRICKEN

Mr. DeWEESE. Mr. Speaker?

The SPEAKER. Mr. DeWeese.

Mr. DeWEESE. Would it be possible to strike the board? The gentleman, Mr. George, was trying to get the attention of the Chair.

The SPEAKER. Oh, do you have a further amendment? Oh, I am sorry. Strike the board. Thank you.

DECISION OF CHAIR RESCINDED

The SPEAKER. Without objection, the Chair rescinds its decision that the bill as amended on third consideration has been agreed to. The Chair hears no objection.

On the question recurring,

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

Mr. GEORGE offered the following amendment No. A3424:

Amend Sec. 7, page 9, line 17, by inserting after "Exceptions.—"
(1)

Amend Sec. 7, page 9, line 22, by striking out "(1)" and inserting
(i)

Amend Sec. 7, page 9, line 25, by striking out "(2)" and inserting
(ii)

Amend Sec. 7, page 9, by inserting between lines 25 and 26

(2) Nothing in this act shall limit in any way the liability of a person who the department has found to be in violation of any of the following acts:

(i) The act of May 31, 1945 (P.L. 1198, No. 418), known as the Surface Mining Conservation and Reclamation Act.

(ii) The act of April 27, 1966 (1st Sp. Sess., P.L. 31, No. 1), known as The Bituminous Mine Subsidence and Land Conservation Act.

(iii) The act of July 7, 1980 (P.L. 380, No. 97), known as the Solid Waste Management Act.

(iv) Any other Federal or State statute relating to environmental protection or to the protection of the public health, safety and welfare.

On the question,

Will the House agree to the amendment?

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

Mr. GEORGE. Mr. Speaker, I apologize for any confusion.

The SPEAKER. It is my fault. I knew you had three amendments.

Mr. GEORGE. Mr. Speaker, I would hope that we could concur with this amendment. I rise today to offer it. The main purpose, Mr. Speaker, is to ensure that the blanket immunity for persons implementing or participating in a project provided for in this bill will not extend to persons, Mr. Speaker, who have been previously found to be in violation of a State or Federal environmental law, including the Surface Mining Conservation and Reclamation Act. Mr. Speaker, I think most in here know that the department of DEP (Department of Environmental Protection) has a policy on board called the bad-actor provision; that for those who have violated the environment and have been found guilty of that violation, then that in itself would prevent anyone from again getting a permit to do business in regard to that business that is connected or could damage the environment.

Mr. Speaker, it does not do anything to hurt the bill. We are saying that we need this cleanup but we do not believe that it ought to apply to anyone who has violated the act of surface mining, anyone who has violated the act of bituminous coal, anyone who has violated the solid waste act, or anyone who has violated any State or Federal law. This is good legislation that will protect any further violations by those who do not agree to abide by the law.

Mr. Speaker, I urge that we adopt this amendment.

The SPEAKER. The gentleman from Jefferson, Mr. Smith.

Mr. S. H. SMITH. Thank you, Mr. Speaker.

On this amendment, I think that the intentions of the gentleman are correct in that we certainly do not want to be providing any liability protection to a known bad actor, and to the degree that this amendment seeks to implement kind of a mini bad-actor provision in this bill, I think that is certainly a worthy goal and something that I do not want to be overlooking. The legislation, I believe,

seeks to address that particular point, and I am concerned that this amendment perhaps is overly broad in that there are a lot of people that could be involved with these types of watershed projects that are involved in business and industry and may have been cited for a minor violation somewhere along the way and have fixed it, paid their restitution, but they happen to be involved in another case; you know, they are involved with a watershed group.

I think that the nature of this amendment is good but the specific language that it spells out is a little overly broad, and with that caution, Mr. Speaker, I would ask the members to vote against this amendment. However, I certainly would pledge to tighten this down so that we would have sufficient protection against a known polluter being able to try to hide under the liability protection that this legislation proposes to provide.

Clearly, I want to keep the members aware that the goal of this legislation is to encourage the good, hardworking people that are out there in our watershed groups to continue to do this kind of work without the threat of being sued. It is not the intent to protect a polluter. So I support the intent of the amendment, but at this point I have to oppose the specific language as it is drafted. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question of the adoption of the amendment, Mr. George. Mr. George, please yield.

Conferences on the floor will please go to the outer rooms.

Mr. George.

Mr. GEORGE. Mr. Speaker, it is with great hesitation that I want to stand on this floor and say to a colleague, unfortunately, what you are saying is not accurate in that this does not involve anyone who had been fined, made restitution, and come clean in regard to environmental law, and the reason it had to be broad is that we could not let someone get away with violating a waste act, while at the same time we do not let somebody get away with violating another section of the environmental law.

Now, Mr. Speaker, the reason we are here and the reason Mr. Smith wants this done is because we have all of that pollution out there, Mr. Speaker, that has come about because of violations and because of people refusing to adhere to the law, and, Mr. Speaker, it absolutely hurts me to see another individual who is environmentally sound that would not want to see his law made stronger, made compelling, and to do the job. Now, if Mr. Smith wants these people who have violated the law in Ohio and Indiana, if he wants them to come in and do work in Pennsylvania and pretend or portend that they are angelic in regard to the environment, that is not the way we should go.

This amendment does not do anything to hurt his bill. The Department of Environmental Protection is the one that issues through policy a bad-actor provision. This is in the law, in policy of DER or DEP right now, Mr. Speaker. Mr. Speaker, this will help his bill. This will do what you and I, those of us that understand in the last couple of years and more so, we have begun to understand that we cannot blame all of these violations on the department and we cannot blame all of these violations on administration. We have to blame these violations on ourselves, who have seen this matter go on and on and on and not done anything about it.

Mr. Speaker, we are the legislature. This is our opportunity, this is our prerogative, and I believe this is our mandate. I ask those responsible, who want to see this matter straightened up once and for all, place this bad-actor provision especially in a section of

legislation that places no liability on those that are going to do the work, so those people who have violated the law, when there was law that they were breaking, what could you expect when there is no liability whatsoever as in this bill?

Mr. Speaker, I would hope that you would agree with this amendment. It is truly a protection amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Allen, of Schuylkill County.

Mr. ALLEN. Mr. Speaker, I would ask if Representative George would stand for some interrogation on his amendment, please.

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

The conference in the vicinity of the gentleman, Mr. George, please break up.

Mr. George, when you are comfortable that you are not distracted, you may begin.

Mr. GEORGE. That is all right.

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

Mr. ALLEN. Thank you, Mr. Speaker.

Mr. Speaker, my question is this: In reading the amendment, does this amendment mean or can you clarify, if the party has ever had a violation at all within the laws of the Commonwealth, that they cannot participate in this act?

Mr. GEORGE. Absolutely not. It only portends to take care of those people that have violated the law, cost the Commonwealth and the taxpayers money, by leaving the taxpayers foot the bill. It has nothing to do with anyone who has ever broken environmental law, made restitution, did what they had to do through the legal process. I think that they are stretching this out because they do not want any control. It does not, Mr. Speaker, attend to that at all. I am trying, if you will, Mr. Speaker— Mr. Speaker?

The SPEAKER. Will the gentleman yield.

There are entirely too many conferences on the floor. Members of staff who are not involved in this bill, be seated or leave.

The gentleman may proceed. Mr. George.

Mr. GEORGE. Mr. Speaker, in your area and my area, we have seen the end result of those who have violated, if not the law, decency in regard to the violation of the environment. We have 3,500 miles of degraded streams. We have 350,000 acres of bad land. I am going along with a bill that has no liability whatsoever, poses no liability on anybody doing the work, but I am saying that if in fact that DEP on their own can say you should not get the job, then it should be us in the State legislature that should be nondiscriminatory, and we say, if you violated the environmental law in any State and you are coming into Pennsylvania to get a contract, where you are not even going to have any liability whatsoever, we should caution each other, and I do not think that the people in Pennsylvania, when they know that there are those that are being very lackluster and want to throw it all up, the reason that the bill is put forward is to allow flexibility, no liability, and I am only saying, we will vote for that; we will do something to be able to catch up on all this degradation, but do not leave these people who have cost the taxpayers dollars. That is an individual that had a citation. That is an individual that even had to go before the Environmental Board. It is an individual like one in my area that cost \$7 million. The bankruptcy court was the end result of it, and DER put them to work and paid them by the month. This should not be allowed. And I would say to you, it does not in any

way involve a responsible individual who has made good on what he brought about.

Mr. ALLEN. Mr. Speaker, I have one more question.

The SPEAKER. The gentleman will state it.

Mr. ALLEN. Mr. Speaker, are you saying that the Department of Environmental Protection will make the decision on whether this person is valid or not or this company is valid or not to enter into a contract?

Mr. GEORGE. I am saying, Mr. Speaker, that the Department of Environmental Protection is the one that brings about the policy of bad-actor. Am I saying that they will enforce it? No; I am not saying they will. They let Waste Management come in from Ohio after they were kicked out of Ohio, come out of Illinois after they had been fined \$7 million by a Republican Governor, Governor Thompson, and come into Pennsylvania and start a solid waste plant and dump leachate into the Sharon River. For those of you, Mr. Speaker, that think that is not a violation and think that we should continue to welcome them into our midst, it is your vote, your responsibility, but you know what I am saying.

You in the northeast, Bud George in central Pennsylvania, we have had a lot of pristine land ruined by gregarious, nonconsidering, nonconcerned individuals that have violated the law. Just last week in Clearfield County, Mr. Speaker, they arrested a man who had been mining for 4 months without a license. Is that not oversight, Mr. Speaker? Look in the paper. They are bragging very heavily about arresting someone who had been mining 2 months in Jefferson County without a license.

Mr. Speaker, this amendment is for you and me and every legislator that has experienced degradation in their area, if you will, please.

Mr. ALLEN. Mr. Speaker, another question: Who will then make the determination? That is what I am trying to say. I am trying to find out, in your amendment, who will make the determination of whether this person is a violator or is not a violator. I am just trying to pin that down. You say it is not the department, but then I want to know who it is. Is it the courts? Who makes that determination?

Mr. GEORGE. Mr. Speaker, the department makes the determination, but now we are placing it in law. Let me remind you, if you read the bill, that these are community groups that basically will become involved in this cleanup. There are not too many of them that have ever violated the law.

The SPEAKER. Will the gentleman yield.

There was a question asked under interrogation, and the gentleman, Mr. George, is sparking his argument for the adoption or the rejection of the amendment. I think he is going afield, and I would appreciate it if he would stay with the question, which in this case was, who makes the determination?

Mr. George.

Mr. GEORGE. Hopefully the Department of Environmental Resources, who is in charge of the environment, will be the one and the only one who makes that determination.

Mr. ALLEN. That is the intent that you have in this amendment then?

Mr. GEORGE. That is exactly right.

Mr. ALLEN. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question of the adoption of the George amendment—

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair first returns to leaves of absence and notes the presence on the floor of the House of the lady, Miss Orie; instructs the clerk to remove her from leave.

CONSIDERATION OF HB 868 CONTINUED

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—108

Battisto	Fairchild	Mann	Santoni
Bebko-Jones	Frankel	Markosek	Scrimenti
Belardi	Freeman	Mayernik	Shaner
Belfanti	George	McCall	Snyder
Bishop	Gigliotti	McGeehan	Solobay
Blaum	Gordner	Melio	Staback
Butkovitz	Grucela	Michlovic	Steelman
Buxton	Gruitza	Mundy	Stetler
Caltagirone	Haluska	Myers	Sturla
Cappabianca	Hanna	Oliver	Surra
Carn	Harhai	Pesci	Tangretti
Casorio	Hasay	Petrarca	Thomas
Cawley	Herman	Petrone	Tigue
Clark	Horsey	Phillips	Travaglio
Cohen, M.	James	Pistella	Trello
Colafella	Josephs	Preston	Trich
Corrigan	Kaiser	Ramos	Van Horne
Costa	Keller	Readshaw	Veon
Coy	Kirkland	Rieger	Vitali
Curry	Krebs	Roberts	Walko
Daley	LaGrotta	Robinson	Washington
DeLuca	Laughlin	Roebuck	Waters
Dermody	Lederer	Rooney	Williams
DeWeese	Lescovitz	Rubley	Wojnaroski
Donatucci	Levdansky	Ruffing	Yewcic
Eachus	Lucyk	Sainato	Youngblood
Evans	Manderino	Samuelson	Yudichak

NAYS—94

Adolph	Egolf	Marsico	Schuler
Allen	Fargo	Masland	Semmel
Argall	Feese	McGill	Serafini
Armstrong	Fichter	McIlhattan	Seyfert
Baker	Fleagle	McIlhinney	Smith, B.
Bard	Flick	McNaughton	Smith, S. H.
Barley	Forcier	Metcalfe	Stairs
Barrar	Gannon	Micozzie	Steil
Bastian	Geist	Miller, R.	Stern
Benninghoff	Gladeck	Miller, S.	Stevenson
Birmelin	Godshall	Nailor	Strittmatter
Boyes	Habay	Nickol	Taylor, E. Z.
Browne	Harhart	O'Brien	Taylor, J.
Bunt	Hershey	Orie	True
Chadwick	Hess	Perzel	Tulli
Civera	Hutchinson	Pippy	Vance
Clymer	Jadlowiec	Platts	Wilt
Cohen, L. I.	Kenney	Raymond	Wogan
Cornell	Lawless	Reinard	Wright
Dailey	Leh	Rohrer	Zimmerman
Dally	Lynch	Ross	Zug
Dempsey	Maher	Sather	
DiGirolamo	Maitland	Saylor	Ryan,
Druce	Major	Schroder	Speaker

NOT VOTING—0

EXCUSED—1

Hennessey

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

On the question recurring,

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

The SPEAKER. Mr. George, do you have a third amendment?

Mr. GEORGE. Mr. Speaker, no.

The SPEAKER. That was the other bill. I am sorry.

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—202

Adolph	Evans	Mann	Schroder
Allen	Fairchild	Markosek	Schuler
Argall	Fargo	Marsico	Scrimenti
Armstrong	Feese	Masland	Semmel
Baker	Fichter	Mayernik	Serafini
Bard	Fleagle	McCall	Seyfert
Barley	Flick	McGeehan	Shaner
Barrar	Forcier	McGill	Smith, B.
Bastian	Frankel	McIlhattan	Smith, S. H.
Battisto	Freeman	McIlhinney	Snyder
Bebko-Jones	Gannon	McNaughton	Solobay
Belardi	Geist	Melio	Staback
Belfanti	George	Metcalfe	Stairs
Benninghoff	Gigliotti	Michlovic	Steelman
Birmelin	Gladeck	Micozzie	Steil
Bishop	Godshall	Miller, R.	Stern
Blaum	Gordner	Miller, S.	Stetler
Boyes	Grucela	Mundy	Stevenson
Browne	Gruitza	Myers	Strittmatter
Bunt	Habay	Nailor	Sturla
Butkovitz	Haluska	Nickol	Surra
Buxton	Hanna	O'Brien	Tangretti
Caltagirone	Harhai	Oliver	Taylor, E. Z.
Cappabianca	Harhart	Orie	Taylor, J.
Carn	Hasay	Perzel	Thomas
Casorio	Herman	Pesci	Tigue
Cawley	Hershey	Petrarca	Travaglio
Chadwick	Hess	Petrone	Trello
Civera	Horsey	Phillips	Trich
Clark	Hutchinson	Pippy	True
Clymer	Jadlowiec	Pistella	Tulli
Cohen, L. I.	James	Platts	Vance
Cohen, M.	Josephs	Preston	Van Horne
Colafrilla	Kaiser	Ramos	Veon
Cornell	Keller	Raymond	Vitali
Corrigan	Kenney	Readshaw	Walko
Costa	Kirkland	Reinard	Washington
Coy	Krebs	Rieger	Waters
Curry	LaGrotta	Roberts	Williams
Dailey	Laughlin	Robinson	Wilt

Daley	Lawless	Roebuck	Wogan
Dally	Lederer	Rohrer	Wojnaroski
DeLuca	Leh	Rooney	Wright
Dempsey	Lescovitz	Ross	Yewcic
Dermody	Levdansky	Rubley	Youngblood
DeWeese	Lucyk	Ruffing	Yudichak
DiGirolamo	Lynch	Sainato	Zimmerman
Donatucci	Maher	Samuelson	Zug
Druce	Maitland	Santoni	
Eachus	Major	Sather	Ryan,
Egolf	Manderino	Saylor	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—1

Hennessey

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.

CONSIDERATION OF HB 867 CONTINUED

The SPEAKER. Without objection, the Chair returns to page 1 of today's calendar, HB 867, PN 925.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. GEORGE reoffered the following amendment No. A3421:

Amend Title, page 1, line 6, by striking out "and"

Amend Bill, page 1, line 7, by removing the period after "projects" and inserting

; providing for the establishment, operation and administration of the Commonwealth Watershed Improvement Fund; authorizing the incurring of indebtedness, with the approval of the electorate, to provide funding for improving this Commonwealth's land and water resources on a watershed basis including storm water management and elimination of acid mine drainage; creating the Watershed Improvement Sinking Fund; imposing additional powers and duties on the Department of Environmental Protection; and making an appropriation.

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Section 503. Commonwealth Watershed Improvement Fund.

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Section 509. Federal programs.

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Amend Bill, page 1, by inserting between lines 9 and 10

ARTICLE I

PRELIMINARY PROVISIONS

Amend Sec. 1, page 1, line 10, by striking out "I" and inserting
101

Amend Sec. 1, page 1, line 11, by striking out "act" and inserting
article

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

, Partnership and Improvement

Amend Sec. 2, page 1, line 13, by striking out "2" and inserting
102

Amend Sec. 3, page 2, line 28, by striking out "3" and inserting
103

Amend Sec. 3, page 2, line 29, by striking out "As used in this
section, the" and inserting

The

Amend Sec. 3, page 2, line 30, by inserting after "phrases"
when used in this act,

Amend Sec. 3, page 3, line 17, by striking out "4" and inserting
301

Amend Bill, page 4, by inserting between lines 5 and 6

ARTICLE III

WATERSHED RESTORATION AND PARTNERSHIP

Amend Sec. 4, page 4, line 6, by striking out "4" and inserting
301

Amend Sec. 4, page 4, line 15, by striking out "7" and inserting
304

Amend Sec. 4, page 4, line 17, by striking out "act" and inserting
article

Amend Sec. 5, page 5, line 5, by striking out "5" and inserting
302

Amend Sec. 5, page 5, line 10, by striking out "act" and inserting
article

Amend Sec. 5, page 5, line 11, by striking out "act" and inserting
article

Amend Sec. 6, page 5, line 13, by striking out "6" and inserting
303

Amend Sec. 6, page 5, line 14, by striking out all of said line and
inserting

(a) Funding.—

(1) The moneys authorized by this article are

Amend Sec. 6, page 5, line 18, by striking out all of said line and
inserting

(2) Any volunteer watershed organization seeking funding

for
Amend Sec. 6, page 5, line 22, by striking out "act" and inserting
article

Amend Sec. 7, page 5, line 28, by striking out "7" and inserting
304

Amend Sec. 7, page 6, line 6, by striking out "act" and inserting
article

Amend Sec. 8, page 7, line 3, by striking out "8" and inserting
305

Amend Sec. 8, page 7, line 5, by striking out "act" and inserting
article

Amend Sec. 8, page 7, line 20, by striking out "act" and inserting
article

Amend Sec. 8, page 7, line 22, by striking out "act" and inserting
article

Amend Sec. 8, page 7, line 24, by striking out "7" and inserting
304

Amend Sec. 9, page 7, line 28, by striking out "9" and inserting
306

Amend Sec. 10, page 8, line 4, by striking out "10" and inserting
307

Amend Sec. 10, page 8, line 5, by striking out "act" and inserting
article

Amend Bill, page 8, lines 9 and 10, by striking out all of said lines
and inserting

ARTICLE V

WATERSHED PROTECTION

Section 501. Declaration of policy.

The General Assembly finds and declares as follows:

(1) Fundamental to the health and welfare of the people of
this Commonwealth are the land and water resources of this
Commonwealth as described in section 27 of Article I of the
Constitution of Pennsylvania.

(2) Inadequate management of accelerated runoff of storm
water resulting from development throughout a watershed increases
flood flows and velocities, contributes to erosion and
sedimentation, overtaxes the carrying capacity of streams and storm
sewers, greatly increases the cost of public facilities to carry and
control storm water, undermines floodplain management and flood
control efforts in downstream communities, reduces groundwater
recharge and threatens public health and safety.

(3) A comprehensive program of storm water management,
including reasonable regulation of development and activities
causing accelerated runoff, is fundamental to the public health,
safety and welfare and the protection of the people of this
Commonwealth, their resources and their environment.

(4) There are over 250,000 acres of abandoned surface
mines with dangerous highwalls and water-filled pits. About 2,400
miles of streams do not meet water quality standards because of
drainage from abandoned mines. There are uncounted households
with inadequate water supplies due to acid mine drainage resulting
from past mining practices.

(5) The prevention, control and elimination of watershed
and waterways pollution from acid mine drainage and the
reclamation of abandoned mine lands are urgent matters requiring
action by the Commonwealth, not only for conservation purposes,
but for the protection of the health and welfare of the citizens of
this Commonwealth, especially those living in or adjacent to
affected areas.

(6) Despite receiving an annual appropriation from the
Federal Government, the moneys received by the Commonwealth
under that appropriation are inadequate and are prioritized
primarily to address specific safety issues and are therefore rarely
available for water restoration projects. Moreover, moneys from
forfeited bonds have been largely inadequate to make progress in
the reduction of acid mine drainage.

Section 502. Definitions.

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

"Administrative expenses." An expenditure of funds, including, but
not limited to, an expenditure of a Commonwealth agency for personnel
and other operating costs necessary to accomplish the purposes of this
article. The term does not include the personnel cost for the development,
design and construction management of abandoned mine land restoration
projects.

"Fund." The Commonwealth Watershed Improvement Fund
established in section 503.

"Issuing officials." The Governor, the Auditor General and the
State Treasurer acting in concert to effect borrowing in accordance with
and for the purposes of this article.

"Secretary." The Secretary of Environmental Protection of the Commonwealth.

"Studies." The collection, analysis and presentation of information, alternatives and recommendations in order that the Commonwealth or any municipality may singly or jointly determine a course of action to meet the purposes of this article.

Section 503. Commonwealth Watershed Improvement Fund.

(a) Establishment.—There is hereby established in the Treasury Department a restricted receipt account to be known as the Commonwealth Watershed Improvement Fund to provide moneys necessary to implement this article.

(b) Source of funds.—All proceeds from the sale of bonds or notes as approved under section 504 shall provide the necessary moneys for the fund.

(c) Appropriations.—All moneys in the fund are hereby appropriated on a continuing nonlapsing basis to the department. No funds may be expended by the department without authorization by the Governor.

(d) Interest.—All interest earned by the fund and all refunds or repayments shall be credited to the fund and are hereby appropriated to the department.

Section 504. Referendum.

(a) Question.—The question of incurring indebtedness of \$450,000,000 for the purpose of improving this Commonwealth's land and water resources on a watershed basis, including developing and implementing watershed-based storm water management plans, eliminating or abating acid mine drainage pollution of watersheds and waterways created by past mining practices, and the reclamation of abandoned mine lands shall be submitted to the electors at the next primary, municipal or general election following the effective date of this article.

(b) Certification.—The Secretary of the Commonwealth shall certify the form of the question under subsection (c) to the county boards of elections.

(c) Form of question.—The question shall be in substantially the following form:

Do you favor the incurring of indebtedness by the Commonwealth of \$450,000,000 to provide for improving this Commonwealth's land and water resources on a watershed basis, including the development and implementation of watershed-based storm water management plans, eliminating or abating acid mine drainage pollution of watersheds and waterways created by past mining practices and the reclamation of abandoned mine lands?

(d) Election.—The election shall be conducted at the next occurring general or municipal election following the effective date of this act, in accordance with the act of June 3, 1937 (P.L. 1333, No. 320), known as the Pennsylvania Election Code, except that the time limits for advertisement of notice of the election may be waived as to the question.

(e) Proceeds.—Proceeds of borrowing shall be deposited in the fund and shall be used to implement this article.

Section 505. Commonwealth indebtedness.

(a) Borrowing authorized.—

(1) Subject to the approval of the electorate of the referendum set forth in section 504 and under the provisions of section 7(a)(3) of Article VIII of the Constitution of Pennsylvania, the issuing officials are authorized and directed to borrow on the credit of the Commonwealth, money not exceeding in the aggregate the sum of \$450,000,000, not including money borrowed to refund outstanding bonds, notes or replacement notes, as may be found necessary to carry out the purposes of this article.

(2) As evidence of the indebtedness authorized in this article, general obligation bonds of the Commonwealth shall be issued from time to time to provide moneys necessary to carry out the purposes of this article for such total amounts, in such form, in such denominations and subject to such terms and conditions of issue, redemption and maturity, rate of interest and time of payment

of interest as the issuing officials direct, except that the latest stated maturity date shall not exceed 20 years from the date of the first obligation issued to evidence the debt.

(3) All bonds and notes issued under the authority of this act shall bear facsimile signatures of the issuing official and a facsimile of the great seal of the Commonwealth and shall be countersigned by a duly authorized officer of a duly authorized loan and transfer agent of the Commonwealth.

(4) All bonds and notes issued in accordance with the provisions of this section shall be direct obligations of the Commonwealth, and the full faith and credit of the Commonwealth are hereby pledged for the payment of the interest thereon, as it becomes due, and the payment of the principal at maturity. The principal of and interest on the bonds and notes shall be payable in lawful money of the United States.

(5) All bonds and notes issued under the provisions of this section shall be exempt from taxation for State and local purposes except as may be provided under Article XVI of the act of March 4, 1971 (P.L. 6, No. 2), known as the Tax Reform Code of 1971.

(6) The bonds may be issued as coupon bonds or registered as to both principal and interest as the issuing officials may determine. If interest coupons are attached, they shall contain the facsimile signature of the State Treasurer.

(7) The issuing officials shall provide for the amortization of the bonds in substantial and regular amounts over the term of the debt so that the bonds of each issue allocated to the programs to be funded from the bond issue shall mature within a period not to exceed the appropriate amortization period for each program as specified by the issuing officials but in no case in excess of 30 years. The first retirement of principal shall be stated to mature prior to the expiration of a period of time equal to one-tenth of the time from the date of the first obligation issued to evidence the debt to the date of the expiration of the term of the debt. Retirements of principal shall be regular and substantial if made in annual or semiannual amounts whether by stated serial maturities or by mandatory sinking fund retirements.

(8) The issuing officials are authorized to provide by resolution for the issuance of refunding bonds for the purpose of refunding any debt issued under the provisions of this article and then outstanding, either by voluntary exchange with the holders of the outstanding debt or to provide funds to redeem and retire the outstanding debt with accrued interest, any premium payable thereon and the costs of issuance and retirement of the debt, at maturity or at any call date. The issuance of the refunding bonds, the maturities and other details thereof, the rights of the holders thereof and the duties of the issuing officials in respect thereto shall be governed by the provisions of this section insofar as they may be applicable. Refunding bonds, which are not subject to the aggregate limitation of \$450,000,000 of debt to be issued pursuant to this article, may be issued by the issuing officials to refund debt originally issued or to refund bonds previously issued for refunding purposes.

(9) Whenever any action is to be taken or decision made by the Governor, the Auditor General and the State Treasurer acting as issuing officials, and the three officers are not able unanimously to agree, the action or decision of the Governor and either the Auditor General or the State Treasurer shall be binding and final.

(b) Sale of bonds.—

(1) Whenever bonds are issued, they shall be offered for sale at not less than 98% of the principal amount and accrued interest and shall be sold by the issuing officials to the highest and best bidder or bidders after due public advertisement on the terms and conditions and upon such open competitive bidding as the issuing officials shall direct. The manner and character of the advertisement and the time of advertising shall be prescribed by the

issuing officials. No commission shall be allowed or paid for the sale of any bonds issued under the authority of this article.

(2) Any portion of any bond issue so offered and not sold or subscribed for at public sale may be disposed of by private sale by the issuing officials in such manner and at such prices, not less than 98% of the principal amount and accrued interest, as the Governor shall direct. No commission shall be allowed or paid for the sale of any bonds issued under the authority of this article.

(3) When bonds are issued from time to time, the bonds of each issue shall constitute a separate series to be designated by the issuing officials or may be combined for sale as one series with other general obligation bonds of the Commonwealth.

(4) Until permanent bonds can be prepared, the issuing officials may in their discretion issue, in lieu of permanent bonds, temporary bonds in such form and with such privileges as to registration and exchange for permanent bonds as may be determined by the issuing officials.

(5) The proceeds realized from the sale of bonds and notes, except refunding bonds and replacement notes, under the provisions of this article shall be paid into the Watershed Improvement Fund in the Treasury Department and are specifically dedicated to the purposes of this article. The proceeds shall be paid by the State Treasurer periodically to those agencies authorized to expend them at such times and in such amounts as may be necessary to satisfy the funding needs of the agency. The proceeds of the sale of refunding bonds and replacement notes shall be paid to the State Treasurer and applied to the payment of principal, the accrued interest and premium, if any, and cost of redemption of the bonds and notes for which the obligations shall have been issued.

(6) Pending their application for the purposes authorized, moneys held or deposited by the State Treasurer may be invested or reinvested as are other funds in the custody of the State Treasurer in the manner provided by law. All earnings received from the investment or deposit of the funds shall be paid into the Treasury Department to the credit of the fund.

(7) The Auditor General shall prepare the necessary registry book to be kept in the office of the duly authorized loan and transfer agent of the Commonwealth for the registration of any bonds, at the request of owners thereof, according to the terms and conditions of issue directed by the issuing officials.

(8) There is hereby appropriated to the State Treasurer from the fund as much money as may be necessary for all costs and expenses in connection with the issue of and sale and registration of the bonds and notes in connection with this act and the payment of interest arbitrage rebates or proceeds of such bonds and notes.

(c) Temporary financing authorization.—

(1) Pending the issuance of bonds of the Commonwealth as authorized, the issuing officials are hereby authorized, in accordance with the provisions of this article and on the credit of the Commonwealth, to make temporary borrowings not to exceed one year in anticipation to the issue of bonds in order to provide funds in such amounts as may from time to time be deemed advisable prior to the issue of bonds. In order to provide for and in connection with such temporary borrowings, the issuing officials are hereby authorized in the name and on behalf of the Commonwealth to enter into any purchase, loan or credit agreement or agreements or other agreement or agreements with any banks or trust companies or other lending institutions, investment banking firms or persons in the United States having power to enter into the same, which agreements may contain provisions not inconsistent with the provisions of this article as may be authorized by the issuing officials.

(2) All temporary borrowings made under the authorization of this section shall be evidenced by notes of the Commonwealth, which shall be issued from time to time for such amounts not exceeding in the aggregate the applicable statutory and constitutional debt limitation, in such form and in such

denominations and subject to terms and condition of sale and issue, prepayment or redemption and maturity, rate or rates of interest and time of payment of interest as the issuing officials shall authorize and direct and in accordance with this article. Such authorization and direction may provide for the subsequent issuance of replacement notes to refund outstanding notes or replacement notes, which replacement notes shall, upon issuance thereof, evidence such borrowing, and may specify such other terms and conditions with respect to the notes and replacement notes thereby authorized for issuance as the issuing officials may determine and direct.

(3) When the authorization and direction of the issuing officials provide for the issuance of replacement notes, the issuing officials are hereby authorized in the name and on behalf of the Commonwealth to issue, enter into or authorize and direct the State Treasurer to enter into agreements with any banks, trust companies, investment banking firms or other institutions or persons in the United States having the power to enter the same:

(i) To purchase or underwrite an issue or series of issues of notes.

(ii) To credit, to enter into any purchase, loan or credit agreements, to draw moneys pursuant to any such agreements on the terms and conditions set forth therein and to issue notes as evidence of borrowings made under any such agreements.

(iii) To appoint an issuing and paying agent or agents with respect to notes.

(iv) To do all acts as may be necessary or appropriate to provide for the payment, when due, of the interest on and the principal of such notes.

Such agreements may provide for the compensation of any purchasers or underwriters of notes or replacement notes by discounting the purchase price of the notes or by payment of a fixed fee or commission at the time of issuance thereof, and all other costs and expenses, including fees for agreements related to the notes, issuing and paying agent costs and costs and expenses of issuance, may be paid from the proceeds of the notes.

(4) When the authorization and direction of the issuing officials provide for the issuance of replacement notes, the State Treasurer shall, at or prior to the time of delivery of these notes or replacement notes, determine the principal amounts, dates of issue, interest rate or rates, or procedures for establishing such rates from time to time, rates of discount, denominations and all other terms and conditions relating to the issuance and shall perform all acts and things necessary to pay or cause to be paid, when due, all principal of and interest on the notes being refunded by replacement notes and to assure that the same may draw upon any moneys available for that purpose pursuant to any purchase, loan or credit agreements established with respect thereto, all subject to the authorization and direction of the issuing officials.

(5) Outstanding notes evidencing the borrowings may be funded and retired by the issuance and sale of the bonds of the Commonwealth as hereinafter authorized. The refunding bonds must be issued and sold not later than a date one year after the date of issuance of the first notes evidencing such borrowings to the extent that payment of such notes has not otherwise been made or provided for by sources other than proceeds of replacement notes.

(6) The proceeds of all temporary borrowing shall be paid to the State Treasurer to be held and disposed of in accordance with the provisions of this article.

(d) Debt retirement.—

(1) All bonds issued under the authority of this article shall be redeemed at maturity, together with all interest due, from time to time, on the bonds, and these principal and interest payments shall be paid from the Watershed Improvement Sinking Fund, which is hereby created. For the specific purpose of redeeming the bonds at maturity and paying all interest thereon in accordance with the information received from the Governor, the General Assembly

shall appropriate moneys to the Watershed Improvement Sinking Fund for the payment of interest on the bonds and notes and the principal thereof at maturity. All moneys paid into the Watershed Improvement Sinking Fund and all of the moneys not necessary to pay accruing interest shall be invested by the State Treasurer in such securities as are provided by law for the investment of the sinking funds of the Commonwealth.

(2) The State Treasurer shall determine and report to the Secretary of the Budget by November 1 of each year, the amount of money necessary for the payment of interest on outstanding obligations and the principal of the obligations, if any, for the following fiscal year and the times and amounts of the payments. It shall be the duty of the Governor to include in every budget submitted to the General Assembly full information relating to the issuance of bonds and notes under the provisions of this article and the status of the Watershed Improvement Sinking Fund for the payment of interest on the bonds and notes and the principal thereof at maturity.

(3) The General Assembly shall appropriate an amount equal to the sums that may be necessary to meet repayment obligations for principal and interest for deposit into the Watershed Improvement Sinking Fund.

(e) Annual limitation on debt obligations issued.—Bonds and notes, not including refunding bonds or replacement notes, as authorized in this article, shall not be issued in the aggregate principal amount of more than \$200,000,000 during any one State fiscal year.

(f) Expiration.—Authorization to issue bonds and notes, not including refunding bonds and replacement notes, for the purposes of this article shall expire four years from the effective date of this section.

Section 506. Duties, responsibilities and limitations on the department.

(a) Rules and regulations.—The department shall promulgate rules and regulations that are necessary to carry out the purposes of this article consistent with the criteria set forth in this article.

(b) Bond revenues.—The department shall utilize bond revenues for the following purposes:

(1) Eliminating or abating acid mine drainage pollution of watersheds and waterways created by past mining practices and the reclamation of abandoned mine lands. Not less than \$250,000,000 may be used for these purposes.

(2) Developing and implementing watershed-based storm water management plans as provided for in the act of October 4, 1978 (P.L.864, No.167), known as the Storm Water Management Act. Up to \$200,000,000 may be used for these purposes.

(c) Administrative expense limitation.—Administrative expenses for administering the purposes set forth in subsection (b) shall be limited to 5% of the funding received by the department for those purposes.

Section 507. Annual report.

Beginning on January 31, 2002, and annually thereafter, the department shall submit to the Governor and the General Assembly an annual report of projects and services provided by funding from this article.

Section 508. Right to enter land.

(a) Entry permissible.—If the secretary makes a finding of fact that:

(1) watershed and waterway pollution resulting from acid mine drainage created by past mining practices or abandoned mine lands exist and, in the public interest, corrective action should be taken; and

(2) the owners of the property upon which entry must be made to combat the acid mine drainage pollution or to reclaim abandoned mine lands are not known, are not readily available or will not give permission for the secretary or agents of the department to enter upon the premises;

then, upon giving notice by mail to the owners, if known, or, if not known, by posting notice upon the premises and advertising once in a newspaper of general circulation in the municipality in which the land lies, the secretary and agents of the department shall have the right to

enter upon the premises, and any other land necessary in order to have access to the premises, to combat such conditions and to do all things necessary or expedient to do so.

(b) Entry chargeable to landowner.—

(1) The entry shall not be construed as an act of condemnation of property or of trespass. The moneys expended for that work and the benefits accruing to any premises so entered upon shall be chargeable against the land and shall mitigate or offset any claim in or any action brought by any owner of any interest in the premises for any alleged damages by virtue of that entry.

(2) This subsection shall not be construed as establishing any right of action or eliminating any immunity existing of the effective date of this act.

(c) Study or exploratory work.—The secretary and agents of the department may enter upon any lands for the purpose of conducting a study or exploratory work to determine if watershed and waterway pollution is from acid mine drainage created by past mining practices or if abandoned mine lands exist and to determine the feasibility of correcting such conditions. Entry shall not be construed as an act of condemnation of property or of trespass.

(d) Statement of expenses.—

(1) Within six months after the completion of any work to abate or eliminate pollution conditions from past mining practices as provided for in this article on privately owned property, the secretary shall itemize any moneys so expended and file a statement in the office of the prothonotary of the county in which the land lies, together with a notarized appraisal by an independent appraiser of the value of the land before and after the abatement or elimination of the pollution conditions, if the moneys so expended result in a significant increase in property value.

(2) The statement shall constitute a lien upon the land as of the date of the expenditure of the moneys and shall have priority as a lien second only to the lien of real estate taxes imposed upon the land.

(3) The lien may not exceed the amount determined by the appraisal to be the increase in the market value of the land as a result of the abatement or elimination of the pollution immediately after the department has completed its work, and the lien shall extend only to that portion of the premises directly involved in the work of the department under this act.

(4) The landowner may proceed as provided by the act of June 22, 1964 (Sp.Sess., P.L.84, No.6), known as the Eminent Domain Code, to petition for a board of view within 60 days of the filing of the lien, to determine the increase in the market value of that portion of the premises directly involved in the work contemplated in this article as a result of the abatement of the pollution conditions.

(5) The amount reported by the board of viewers to be the increase in value of the premises shall constitute the amount of the lien and shall be recorded with the statement provided in this section.

(6) Any party aggrieved by the decision of the viewers may appeal as provided in the Eminent Domain Code.

(7) The lien provided in this section shall be entered in the judgment index and shall be given the effect of a judgment against the land.

(8) The lien shall be enforced by the direct issuance of a writ of execution without prosecution to judgment of a writ of scire facias in the manner provided by law for the enforcement, collection and revival of municipal liens.

(e) Authority of department.—

(1) The department may engage in the work and to do all things necessary and expedient to effect the programs authorized by this article.

(2) The department may enter into cooperative abatement projects under this article with the Federal Government and its agencies and other states and their agencies.

(3) In addition to any other remedies provided for in this article, the department may initiate, in the Commonwealth Court or the court of common pleas of the county in which the land lies, an action in equity for an injunction to restrain any interference with the exercise of the rights of entry provided in this article or the conduct of any project contemplated in this article.

(f) Treatment plants.—

(1) The department may construct and operate a plant or plants for the control and treatment of water pollution resulting from mine drainage. The extent of this control and treatment may be dependent upon the ultimate use of the water and shall be subject to the provisions of the act of June 22, 1937 (P.L.1987, No.394), known as The Clean Streams Law, and no control or treatment under this act shall be in any way less than that required under The Clean Streams Law.

(2) The construction of a plant may include major interceptors and other facilities appurtenant to the plant. In the operation of a plant:

(i) The department may permit coal mine operators or owners to discharge their mine drainage to such plant or plants.

(ii) The secretary shall have the authority to charge coal mine operators or owners for the treatment of mine drainage.

(3) The charge to the coal mine operators or owners for the treatment of mine drainage shall be based upon their proportional share of the capital and operating cost and the quantity and quality of the pollutant.

(4) The secretary may sell any by-product resulting from the operation of a plant. Moneys so received shall be placed in the General Fund and are hereby appropriated to the Department of Environmental Protection.

(5) The secretary may establish rules and regulations and establish rates to implement this subsection. Such rules and regulations may provide for the escrowing of payments made prior to the construction or operation of the plant or plants.

Section 509. Federal programs.

The department may utilize any available Federal programs and funds to augment the funds made available to the agencies under the provisions of this article.

ARTICLE VII

MISCELLANEOUS PROVISIONS

Section 701. Effective date.

This act shall take effect immediately.

On the question recurring,

Will the House agree to the amendment?

The SPEAKER. On the question, the Chair recognizes the gentleman, Mr. George. Mr. George, you are recognized on amendment 3421.

Mr. GEORGE. Thank you, Mr. Speaker, and I would appreciate very much, even though I can be quite boring, that if you would ask them to give me about 2 or 3 minutes and I will conclude, in that over the past 3 or 4 months, Mr. Speaker, there has been a great deal of emphasis on cleanup, on Growing Greener—

BILL PASSED OVER

The SPEAKER. Mr. George, if I may, I have been requested to put this bill over. Without objection, the bill is over. The Chair hears none.

Mr. GEORGE. Mr. Speaker, if I may?

The SPEAKER. Yes, sir.

Mr. GEORGE. How long is your intent to put it over?

The SPEAKER. Until it is called up by the leaders. I mean, I was just asked to put it over, and I put it over.

Mr. GEORGE. I did not mean to be smart about it.

The SPEAKER. No, no; you were not; no. But I do not have that answer. I would check with your leaders and the Republican leaders.

It is over for the day.

The House proceeded to third consideration of **HB 1445, PN 1699**, entitled:

An Act amending the act of November 6, 1987 (P.L.381, No.79), known as the Older Adults Protective Services Act, further providing for the definition of "exploitation."

On the question,

Will the House agree to the bill on third consideration?

Mr. GEORGE offered the following amendment No. **A3422**:

Amend Title, page 1, line 8, by striking out "'exploitation.'" and inserting

"exploitation" and for investigations of reports of need for protective services.

Amend Bill, page 2, by inserting between lines 6 and 7

Section 2. Section 303(a) of the act, amended June 9, 1997 (P.L.160, No.13), is amended to read:

Section 303. Investigations of reports of need for protective services.

(a) Investigation.—It shall be the agency's responsibility to provide for an investigation of each report made under section 302. The investigation shall be initiated within 72 hours after the receipt of the report and shall be carried out under regulations issued by the department. In the event that a report contains reasonable evidence that the older adult may be at imminent risk of death or serious physical harm, the agency shall initiate the investigation no later than 24 hours after receipt of the report. These regulations shall provide for the methods of conducting investigations under this section and shall assure that steps are taken to avoid any conflict of interest between the investigator and service delivery functions. Reports and investigations under this section shall comply with Chapter 7, where applicable.

Amend Sec. 2, page 2, line 7, 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 amendment, the Chair recognizes the gentleman, Mr. George.

Mr. GEORGE. Mr. Speaker, I am very proud to say that I believe this is an agreed-to amendment. I know there will not be one of us that will want to vote against it, Mr. Speaker, because under the current law in which we intend and try to protect our older citizens, in that law there is a rationale that says reasonable evidence. We believe it ought to really go a lot further, and it ought to say that the investigation ought to be answered by 24 hours, and that way, we know it is in statute, and then we can get the protection and get them started to protect our citizens.

The SPEAKER. The Chair thanks the gentleman.

On the question, Mr. Gannon, are you seeking recognition on this amendment?

Mr. GANNON. Yes, Mr. Speaker.

The SPEAKER. The gentleman is recognized.

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

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—202

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

NAYS—0

NOT VOTING—0

EXCUSED—1

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

On the question,

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

Mr. GEORGE offered the following amendment No. A3423:

Amend Title, page 1, line 8, by striking out "exploitation." and inserting

"exploitation," for investigations of reports of need for protective services and for involuntary intervention by emergency court order.

Amend Bill, page 2, by inserting between lines 6 and 7

Section 2. Section 303(a) of the act, amended June 9, 1997 (P.L. 160, No. 13), is amended to read:

Section 303. Investigations of reports of need for protective services.

(a) Investigation.—It shall be the agency's responsibility to provide for an investigation of each report made under section 302. The investigation shall be initiated within 72 hours after the receipt of the report and shall be carried out under regulations issued by the department. In the event that a report contains reasonable evidence that the older adult may be at imminent risk of death or serious physical harm, the agency shall initiate the investigation no later than 24 hours after receipt of the report. These regulations shall provide for the methods of conducting investigations under this section and shall assure that steps are taken to avoid any conflict of interest between the investigator and service delivery functions. Reports and investigations under this section shall comply with Chapter 7, where applicable.

Section 3. Section 307(a) of the act, amended December 18, 1996 (P.L. 1125, No. 169), is amended to read:

Section 307. Involuntary intervention by emergency court order.

(a) Emergency petition.—Where there was [clear and convincing] a preponderance of the evidence that if protective services are not provided, the person to be protected is at imminent risk of death or serious physical harm, the agency may petition the court for an emergency order to provide the necessary services. The courts of common pleas of each judicial district shall ensure that a judge or district justice is available on a 24-hour-a-day, 365-day-a-year basis to accept and decide on petitions for an emergency court order under this section whenever the agency determines that a delay until normal court hours would significantly increase the danger the older adult faces.

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

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On the question,

Will the House agree to the amendment?

The SPEAKER. On the question of the adoption of the amendment, the gentleman, Mr. George, is recognized.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, I am hopeful that this is agreed to. It basically applies for the 24 hours, similar to the previous, but it also says, if there is a preponderance of the evidence that there has been abuse or violence, that immediately it will trigger an investigation. I know we will all vote for this, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—202

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

NAYS—0

NOT VOTING—0

EXCUSED—1

Hennessey

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—202

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

NAYS—0

NOT VOTING—0

EXCUSED—1

Hennessey

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

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

* * *

The House proceeded to third consideration of **HB 295, PN 2346**, entitled:

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, providing for contributions for creditable State service, for nonschool service, for incomplete payments, for annuity termination, for membership of the Public School Employees' Retirement Board and the State Employees' Retirement Board, for regulations and procedures, for member contributions, for payroll deductions, for elections of members, for multiple service status, for management of fund and accounts, for duties of employers, for creditable non-State service, for purchase of credit, for incomplete payments, for termination of annuities, for regulations and procedures, for member contributions, for duties of board and heads of departments and for election as multiple service member.

On the question,

Will the House agree to the bill on third consideration?

Mr. DALEY offered the following amendment No. A3403:

Amend Title, page 1, line 2, by inserting after "providing"
for special early retirement for public school
employees and State employees,

Amend Sec. 1, page 1, line 17, by inserting after "Sections"
8312,

Amend Sec. 1, page 1, by inserting between lines 19 and 20
§ 8312. Eligibility for special early retirement.

Notwithstanding any provisions of this title to the contrary, for the period only of July 1, 1985, to July 1, 1997, the following special early retirement provisions shall be applicable to specified eligible members as follows:

(1) During the period of July 1, 1985 to June 30, 1986, any member who has attained the age of at least 53 years and has credit for at least 30 eligibility points shall be entitled, upon termination of service and filing of a proper application, to receive a maximum single life annuity calculated pursuant to section 8342 (relating to maximum single life annuity) without any reduction by virtue of an effective date of retirement which is under the superannuation age.

(2) During the period of July 1, 1985 to June 30, 1986, any member who has attained the age of at least 50 years but not greater than 53 years and has credit for at least 30 eligibility points shall be entitled, upon termination of service and filing of a proper application, to receive a maximum single life annuity calculated pursuant to section 8342 with a reduction by virtue of an effective date of retirement which is under the superannuation age of a percentage determined by multiplying the number of months, including a fraction of a month as a full month, by which the effective date of retirement precedes the attainment of age 53 by 0.25%.

(3) During the period of July 1, 1987, to June 30, 1993, a member who has credit for at least 30 eligibility points shall be entitled, upon termination of service and filing of a proper application, to receive a maximum single life annuity calculated pursuant to section 8342 without any reduction by virtue of an effective date of retirement which is under the superannuation age.

(4) During the period of July 1, 1993, to July 1, 1997, a member who has credit for at least 30 eligibility points shall be entitled, upon termination of service and filing of a proper application, to receive a maximum single life annuity calculated pursuant to section 8342 without any reduction by virtue of an effective date of retirement which is under the superannuation age.

(5) During the period of April 1, 2000, through June 30, 2000, a member who has credit for at least 30 eligibility points shall be entitled, upon termination of service and filing of a

proper application, to receive a maximum single-life annuity calculated pursuant to section 8342 without any reduction by virtue of an effective date of retirement which is under superannuation age.

(6) During the period of April 1, 2001, through June 30, 2001, a member who has credit for at least 30 eligibility points shall be entitled, upon termination of service and filing of a proper application, to receive a maximum single-life annuity calculated pursuant to section 8342 without any reduction by virtue of an effective date of retirement which is under the superannuation age.

(7) During the period of April 1, 2002, through June 30, 2002, a member who has credit for at least 30 eligibility points shall be entitled, upon termination of service and filing of a proper application, to receive a maximum single-life annuity calculated pursuant to section 8342 without any reduction by virtue of an effective date of retirement which is under the superannuation age.

Amend Sec. 4, page 18, lines 12 through 14, by striking out all of said lines and inserting

Section 4. Section 5304(a) of Title 71 is amended to read:

Amend Bill, page 18, by inserting between lines 29 and 30

Section 5. Title 71 is amended by adding a section to read:

§ 5308.3. Eligibility for limited early retirement.

Notwithstanding any provisions of this title to the contrary, any eligible member who, during the period of time from March 1, 2000, through February 28, 2003:

(1) has credit for at least 30 eligibility points;

(2) terminates State service; and

(3) files an application for an annuity with an effective date of retirement not later than March 1, 2003,

shall be entitled to receive a maximum single life annuity calculated pursuant to section 5702 (relating to maximum single life annuity) without any reduction by virtue of an effective date of retirement which is under the superannuation age.

Section 6. Sections 5504(b), 5505(b) and (d), 5506, 5706, 5901(b) 5902(l) and 5904(b) of Title 71 are amended to read:

Amend Sec. 5, page 29, line 19, by striking out "5" and inserting

7

Amend Sec. 6, page 31, line 23, by striking out "6" and inserting

8

Amend Sec. 7, page 35, line 7, by striking out "7" and inserting

9

Amend Sec. 8, page 35, line 27, by striking out "8" and inserting

10

Amend Sec. 9, page 36, line 4, by striking out "9" and inserting

11

On the question,

Will the House agree to the amendment?

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

Mr. DALEY. Mr. Speaker, in June of this year, before we broke, I introduced an amendment, 2902, to SB 309, which basically provided a 30-and-out provision for public school teachers. What we have done here today, Mr. Speaker, on this particular amendment, 3403, and 3404 was to request as of this morning a fiscal note, and it is my understanding, from studying the rules of the House, under 19(a), that anytime that you have an amendment or a bill that deals with a retirement system, there has to be an actuarial note to be attached. We had requested an actuarial note and a fiscal note from the Appropriations Committee, and we were advised that pursuant to Title 43,

section 1407, (a), (b), (c), and (d), that the actuarial note would have to be provided by an enrolled pension actuary.

Mr. Speaker, I cannot run this amendment or 3404 without those items, but if I could, on unanimous consent, Mr. Speaker, direct a question to the Appropriations chairman so that I may get some clarification as to the timeframes that are involved in these types of matters.

The SPEAKER. The gentleman, Mr. Barley, you are asking the timeframes of both the fiscal note and an actuarial note. Is that it?

Mr. DALEY. Yes.

Mr. BARLEY. Would you restate the question, please.

Mr. DALEY. Yes. I am sorry, Mr. Speaker. I did not actually make a question to you at this point, but I am forming that question as we speak now.

As I stated that in June of this year, SB 309 had an amendment that I had created, 2902, that in essence created a 30-and-out window for the public school teachers, and at that time the Appropriations Committee did give us a fiscal note and an actuarial note, and today we asked for an actuarial note and a fiscal note, and we were told that pursuant to Title 43, section 1407, as well as the rule, rule 19(a), that we could not have a fiscal note, because a fiscal note cannot be provided until an actuarial note is provided to you. Is that correct?

Mr. BARLEY. Yes; that is correct.

Mr. DALEY. I am kind of baffled, Mr. Speaker, as to, if you can recall, why then in June of this year that we did get an actuarial note provided by the Appropriations Committee on a subject that was the same as this particular subject today. Do you have any understanding or knowledge on that?

Mr. BARLEY. Yes, Mr. Speaker. The actuarial notes are provided by the agencies. In this situation it would be the Public School Retirement Fund, public teachers. That request to the fund should have been given a few weeks before it was actually required to give them time to make the calculation, and I am assuming at this point that an actuarial note that was issued in June would not necessarily stand today. It would have to be recalculated. We apparently had the request in a timely fashion in June and it was issued to the Appropriations Committee, and then we can do a fiscal note, but we have to have the actuarial note before we can do a fiscal note.

Mr. DALEY. Mr. Speaker, I appreciate your answer.

My question then therefore is, how can we—

The SPEAKER. Will the gentleman yield.

Please, we all might learn something about actuarial notes if we are not careful.

Mr. Daley.

Mr. DALEY. Thank you, Mr. Speaker.

My question then, Mr. Speaker, is, at that time we requested the actuarial note and it was provided to us within 3 days by the Appropriations Committee. Today we requested the actuarial note, and it was told to us, pursuant to rule 19(a) and Title 43 under that particular section 1407, that an actuarial note has to be provided either by the School Employees' Retirement Fund or the Pennsylvania State Employees' Retirement Fund, but it has to be provided by an enrolled pension actuary. Is that correct?

Mr. BARLEY. Yes. The information you were given is accurate information. That is correct. It actually, you know, there is a cost associated to being able to provide an actuarial note. There is a cost incurred to the fund.

Mr. DALEY. My question then, Mr. Speaker, is, it appears to me that anytime this legislature, be it the House or the Senate, wants to address any legislation dealing with any pension plan in this State, be it the State employees or the schoolteachers, there has to be a request made to the Appropriations Committee. That request in turn is made to that particular agency. That agency then goes out and hires an enrolled actuary, pension actuary, through a process. That process then is that an actuarial note is then provided to that board, which has to approve that note, and then it is provided to you and it is provided to the member of the legislature. Is that correct?

Mr. BARLEY. That is correct. And I think the key word was an authorized agency. It is not, you know, going out with an RFP (request for proposal) soliciting agents and so on. I mean, it is not as cumbersome a process as it may sound, as you described it, but it is a process that is in place and must be followed, and the explanation you were given apparently by staff this morning was a correct explanation of the process, and that has been the way we have issued actuarial notes and then hence fiscal notes.

Mr. DALEY. Your statement was that there is some cost involved, and when there is cost involved, Mr. Speaker, does that also take in consideration a process to approve those costs prior to the hiring of anyone that would be providing these actuarial notes?

The SPEAKER. Will the gentleman yield.

Mr. Daley, this discourse, does it have anything to do with the bill or amendments, or is this a general information interrogation, which I do not think is appropriate right now.

Mr. DALEY. Well, Mr. Speaker, I think I stated on unanimous consent. If I could raise the question to the chairman.

The SPEAKER. Quickly.

Mr. DALEY. I asked a question, Mr. Speaker.

Mr. BARLEY. I am sorry. The intervening conversation threw me off track. Could you ask the question again, please.

Mr. DALEY. My question was dealing with the fact that you made a statement that there are costs involved in terms of hiring someone to do this, this actuary note, and my question to you is, is there not a process then for that approval of that expenditure which can further delay, and I think the question here, Mr. Speaker, is that further delay the legislative process.

The SPEAKER. If I may, the legislature some years ago found that it would be best to put into the statutes of Pennsylvania the requirement for an actuarial note rather than having it in the rules which could be suspended at any time. And my experience—and I know I probably should not be doing this—but my experience through the years, both sides in control, is neither one of them can influence these boards in the issuance of the actuarial notes. We are getting their best judgment on it, and it is not easily influenced, and the time it takes is the time it takes. We have never had any muscle there either.

Mr. DALEY. Okay. Thank you, Mr. Speaker.

My last question is, then can you explain to me, Mr. Speaker, why in June when we made a request for a fiscal note and an actuarial note, that was provided by your office in 3 days?

Mr. BARLEY. It had everything to do with the availability of the actuarial note coming from the agency, and the timeframe does vary. I would imagine that it has to do with workload and timing and so on and so forth.

Again, I do not have a better explanation. I think what I have given you is an accurate explanation. There may be, dependent upon the complexity of the inquiry, there may be more information

available immediately. If it is an inquiry that is more complex or unusual, it takes more time to gather and calculate the actuarial note.

Mr. DALEY. Mr. Speaker, then this leads to the last question, and that would be, are you provided actuarial notes on a regular basis by these different agencies regarding the pension systems?

Mr. BARLEY. We are provided them when we request them.

Mr. DALEY. So it is based on—

Mr. BARLEY. And we request them based on need.

Mr. DALEY. Okay. I understand.

Mr. BARLEY. We try not to do it frivolously.

Mr. DALEY. Thank you, Mr. Speaker.

AMENDMENT WITHDRAWN

Mr. DALEY. Mr. Speaker?

The SPEAKER. The gentleman, Mr. Daley.

Mr. DALEY. Thank you, Mr. Speaker.

Bearing that in mind, I have no other recourse but to withdraw my amendments 3403 and 3404 and look for another bill or introduce a bill that will specifically deal with the State employees' retirement program to offer that 30-and-out for them, the window, and also for the teachers. Thank you, Mr. Speaker.

The SPEAKER. For the general information of the House, after a brief discussion with the Parliamentarian, it is the understanding of the Chair that any member may also request an actuarial note. It does not necessarily have to flow through the Appropriations Committees.

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 gentleman, Mr. Birmelin.

Mr. BIRMELIN. Mr. Speaker, I assume we are still considering the bill, although I do not see it on the board. Is that correct?

The SPEAKER. The bill has been called up. It should be on the board. The amendments have been withdrawn, so it is on final passage.

PARLIAMENTARY INQUIRY

Mr. BIRMELIN. Then I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BIRMELIN. The bill would enable people like myself an opportunity to buy back time from the retirement system that the teachers provided. When I transferred over to the Pennsylvania State Employees' Retirement System when I was elected to this office, I opted not to buy that time that I had as a teacher, and so I would be a direct beneficiary of this particular legislation should it be voted on, and I suspect I may not be the only one here in the House. I would like to have your opinion as to whether or not I should excuse myself from the voting or if I am allowed to vote on this bill.

The SPEAKER. You are permitted to vote on this bill. Like the earlier inquiry, you are a member of a class, and as a member of that class, you are permitted to vote on legislation affecting it.

Mr. BIRMELIN. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—202

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

NAYS—0

NOT VOTING—0

EXCUSED—1

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

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

* * *

The House proceeded to third consideration of **HB 1600, PN 1944**, entitled:

An Act designating a portion of the Mon/Fayette Expressway, State Route 43, as the J. Barry Stout Expressway; designating a portion of the Mon/Fayette Expressway, State Route 43, as the James J. Manderino Memorial Highway; designating the twin bridges at milepost 45 of the Mon/Fayette Expressway as the Joe Montana Bridges; and designating State Route 1077 in Donora and Carroll Township, Washington County, as the Stan Musial Byway.

On the question,

Will the House agree to the bill on third consideration?

Mr. **NICKOL** offered the following amendment No. **A2644**:

Amend Title, page 1, line 6, by striking out "and"

Amend Title, page 1, line 8, by removing the period after "Byway" and inserting

; and designating a portion of State Route 24 in York County as the 24th Infantry Division Association Highway.

Amend Bill, page 3, by inserting between lines 22 and 23

Section 5. The portion of State Route 24 from Hopewell Township to its terminus in Mount Wolf Borough of York County is designated and shall be known as the 24th Infantry Division Association Highway. The Department of Transportation shall erect and maintain appropriate signs identifying the above portion of road as the 24th Infantry Division Association Highway.

Amend Sec. 5, page 3, line 23, by striking out "5" and inserting

6

Amend Sec. 6, page 3, line 26, by striking out "6" and inserting

7

On the question,

Will the House agree to the amendment?

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

Mr. **NICKOL**. Thank you, Mr. Speaker.

This amendment is fairly simple. It designates a portion of State Route 24 in York County as the 24th Infantry Division Association Highway.

I would appreciate the support of the members. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—202

Adolph	Evans	Mann	Schroder
Allen	Fairchild	Markosek	Schuler
Argall	Fargo	Marsico	Scrimenti
Armstrong	Feese	Masland	Semmel
Baker	Fichter	Mayernik	Serafini
Barclay	Fleagle	McCall	Seyfert

Barley	Flick	McGeehan	Shaner
Barrar	Forcier	McGill	Smith, B.
Bastian	Frankel	McIlhattan	Smith, S. H.
Battisto	Freeman	McIlhinney	Snyder
Bebko-Jones	Gannon	McNaughton	Solobay
Belardi	Geist	Melio	Staback
Belfanti	George	Metcalfe	Stairs
Benninghoff	Gigliotti	Michlovic	Steelman
Birmelin	Gladeck	Micozzie	Steil
Bishop	Godshall	Miller, R.	Stern
Blaum	Gordner	Miller, S.	Stetler
Boyes	Grucela	Mundy	Stevenson
Browne	Gruitza	Myers	Strittmatter
Bunt	Habay	Nailor	Sturla
Butkovitz	Haluska	Nickol	Surra
Buxton	Hanna	O'Brien	Tangretti
Caitagirone	Harhai	Oliver	Taylor, E. Z.
Cappabianca	Harhart	Orie	Taylor, J.
Cam	Hasay	Perzel	Thomas
Casorio	Herman	Pesci	Tigue
Cawley	Hershey	Petrarca	Travaglio
Chadwick	Hess	Petrone	Trello
Civera	Horsey	Phillips	Trich
Clark	Hutchinson	Pippy	True
Clymer	Jadlowiec	Pistella	Tulli
Cohen, L. I.	James	Platts	Vance
Cohen, M.	Josephs	Preston	Van Horne
Colafella	Kaiser	Ramos	Veon
Cornell	Keller	Raymond	Vitali
Corrigan	Kenney	Readshaw	Walko
Costa	Kirkland	Reinard	Washington
Coy	Krebs	Rieger	Waters
Curry	LaGrotta	Roberts	Williams
Dailey	Laughlin	Robinson	Wilt
Daley	Lawless	Roebuck	Wogan
Dally	Lederer	Rohrer	Wojnarowski
DeLuca	Leh	Rooney	Wright
Dempsey	Lescovitz	Ross	Yewcic
Dermody	Levdansky	Rubley	Youngblood
DeWeese	Lucyk	Ruffing	Yudichak
DiGirolamo	Lynch	Sainato	Zimmerman
Donatucci	Maher	Samuelson	Zug
Druce	Maitland	Santoni	
Eachus	Major	Sather	Ryan,
Egolf	Manderino	Saylor	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—1

Hennessey

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

On the question,

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

Mr. **SCRIMENTI** offered the following amendment No. **A3407**:

Amend Title, page 1, line 6, by striking out "and"

Amend Title, page 1, line 8, by removing the period after "Byway" and inserting

; and designating a section of the Southern Tier Expressway in Erie County, as the Forest W. Hopkins Memorial Highway.

Amend Bill, page 3, by inserting between lines 22 and 23,
Section 5. Forest W. Hopkins Memorial Highway.

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

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

(c) The Department of Transportation shall erect and maintain road signs, which shall display the name of Forest W. Hopkins Memorial Highway, at the beginning and the end of the section of the highway designated in subsection (a).

Amend Sec. 5, page 3, line 23, by striking out "5" and inserting
6

Amend Sec. 6, page 3, line 26, by striking out "6" and inserting
7

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

The following roll call was recorded:

YEAS—202

Adolph	Evans	Mann	Schroder
Allen	Fairchild	Markosek	Schuler
Argall	Fargo	Marsico	Scrimenti
Armstrong	Feese	Masiand	Semmel
Baker	Fichter	Mayernik	Serafini
Bard	Fleagle	McCall	Seyfert
Barley	Flick	McGeehan	Shaner
Barrar	Forcier	McGill	Smith, B.
Bastian	Frankel	McIlhattan	Smith, S. H.
Battisto	Freeman	McIlhinney	Snyder
Bebko-Jones	Gannon	McNaughton	Solobay
Belardi	Geist	Melio	Staback
Belfanti	George	Metcalf	Stairs
Benninghoff	Gigliotti	Michlovic	Steelman
Birmelin	Gladeck	Micozzie	Steil
Bishop	Godshall	Miller, R.	Stern
Blaum	Gordner	Miller, S.	Stetler
Boyes	Grucela	Mundy	Stevenson
Browne	Gruitza	Myers	Strittmatter
Bunt	Habay	Nailor	Sturla
Butkovitz	Haluska	Nickol	Surra
Buxton	Hanna	O'Brien	Tangretti
Caltagirone	Harhai	Oliver	Taylor, E. Z.
Cappabianca	Harhart	Orie	Taylor, J.
Carn	Hasay	Perzel	Thomas
Casorio	Herman	Pesci	Tigue
Cawley	Hershey	Petrarca	Travaglio
Chadwick	Hess	Petrone	Trello
Civera	Horsey	Phillips	Trich
Clark	Hutchinson	Pippy	True
Clymer	Jadlowiec	Pisteila	Tulli
Cohen, L. I.	James	Platts	Vance
Cohen, M.	Josephs	Preston	Van Horne
Colafella	Kaiser	Ramos	Veon
Cornell	Keller	Raymond	Vitali
Corrigan	Kenney	Readshaw	Walko
Costa	Kirkland	Reinard	Washington
Coy	Krebs	Rieger	Waters
Curry	LaGrotta	Roberts	Williams
Dailey	Laughlin	Robinson	Wilt
Daley	Lawless	Roebuck	Wogan
Dally	Lederer	Rohrer	Wojnaroski
DeLuca	Leh	Rooney	Wright
Dempsey	Lescovitz	Ross	Yewcic
Dermody	Levdansky	Rubley	Youngblood
DeWeese	Lucyk	Ruffing	Yudichak
DiGirolamo	Lynch	Sainato	Zimmerman
Donatucci	Maher	Samuelson	Zug
Druce	Maitland	Santoni	

Eachus
Egolf

Major
Manderino

Sather
Saylor

Ryan,
Speaker

NAYS—0

NOT VOTING—0

EXCUSED—1

Hennessey

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

On the question recurring,

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

Mr. MICHLOVIC offered the following amendment No. A3454:

Amend Title, page 1, line 6, by striking out "and"

Amend Title, page 1, line 8, by removing the period after "Byway" and inserting

; and designating a bridge on the Mon/Fayette Expressway as the Braddock's Crossing Bridge.

Amend Bill, page 3, by inserting between lines 22 and 23
Section 5. Braddock's Crossing Bridge.

The bridge on the Mon/Fayette Expressway in Allegheny County crossing the Monongahela River between Duquesne and East Pittsburgh in Allegheny County is designated as the Braddock's Crossing Bridge. The Pennsylvania Turnpike Commission shall erect and maintain appropriate signs.

Amend Sec. 5, page 3, line 23, by striking out "5" and inserting
6

Amend Sec. 6, page 3, line 26, by striking out "6" and inserting
7

On the question,

Will the House agree to the amendment?

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

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, the purpose of this amendment is to designate a bridge on the proposed Mon Valley Expressway connecting the city of Duquesne with the borough of East Pittsburgh, over the Mon River, the Braddock's Crossing Bridge. That bridge is located very near the site of Gen. Edward Braddock's crossing during the first battle of the French and Indian War. Gen. Edward Braddock was the first British general sent to American soil, and he was ambushed at the site of Braddock, which has taken his name, and that began the 7-year French and Indian War, out of which a number of things were accomplished: one of them, that as I stand here and speak on this floor, I speak English, not French. Another one, as we make these laws, we follow English common law, not Napoleonic Code, and for many reasons these battles were very important to American history.

Unfortunately, in the case of Braddock, very little of the battlefield was left because about 100 years later Andrew Carnegie came and built his first mill, and the people, the workers, built

residences around it and really obliterated whatever was left of any battlefield. The Braddock Field Historical Society has asked me to offer this amendment so that visitors to our area and even people in our local area will understand and know a little more about the history of our region.

So I ask the members of the House to approve the amendment to name the bridge across the Mon, on the Mon/Fayette Expressway, Braddock's Crossing Bridge. 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—202

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

NAYS—0

NOT VOTING—0

EXCUSED—1

Hennessey

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

On the question recurring,

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

Mr. MICHLOVIC offered the following amendment No. A3383:

Amend Title, page 1, line 4, by inserting after "Highway;" designating a portion of the Mon/Fayette Expressway, State Route 43, as the Medal of Honor Highway;

Amend Sec. 1, page 2, line 29, by inserting a comma after "County"

Amend Sec. 1, page 2, lines 29 and 30; page 3, line 1, by striking out "until the connection with" in line 29, all of line 30, page 2; and "Allegheny County" in line 1, page 3 and inserting to the Allegheny County line

Amend Bill, page 3, by inserting between lines 22 and 23

Section 5. The Medal of Honor Highway.

The Mon/Fayette Expressway, State Route 43, beginning at the intersection with State Route 51 in Allegheny County and continuing north until the connection with Interstate 376 at Monroeville and the City of Pittsburgh in Allegheny County, is designated as the Medal of Honor Highway. Appropriate signs shall be posted and maintained by the Pennsylvania Turnpike Commission.

Amend Sec. 5, page 3, line 23, by striking out "5" and inserting 6

Amend Sec. 6, page 3, line 26, by striking out "6" and inserting 7

On the question,

Will the House agree to the amendment?

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

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, if I said the names of Franklin Phillips, Henry Clay Drexler, Leonard Funk, Mitchell Paige, Reginald Desiderio, Jack Kelly, Michael Estocin, Walter Marm, very few of us on this floor would know the significance of those names, but those are very important names in American history because they are among the 3,400 select names from all of our nation's history, from the Civil War on, that have received our nation's highest military honor, the Medal of Honor.

I am very proud that those names come from the area which I represent, in and around the district, in the Mon Valley, and it is because of that and because of the fact that most people do not know the significance of those names, particularly our children as they are born further and further removed from the Second World War, the Korean war, the Vietnam war, and many of our actions where these men's heroics took place. Those children are growing up not knowing the significance of people that fought and died for their liberties.

This amendment names that portion of the Mon/Fayette Expressway between Route 51 to the city of Pittsburgh the Medal of Honor Highway in honor of those men and in order to place in Pennsylvania history on Pennsylvania soil some recognition of their heroism. At a future date I hope to go back and actually name the interchanges after these individual soldiers and sailors so that there is something in Pennsylvania at a location near where they were born that marks their importance to our communities and to our country.

HB 1600 in its current form is, as you know, naming the Mon/Fayette Expressway after another great Pennsylvanian, another great American, Senator Barry Stout, who has been a moving force in bringing this economic development and this transportation highway to our communities, and I do not in any way wish to desecrate that honor. In fact, I have talked to Senator Stout, and he agrees with me that naming that Allegheny County portion of the highway after the Medal of Honor recipients is indeed an appropriate tribute, and in fact, one of those recipients is Lt. Walter Marm, who was a native of Senator Stout's district, and he warmly supports this amendment, for the information of the members.

I ask all the members to proudly cast their votes in favor of my amendment, which names the Mon/Fayette Expressway in Allegheny County the Medal of Honor Highway. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Markosek.

Mr. MARKOSEK. Thank you, Mr. Speaker.

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

Certainly, to honor our Medal of Honor recipients, particularly those from western Pennsylvania, is one of the greatest things that I think we can do.

I think it is also appropriate at this time to give some thanks to Representative Michlovic for all of the many things that he has done to keep alive the memory of our Medal of Honor winners. Representative Michlovic has sponsored a fund-raiser every year relative to the Medal of Honor winners and has offered scholarships in their honor through his efforts, and I have been happy to support those over the years as many of us here have.

I think this is a very fitting thing to do. We not only as Pennsylvanians but as Americans should feel very proud in supporting the Michlovic amendment here today to name the highway in the Mon Valley Expressway that runs through Allegheny County, the portion in Allegheny County, the Medal of Honor Highway, and particularly in the future I look forward to naming those exits of that particular highway after the individual winners of the Medal of Honor, the recipients from southwestern Pennsylvania.

So I would like to ask you all to support the Michlovic amendment, and I would like to also offer my congratulations to Representative Michlovic for all the many wonderful things he has done to keep the memory of the Medal of Honor winners alive and well. 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—202

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

NAYS—0

NOT VOTING—0

EXCUSED—1

Hennessey

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

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

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.
The question is, shall the bill pass finally?

The gentleman, Mr. Geist, on final passage.

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

I think it is very fitting that this piece of legislation be passed by us today. Senator Barry Stout has been a longtime advocate for building the Mon Valley Expressway and every transportation project in the State of Pennsylvania, and I think that it is only fitting that we in this business honor him with this naming.

I know that in conversations with other members and for all the years that I have been working on the State Transportation Commission, his hard work is being recognized today by this body, and I am just nothing but pleased to be able to sponsor this bill and advocate its passage on the floor of the House. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Daley.

Mr. DALEY. Thank you, Mr. Speaker.

Let me echo the comments of the chairman of the House Transportation Committee. As part of the Washington County legislative delegation as well as Representative Trich, Representative Solobay, Representative Lescovitz, Representative DeWeese, and also in Fayette County that is involved, Representative Roberts, Senator Kasunic, that all of us know collectively we have worked to try to build this highway through the last several years, and it is only fitting that we acknowledge Senator Stout's efforts.

I know that it is something we do not do when we have an active sitting member of the legislature. I thought it was great when we did it for the Speaker, Mr. Ryan, because we acknowledged while he was present here his accomplishments and the same thing with Senator Stout, but this bill also addresses some other things such as the Stan Musial section, the Stan Musial Highway in Donora, which is in my legislative district. Stan Musial was a great baseball player and brought notoriety and fame to Donora, as well as a set of bridges, part of the Mon/Fayette Expressway, which is also part of this bill, and that is the Joe Montana Bridges, who is also from Donora.

So, Mr. Speaker, I am happy to rise in support of this legislation as well as my colleagues from Washington and Fayette Counties including Representative Shaner. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Mr. Vitali, on the bill.

Mr. VITALI. Thank you, Mr. Speaker.

I, frankly, had not been paying too close attention to this debate, but I caught the tail end of it.

I have great respect for Senator Stout and all the fine work he has done. I just think it is a very bad precedent to name roads and buildings and other monuments to sitting representatives. I think it may serve to put them at an unfair advantage over potential challengers, and also, I think it may call us into question as a body as being self-serving in nature.

So I want to publicly commend Senator Stout for all his excellent, excellent work, and I am going to just reluctantly vote "no" not to show any disrespect to him but just because I think it is a very bad principle to name any sort of Commonwealth facilities after sitting officeholders. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—199

Adolph	Evans	Mann	Saylor
Allen	Fairchild	Markosek	Schroder
Argall	Fargo	Marsico	Schuler
Armstrong	Feese	Masland	Scrimenti
Baker	Fichter	Mayernik	Semmel
Bard	Fleagle	McCall	Serafini
Barley	Flick	McGeehan	Seyfert
Barrar	Forcier	McGill	Shaner
Bastian	Frankel	McIlhatten	Smith, B.
Battisto	Freeman	McIlhinney	Smith, S. H.
Bebko-Jones	Gannon	McNaughton	Snyder
Belardi	Geist	Melio	Solobay
Belfanti	George	Metcalfe	Staback
Benninghoff	Gigliotti	Michlovic	Stairs
Birmelin	Gladeck	Micozzie	Steelman
Bishop	Godshall	Miller, R.	Steil
Blaum	Gordner	Miller, S.	Stern
Boyes	Grucela	Mundy	Stetler
Browne	Gruitza	Myers	Stevenson
Bunt	Habay	Nailor	Strittmatter
Butkovitz	Haluska	Nickol	Sturla
Buxton	Hanna	O'Brien	Surra
Caltagirone	Harhai	Oliver	Tangretti
Cappabianca	Harhart	Orie	Taylor, E. Z.
Carn	Hasay	Perzel	Taylor, J.
Casorio	Herman	Pesci	Thomas
Cawley	Hershey	Petrarca	Tigue
Chadwick	Hess	Petrone	Travaglio
Civera	Horsey	Phillips	Trello
Clark	Hutchinson	Pippy	Trich
Clymer	Jadlowiec	Pistella	True
Cohen, L. I.	James	Platts	Tulli
Cohen, M.	Josephs	Preston	Vance
Colafella	Kaiser	Ramos	Van Horne
Cornell	Keller	Raymond	Veon
Corrigan	Kenney	Readshaw	Walcko
Costa	Kirkland	Reinard	Washington
Coy	LaGrotta	Rieger	Waters
Curry	Laughlin	Roberts	Williams
Dailey	Lawless	Robinson	Wilt
Daley	Lederer	Roebuck	Wogan
Dally	Leh	Rohrer	Wojnaroski
DeLuca	Lescovitz	Rooney	Wright
Dempsey	Levdansky	Ross	Youngblood
Dermody	Lucyk	Rubley	Yudichak
DeWeese	Lynch	Ruffing	Zimmerman
DiGirolamo	Maher	Sainato	Zug
Donatucci	Maitland	Samuelson	
Druce	Major	Santoni	Ryan,
Eachus	Manderino	Sather	Speaker
Egolf			

NAYS—3

Krebs Vitali Yewcic

NOT VOTING—0

EXCUSED—1

Hennessey

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.

RESOLUTION

Mr. BROWNE called up **HR 223, PN 2119**, entitled:

A Resolution requesting the Congress of the United States to ensure higher levels of safety for communities which have hazardous material facilities within their borders.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—202

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

NAYS—0

NOT VOTING—0

EXCUSED—1

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

SUPPLEMENTAL CALENDAR B**RESOLUTION PURSUANT TO RULE 35**

Miss ORIE called up **HR 266, PN 2394**, entitled:

A Resolution designating October 14, 1999 as "Health Care Providers Respond to Domestic Violence Day" in Pennsylvania.

On the question,
Will the House adopt the resolution?

PARLIAMENTARY INQUIRY

The SPEAKER. On the question, Mr. Gordner.

Mr. GORDNER. Parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GORDNER. I have supplemental calendar A, which has HR 264 on it. I do not have any subsequent—

The SPEAKER. This is House calendar supplemental B.

Mr. GORDNER. Parliamentary inquiry.

The SPEAKER. The gentleman.

Mr. GORDNER. According to the computer, we cannot pull up HR 266.

The SPEAKER. You are being handed right now a copy of it.

Mr. GORDNER. I am being handed a copy of supplemental B calendar, but we are not able to access HR 266 at this point.

RESOLUTION PASSED OVER

The SPEAKER. The Chair passes over HR 266.

SUPPLEMENTAL CALENDAR A**RESOLUTION PURSUANT TO RULE 35**

Mrs. RUBLEY called up **HR 264, PN 2383**, entitled:

A Resolution designating the week of October 17 through 23, 1999, as "Radon Action Week" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The SPEAKER. Mr. Gordner, are you seeking recognition? The gentleman is recognized.

Mr. GORDNER. Mr. Speaker, likewise, I have been trying to access HR 264 in the computer for the last half hour or so, and that has not been available either.

The SPEAKER. Apparently, Mr. Gordner, there is a problem with our legislative data processing system for these two bills. I do not know whether it is a delay in putting the information in or some other problem. They are on the computer, but we cannot get the text of the material. So under those circumstances, I am suggesting that these two resolutions go over for the day and we will look into it. The Chair thanks the gentleman for calling this to the Chair's attention.

RESOLUTION PASSED OVER

The SPEAKER. HR 264 will be over for the day.

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

HB 114, PN 2396 (Amended) By Rep. GANNON

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the definition of "delinquent act" and for transfer from criminal proceedings.

JUDICIARY.

HB 931, PN 1031 By Rep. GANNON

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, regulating the practice of bail enforcement.

JUDICIARY.

HB 1457, PN 1732 By Rep. GANNON

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for jurisdiction and venue of district justices.

JUDICIARY.

HB 1599, PN 1943 By Rep. HERMAN

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, further providing for compensation of auditors.

LOCAL GOVERNMENT.

HB 1675, PN 2398 (Amended) By Rep. GLADECK

An Act amending the act of May 13, 1915 (P.L.286, No.177), known as the Child Labor Law, further providing for employment of children at establishments where alcoholic beverages or malt liquor is sold.

LABOR RELATIONS.

HB 1717, PN 2103 By Rep. GANNON

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for the duration and amendment of protective orders and approved consent agreements.

JUDICIARY.

HB 1753, PN 2397 (Amended) By Rep. HERMAN

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, providing for governing body functions relating to conditional uses.

LOCAL GOVERNMENT.

HB 1856, PN 2287

By Rep. GANNON

An Act regulating the sale of unused property; requiring unused property merchants to maintain certain receipts; and prescribing penalties.

JUDICIARY.

SB 179, PN 173

By Rep. GANNON

An Act amending the act of November 22, 1978 (P.L.1166, No.274), entitled Pennsylvania Commission on Crime and Delinquency Law, further providing for composition of the commission.

JUDICIARY.

SB 360, PN 1112

By Rep. GANNON

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the right of action regarding profits received as a result of the commission of a crime.

JUDICIARY.

**BILL REPORTED AND REREFERRED TO
COMMITTEE ON
AGRICULTURE AND RURAL AFFAIRS**

HB 1864, PN 2299

By Rep. HERMAN

An Act amending the act of December 21, 1998 (P.L.1225, No.156), entitled "An act amending the act of December 19, 1974 (P.L.973, No.319), entitled 'An act prescribing the procedure under which an owner may have land devoted to agricultural use, agricultural reserve use, or forest reserve use, valued for tax purposes at the value it has for such uses, and providing for reassessment and certain interest payments when such land is applied to other uses and making editorial changes,' further providing for definitions, for dedicated agricultural land and for preferential assessment applications; providing for responsibilities of the Department of Agriculture; further providing for responsibilities of county assessors; providing for penalties; and further providing for division and transfer of land, for tax jurisdiction, for tax determination upon abandonment, for appeals and for regulations," further providing for administration; and providing for delayed implementation.

LOCAL GOVERNMENT.

BILL SIGNED BY SPEAKER

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

SB 173, PN 179

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

The SPEAKER. The gentleman, Mr. Cohen, seeks recognition. The gentleman is recognized.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, it is my understanding there are no more bills to be voted on today?

The SPEAKER. We have not concluded today's business yet. Shortly.

Mr. COHEN. Shortly. Thank you, Mr. Speaker.

The SPEAKER. The Chair requests the gentleman, Mr. DeWeese, to preside temporarily for the purpose of introducing some guests.

THE SPEAKER PRO TEMPORE (H. WILLIAM DeWEESE) PRESIDING

DELEGATION FROM PEOPLE'S REPUBLIC OF CHINA INTRODUCED

The SPEAKER pro tempore. Thank you very much, Mr. Speaker.

On behalf of Leslie Gromis and the Governor's Office and the Speaker of the House, Mr. Ryan, and those of us in the loyal opposition, I would like to introduce some young men and women from the People's Republic of China, who have traveled halfway around the world to experience some of our democracy. They have been visiting with the Governor's Office and now with some of us in the legislative branch, and I am honored to introduce this delegation from the People's Republic of China to the hall of the House.

Thank you very much, Mr. Speaker.

THE SPEAKER (MATTHEW J. RYAN) PRESIDING

VOTE CORRECTION

The SPEAKER. The Chair recognizes the gentleman, Mr. Coy. Mr. COY. I need to correct the record, Mr. Speaker.

On amendment 2643 to HB 913, I was not recorded and would like to be recorded in the affirmative.

The SPEAKER. The Chair thanks the gentleman.

Are there any further corrections to the record? Any announcements?

ANNOUNCEMENT BY MR. COHEN

The SPEAKER. Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I would like to suggest that members of the Democratic Caucus report to our caucus room. There will be informal discussions up there immediately upon the declaration of the recess.

VOTE CORRECTION

The SPEAKER. The gentleman, Mr. Dally.

Mr. DALLY. Thank you, Mr. Speaker.

On HB 913 my voting mechanism malfunctioned. I should be recorded as voting in the affirmative on HB 913.

The SPEAKER. The Chair thanks the gentleman.

Mr. DALLY. Thank you.

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

STATEMENT BY MAJORITY LEADER

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

Mr. PERZEL. Thank you, Mr. Speaker.

Mr. Speaker, I would like to take a few moments to talk about good news in Pennsylvania. This is news that the members of this General Assembly have had a direct hand in in helping and creating over the last several years.

The United States Census Bureau just completed research on the number of Americans who are enrolled in private or public health insurance programs. I am pleased, Mr. Speaker, that Pennsylvania is ranked among the leading States in the nation. The census report showed that nearly 9 out of 10 Pennsylvanians have some form of health-care insurance. This is significantly better than our neighbors New York, New Jersey, Delaware, Maryland, and only slightly, a little bit, behind Ohio. We are way ahead of States like Texas, California, Florida, and Illinois. We have made access to health care and improving the quality of health one of our top priorities in this General Assembly. We have expanded the CHIP program (Children's Health Insurance Program) with votes from both sides of the aisle to include another 122,000 children just this year alone. It is one of the best programs in the country. We are making sure that our children have the health care that they deserve. We have guaranteed access to health care for people who have been moved off of welfare and into jobs. That has been a guarantee we are keeping, Mr. Speaker, and we have got one of the best patient bill of rights in the country, Mr. Speaker.

This is just one more example of how we, the ladies and gentlemen of this General Assembly, this chamber, are responding to the needs of the people of the Commonwealth. We are not behind the times here, Mr. Speaker. We are not uncaring, as some would try to portray us. Just the opposite, Mr. Speaker. We are among the nation's leaders in taking care of our people, and it is time that the people of Pennsylvania know about it and we start talking about it.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Mr. DeWEESE. Mr. Speaker?

The SPEAKER. The gentleman, Mr. DeWeese.

Mr. DeWEESE. Many people in this State cannot see their own doctor. Number two, if somebody makes a terrible, grievous mistake in a health-care setting, in many cases in our beloved Pennsylvania, we cannot sue. So you cannot see your own doc sometimes; you cannot sue.

And third and finally — because I want to make these points really crisp and clear — we have a lot of bureaucrats instead of docs running the show in Pennsylvania. So Mr. DeLuca and some of the rest of us have some ideas that we would like to debate later on in the session, but if Pennsylvanians cannot see their own doctor and if Pennsylvanians cannot sue when some grievous malpractice is perpetrated against them and if we have bureaucrats rather than health-care professionals running the system, then notwithstanding the prepared remarks which I have just monitored, we still have room for debate.

Mr. PERZEL. Mr. Speaker?

The SPEAKER. Mr. Perzel.

Mr. PERZEL. Thank you, Mr. Speaker.

Just for the information of the members since probably a number of them do not know, both the Superior Court and the Supreme Court under two cases that have been before them have sustained the right of Pennsylvanians to sue their HMO (health maintenance organization) if they choose to sue their HMO.

But I was looking in the dictionary, because my counterpart on the other side looks into it a lot, and I found a word that I really find is very fitting for him, and it is called "disingenuous." Thank you, Mr. Speaker.

The SPEAKER. Mr. DeWeese.

Mr. DeWEESE. Mr. Speaker, I am blessed with a capacious sense of humor and I have a perdurable fondness for the majority leader which will go on unabated, notwithstanding the fact that that remark almost, almost breached the ad hominem, but knowing, knowing the professionalism in the Chair, at the dais, I know that would not be the case, but genuinely, if I might use my dexterity with philology on disingenuousness or I could even talk about ingenue, but I will not—

The SPEAKER. Thank you.

Mr. DeWEESE. Genuinely speaking, Mr. Speaker, we have a long way to go when it comes to our health maintenance organizations, and all I am going to proffer is that we have debate ahead of us and I look forward to it. Thank you.

The SPEAKER. The Chair thanks the gentleman.

STATEMENT BY MR. DeLUCA

The SPEAKER. Mr. DeLuca.

Mr. DeLUCA. Thank you, Mr. Speaker.

Under personal privilege.

The SPEAKER. The gentleman may proceed, under unanimous consent.

Mr. DeLUCA. Unanimous consent then, Mr. Speaker.

Mr. Speaker, yesterday we passed a House resolution, 249, by unanimous vote. This resolution marks Thursday, October 7, as "National Depression Screening Day." I want to thank everyone in this House for supporting this important resolution. However, this issue is so important that I wanted to take a few minutes and share some information with our members here in the House today.

Every day over 18 million people across the country cope with depression. Some of these people feel hopeless, sleepless, anxious; some even contemplate suicide. However, the vast majority of those who suffer from depression do not recognize their feelings as symptoms of clinical depression and therefore do not seek treatment. They feel that they will get over it or that it is normal to feel this way. For millions of Americans, it does not have to be this way.

Depression affects over 6 million older Americans, but only 10 percent of them ever seek treatment. Approximately 7 million women in the United States have been diagnosed with clinical depression, but only 1 out of every 3 women seek treatment. Left untreated, depression is a very costly illness. It costs more than heart disease, AIDS (acquired immune deficiency syndrome). The cost is \$43.7 billion in absenteeism from work, lost productivity, and other related costs.

The saddest thing, Mr. Speaker, about depression is that most of these people suffer unnecessarily. Current treatment has proven very successful. Over 80 percent of those seeking treatment

respond to treatment; 80 percent. We rarely have seen a success rate anywhere in the 80-percent category.

Today I ask that everyone take note that this Thursday is "National Depression Screening Day." This day is set aside to educate the public about the symptoms and the effective treatment for depression and to connect those in need of treatment to the mental health system. There are screening sites in almost every area of our Commonwealth; there are over 3,000 sites nationwide.

What I am asking the members of this House is to try to help, to get to some of these individuals, try to do away with the stigma of mental health, because this is a treatable illness. They have found more and more treatments to address this, and we can help our constituents by making them aware that this is nothing to be ashamed of; this is an illness like any other physical illness, and we should be able to help, and there is help out there.

I say to the public listening today, help yourself. If you have these symptoms, go see your physician. There is treatment. There is no need to suffer.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER. Any further business, majority leader or minority leader? Committee chairmen, reports of committees? Corrections to the record?

Hearing none, the Chair recognizes the gentleman from Allegheny County, Mr. Maher.

Mr. MAHER. Mr. Speaker, I move that this House do now adjourn until Wednesday, October 6, 1999, at 11 a.m., e.d.t., unless sooner recalled by the Chair.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 1:08 p.m., e.d.t., the House adjourned.