

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, OCTOBER 2, 1990

SESSION OF 1990

174TH OF THE GENERAL ASSEMBLY

No. 55

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (ROBERT W. O'DONNELL) PRESIDING

The SPEAKER. The Chair requests the distinguished gentleman from Erie, Mr. Dombrowski, to preside.

THE SPEAKER PRO TEMPORE (BERNARD J. DOMBROWSKI) PRESIDING

PRAYER

REV. CLYDE W. ROACH, Chaplain of the House of Representatives, from Harrisburg, Pennsylvania, offered the following prayer:

Let us pray:

Almighty God, we are pleased that You are our shepherd and that You lead us in paths of righteousness for Your name's sake. Continue to guide us each step of the way. When we stumble, strengthen our weary feet; when we become tired, let us rest under the shadow of Your wings; and when we walk into difficult situations, may we hear Your still small voice telling us still to fight on, for You have promised never to leave us, never to leave us alone.

We are thankful that Your grace is sufficient for every circumstance, and so we need not fear.

Teach us that when the battle is Yours, the victory is ours.

In Your dear name we pray. 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 1, 1990, will be postponed until printed. The Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2947 By Representatives TRELLO, DeLUCA, COY, CAPPABIANCA, MELIO,

KOSINSKI, MICOZZIE, LaGROTTA, BELARDI, HARPER, OLASZ, RYBAK, VAN HORNE, NAHILL, CORRIGAN, CARLSON, PESCI, JOHNSON, MAIALE, GIGLIOTTI, MIHALICH, LAUGHLIN, E. Z. TAYLOR, MORRIS, JOSEPHS, THOMAS, CIVERA, ADOLPH and J. TAYLOR

An Act amending the act of November 4, 1983 (P. L. 217, No. 63), known as the "Pharmaceutical Assistance Contract for the Elderly Act," providing for a fixed copayment for a prescription filled with a generic drug.

Referred to Committee on YOUTH AND AGING, October 2, 1990.

No. 2948 By Representatives GRUITZA and LaGROTTA

An Act designating the section of L.R.238, Spur C, Mercer County, Pennsylvania as the Nick Strimbu Junior Industrial Corridor.

Referred to Committee on TRANSPORTATION, October 2, 1990.

No. 2949 By Representatives COHEN, MRKONIC, HAYES, COWELL, NAILOR, CAPPABIANCA, DEMPSEY, JAROLIN, CARLSON, RYBAK, KENNEY, BATTISTO, JACKSON, BILLOW, ANGSTADT, PISTELLA, GODSHALL, HALUSKA, DIETTERICK, STABACK, BELFANTI, STISH, PESCI, TIGUE, COLE, TRICH, JOSEPHS, KASUNIC, BROUJOS, MORRIS, LINTON, TRELLO, COLAIZZO, WAMBACH, MELIO and ITKIN

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for leaves of absence and for employment discrimination involving military status of members of the Pennsylvania National Guard and other reserve components of the armed forces of the United States; and further providing for powers and duties of the Department of Military Affairs relating to employment discrimination.

Referred to Committee on MILITARY AND VETERANS AFFAIRS, October 2, 1990.

No. 2950 By Representatives LLOYD, MIHALICH, TIGUE, RUDY, BILLOW and SCRIMENTI

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, regulating vehicles being towed to inspection stations.

Referred to Committee on TRANSPORTATION, October 2, 1990.

No. 2951 By Representatives LLOYD, TIGUE and BILLOW

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, regulating fog lamps.

Referred to Committee on TRANSPORTATION, October 2, 1990.

No. 2952 By Representatives LEVDANSKY, MIHALICH, KUKOVICH, JOHNSON, HAYDEN, FARGO, MICHLOVIC, HERMAN, TRELLO, D. W. SNYDER, BILLOW, DEMPSEY, COLAIZZO, WASS, RUDY, NOYE, MELIO, NAHILL, McNALLY, CIVERA, JOSEPHS, MAINE, PISTELLA, PESCI, CORRIGAN, McCALL and MERRY

An Act amending the act of December 15, 1955 (P. L. 865, No. 256), entitled "An act requiring rents and royalties from oil and gas leases of Commonwealth land to be placed in a special fund to be used for conservation, recreation, dams, and flood control; authorizing the Secretary of Forests and Waters to determine the need for and location of such projects and to acquire the necessary land," further providing for the use of moneys in the fund.

Referred to Committee on CONSERVATION, October 2, 1990.

No. 2953 By Representatives LEVDANSKY, MIHALICH, TANGRETTI, GEIST, CAPPABIANCA, FARGO, COWELL, SERAFINI, MELIO, DEMPSEY, CORRIGAN, KASUNIC, TRELLO, JOHNSON, TIGUE, HARPER, DeLUCA, PRESTON, BILLOW, MORRIS, PESCI, JOSEPHS, GLADECK, DIETTERICK and ITKIN

An Act amending the act of July 1, 1987 (P. L. 187, No. 24), entitled "An act requiring retail gasoline dealers to post gasoline additive information; and imposing penalties," requiring the Department of Agriculture to establish standards relating to octane levels and additives, to develop a testing program and to enforce the standards established.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, October 2, 1990.

No. 2954 By Representatives LEVDANSKY, MARKOSEK, CESSAR, COWELL, PISTELLA, MICHLOVIC, TRELLO, McVERRY and GIGLIOTTI

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), known as the "Pennsylvania Election Code," further providing for primary election notices in second class counties.

Referred to Committee on STATE GOVERNMENT, October 2, 1990.

No. 2955 By Representatives MICHLOVIC, McVERRY, TRELLO, GIGLIOTTI, COWELL, PISTELLA and CESSAR

An Act amending the act of July 28, 1953 (P. L. 723, No. 230), known as the "Second Class County Code," authorizing the county planning commission to adopt certain regulations.

Referred to Committee on LOCAL GOVERNMENT, October 2, 1990.

No. 2956 By Representatives PISTELLA, COWELL, CESSAR, TRELLO, McVERRY and GIGLIOTTI

An Act amending the act of June 18, 1982 (P. L. 547, No. 158), referred to as the "Clerk of Courts Fee Law," providing for establishment of fees by the clerk of courts; and making an editorial change.

Referred to Committee on LOCAL GOVERNMENT, October 2, 1990.

No. 2957 By Representatives MERRY, STABACK, MOEHLMANN, FARMER, E. Z. TAYLOR, JACKSON, BURD, PESCI, McVERRY, DEMPSEY, BELFANTI, FOX, DIETTERICK, BLACK, TIGUE, DISTLER, BATTISTO, ROBBINS, LASHINGER, BILLOW, HALUSKA, HESS, LAUGHLIN, TRELLO, HAGARTY, FARGO, NAILOR and ITKIN

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), known as the "Liquor Code," further providing for special occasion permits.

Referred to Committee on LIQUOR CONTROL, October 2, 1990.

No. 2958 By Representatives HAYDEN, EVANS, LEVDANSKY, ROEBUCK, WILLIAMS, DONATUCCI, RIEGER and JOSEPHS

An Act providing for enhanced penalty authority for publicly owned treatment works which are authorized to enforce industrial pretreatment standards for industrial waste discharges.

Referred to Committee on CONSERVATION, October 2, 1990.

LEAVES OF ABSENCE

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

The Chair recognizes the gentleman from Lawrence, Mr. Fee.

Mr. FEE. Thank you, Mr. Speaker.

It is certainly nice to see your smiling face up there after all these years.

We wish leave for the gentleman from Lehigh, Mr. McHALE, and the gentleman from Northampton, Mr. FREEMAN, for today. Thank you, Mr. Speaker.

The SPEAKER pro tempore. Thank you.
 Are there any requests from the minority whip?
 Mr. HAYES. Thank you, Mr. Speaker.

I request a leave for the gentleman from Dauphin County, Mr. DININNI, for the day, and the gentleman from Philadelphia County, Mr. John TAYLOR, for the day.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Without objection, the leaves of absence are granted for today.

MASTER ROLL CALL

The SPEAKER pro tempore. The Chair is about to take up the master roll call. Would the members please come up to the floor of the House. The members will proceed to vote on the master roll.

The following roll call was recorded:

PRESENT—196

Acosta	Donatucci	Lashinger	Rieger
Adolph	Dorr	Laughlin	Ritter
Allen	Durham	Lee	Robbins
Angstadt	Evans	Leh	Robinson
Argall	Fairchild	Lescovitz	Roebuck
Barley	Fargo	Levdansky	Rudy
Battisto	Farmer	Linton	Ryan
Belardi	Fee	Lloyd	Rybak
Belfanti	Fleagle	Lucyk	Saloom
Billow	Flick	McCall	Saurman
Birmelin	Foster	McNally	Scheetz
Bishop	Fox	McVerry	Schuler
Black	Freind	Majale	Scrimenti
Blaum	Gallen	Maine	Semmel
Bortner	Gamble	Markosek	Serafini
Bowley	Gannon	Marsico	Smith, B.
Boyes	Geist	Mayermik	Smith, S. H.
Brandt	George	Melio	Snyder, D. W.
Broujos	Gigliotti	Merry	Snyder, G.
Bunt	Gladeck	Michlovic	Staback
Burd	Godshall	Micoozie	Stairs
Burns	Gruitza	Mihalich	Steighner
Bush	Gruppo	Miller	Stish
Caltagirone	Hagarty	Moehlmann	Strittmatter
Cappabianca	Haluska	Morris	Suban
Carlson	Harper	Mowery	Tangretti
Carn	Hasay	Mrkonic	Taylor, E. Z.
Cawley	Hayden	Murphy	Taylor, F.
Cessar	Hayes	Nahill	Telek
Chadwick	Heckler	Nailor	Thomas
Civera	Herman	Noye	Tigue
Clark, B. D.	Hershey	O'Brien	Trello
Clark, D. F.	Hess	Olasz	Trich
Clark, J. H.	Howlett	Oliver	Van Horne
Clymer	Hughes	Perzel	Veon
Cohen	Itkin	Pesci	Vroon
Colaafella	Jackson	Petrarca	Wambach
Colaizzo	Jadlowiec	Petrone	Wass
Cole	James	Phillips	Weston
Cornell	Jarolin	Piccola	Williams
Corrigan	Johnson	Pievsky	Wilson
Cowell	Josephs	Pistella	Wogan
Coy	Kaiser	Pitts	Wozniak
DeLuca	Kasunic	Pressmann	Wright, D. R.
DeWeese	Kenney	Preston	Wright, R. C.
Daley	Kondrich	Raymond	Yandrisevits
Davies	Kosinski	Reber	
Dempsey	Kukovich	Reinard	O'Donnell,
Distler	LaGrotta	Richardson	Speaker
Dombrowski	Langtry		

ADDITIONS—0

NOT VOTING—0

EXCUSED—6

Dietterick Freeman Taylor, J. Wright, J. L.
 Dininni McHale

LEAVES CANCELED—2

Freeman Taylor, J.

COMMUNICATION

LOBBYIST LIST PRESENTED

The SPEAKER pro tempore. The Chair is in receipt of a list of lobbyists, which the clerk will file.

The following communication was submitted:

Senate of Pennsylvania
 October 1, 1990

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

In compliance with Act No. 712 of the 1961 Session and Act No. 212 of the 1976 Session of the General Assembly titled the "Lobbying Registration and Regulation Act," we herewith jointly present a list containing the names and addresses of the persons who have registered from September 1, 1990 through September 30, 1990 inclusive, for the 174th Session of the General Assembly. This list also contains the names and addresses of the organizations represented by these registrants.

Respectfully submitted:
 Mark R. Corrigan, Secretary
 Senate of Pennsylvania
 John J. Zubeck, Chief Clerk
 House of Representatives

(For list, see Appendix.)

CALENDAR

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 2725, PN 3813; and SB 702, PN 2538.

* * *

The House proceeded to second consideration of **HB 2708, PN 4038**, entitled:

An Act amending the act of November 26, 1975 (P. L. 438, No. 124), known as the "Child Protective Services Law," providing for information relating to certain residents of child-care homes.

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

BILL RECOMMENDED

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

Mr. DeWEESE. Mr. Speaker, I move that HB 2708 be recommitted to the Committee on Appropriations for a fiscal note.

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

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2158, PN 2862**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for Commonwealth portion of fines, etc.

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?

The Chair recognizes the gentleman from Indiana, Mr. Wass.

Mr. WASS. Thank you, Mr. Speaker.

Mr. Speaker, I would like to interrogate somebody regarding this legislation. I wonder who that person would be.

The SPEAKER pro tempore. The lady, Mrs. Rudy, from Centre will consent to interrogation.

Mr. WASS. Mr. Speaker, the legislation appropriates dollars to the State that now go to the county. Is that right?

Mrs. RUDY. Yes; only in situations where the citation for the fine would be issued by a member of the Department of Agriculture. If it is issued by a member of the Bureau of Weights and Measures from the county, that money would remain in the county.

Mr. WASS. Mr. Speaker, if I may, what is the loss to the county under this legislation? How many dollars will the county lose?

Mrs. RUDY. Mr. Speaker, according to the fiscal impact note that I received, presently the inspectors of the State Weights and Measures receive \$50,000, and as a result of this bill they would receive \$70,000. So there would be approximately a \$20,000 difference. That would be spread throughout all the counties in this Commonwealth.

Mr. WASS. Mr. Speaker, I am sorry, but I could not hear the lady.

Mrs. RUDY. Mr. Speaker, in a nutshell, the difference would be \$20,000 divided by the 67 counties in this Commonwealth.

Mr. WASS. Thank you very much.

On the question recurring,
Shall the bill pass finally?

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

YEAS—193

Acosta	Donatucci	Lashingier	Ritter
Adolph	Dorr	Laughlin	Robbins
Allen	Durham	Lee	Robinson
Angstadt	Evans	Leh	Roebuck
Argall	Fairchild	Lescovitz	Rudy
Barley	Fargo	Levdansky	Ryan
Battisto	Farmer	Linton	Rybak
Belardi	Fee	Lloyd	Saloom
Belfanti	Fleagle	Lucyk	Saurman
Billow	Flick	McCall	Scheetz
Birmelin	Foster	McNally	Schuler
Bishop	Fox	McVerry	Scrimenti
Black	Freind	Maiale	Semmel
Blaum	Gallen	Maine	Serafini
Bortner	Gamble	Markosek	Smith, B.
Bowley	Gannon	Marsico	Smith, S. H.
Boyes	George	Mayerick	Snyder, D. W.
Brandt	Gigliotti	Melio	Snyder, G.
Broujos	Gladeck	Merry	Staback
Bunt	Godshall	Michlovic	Stairs
Burd	Gruitza	Micozzie	Steighner
Burns	Gruppo	Mihalich	Stish
Bush	Hagarty	Miller	Strittmatter
Caltagirone	Haluska	Moehlmann	Suban
Cappabianca	Harper	Morris	Tangretti
Carlson	Hasay	Mrkonic	Taylor, E. Z.
Carn	Hayden	Murphy	Taylor, F.
Cawley	Hayes	Nahill	Telek
Cessar	Heckler	Nailor	Thomas
Chadwick	Herman	Noye	Tigue
Civera	Hershey	O'Brien	Trello
Clark, B. D.	Hess	Olasz	Trich
Clark, D. F.	Howlett	Oliver	Van Horne
Clark, J. H.	Hughes	Perzel	Veon
Clymer	Itkin	Pesci	Vroon
Cohen	Jackson	Petrarca	Wambach
Colafiglia	Jadlowiec	Petrone	Wass
Colaizzo	James	Phillips	Weston
Cornell	Jarolin	Piccola	Williams
Corrigan	Johnson	Pievsky	Wilson
Cowell	Josephs	Pistella	Wogan
Coy	Kaiser	Pitts	Wozniak
DeLuca	Kasunic	Pressmann	Wright, D. R.
DeWeese	Kenney	Preston	Wright, R. C.
Daley	Kondrich	Raymond	Yandrisevits
Davies	Kosinski	Reber	
Dempsey	Kukovich	Reinard	O'Donnell,
Distler	LaGrotta	Richardson	Speaker
Dombrowski	Langtry	Rieger	

NAYS—0

NOT VOTING—3

Cole	Geist	Mowery
		EXCUSED—6
Dietterick	Freeman	Taylor, J.
Dininni	McHale	Wright, J. L.

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 2171, PN 3213**, entitled:

An Act amending the act of December 1, 1965 (P. L. 988, No. 368), known as the "Weights and Measures Act of 1965," further providing for the types of weights and measures governed by the act; authorizing the regulation of persons engaged in selling, installing and repairing commercial weighing and measuring devices; and further providing for certain standards, testing and procedures and for the sale and packaging of certain commodities.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—196

Acosta	Donatucci	Lashingier	Rieger
Adolph	Dorr	Laughlin	Ritter
Allen	Durham	Lee	Robbins
Angstadt	Evans	Leh	Robinson
Argall	Fairchild	Lescovitz	Roebuck
Barley	Fargo	Levdansky	Rudy
Battisto	Farmer	Linton	Ryan
Belardi	Fee	Lloyd	Rybak
Belfanti	Fleagle	Lucyk	Saloom
Billow	Flick	McCall	Saurman
Birmelin	Foster	McNally	Scheetz
Bishop	Fox	McVerry	Schuler
Black	Freind	Maiale	Scrimenti
Blaum	Gallen	Maine	Semmel
Bortner	Gamble	Markosek	Serafini
Bowley	Gannon	Marsico	Smith, B.
Boyes	Geist	Mayernik	Smith, S. H.
Brandt	George	Melio	Snyder, D. W.
Broujos	Gigliotti	Merry	Snyder, G.
Bunt	Gladeck	Michlovic	Staback
Burd	Godshall	Micozzie	Stairs
Burns	Gruitza	Mihalich	Steighner
Bush	Gruppo	Miller	Stish
Caltagirone	Hagarty	Moehlmann	Strittmatter
Cappabianca	Haluska	Morris	Stuban
Carlson	Harper	Mowery	Tangretti
Carn	Hasay	Mrkonic	Taylor, E. Z.
Cawley	Hayden	Murphy	Taylor, F.
Cessar	Hayes	Nahill	Telek
Chadwick	Heckler	Nailor	Thomas
Civera	Herman	Noye	Tigue
Clark, B. D.	Hershey	O'Brien	Trello
Clark, D. F.	Hess	Olasz	Trich
Clark, J. H.	Howlett	Oliver	Van Horne
Clymer	Hughes	Perzel	Veon
Cohen	Itkin	Pesci	Vroon
Colafiglia	Jackson	Petrarca	Wambach
Colaizzo	Jadlowiec	Petrone	Wass
Cole	James	Phillips	Weston
Cornell	Jarolin	Piccola	Williams
Corrigan	Johnson	Pievsky	Wilson
Cowell	Josephs	Pistella	Wogan
Coy	Kaiser	Pitts	Wozniak
DeLuca	Kasunic	Pressmann	Wright, D. R.
DeWeese	Kenney	Preston	Wright, R. C.
Daley	Kondrich	Raymond	Yandrisevits
Davies	Kosinski	Reber	

Dempsey
Distler
Dombrowski

Kukovich
LaGrotta
Langtry

Reinard
Richardson

O'Donnell,
Speaker

NAYS—0

NOT VOTING—0

EXCUSED—6

Dietterick
Dininni

Freeman
McHale

Taylor, J.

Wright, J. L.

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 2187, PN 2915**, entitled:

An Act amending the act of May 5, 1921 (P. L. 389, No. 187), entitled "An act to regulate and control the manufacture, sale, offering for sale, giving away, and use of weights and measures and of weighing and measuring devices in the Commonwealth of Pennsylvania; providing for the approval and disapproval of such weights, measures, and devices by the Bureau of Standards; and prescribing penalties," defining certain terms; further providing for the approval of weights, measures and devices; increasing penalties; and making editorial changes.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—192

Adolph	Donatucci	Laughlin	Rieger
Allen	Durham	Lee	Ritter
Angstadt	Evans	Leh	Robbins
Argall	Fairchild	Lescovitz	Robinson
Barley	Fargo	Levdansky	Roebuck
Battisto	Farmer	Linton	Rudy
Belardi	Fee	Lloyd	Ryan
Belfanti	Fleagle	Lucyk	Rybak
Billow	Flick	McCall	Saloom
Birmelin	Foster	McNally	Saurman
Bishop	Fox	McVerry	Scheetz
Black	Freind	Maiale	Schuler
Blaum	Gallen	Maine	Scrimenti
Bortner	Gamble	Markosek	Semmel
Bowley	Gannon	Marsico	Serafini
Boyes	Geist	Mayernik	Smith, B.
Brandt	George	Melio	Smith, S. H.
Broujos	Gigliotti	Merry	Snyder, D. W.
Bunt	Gladeck	Michlovic	Snyder, G.
Burd	Godshall	Micozzie	Staback
Burns	Gruitza	Mihalich	Stairs
Bush	Gruppo	Miller	Steighner
Caltagirone	Hagarty	Moehlmann	Stish
Cappabianca	Haluska	Morris	Strittmatter
Carlson	Harper	Mowery	Stuban
Carn	Hasay	Mrkonic	Tangretti
Cawley	Hayden	Murphy	Taylor, E. Z.

Cessar	Hayes	Nahill	Taylor, F.
Chadwick	Heckler	Nailor	Telek
Civera	Herman	Noye	Thomas
Clark, B. D.	Hershey	O'Brien	Tigue
Clark, D. F.	Hess	Olasz	Trello
Clark, J. H.	Howlett	Oliver	Trich
Clymer	Hughes	Perzel	Veon
Cohen	Itkin	Pesci	Vroon
Colaella	Jackson	Petrarca	Wambach
Colaizzo	Jadlowiec	Petrone	Wass
Cole	Jarolin	Phillips	Weston
Cornell	Johnson	Piccola	Williams
Corrigan	Josephs	Pievsky	Wilson
Cowell	Kaiser	Pistella	Wogan
Coy	Kasunic	Pitts	Wozniak
DeLuca	Kenney	Pressmann	Wright, D. R.
DeWeese	Kondrich	Preston	Wright, R. C.
Daley	Kosinski	Raymond	Yandrisevits
Davies	Kukovich	Reber	
Dempsey	LaGrotta	Reinard	O'Donnell,
Distler	Langtry	Richardson	Speaker
Dombrowski	Lashingier		

NAYS—0

NOT VOTING—4

Acosta	Dorr	James	Van Horne
--------	------	-------	-----------

EXCUSED—6

Dietterick	Freeman	Taylor, J.	Wright, J. L.
Dininni	McHale		

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 2188, PN 3214**, entitled:

An Act providing for the licensing of public weighmasters and defining their powers and duties; regulating the sale and delivery of solid fuel and other commodities sold or priced by weight; providing for certain powers and duties of the Department of Agriculture; imposing penalties; and making repeals.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—196

Acosta	Donatucci	Lashingier	Rieger
Adolph	Dorr	Laughlin	Ritter
Allen	Durham	Lee	Robbins
Angstadt	Evans	Leh	Robinson
Argall	Fairchild	Lescovitz	Roebuck
Barley	Fargo	Levdansky	Rudy
Battisto	Farmer	Linton	Ryan
Belardi	Fee	Lloyd	Rybak
Belfanti	Fleagle	Lucyk	Saloom
Billow	Flick	McCall	Saurman
Birmelin	Foster	McNally	Scheetz

Bishop	Fox	McVerry	Schuler
Black	Freind	Maijale	Scrimenti
Blaum	Gallen	Maine	Semmel
Bortner	Gamble	Markosek	Serafini
Bowley	Gannon	Marsico	Smith, B.
Boyes	Geist	Mayernik	Smith, S. H.
Brandt	George	Melio	Snyder, D. W.
Broujos	Gigliotti	Merry	Snyder, G.
Bunt	Gladeck	Michlovic	Staback
Burd	Godshall	Micozzie	Stairs
Burns	Gruitza	Mihalich	Steighner
Bush	Gruppo	Miller	Stish
Caltagirone	Hagarty	Moehlmann	Strittmatter
Cappabianca	Haluska	Morris	Stuban
Carlson	Harper	Mowery	Tangretti
Carn	Hasay	Mrkonic	Taylor, E. Z.
Cawley	Hayden	Murphy	Taylor, F.
Cessar	Hayes	Nahill	Telek
Chadwick	Heckler	Nailor	Thomas
Civera	Herman	Noye	Tigue
Clark, B. D.	Hershey	O'Brien	Trello
Clark, D. F.	Hess	Olasz	Trich
Clark, J. H.	Howlett	Oliver	Van Horne
Clymer	Hughes	Perzel	Veon
Cohen	Itkin	Pesci	Vroon
Colaella	Jackson	Petrarca	Wambach
Colaizzo	Jadlowiec	Petrone	Wass
Cole	James	Phillips	Weston
Cornell	Jarolin	Piccola	Williams
Corrigan	Johnson	Pievsky	Wilson
Cowell	Josephs	Pistella	Wogan
Coy	Kaiser	Pitts	Wozniak
DeLuca	Kasunic	Pressmann	Wright, D. R.
DeWeese	Kenney	Preston	Wright, R. C.
Daley	Kondrich	Raymond	Yandrisevits
Davies	Kosinski	Reber	
Dempsey	Kukovich	Reinard	O'Donnell,
Distler	LaGrotta	Richardson	Speaker
Dombrowski	Langtry		

NAYS—0

NOT VOTING—0

EXCUSED—6

Dietterick	Freeman	Taylor, J.	Wright, J. L.
Dininni	McHale		

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.

VOTE CORRECTION

Mr. **GEIST**. Mr. Speaker, to correct a vote.

The **SPEAKER** pro tempore. The gentleman, Mr. Geist, may proceed.

Mr. **GEIST**. Thank you.

Mr. Speaker, on the first bill voted today, HB 2158, I was recorded as not voting. I would like to be recorded in the affirmative. Thank you.

The **SPEAKER** pro tempore. The gentleman's remarks will be spread upon the record.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **SB 867, PN 1329**, entitled:

An Act prohibiting certain conduct with respect to caves; prohibiting the sale of certain minerals; and imposing penalties.

On the question,

Will the House agree to the bill on third consideration?

Mr. HAYDEN offered the following amendments No. A3396:

Amend Sec. 3, page 2, lines 24 and 25, by striking out all of said lines

Amend Sec. 3, page 3, by inserting between lines 11 and 12 "Police officer." An individual authorized by law to make arrests for violations of the criminal laws of this Commonwealth.

Amend Sec. 4, page 3, line 27, by striking out "POWERS AND DUTIES OF DEPARTMENT" and inserting Enforcement

Amend Sec. 4, page 3, line 28, by striking out all of said line and inserting

Police officers employed in this Commonwealth shall

Amend Sec. 5, page 3, line 30; page 4, lines 1 through 4, by striking out all of said lines

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

5

Amend Sec. 7, page 5, line 9, by striking out "7" and inserting

6

Amend Sec. 8, page 5, line 13, by striking out "8" and inserting

7

Amend Sec. 8, page 5, line 22, by striking out "6" and inserting

5

Amend Sec. 9, page 5, line 23, by striking out "9" and inserting

8

Amend Sec. 9, page 6, line 3, by striking out "DEPARTMENT" and inserting

Department of Environmental Resources

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

9

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The gentleman, Mr. Hayden, is recognized.

Mr. HAYDEN. Thank you, Mr. Speaker.

Mr. Speaker, this amendment would remove the primary enforcement authority under this act away from the Department of Environmental Resources and put it where it more properly belongs, which is in the various police departments in the Commonwealth since these violations are more appropriately along the lines of trespass.

We have consulted with the prime sponsor of the bill over in the Senate, and he agrees to the provision. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—195

Acosta	Donatucci	Langtry	Rieger
Adolph	Dorr	Lashingner	Ritter
Allen	Durham	Laughlin	Robbins
Angstadt	Evans	Lee	Robinson
Argall	Fairchild	Leh	Roebuck
Barley	Fargo	Lescovitz	Rudy
Battisto	Farmer	Levdansky	Ryan
Belardi	Fee	Linton	Rybak
Belfanti	Fleagle	Lloyd	Saloom
Billow	Flick	Lucyk	Saurman
Birmelin	Foster	McCall	Scheetz
Bishop	Fox	McNally	Schuler
Black	Freind	McVerry	Scrimenti
Blaum	Gallen	Maiale	Semmel
Bortner	Gamble	Maine	Serafini
Bowley	Gannon	Markosek	Smith, B.
Boyes	Geist	Marsico	Smith, S. H.
Brandt	George	Mayernik	Snyder, D. W.
Broujos	Gigliotti	Melio	Snyder, G.
Bunt	Gladeck	Merry	Staback
Burd	Godshall	Michlovic	Stairs
Burns	Gruitza	Micozzie	Steighner
Bush	Gruppo	Mihalich	Stish
Caltagirone	Hagarty	Miller	Strittmatter
Cappabianca	Haluska	Moehlmann	Stuban
Carlson	Harper	Morris	Tangretti
Carn	Hasay	Mowery	Taylor, E. Z.
Cawley	Hayden	Mrkonic	Taylor, F.
Cessar	Hayes	Murphy	Telek
Chadwick	Heckler	Nahill	Thomas
Civera	Herman	Nailor	Tigue
Clark, B. D.	Hershey	Noye	Trello
Clark, D. F.	Hess	O'Brien	Trich
Clark, J. H.	Howlett	Olasz	Van Horne
Clymer	Hughes	Perzel	Veon
Cohen	Itkin	Pesci	Vroon
Colaella	Jackson	Petrarca	Wambach
Colaizzo	Jadlowiec	Petrone	Wass
Cole	James	Phillips	Weston
Cornell	Jarolin	Piccola	Williams
Corrigan	Johnson	Pievsky	Wilson
Cowell	Josephs	Pistella	Wogan
Coy	Kaiser	Pitts	Wozniak
DeLuca	Kasunic	Pressmann	Wright, D. R.
DeWeese	Kenny	Preston	Wright, R. C.
Daley	Kondrich	Raymond	Yandrisevits
Davies	Kosinski	Reber	
Dempsey	Kukovich	Reinard	O'Donnell,
Distler	LaGrotta	Richardson	Speaker
Dombrowski			

NAYS—0

NOT VOTING—1

Oliver

EXCUSED—6

Dietterick	Freeman	Taylor, J.	Wright, J. L.
Dininni	McHale		

The question was determined in the affirmative, and the amendments were agreed to.

On the question,

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

Mr. BIRMELIN offered the following amendments No. A3657:

Amend Title, page 1, lines 1 and 2, by striking out "prohibiting the sale of certain minerals;"

Amend Sec. 7, page 5, lines 9 through 12, by striking out all of said lines

Amend Sec. 8, page 5, line 13, by striking out "8" and inserting

7

Amend Sec. 9, page 5, line 23, by striking out "9" and inserting

8

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

9

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

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

Mr. BIRMELIN. Thank you, Mr. Speaker.

Let me just briefly explain my amendment. It deletes section 7.

This bill I think is a pretty good bill defending the property rights of those who own caves from vandalism and people who would steal and mar or deface the caves of Pennsylvania. However, I believe that section 7 is inconsistent with the philosophy of the bill in protecting owners, because it says that it would then be unlawful for them to sell any of the naturally found minerals in the caves, and I think that takes away from the property rights of the owners.

I would ask that the members would agree with me and vote for this amendment, which restores the full property rights for cave owners. Thank you very much.

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

The following roll call was recorded:

YEAS—195

Table with 4 columns of names: Acosta, Adolph, Allen, Angstadt, Argall, Barley, Battisto, Belardi, Belfanti, Billow, Birmelin, Bishop, Black, Blaum, Bortner, Bowley, Boyes, Brandt, Broujos, Bunt, Burd, Burns, Bush, Caltagirone, Cappabianca, Carlson, Carn, Donatucci, Dorr, Durham, Evans, Fairchild, Fargo, Farmer, Fee, Fleagle, Flick, Foster, Fox, Freind, Gallen, Gamble, Gannon, Geist, George, Gigliotti, Gladeck, Godshall, Gruitza, Gruppo, Hagarty, Haluska, Harper, Hasay, Langtry, Lashinger, Laughlin, Lee, Leh, Lescovitz, Levdansky, Linton, Lloyd, Lucyk, McCall, McNally, McVerry, Maiale, Maine, Markosek, Marsico, Mayernik, Melio, Merry, Michlovic, Micozzie, Mihalich, Miller, Moehlmann, Morris, Mowery, Richardson, Rieger, Ritter, Robbins, Robinson, Roebuck, Rudy, Ryan, Rybak, Saloom, Saurman, Scheetz, Schuler, Scrimenti, Semmel, Serafini, Smith, B., Smith, S. H., Snyder, D. W., Staback, Stairs, Steighner, Stish, Strittmatter, Stuban, Tangretti

Table with 4 columns of names: Cawley, Cessar, Chadwick, Civera, Clark, B. D., Clark, D. F., Clark, J. H., Clymer, Cohen, Colafella, Colaizzo, Cole, Cornell, Corrigan, Cowell, Coy, DeLuca, DeWeese, Daley, Davies, Dempsey, Distler, Dombrowski, Hayden, Hayes, Heckler, Herman, Hershey, Hess, Howlett, Hughes, Itkin, Jackson, Jadlowiec, James, Jarolin, Johnson, Josephs, Kaiser, Kasunic, Kenney, Kondrich, Kosinski, Kukovich, LaGrotta, Mrkonic, Murphy, Nahill, Nailor, Noye, O'Brien, Olasz, Oliver, Perzel, Pesci, Petrarca, Petrone, Phillips, Piccola, Pievsky, Pistella, Pitts, Pressmann, Preston, Raymond, Reber, Reinard, Taylor, E. Z., Taylor, F., Telek, Tigue, Trello, Trich, Van Horne, Veon, Vroon, Wambach, Wass, Weston, Williams, Wilson, Wogan, Wozniak, Wright, D. R., Wright, R. C., Yandrisevits, O'Donnell, Speaker

NAYS—0

NOT VOTING—1

Thomas

EXCUSED—6

Table with 4 columns of names: Dieterick, Dininni, Freeman, McHale, Taylor, J., Wright, J. L.

The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,

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

BILL PASSED OVER TEMPORARILY

The SPEAKER pro tempore. The gentleman from Allegheny, Mr. Levdansky, is having an amendment prepared, so we will pass over the bill temporarily.

* * *

The House proceeded to third consideration of HB 2183, PN 3605, entitled:

An Act amending the act of April 27, 1927 (P. L. 465, No. 299), referred to as the "Fire and Panic Act," providing for penalties relating to school tobacco control; and further providing for penalties relating to smoking in prohibited areas.

On the question,

Will the House agree to the bill on third consideration?

Mr. GODSHALL offered the following amendment No. A3659:

Amend Sec. 1 (Sec. 3.5), page 1, line 24; page 2, line 1, by striking out all of said lines on said pages and inserting

(f) A violation of subsection (a) shall be punishable by a civil fine

On the question,

Will the House agree to the amendment?

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

Mr. GODSHALL. Thank you, Mr. Speaker.
 In order to clarify some of the ambiguities that have arisen in the School Tobacco Control Act, we are offering this amendment.

I would like to have recognized Representative Reber at this time to explain that amendment.

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

Mr. REBER. Thank you, Mr. Speaker.

Mr. Speaker, I support the amendment introduced by Representative Godshall. This is an amendment to the School Tobacco Control Act, which I introduced and was enacted into law back in 1988 as part of the Clean Indoor Air Act.

There has been some confusion and ambiguity in the enforcement provisions as this particular act has been applied, and I think the Godshall amendment and the bill as it is being amended by amendment A3659 clarifies the penalty provisions and will allow for uniform enforcement.

I urge the adoption by the House. Thank you.

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

The following roll call was recorded:

YEAS—196

Acosta	Donatucci	Lashinger	Rieger
Adolph	Dorr	Laughlin	Ritter
Allen	Durham	Lee	Robbins
Angstadt	Evans	Leh	Robinson
Argall	Fairchild	Lescovitz	Roebuck
Barley	Fargo	Levdansky	Rudy
Battisto	Farmer	Linton	Ryan
Belardi	Fee	Lloyd	Rybak
Belfanti	Fleagle	Lucyk	Saloom
Billow	Flick	McCall	Saurman
Birmelin	Foster	McNally	Scheetz
Bishop	Fox	McVerry	Schuler
Black	Freind	Maiale	Scrimenti
Blaum	Gallen	Maine	Semmel
Bortner	Gamble	Markosek	Serafini
Bowley	Gannon	Marsico	Smith, B.
Boyes	Geist	Mayernik	Smith, S. H.
Brandt	George	Melio	Snyder, D. W.
Broujos	Gigliotti	Merry	Snyder, G.
Bunt	Gladeck	Michlovic	Staback
Burd	Godshall	Micozzie	Stairs
Burns	Gruitza	Mihalich	Steighner
Bush	Gruppo	Miller	Stish
Caltagirone	Hagarty	Moehlmann	Strittmatter
Cappabianca	Haluska	Morris	Stuban
Carlson	Harper	Mowery	Tangretti
Carn	Hasay	Mrkonic	Taylor, E. Z.
Cawley	Hayden	Murphy	Taylor, F.
Cessar	Hayes	Nahill	Telek
Chadwick	Heckler	Nailor	Thomas
Civera	Herman	Noye	Tigue
Clark, B. D.	Hershey	O'Brien	Trello
Clark, D. F.	Hess	Olasz	Trich
Clark, J. H.	Howlett	Oliver	Van Horne
Clymer	Hughes	Perzel	Veon
Cohen	Itkin	Pesci	Vroon
Colafrilla	Jackson	Petrarca	Wambach
Colaizzo	Jadlowiec	Petrone	Wass
Cole	James	Phillips	Weston
Cornell	Jarolin	Piccola	Williams
Corrigan	Johnson	Pievsky	Wilson
Cowell	Josephs	Pistella	Wogan
Coy	Kaiser	Pitts	Wozniak
DeLuca	Kasunic	Pressmann	Wright, D. R.

DeWeese	Kenney	Preston	Wright, R. C.
Daley	Kondrich	Raymond	Yandrisevits
Davies	Kosinski	Reber	
Dempsey	Kukovich	Reinard	O'Donnell,
Distler	LaGrotta	Richardson	Speaker
Dombrowski	Langtry		

NAYS—0

NOT VOTING—0

EXCUSED—6

Dietterick	Freeman	Taylor, J.	Wright, J. L.
Dininni	McHale		

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?

Would the gentleman, Mr. Godshall, like to be recognized?

Mr. GODSHALL. Thank you, Mr. Speaker.

In 1988 the General Assembly adopted landmark legislation that comprehensively regulated smoking in public places and on school property. This law contains three key sections: limiting smoking on school property, limiting smoking in specified public places and workplaces, and nullifying local smoking ordinances with the exception of Pittsburgh.

One section prohibits tobacco use by students on school property and requires schools to establish policies to enforce the act's restrictions on smoking. However, the act does not impose any penalty whatsoever for violations of this section. My amendment corrects that mistake by providing that a violation of this section would be punishable by a civil fine not to exceed \$50.

This bill is being supported by the Pennsylvania Principals Association, quite a number of the local police forces, and also, I got a letter from the Allegheny County school solicitor.

Thank you, Mr. Speaker. I would ask for a favorable vote.

The SPEAKER pro tempore. On the bill, the Chair recognizes the gentleman, Mr. Colafella, from Beaver County.

Mr. COLAFELLA. Mr. Speaker, may I interrogate Mr. Godshall, please?

The SPEAKER pro tempore. Would the gentleman, Mr. Godshall, stand for interrogation? The gentleman has agreed. The gentleman may proceed.

Mr. COLAFELLA. Mr. Speaker, in a typical office building, let us say in the city of Pittsburgh, if an individual smokes a cigarette in a nondesignated smoking area, what criminal offense is that?

Mr. GODSHALL. That is the Clean Indoor Air Act, and we are not affecting that. We are not addressing that. We are only addressing the penalty for smoking on school property.

Mr. COLAFELLA. So what we are saying is— Mr. Speaker, I would like to make a comment, please.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. COLAFELLA. Mr. Speaker, what I am concerned about in this particular piece of legislation is that I think we are beginning to use children as our whipping boy. If we do not administer the same kind of criminal punishment to a businessman who smokes in a nondesignated smoking area, why in the world are we punishing our children if they smoke in a nondesignated smoking area?

Do you want to reply to that, please.

Mr. GODSHALL. I believe, Mr. Speaker, that Representative Colafella is addressing section 1230.1, which is the Clean Indoor Air Act, which already has a penalty section in that exactly like what we are imposing here into the school smoking section.

Mr. COLAFELLA. Thank you, Mr. Speaker.

The SPEAKER pro tempore. On the bill, the gentleman from Northumberland, Mr. Belfanti. Mr. Belfanti, would you like to be recognized?

Mr. BELFANTI. Yes, Mr. Speaker. I would like to interrogate the maker of the bill.

The SPEAKER pro tempore. Mr. Godshall, would you stand for interrogation? The gentleman has agreed.

Mr. BELFANTI. Mr. Speaker, the bill states school district property. Can you tell me if that also relates to an outdoor football stadium, to a basketball court, to a track field, baseball field?

Mr. GODSHALL. What the section says, "The...school directors shall notify employes, students and parents of the policy developed in subsection—"

Mr. BELFANTI. Mr. Speaker, I cannot hear his response.

Mr. GODSHALL. Okay. The bill as we passed it in 1988 says, "Tobacco use by pupils is prohibited in school buildings and school buses and on school property owned by, leased by or under the control of a school district," and then it further says that "The board of school directors shall notify employes, students and parents of the policy developed in subsection (b)(1) by publishing the information in a student handbook...." So it is really up to the school board.

Mr. BELFANTI. So you are saying that a school board can issue a summary offense, something that is on a student's record for 2 years, a criminal history for 2 years, if he has a cigarette at halftime at a football game or in the middle of an outdoor track meet. A school board will have the authority to impose an ordinance which would provide for a summary offense for smoking a cigarette outdoors.

Mr. GODSHALL. No.

Mr. BELFANTI. That is what the bill says, Mr. Speaker. That is school property.

Mr. GODSHALL. The amendment says "civil fine" not to exceed \$50, which is the same offense which is in all of the, you know, all of the other sections of the— It was changed to make it a civil fine.

Mr. BELFANTI. Okay.

Mr. GODSHALL. So that it could go before a district justice. Right now, Mr. Speaker, my local police force, we have ordinances in the schools, Souderton Area School District, that cannot be enforced by the police officers. There is no fine; there is no punishment.

Mr. BELFANTI. I was just informed by Mr. Reber that the amendment did make that change. So now we are talking about still being able to make it a civil penalty for having a cigarette at a football game or a track meet, however.

Mr. GODSHALL. That is up to the school board.

Mr. BELFANTI. I am opposed to giving the school board that type of authority when it is an outdoor event, Mr. Speaker. If the legislation were redrafted to relegate it to indoor buildings during school hours, et cetera, but outdoor recreational activities ought to be specifically omitted from this legislation.

MOTION TO RECOMMIT

Mr. BELFANTI. I am going to make a motion that we recommit this bill for the purpose of more fine-tuning so that the legislation can be amended in committee or redrafted so that outdoor events are not subject to this legislation.

The SPEAKER pro tempore. Would the gentleman state to which committee he would like this bill recommitted?

Mr. BELFANTI. I would like to put it back in the Education Committee, Mr. Speaker.

The SPEAKER pro tempore. It has been moved by the gentleman, Mr. Belfanti, that HB 2183, PN 3605, be recommitted to the Committee on Education.

On the question,

Will the House agree to the motion?

The SPEAKER pro tempore. On this motion, the Chair recognizes the gentleman, Mr. Godshall.

Mr. GODSHALL. Mr. Speaker, in order to clear up some confusion, this legislation does not, and I repeat, does not give the school boards the authority to regulate either indoor or outdoor. What this legislation only does is make a civil fine applicable to other school board action. The school boards have been granted that power but not by this legislation. All this legislation does is actually allow a civil fine to be imposed of not over \$50 to enforce that school board policy.

The SPEAKER pro tempore. Will the members please settle down just a bit. Has the gentleman, Mr. Godshall, completed his answer?

Mr. GODSHALL. I would just like to say, you know, presently there really are no teeth in the legislation. We say there can be no-smoking sections, and the school boards in most cases have adopted no-smoking areas in the schools, but there are no teeth because there is no fine. All this does is establish up to a \$50 fine for the breaking of those school board policies.

The SPEAKER pro tempore. On the motion to recommit, the Chair recognizes the gentleman from Allegheny, Mr. Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, if it is the wish of the members to refer this back to the Education Committee, that will be fine. I just want to indicate that I have heard some debate that seems to reflect a problem with the original law rather than a problem with this particular piece of legislation. So it is going to remain a bit unclear to some of us on the Education Committee just what folks would like us to do with this bill.

This bill does not get into the issue of indoor versus outdoor activities. That question and the application of the Clean Indoor Air Act is a subject of the original law, not this particular bill. I just want folks to make sure they understand that. This particular bill came to us, it is my understanding, largely at the request of school officials who were concerned about the enforceability and how we charge them with enforcing the original law. That was the thrust of this particular bill. It was not to get at the substantive application of the Clean Air Act.

So if members wish to refer this back to our committee, I would ask that they give us some specific direction as to just what they would like to have done with this bill or with the original law, and the debate I have heard has really been about the original law. Thank you, Mr. Speaker.

The SPEAKER pro tempore. On the question, the Chair recognizes the gentleman from Adams, Mr. Cole.

Mr. COLE. Thank you, Mr. Speaker.

Mr. Speaker, we are talking more of a problem here than enforcement. We are talking about a very serious health problem, and it is in regards to smoking and lung cancer, and what we are trying to do is to impress upon the young people, especially students, when they begin to smoke at a young age, especially on school property where they learn to smoke, we are trying to eliminate this. So I hope you take in mind more of the serious health problem as it affects our young people than the enforcement, and one way to impress upon the young people is a very small fine of \$50, and maybe they will think twice before they take up smoking or smoke on school property, as we are trying to eliminate it throughout the Commonwealth.

So I hope that you vote "no" to recommit this bill back to the Education Committee.

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

Mr. REBER. Thank you, Mr. Speaker.

Mr. Speaker, in conformity and conjunction with the prior speaker, I, too, would urge a respectful vote "no" on recommitment and an affirmative vote on final passage. I think this is just a procedural concern that we are clearing up in the original law, and for that reason I do not feel there is any reason to return this to the committee for a substantive reanalysis of the act.

I would urge a "no" vote on recommitment. Thank you.

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

Mr. BARLEY. Thank you, Mr. Speaker.

I would just like to also encourage a "no" vote on this particular motion, because this bill, I think, just simply gives

school districts the tools they need to enforce the present law, and I think it will also send a clear message to the youth, and it will hit them where it really counts; the \$50 fine will hit them in the pocketbook.

So I would also encourage a "no" vote on this motion. Thank you very much.

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

The following roll call was recorded:

YEAS—12

Belfanti	Colafella	Lescovitz	Moehlmann
Billow	Howlett	Lucyk	Steighner
Cawley	Lee	Miller	Stish

NAYS—184

Acosta	Dorr	Langtry	Ritter
Adolph	Durham	Lashinger	Robbins
Allen	Evans	Laughlin	Robinson
Angstadt	Fairchild	Leh	Roebuck
Argall	Fargo	Leverdansky	Rudy
Barley	Farmer	Linton	Ryan
Battisto	Fee	Lloyd	Rybak
Belardi	Fleagle	McCall	Saloom
Birmelin	Flick	McNally	Saurman
Bishop	Foster	McVerry	Scheetz
Black	Fox	Maiale	Schuler
Blaum	Freind	Maine	Scrimenti
Bortner	Gallen	Markosek	Semmel
Bowley	Gamble	Marsico	Serafini
Boyes	Gannon	Mayernik	Smith, B.
Brandt	Geist	Mello	Smith, S. H.
Broujos	George	Merry	Snyder, D. W.
Bunt	Gigliotti	Michlovic	Snyder, G.
Burd	Gladeck	Micozzie	Staback
Burns	Godshall	Mihalich	Stairs
Bush	Gruitza	Morris	Strittmatter
Caltagirone	Gruppo	Mowery	Stuban
Cappabianca	Hagarty	Mrkonic	Tangretti
Carlson	Haluska	Murphy	Taylor, E. Z.
Carn	Harper	Nahill	Taylor, F.
Cessar	Hasay	Nailor	Telek
Chadwick	Hayden	Noye	Thomas
Civera	Hayes	O'Brien	Tigue
Clark, B. D.	Heckler	Olasz	Trello
Clark, D. F.	Herman	Oliver	Trich
Clark, J. H.	Hershey	Perzel	Van Horne
Clymer	Hess	Pesci	Veon
Cohen	Hughes	Petrarca	Vroon
Colaizzo	Itkin	Petrone	Wambach
Cole	Jackson	Phillips	Wass
Cornell	Jadlowiec	Piccola	Weston
Corrigan	James	Pievsky	Williams
Cowell	Jarolin	Pistella	Wilson
Coy	Johnson	Pitts	Wogan
DeLuca	Josephs	Pressmann	Wozniak
DeWeese	Kaiser	Preston	Wright, D. R.
Daley	Kasunic	Raymond	Wright, R. C.
Davies	Kenney	Reber	Yandrisevits
Dempsey	Kondrich	Reinard	
Distler	Kosinski	Richardson	O'Donnell,
Dombrowski	Kukovich	Rieger	Speaker
Donatucci	LaGrotta		

NOT VOTING—0

EXCUSED—6

Dietterick	Freeman	Taylor, J.	Wright, J. L.
Dininni	McHale		

The question was determined in the negative, and the motion was not agreed to.

On the question recurring,
Shall the bill pass finally?

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

YEAS—190

Acosta	Dorr	Langtry	Rieger
Adolph	Durham	Lashingner	Ritter
Allen	Evans	Laughlin	Robbins
Angstadt	Fairchild	Lee	Robinson
Argall	Fargo	Leh	Roebuck
Barley	Farmer	Lescovitz	Rudy
Battisto	Fee	Levdansky	Ryan
Belardi	Fleagle	Linton	Rybak
Billow	Flick	Lloyd	Saloom
Birmelin	Foster	McCall	Saurman
Bishop	Fox	McNally	Scheetz
Black	Freind	McVerry	Schuler
Blaum	Gallen	Maiale	Scrimenti
Bortner	Gamble	Maine	Semmel
Boyes	Gannon	Markosek	Serafini
Brandt	Geist	Marsico	Smith, B.
Broujos	George	Mayernik	Smith, S. H.
Bunt	Gigliotti	Melio	Snyder, D. W.
Burd	Gladeck	Merry	Snyder, G.
Burns	Godshall	Michlovic	Staback
Bush	Gruitza	Micozzie	Stairs
Caltagirone	Gruppo	Mihalich	Steighner
Cappabianca	Hagarty	Miller	Strittmatter
Carlson	Haluska	Moehlmann	Stuban
Carn	Harper	Morris	Tangretti
Cawley	Hasay	Mowery	Taylor, E. Z.
Cessar	Hayden	Mrkonic	Taylor, F.
Chadwick	Hayes	Murphy	Telek
Civera	Heckler	Nahill	Thomas
Clark, B. D.	Herman	Nailor	Tigue
Clark, D. F.	Hershey	Noye	Trello
Clark, J. H.	Hess	O'Brien	Trich
Clymer	Howlett	Olasz	Van Horne
Cohen	Hughes	Oliver	Veon
Colafella	Itkin	Perzel	Vroon
Colaizzo	Jackson	Pesci	Wambach
Cole	Jadlowiec	Petrarca	Wass
Cornell	James	Petrone	Weston
Corrigan	Jarolin	Phillips	Williams
Cowell	Johnson	Piccola	Wilson
Coy	Josephs	Pievsky	Wogan
DeLuca	Kaiser	Pistella	Wozniak
DeWeese	Kasunic	Pitts	Wright, D. R.
Davies	Kenney	Pressmann	Wright, R. C.
Dempsey	Kondrich	Preston	Yandrisevits
Distler	Kosinski	Reber	
Dombrowski	Kukovich	Reinard	O'Donnell,
Donatucci	LaGrotta	Richardson	Speaker

NAYS—3

Belfanti	Lucyk	Stish
----------	-------	-------

NOT VOTING—3

Bowley	Daley	Raymond
--------	-------	---------

EXCUSED—6

Dietterick	Freeman	Taylor, J.	Wright, J. L.
Dininni	McHale		

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 SB 867 CONTINUED

The SPEAKER pro tempore. The gentleman, Mr. Levdansky, advises the Chair that he does not have an amendment, so we will proceed to final passage.

On the question recurring,

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.

YEAS—196

Acosta	Donatucci	Lashingner	Rieger
Adolph	Dorr	Laughlin	Ritter
Allen	Durham	Lee	Robbins
Angstadt	Evans	Leh	Robinson
Argall	Fairchild	Lescovitz	Roebuck
Barley	Fargo	Levdansky	Rudy
Battisto	Farmer	Linton	Ryan
Belardi	Fee	Lloyd	Rybak
Belfanti	Fleagle	Lucyk	Saloom
Billow	Flick	McCall	Saurman
Birmelin	Foster	McNally	Scheetz
Bishop	Fox	McVerry	Schuler
Black	Freind	Maiale	Scrimenti
Blaum	Gallen	Maine	Semmel
Bortner	Gamble	Markosek	Serafini
Bowley	Gannon	Marsico	Smith, B.
Boyes	Geist	Mayernik	Smith, S. H.
Brandt	George	Melio	Snyder, D. W.
Broujos	Gigliotti	Merry	Snyder, G.
Bunt	Gladeck	Michlovic	Staback
Burd	Godshall	Micozzie	Stairs
Burns	Gruitza	Mihalich	Steighner
Bush	Gruppo	Miller	Stish
Caltagirone	Hagarty	Moehlmann	Strittmatter
Cappabianca	Haluska	Morris	Stuban
Carlson	Harper	Mowery	Tangretti
Carn	Hasay	Mrkonic	Taylor, E. Z.
Cawley	Hayden	Murphy	Taylor, F.
Cessar	Hayes	Nahill	Telek
Chadwick	Heckler	Nailor	Thomas
Civera	Herman	Noye	Tigue
Clark, B. D.	Hershey	O'Brien	Trello
Clark, D. F.	Hess	Olasz	Trich
Clark, J. H.	Howlett	Oliver	Van Horne
Clymer	Hughes	Perzel	Veon
Cohen	Itkin	Pesci	Vroon
Colafella	Jackson	Petrarca	Wambach
Colaizzo	Jadlowiec	Petrone	Wass
Cole	James	Phillips	Weston
Cornell	Jarolin	Piccola	Williams
Corrigan	Johnson	Pievsky	Wilson
Cowell	Josephs	Pistella	Wogan
Coy	Kaiser	Pitts	Wozniak
DeLuca	Kasunic	Pressmann	Wright, D. R.
DeWeese	Kenney	Preston	Wright, R. C.
Daley	Kondrich	Raymond	Yandrisevits
Davies	Kosinski	Reber	
Dempsey	Kukovich	Reinard	O'Donnell,
Distler	LaGrotta	Richardson	Speaker

Dombrowski Langtry

NAYS—0

NOT VOTING—0

EXCUSED—6

Dietterick Freeman Taylor, J. Wright, J. L.
Dininni McHale

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

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

* * *

The House proceeded to third consideration of HB 2730, PN 3818, entitled:

An Act amending the act of July 9, 1987 (P. L. 220, No. 39), known as the "Social Workers' Practice Act," further providing for exemptions from examination.

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

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

The question is, shall the bill pass finally?

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

YEAS—196

Acosta Donatucci Lashinger Rieger
Adolph Dorr Laughlin Ritter
Allen Durham Lee Robbins
Angstadt Evans Leh Robinson
Argall Fairchild Lescovitz Roebuck
Barley Fargo Levdansky Rudy
Battisto Farmer Linton Ryan
Belardi Fee Lloyd Rybak
Belfanti Fleagle Lucy Saloom
Billow Flick McCall Saurman
Birmelin Foster McNally Scheetz
Bishop Fox McVerry Schuler
Black Freind Maiale Scrimenti
Blaum Gallen Maine Semmel
Bortner Gamble Markosek Serafini
Bowley Gannon Marsico Smith, B.
Boyes Geist Mayernik Smith, S. H.
Brandt George Melio Snyder, D. W.
Broujos Gigliotti Merry Snyder, G.
Bunt Gladeck Michlovic Staback
Burd Godshall Micozzie Stairs
Burns Gruitza Mihalich Steighner
Bush Grupp Miller Strittmatter
Caltagirone Hagarty Moehlmann Strittmatter
Cappabianca Haluska Morris Stuban
Carlson Harper Mowery Tangretti
Carn Hasay Mrkonic Taylor, E. Z.
Cawley Hayden Murphy Taylor, F.
Cessar Hayes Nahill Telek
Chadwick Heckler Nailor Thomas
Civera Herman Noye Tigue
Clark, B. D. Hershey O'Brien Trello
Clark, D. F. Hess Olasz Trich

Clark, J. H. Howlett Oliver Van Horne
Clymer Hughes Perzel Veon
Cohen Itkin Pesci Vroon
Colaifella Jackson Petrarca Wambach
Colaizzo Jadlowiec Petrone Wass
Cole James Phillips Weston
Cornell Jarolin Piccola Williams
Corrigan Johnson Pievsky Wilson
Cowell Josephs Pistella Wogan
Coy Kaiser Pitts Wozniak
DeLuca Kasunic Pressmann Wright, D. R.
DeWeese Kenney Preston Wright, R. C.
Daley Kondrich Raymond Yandrisevits
Davies Kosinski Reber
Dempsey Kukovich Reinard O'Donnell,
Distler LaGrotta Richardson Speaker
Dombrowski Langtry

NAYS—0

NOT VOTING—0

EXCUSED—6

Dietterick Freeman Taylor, J. Wright, J. L.
Dininni McHale

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 1825, PN 3838, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the State System of Higher Education, to convey to Michael and Helen Bilinski, of West Goshen Township, Chester County, Pennsylvania, 0.193 of an acre of land, more or less, situate in West Goshen Township, Chester County, Pennsylvania.

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

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

The question is, shall the bill pass finally?

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

YEAS—196

Acosta Donatucci Lashinger Rieger
Adolph Dorr Laughlin Ritter
Allen Durham Lee Robbins
Angstadt Evans Leh Robinson
Argall Fairchild Lescovitz Roebuck
Barley Fargo Levdansky Rudy
Battisto Farmer Linton Ryan
Belardi Fee Lloyd Rybak
Belfanti Fleagle Lucy Saloom
Billow Flick McCall Saurman
Birmelin Foster McNally Scheetz
Bishop Fox McVerry Schuler
Black Freind Maiale Scrimenti
Blaum Gallen Maine Semmel
Bortner Gamble Markosek Serafini
Bowley Gannon Marsico Smith, B.
Boyes Geist Mayernik Smith, S. H.

Brandt	George	Melio	Snyder, D. W.
Broujos	Gigliotti	Merry	Snyder, G.
Bunt	Gladeck	Michlovic	Staback
Burd	Godshall	Micozzie	Stairs
Burns	Gruitza	Mihalich	Steighner
Bush	Gruppo	Miller	Stish
Caltagirone	Hagarty	Moehlmann	Strittmatter
Cappabianca	Haluska	Morris	Suban
Carlson	Harper	Mowery	Tangretti
Carn	Hasay	Mrkonic	Taylor, E. Z.
Cawley	Hayden	Murphy	Taylor, F.
Cessar	Hayes	Nahill	Telek
Chadwick	Heckler	Nailor	Thomas
Civera	Herman	Noye	Tigue
Clark, B. D.	Hershey	O'Brien	Trello
Clark, D. F.	Hess	Olasz	Trich
Clark, J. H.	Howlett	Oliver	Van Horne
Clymer	Hughes	Perzel	Veon
Cohen	Itkin	Pesci	Vroon
Colaifella	Jackson	Petrarca	Wambach
Colaizzo	Jadlowiec	Petrone	Wass
Cole	James	Phillips	Weston
Cornell	Jarolin	Piccola	Williams
Corrigan	Johnson	Pievsky	Wilson
Cowell	Josephs	Pistella	Wogan
Coy	Kaiser	Pitts	Wozniak
DeLuca	Kasunic	Pressmann	Wright, D. R.
DeWeese	Kenney	Preston	Wright, R. C.
Daley	Kondrich	Raymond	Yandrisevits
Davies	Kosinski	Reber	
Dempsey	Kukovich	Reinard	O'Donnell,
Distler	LaGrotta	Richardson	Speaker
Dombrowski	Langtry		

NAYS—0

NOT VOTING—0

EXCUSED—6

Dietterick	Freeman	Taylor, J.	Wright, J. L.
Dininni	McHale		

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 1972, PN 4041**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," authorizing the Department of Corrections to grant a license to the United States Park Service to erect and maintain certain radio telecommunications equipment on the land of the State Correctional Institution at Cresson, Cambria County; and authorizing the Department of General Services, with the approval of the Governor, to acquire certain tracts of land in the City of Pittsburgh, Allegheny County, for the use of the Department of Corrections.

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

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

The question is, shall the bill pass finally?

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

YEAS—196

Acosta	Donatucci	Lashinger	Rieger
Adolph	Dorr	Laughlin	Ritter
Allen	Durham	Lee	Robbins
Angstadt	Evans	Leh	Robinson
Argall	Fairchild	Lescovitz	Roebuck
Barley	Fargo	Levdansky	Rudy
Battisto	Farmer	Linton	Ryan
Belardi	Fee	Lloyd	Rybak
Belfanti	Fleagle	Lucyk	Saloom
Billow	Flick	McCall	Saurman
Birmelin	Foster	McNally	Scheetz
Bishop	Fox	McVerry	Schuler
Black	Freind	Maiale	Scriminti
Blaum	Gallen	Maine	Semmel
Bortner	Gamble	Markosek	Serafini
Bowley	Gannon	Marsico	Smith, B.
Boyes	Geist	Mayernik	Smith, S. H.
Brandt	George	Melio	Snyder, D. W.
Broujos	Gigliotti	Merry	Snyder, G.
Bunt	Gladeck	Michlovic	Staback
Burd	Godshall	Micozzie	Stairs
Burns	Gruitza	Mihalich	Steighner
Bush	Gruppo	Miller	Stish
Caltagirone	Hagarty	Moehlmann	Strittmatter
Cappabianca	Haluska	Morris	Suban
Carlson	Harper	Mowery	Tangretti
Carn	Hasay	Mrkonic	Taylor, E. Z.
Cawley	Hayden	Murphy	Taylor, F.
Cessar	Hayes	Nahill	Telek
Chadwick	Heckler	Nailor	Thomas
Civera	Herman	Noye	Tigue
Clark, B. D.	Hershey	O'Brien	Trello
Clark, D. F.	Hess	Olasz	Trich
Clark, J. H.	Howlett	Oliver	Van Horne
Clymer	Hughes	Perzel	Veon
Cohen	Itkin	Pesci	Vroon
Colaifella	Jackson	Petrarca	Wambach
Colaizzo	Jadlowiec	Petrone	Wass
Cole	James	Phillips	Weston
Cornell	Jarolin	Piccola	Williams
Corrigan	Johnson	Pievsky	Wilson
Cowell	Josephs	Pistella	Wogan
Coy	Kaiser	Pitts	Wozniak
DeLuca	Kasunic	Pressmann	Wright, D. R.
DeWeese	Kenney	Preston	Wright, R. C.
Daley	Kondrich	Raymond	Yandrisevits
Davies	Kosinski	Reber	
Dempsey	Kukovich	Reinard	O'Donnell,
Distler	LaGrotta	Richardson	Speaker
Dombrowski	Langtry		

NAYS—0

NOT VOTING—0

EXCUSED—6

Dietterick	Freeman	Taylor, J.	Wright, J. L.
Dininni	McHale		

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 2028, PN 2660**, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor and the Department of Transportation, to convey to Thomas Frick a parcel of land situate in White Township, Indiana County, Pennsylvania.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—196

Acosta	Donatucci	Lashingner	Rieger
Adolph	Dorr	Laughlin	Ritter
Allen	Durham	Lee	Robbins
Angstadt	Evans	Leh	Robinson
Argall	Fairchild	Lescovitz	Roebuck
Barley	Fargo	Levdansky	Rudy
Battisto	Farmer	Linton	Ryan
Belardi	Fee	Lloyd	Rybak
Belfanti	Fleagle	Lucyk	Saloom
Billow	Flick	McCall	Saurman
Birmelin	Foster	McNally	Scheetz
Bishop	Fox	McVerry	Schuler
Black	Freind	Maiale	Scrimenti
Blaum	Gallen	Maine	Semmel
Bortner	Gamble	Markosek	Serafini
Bowley	Gannon	Marsico	Smith, B.
Boyes	Geist	Mayernik	Smith, S. H.
Brandt	George	Melio	Snyder, D. W.
Broujos	Gigliotti	Merry	Snyder, G.
Bunt	Gladeck	Michlovic	Staback
Burd	Godshall	Micozzie	Stairs
Burns	Gruitza	Mihalich	Steighner
Bush	Gruppo	Miller	Stish
Caltagirone	Hagarty	Moehlmann	Strittmatter
Cappabianca	Haluska	Morris	Suban
Carlson	Harper	Mowery	Tangretti
Carn	Hasay	Mrkonic	Taylor, E. Z.
Cawley	Hayden	Murphy	Taylor, F.
Cessar	Hayes	Nahill	Telek
Chadwick	Heckler	Nailor	Thomas
Civera	Herman	Noye	Tigue
Clark, B. D.	Hershey	O'Brien	Trello
Clark, D. F.	Hess	Olasz	Trich
Clark, J. H.	Howlett	Oliver	Van Horne
Clymer	Hughes	Perzel	Veon
Cohen	Itkin	Pesci	Vroon
Colaafella	Jackson	Petrarca	Wambach
Colaizzo	Jadlowiec	Petrone	Wass
Cole	James	Phillips	Weston
Cornell	Jarolin	Piccola	Williams
Corrigan	Johnson	Pievsky	Wilson
Cowell	Josephs	Pistella	Wogan
Coy	Kaiser	Pitts	Wozniak
DeLuca	Kasunic	Pressmann	Wright, D. R.
DeWeese	Kenney	Preston	Wright, R. C.
Daley	Kondrich	Raymond	Yandrisevits
Davies	Kosinski	Reber	
Dempsey	Kukovich	Reinard	O'Donnell,
Distler	LaGrotta	Richardson	Speaker
Dombrowski	Langtry		

NAYS—0

NOT VOTING—0

EXCUSED—6

Dietterick	Freeman	Taylor, J.	Wright, J. L.
Diminni	McHale		

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

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

RESOLUTIONS

Mr. COWELL called up **HR 370, PN 4139**, entitled:

Honoring McGruff, the Crime Dog, on his 10th Anniversary as America's number one crime fighter.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

Acosta	Donatucci	Lashingner	Rieger
Adolph	Dorr	Laughlin	Ritter
Allen	Durham	Lee	Robbins
Angstadt	Evans	Leh	Robinson
Argall	Fairchild	Lescovitz	Roebuck
Barley	Fargo	Levdansky	Rudy
Battisto	Farmer	Linton	Ryan
Belardi	Fee	Lloyd	Rybak
Belfanti	Fleagle	Lucyk	Saloom
Billow	Flick	McCall	Saurman
Birmelin	Foster	McNally	Scheetz
Bishop	Fox	McVerry	Schuler
Blaum	Freind	Maiale	Scrimenti
Bortner	Gallen	Maine	Semmel
Bowley	Gamble	Markosek	Serafini
Boyes	Gannon	Marsico	Smith, B.
Brandt	Geist	Mayernik	Smith, S. H.
Broujos	George	Melio	Snyder, D. W.
Bunt	Gigliotti	Merry	Snyder, G.
Burd	Gladeck	Michlovic	Staback
Burns	Godshall	Micozzie	Stairs
Bush	Gruitza	Mihalich	Steighner
Caltagirone	Gruppo	Miller	Stish
Cappabianca	Hagarty	Moehlmann	Strittmatter
Carlson	Haluska	Morris	Suban
Carn	Harper	Mowery	Tangretti
Cawley	Hasay	Mrkonic	Taylor, E. Z.
Cessar	Hayden	Murphy	Taylor, F.
Chadwick	Hayes	Nahill	Telek
Civera	Heckler	Nailor	Thomas
Clark, B. D.	Herman	Noye	Tigue
Clark, D. F.	Hershey	O'Brien	Trello
Clark, J. H.	Hess	Olasz	Trich
Clymer	Howlett	Oliver	Van Horne
Cohen	Hughes	Perzel	Veon
Colaafella	Itkin	Pesci	Vroon
Colaizzo	Jackson	Petrarca	Wambach
Cole	Jadlowiec	Petrone	Wass
Cornell	James	Phillips	Weston
Corrigan	Jarolin	Piccola	Williams
Cowell	Johnson	Pievsky	Wilson
Coy	Josephs	Pistella	Wogan
DeLuca	Kaiser	Pitts	Wozniak
DeWeese	Kasunic	Pressmann	Wright, D. R.
Daley	Kenney	Preston	Wright, R. C.
Davies	Kondrich	Raymond	Yandrisevits
Dempsey	Kosinski	Reber	
Distler	Kukovich	Reinard	O'Donnell,

Distler LaGrotta Richardson Speaker
Dombrowski Langtry

NAYS—0
NOT VOTING—0
EXCUSED—6

Dietterick Freeman Taylor, J. Wright, J. L.
Dininni McHale

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

* * *

Mr. SAURMAN called up **HR 371, PN 4172**, entitled:

Supporting the Red Ribbon Campaign.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

Acosta	Donatucci	Lashinger	Rieger
Adolph	Dorr	Laughlin	Ritter
Allen	Durham	Lee	Robbins
Angstadt	Evans	Leh	Robinson
Argall	Fairchild	Lescovitz	Roebuck
Barley	Fargo	Levdansky	Rudy
Battisto	Farmer	Linton	Ryan
Belardi	Fee	Lloyd	Rybak
Belfanti	Fleagle	Lucyk	Saloom
Billow	Flick	McCall	Saurman
Birmelin	Foster	McNally	Scheetz
Bishop	Fox	McVerry	Schuler
Black	Freind	Maiale	Scrimenti
Blaum	Gallen	Maine	Semmel
Bortner	Gamble	Markosek	Serafini
Bowley	Gannon	Marsico	Smith, B.
Boyes	Geist	Mayernik	Smith, S. H.
Brandt	George	Melio	Snyder, D. W.
Broujos	Gigliotti	Merry	Snyder, G.
Bunt	Gladeck	Michlovic	Staback
Burd	Godshall	Micozzie	Stairs
Burns	Gruitza	Mihalich	Steighner
Bush	Gruppo	Miller	Stish
Caltagirone	Hagarty	Moehlmann	Strittmatter
Cappabianca	Haluska	Morris	Stuban
Carlson	Harper	Mowery	Tangretti
Carn	Hasay	Mrkonic	Taylor, E. Z.
Cawley	Hayden	Murphy	Taylor, F.
Cessar	Hayes	Nahill	Telek
Chadwick	Heckler	Nailor	Thomas
Civera	Herman	Noye	Tigue
Clark, B. D.	Hershey	O'Brien	Trello
Clark, D. F.	Hess	Olasz	Trich
Clark, J. H.	Howlett	Oliver	Van Horne
Clymer	Hughes	Perzel	Veon
Cohen	Itkin	Pesci	Vroon
Colaifella	Jackson	Petrarca	Wambach
Colaizzo	Jadlowiec	Petrone	Wass
Cole	James	Phillips	Weston
Cornell	Jarolin	Piccola	Williams
Corrigan	Johnson	Pievsky	Wilson
Cowell	Josephs	Pistella	Wogan
Coy	Kaiser	Pitts	Wozniak
DeLuca	Kasunic	Pressmann	Wright, D. R.
DeWeese	Kenney	Preston	Wright, R. C.
Daley	Kondrich	Raymond	Yandrisevits
Davies	Kosinski	Reber	
Dempsey	Kukovich	Reinard	O'Donnell,
Distler	LaGrotta	Richardson	Speaker
Dombrowski	Langtry		

NAYS—0

NOT VOTING—0

EXCUSED—6

Dietterick Freeman Taylor, J. Wright, J. L.
Dininni McHale

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

* * *

Mr. CAWLEY called up **HR 373, PN 4174**, entitled:

Memorializing the House of Representatives of the Congress of the United States to adopt H.R. 5311 as amended by the Senate.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—195

Acosta	Donatucci	Langtry	Rieger
Adolph	Dorr	Lashinger	Ritter
Allen	Durham	Laughlin	Robbins
Angstadt	Evans	Lee	Robinson
Argall	Fairchild	Leh	Roebuck
Barley	Fargo	Lescovitz	Rudy
Battisto	Farmer	Levdansky	Ryan
Belardi	Fee	Linton	Rybak
Belfanti	Fleagle	Lloyd	Saloom
Billow	Flick	Lucyk	Saurman
Birmelin	Foster	McCall	Scheetz
Bishop	Fox	McNally	Schuler
Black	Freind	McVerry	Scrimenti
Blaum	Gallen	Maiale	Semmel
Bortner	Gamble	Maine	Serafini
Bowley	Gannon	Markosek	Smith, B.
Boyes	Geist	Marsico	Smith, S. H.
Brandt	George	Mayernik	Snyder, D. W.
Broujos	Gigliotti	Melio	Snyder, G.
Bunt	Gladeck	Merry	Staback
Burd	Godshall	Michlovic	Stairs
Burns	Gruitza	Micozzie	Steighner
Bush	Gruppo	Mihalich	Stish
Caltagirone	Hagarty	Miller	Strittmatter
Cappabianca	Haluska	Moehlmann	Stuban
Carlson	Harper	Morris	Tangretti
Carn	Hasay	Mowery	Taylor, E. Z.
Cawley	Hayden	Mrkonic	Taylor, F.
Cessar	Hayes	Murphy	Telek
Chadwick	Heckler	Nahill	Thomas
Civera	Herman	Nailor	Tigue
Clark, B. D.	Hershey	Noye	Trello
Clark, D. F.	Hess	O'Brien	Trich
Clark, J. H.	Howlett	Oliver	Van Horne
Clymer	Hughes	Perzel	Veon
Cohen	Itkin	Pesci	Vroon
Colaifella	Jackson	Petrarca	Wambach
Colaizzo	Jadlowiec	Petrone	Wass
Cole	James	Phillips	Weston
Cornell	Jarolin	Piccola	Williams
Corrigan	Johnson	Pievsky	Wilson
Cowell	Josephs	Pistella	Wogan
Coy	Kaiser	Pitts	Wozniak
DeLuca	Kasunic	Pressmann	Wright, D. R.
DeWeese	Kenney	Preston	Wright, R. C.
Daley	Kondrich	Raymond	Yandrisevits
Davies	Kosinski	Reber	
Dempsey	Kukovich	Reinard	O'Donnell,
Distler	LaGrotta	Richardson	Speaker
Dombrowski			

NAYS—1

Olasz

NOT VOTING—0

EXCUSED—6

Dietterick Freeman Taylor, J. Wright, J. L.
Dininni McHale

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

LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. At this time the Chair would like to take the gentleman, Mr. Freeman, off leave and place him on the master roll for today.

RESOLUTIONS CONTINUED

Mr. ARGALL called up **HR 374, PN 4175**, entitled:

Commending the Travelers Protective Association for its nearly 100 years of safety and other civic activities; and urging the Governor to proclaim the week of September 30, 1990, as "Safety Week" throughout this Commonwealth.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—197

Acosta	Donatucci	Langtry	Rieger
Adolph	Dorr	Lashingner	Ritter
Allen	Durham	Laughlin	Robbins
Angstadt	Evans	Lee	Robinson
Argall	Fairchild	Leh	Roebuck
Barley	Fargo	Lescovitz	Rudy
Battisto	Farmer	Levdansky	Ryan
Belardi	Fee	Linton	Rybak
Belfanti	Fleagle	Lloyd	Saloom
Billow	Flick	Lucyk	Saurman
Birmelin	Foster	McCall	Scheetz
Bishop	Fox	McNally	Schuler
Black	Freeman	McVerry	Scrimenti
Blaum	Freind	Maiale	Semmel
Bortner	Gallen	Maine	Serafini
Bowley	Gamble	Markosek	Smith, B.
Boyes	Gannon	Marsico	Smith, S. H.
Brandt	Geist	Mayernik	Snyder, D. W.
Broujos	George	Melio	Snyder, G.
Bunt	Gigliotti	Merry	Staback
Burd	Gladeck	Michlovic	Stairs
Burns	Godshall	Micozzie	Steighner
Bush	Gruitza	Mihalich	Stish
Caltagirone	Gruppo	Miller	Strittmatter
Cappabianca	Hagarty	Moehlmann	Stuban
Carlson	Haluska	Morris	Tangretti
Carn	Harper	Mowery	Taylor, E. Z.
Cawley	Hasay	Mrkonic	Taylor, F.
Cessar	Hayden	Murphy	Telek
Chadwick	Hayes	Nahill	Thomas
Civera	Heckler	Nailor	Tigue
Clark, B. D.	Herman	Noye	Trello
Clark, D. F.	Hershey	O'Brien	Trich
Clark, J. H.	Hess	Olasz	Van Horne
Clymer	Howlett	Oliver	Veon
Cohen	Hughes	Perzel	Vroon
Colafigella	Itkin	Pesci	Wambach
Colaizzo	Jackson	Petrarca	Wass
Cole	Jadlowiec	Petrone	Weston

Cornell	James	Phillips	Williams
Corrigan	Jarolin	Piccola	Wilson
Cowell	Johnson	Pjevsky	Wogan
Coy	Josephs	Pistella	Wozniak
DeLuca	Kaiser	Pitts	Wright, D. R.
DeWeese	Kasunic	Pressmann	Wright, R. C.
Daley	Kenney	Preston	Yandrisevits
Davies	Kondrich	Raymond	
Dempsey	Kosinski	Reber	O'Donnell, Speaker
Distler	Kukovich	Reinard	
Dombrowski	LaGrotta	Richardson	

NAYS—0

NOT VOTING—0

EXCUSED—5

Dietterick McHale Taylor, J. Wright, J. L.
Dininni

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

* * *

Mr. COLE called up **HR 378, PN 4181**, entitled:

Designating a flag to memorialize firefighters who were killed in the line of duty.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—197

Acosta	Donatucci	Langtry	Rieger
Adolph	Dorr	Lashingner	Ritter
Allen	Durham	Lashglin	Robbins
Angstadt	Evans	Lee	Robinson
Argall	Fairchild	Leh	Roebuck
Barley	Fargo	Lescovitz	Rudy
Battisto	Farmer	Levdansky	Ryan
Belardi	Fee	Linton	Rybak
Belfanti	Fleagle	Lloyd	Saloom
Billow	Flick	Lucyk	Saurman
Birmelin	Foster	McCall	Scheetz
Bishop	Fox	McNally	Schuler
Black	Freeman	McVerry	Scrimenti
Blaum	Freind	Maiale	Semmel
Bortner	Gallen	Maine	Serafini
Bowley	Gamble	Markosek	Smith, B.
Boyes	Gannon	Marsico	Smith, S. H.
Brandt	Geist	Mayernik	Snyder, D. W.
Broujos	George	Melio	Snyder, G.
Bunt	Gigliotti	Merry	Staback
Burd	Gladeck	Michlovic	Stairs
Burns	Godshall	Micozzie	Steighner
Bush	Gruitza	Mihalich	Stish
Caltagirone	Gruppo	Miller	Strittmatter
Cappabianca	Hagarty	Moehlmann	Stuban
Carlson	Haluska	Morris	Tangretti
Carn	Harper	Mowery	Taylor, E. Z.
Cawley	Hasay	Mrkonic	Taylor, F.
Cessar	Hayden	Murphy	Telek
Chadwick	Hayes	Nahill	Thomas
Civera	Heckler	Nailor	Tigue
Clark, B. D.	Herman	Noye	Trello
Clark, D. F.	Hershey	O'Brien	Trich
Clark, J. H.	Hess	Olasz	Van Horne
Clymer	Howlett	Oliver	Veon
Cohen	Hughes	Perzel	Vroon
Colafigella	Itkin	Pesci	Wambach
Colaizzo	Jackson	Petrarca	Wass
Cornell	Jadlowiec	Petrone	Weston
	James	Phillips	Williams

Corrigan	Jarolin	Piccola	Wilson
Cowell	Johnson	Pievsky	Wogan
Coy	Josephs	Pistella	Wozniak
DeLuca	Kaiser	Pitts	Wright, D. R.
DeWeese	Kasunic	Pressmann	Wright, R. C.
Daley	Kenney	Preston	Yandrisevits
Davies	Kondrich	Raymond	
Dempsey	Kosinski	Reber	O'Donnell,
Distler	Kukovich	Reinard	Speaker
Dombrowski	LaGrotta	Richardson	

NAYS—0

NOT VOTING—0

EXCUSED—5

Dietterick	McHale	Taylor, J.	Wright, J. L.
Dininni			

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

CONCURRENT RESOLUTION

Mr. RICHARDSON called up **HR 375, PN 4176**, entitled:

Establishing a legislative bipartisan ad hoc committee to examine ways to change the formula for Medicaid reimbursement to reflect real hospital costs while guaranteeing access to care, and committing the General Assembly to cooperating in a national health care campaign.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—197

Acosta	Donatucci	Langtry	Rieger
Adolph	Dorr	Lashingier	Ritter
Allen	Durham	Laughlin	Robbins
Angstadt	Evans	Lee	Robinson
Argall	Fairchild	Leh	Roebuck
Barley	Fargo	Lescovitz	Rudy
Battisto	Farmer	Levdansky	Ryan
Belardi	Fee	Linton	Rybak
Belfanti	Fleagle	Lloyd	Saloom
Billow	Flick	Lucyk	Saurman
Birmelin	Foster	McCall	Scheetz
Bishop	Fox	McNally	Schuler
Black	Freeman	McVerry	Scrimenti
Blaum	Freind	Maiale	Semmel
Bortner	Gallen	Maine	Serafini
Bowley	Gamble	Markosek	Smith, B.
Boyes	Gannon	Marsico	Smith, S. H.
Brandt	Geist	Mayernik	Snyder, D. W.
Broujos	George	Melio	Snyder, G.
Bunt	Gigliotti	Merry	Staback
Burd	Gladeck	Michlovic	Stairs
Burns	Godshall	Micozzie	Steighner
Bush	Gruitza	Mihalich	Stish
Caltagirone	Gruppo	Miller	Strittmatter
Cappabianca	Hagarty	Moehlmann	Stuban
Carlson	Haluska	Morris	Tangretti
Carn	Harper	Mowery	Taylor, E. Z.
Cawley	Hasay	Mrkonic	Taylor, F.
Cessar	Hayden	Murphy	Telek
Chadwick	Hayes	Nahill	Thomas
Civera	Heckler	Nailor	Tigue
Clark, B. D.	Herman	Noye	Trello
Clark, D. F.	Hershey	O'Brien	Trich
Clark, J. H.	Hess	Olasz	Van Horne
Clymer	Howlett	Oliver	Veon
Cohen	Hughes	Perzel	Vroon

Colaella	Itkin	Pesci	Wambach
Colaizzo	Jackson	Petrarca	Wass
Cole	Jadlowiec	Petrone	Weston
Cornell	James	Phillips	Williams
Corrigan	Jarolin	Piccola	Wilson
Cowell	Johnson	Pievsky	Wogan
Coy	Josephs	Pistella	Wozniak
DeLuca	Kaiser	Pitts	Wright, D. R.
DeWeese	Kasunic	Pressmann	Wright, R. C.
Daley	Kenney	Preston	Yandrisevits
Davies	Kondrich	Raymond	
Dempsey	Kosinski	Reber	O'Donnell,
Distler	Kukovich	Reinard	Speaker
Dombrowski	LaGrotta	Richardson	

NAYS—0

NOT VOTING—0

EXCUSED—5

Dietterick	McHale	Taylor, J.	Wright, J. L.
Dininni			

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

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

The SPEAKER pro tempore. At this time the Chair wishes to announce that we will break until 2 p.m. for lunch and for caucus.

DEMOCRATIC CAUCUS

The SPEAKER pro tempore. The Chair recognizes Mr. Cohen for an announcement.

Mr. COHEN. Mr. Speaker, there will be a meeting of the House Democratic Caucus at 1 o'clock. We have 11 bills to be caucused on. I urge everybody to be there promptly at 1 o'clock.

STATE GOVERNMENT COMMITTEE MEETING

The SPEAKER pro tempore. Now the Chair recognizes the gentleman, Mr. Oliver.

Mr. OLIVER. Mr. Speaker, the meeting of the State Government Committee scheduled for tomorrow morning will be held at 10 o'clock in the minority caucus room.

The SPEAKER pro tempore. The Chair thanks the gentleman.

BUSINESS AND COMMERCE COMMITTEE MEETING

The SPEAKER pro tempore. The Chair now recognizes the gentleman, Mr. Taylor, from Fayette County.

Mr. F. TAYLOR. Thank you, Mr. Speaker.

I would like to announce to the members of the Business and Commerce Committee, we will have a brief meeting at the rear of the House for consideration of a bill and it should not take us very long. Thank you very much, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

JUDICIARY COMMITTEE MEETING

The SPEAKER pro tempore. Now the Chair recognizes the gentleman, Mr. Caltagirone, from Berks.

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

I would like to call a meeting off the floor of the House Judiciary Committee at the call of recess.

The SPEAKER pro tempore. Thank you.

REPUBLICAN CAUCUS

The SPEAKER pro tempore. At this time the Chair recognizes the gentleman, Mr. Noye, for the purpose of an announcement.

Mr. NOYE. Thank you, Mr. Speaker.

Mr. Speaker, for the Republican members, we would ask you to be in the caucus room at 1 o'clock. The list is lengthy. It is going to take some time, so I would ask you to be prompt - 1 o'clock.

**PROFESSIONAL LICENSURE
COMMITTEE MEETING**

The SPEAKER pro tempore. At this time the Chair recognizes the gentleman, Mr. Lloyd, from Somerset.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, for members of the Professional Licensure Committee, there will be an immediate meeting in the rear of the hall of the House. Thank you, Mr. Speaker.

The SPEAKER pro tempore. Thank you.

ANNOUNCEMENT BY MR. SALOOM

The SPEAKER pro tempore. The Chair recognizes the gentleman from Westmoreland, Mr. Saloom.

Mr. SALOOM. Mr. Speaker, the breakfast meeting for tomorrow morning at 9 o'clock for all Democratic Caucus members has been postponed. Thank you, Mr. Speaker.

The SPEAKER pro tempore. Thank you.

VOTE CORRECTION

The SPEAKER pro tempore. At this time the Chair recognizes the gentleman, Mr. Daley, from Washington.

Mr. DALEY. Thank you, Mr. Speaker.

On HB 2183, PN 3605, my finger malfunctioned. I want to be recorded in the affirmative.

The SPEAKER pro tempore. The gentleman's remarks will be spread upon the record.

May I have your attention, please.

The Chair would like to return the gavel to Mr. O'Donnell, the Speaker.

**THE SPEAKER (ROBERT W. O'DONNELL)
PRESIDING**

The SPEAKER. The Chair thanks the gentleman both for his service in the House and for serving this morning as Speaker.

RECESS

The SPEAKER. The Chair now takes the responsibility for announcing that the House is in recess until 2 o'clock.

RECESS EXTENDED

The time of recess was extended until 3 p.m.

AFTER RECESS

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

**THE SPEAKER PRO TEMPORE
(EDWARD F. BURNS, JR.) PRESIDING****WELCOMES**

The SPEAKER pro tempore. The Chair is delighted to welcome today Jill Wasserman, a senior from Lehigh University, who is an intern for Representative Pressmann and is the guest of Representative Pressmann. Jill is located to the left of the Speaker.

The Chair also welcomes George Dougherty from the Delaware County Homebuilders Association, who is the guest today of Representative Ron Raymond.

ADDITIONS AND DELETIONS OF SPONSORS

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

The following list was submitted:

ADDITIONS:

HB 223, Cole; HB 2456, Dieterick; HB 2685, Freeman; HB 2803, Cappabianca; HB 2873, E. Z. Taylor, Hess, Gruppo, Staback, Kasunic, Distler, Civera, Freeman, Marsico, Merry, Battisto, Burd, Belardi; HB 2876, J. J. Taylor, Thomas, Freeman; HB 2878, Merry; HB 2888, Kasunic, Serafini; HB 2889, Harper, Civera, Serafini, J. J. Taylor, Adolph, Merry, Marsico, Kasunic; HB 2893, Merry; HB 2895, Pesci; HB 2896, Pesci; HB 2897, Pesci; HB 2900, Marsico; HB 2905, Thomas; HB 2936, Godshall, Hershey, Merry; HB 2937, Hershey, Godshall, Merry; HB 2938, Godshall, Hershey, Merry; HB 2945, Adolph; HB 2946, J. J. Taylor; HR 355, Belardi; HR 356, Thomas, Civera, Serafini, Adolph, Linton; HR 357, Thomas, J. J. Taylor, Kasunic; HR 358, Burd; HR 359, Serafini; HR 362, Belardi; HR 363, Godshall, Thomas, Belardi, Lucyk, Civera, Steighner, Colaizzo; HR 364, Kasunic, McCall; HR 366, J. J. Taylor, Adolph; HR 367, Broujos; HR 368, Kasunic; HR 370, Telek, Hasay, Adolph, Civera; HR 371, Telek, Godshall, Adolph; HR 372, Wogan, Adolph; HR 374, Adolph.

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 1512, PN 2288**, entitled:

An Act amending the act of November 30, 1965 (P. L. 847, No. 356), entitled "Banking Code of 1965," permitting the formation of mutual holding companies; authorizing mergers of savings bank holding companies and their wholly-owned subsidiary savings banks; and providing for reciprocal interstate operations for savings banks.

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?

The Chair recognizes Representative Mihalich from Westmoreland County.

Mr. MIHALICH. Mr. Speaker, as I read SB 1512, I cannot label that bill anything other than the Silverado Express. It amends the Banking Code to allow, as its companion bill does, thrift institutions to form holding companies and then be able to go out and invest in other institutions. It would permit these institutions which are now limited in reciprocity with other States to our region—and I believe it is to those States adjacent to Pennsylvania and who adopt the reciprocity agreement with us—it allows those institutions to go out there and get into the funny-money market, possibly in those 12 States referred to as "the dirty dozen," where the savings and loan scandal is basically concentrated.

I am told by some people in the industry that there are some people in the industry who think there are tremendously good buys out there, and conversely, there are some people in the dirty-dozen States who would like to become affiliated with some of our healthier institutions.

We have done well here in Pennsylvania under very adverse conditions in this day and age. I do not think we should put that temptation in front of our banking industry. I do not think we should put that temptation in front of the banking industry in other States, to come in here and merge with us.

MOTION TO TABLE

Mr. MIHALICH. I think this bill deserves further study. I think the people, the voters of Pennsylvania, have to be alerted to what we are about to vote on, and for that reason, Mr. Speaker, I move that this bill be tabled until such time as somebody can come to this floor and give justification for it. I move that the bill be tabled.

The SPEAKER pro tempore. The gentleman, Mr. Mihalich, has moved that SB 1512 be placed upon the table.

On the question,

Will the House agree to the motion?

The SPEAKER pro tempore. The motion is nondebatable. I will recognize the leaders for a statement on the issue.

The Chair recognizes the majority leader.

Mr. DeWEESE. I would rise to respectfully oppose the motion of the gentleman and ask that SB 1512 be voted on this afternoon. I would ask that the members of the Democratic Caucus help sustain this request. Thank you very much.

The SPEAKER pro tempore. The Chair recognizes the minority leader, Mr. Ryan.

Mr. RYAN. Mr. Speaker, I join with the gentleman, Mr. DeWeese, in asking that this motion to table be turned down; that we vote "no" on it; that we go ahead and we vote SB 1512. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—25

Belardi	Cole	Markosek	Tangretti
Blaum	Distler	Mihalich	Tigue
Carn	Fairchild	Pesci	Trello
Cawley	Freeman	Petrarca	Trich
Civera	Lee	Petrone	Wambach
Cohen	Lloyd	Preston	Wozniak
Colaizzo			

NAYS—165

Acosta	Fargo	Kukovich	Rieger
Adolph	Farmer	LaGrotta	Ritter
Angstadt	Fee	Langtry	Robbins
Barley	Fleagle	Lashingier	Robinson
Battisto	Flick	Laughlin	Roebuck
Belfanti	Foster	Leh	Rudy
Billow	Fox	Lescovitz	Ryan
Birmelin	Freind	Linton	Rybak
Bishop	Gallen	Lucyk	Saloom
Black	Gamble	McCall	Saurman
Bortner	Gannon	McVerry	Scheetz
Bowley	Geist	Maiale	Schuler
Boyes	George	Maine	Scrimenti
Brandt	Gigliotti	Marsico	Serafini
Broujos	Gladeck	Mayernik	Smith, B.
Bunt	Godshall	Melio	Smith, S. H.
Burd	Gruitza	Merry	Snyder, D. W.
Burns	Gruppo	Michlovic	Snyder, G.
Bush	Hagarty	Micozzie	Staback
Caltagirone	Haluska	Miller	Stairs
Cappabianca	Harper	Moehlmann	Steighner
Carlson	Hasay	Morris	Stish
Cessar	Hayden	Mowery	Strittmatter
Chadwick	Hayes	Mrkonic	Stuban
Clark, B. D.	Heckler	Murphy	Taylor, E. Z.
Clark, D. F.	Herman	Nahill	Taylor, F.
Clymer	Hershey	Nailor	Telek
Colafella	Hess	Noye	Thomas
Cornell	Howlett	O'Brien	Van Horne
Corrigan	Hughes	Olasz	Vroon
Cowell	Itkin	Oliver	Wass
Coy	Jackson	Perzel	Weston
DeLuca	Jadlowiec	Phillips	Williams
DeWeese	James	Piccola	Wilson
Daley	Jarolin	Pievsky	Wogan
Davies	Johnson	Pistella	Wright, D. R.
Dempsey	Josephs	Pitts	Wright, R. C.
Dombrowski	Kaiser	Pressmann	Yandrisevits
Donatucci	Kasunic	Raymond	
Dorr	Kenney	Reber	O'Donnell,
Durham	Kondrich	Reinard	Speaker

loans, so there was no ceiling on the amount of money they could invest with developers. In Pennsylvania we have a ceiling of 2 percent that can be invested in risky ventures. Down in Texas and Oklahoma and Louisiana, they have no ceiling, and that is the reason why they have the problem.

When the oil industry was booming and real estate was sky high, they were investing with developers 50, 70, and 80 percent of the money, but when the oil industry went down and the market collapsed, that is why the savings and loan situation collapsed. I would hate to think that organizations from Oklahoma, Texas, and Louisiana would come to Pennsylvania to have a joint venture with them to help bail out their problem.

I also would like to indicate to the members of this General Assembly that because of that problem, the savings and loan problem, Congress wants us to bail them out and assess everybody at the same rate. I personally believe that everybody should pay their percentage of fault, each State, in bailing out the savings and loan situation; therefore, Pennsylvania will only have to pay 1.5 percent. But I am fearful of Oklahoma, Texas, and Louisiana coming into Pennsylvania with their problems, and I think the only thing that can happen is we are going to solve their dilemma and hurt ours.

I recommend a "no" vote on the bill.

On the question recurring,
Shall the bill pass finally?

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

YEAS—159

Acosta	Dorr	Kondrich	Reinard
Adolph	Durham	Kosinski	Rieger
Allen	Evans	LaGrotta	Robbins
Angstadt	Fairchild	Langtry	Roebuck
Barley	Fargo	Lashingner	Rudy
Battisto	Farmer	Laughlin	Ryan
Belfanti	Fee	Lee	Rybak
Birmelin	Fleagle	Leh	Saurman
Black	Flick	Lescovitz	Scheetz
Bortner	Foster	Levdansky	Schuler
Bowley	Fox	Lucyk	Scrimenti
Boyes	Freind	McCall	Semmel
Bunt	Gallen	McVerry	Serafini
Burd	Gamble	Maiale	Smith, B.
Burns	Gannon	Markosek	Smith, S. H.
Bush	Geist	Marsico	Snyder, D. W.
Caltagirone	George	Mayernik	Snyder, G.
Cappabianca	Gigliotti	Melio	Staback
Carlson	Gladeck	Merry	Stairs
Carn	Godshall	Micozzie	Steighner
Cessar	Gruppo	Miller	Stuban
Chadwick	Hagarty	Moehlmann	Taylor, E. Z.
Civera	Haluska	Mowery	Taylor, F.
Clark, B. D.	Harper	Mrkonic	Telek
Clark, D. F.	Hayden	Murphy	Van Horne
Clark, J. H.	Hayes	Nahill	Veon
Clymer	Heckler	Nailor	Vroon
Colafella	Herman	Noye	Wambach
Cole	Hershey	O'Brien	Wass
Cornell	Hess	Olasz	Weston
Corrigan	Howlett	Oliver	Williams
Cowell	Itkin	Petrone	Wilson
Coy	Jackson	Phillips	Wogan
DeLuca	Jadlowiec	Piccola	Wozniak
DeWeese	James	Pievsky	Wright, D. R.
Daley	Johnson	Pistella	Wright, R. C.

Davies	Josephs	Pitts	Yandrisevits
Dempsey	Kaiser	Pressmann	
Distler	Kasunic	Raymond	O'Donnell, Speaker
Dombrowski	Kenney	Reber	
Donatucci			

NAYS—32

Argall	Freeman	Maine	Robinson
Belardi	Gruitza	Michlovic	Saloom
Billow	Hasay	Mihalich	Stish
Blaum	Hughes	Morris	Tangretti
Broujos	Jarolin	Pesci	Thomas
Cawley	Kukovich	Petrarca	Tigue
Cohen	Lloyd	Preston	Trello
Colaizzo	McNally	Ritter	Trich

NOT VOTING—6

Bishop	Linton	Richardson	Strittmatter
Brandt	Perzel		

EXCUSED—5

Dietterick	McHale	Taylor, J.	Wright, J. L.
Dininni			

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

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

* * *

The House proceeded to third consideration of **SB 1511, PN 1992**, entitled:

An Act amending the act of December 14, 1967 (P. L. 746, No. 345), entitled "Savings Association Code of 1967," providing for reciprocal interstate operations; permitting the formation of mutual holding companies; further providing for acquisitions of the stock of a savings association; revising proxy rules; and making repeals.

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?

The Chair recognizes the gentleman from Westmoreland, Mr. Mihalich.

—Mr. MIHALICH. For the same reasons that I stated before, I think this bill should go down to defeat. This might look attractive to some people right now a couple of weeks before election. You might make some special interests here in Pennsylvania real happy in voting for this bill, but there will be another day.

If this bill becomes law, there will be another day and another election. If our savings and loan institutions, some of which are not the healthiest in the world, do get into trouble and we have to go into additional bailouts and have to restructure possibly our institutions here in Pennsylvania, all of these "yes" votes today will be held accountable for that. They will

be held accountable in primaries, in general elections. This banking disease is not going away and the fires of the banking industries will not go out if we keep throwing gasoline on them, and by passing this deregulation—and this is deregulation—by passing this deregulation, we are exposing Pennsylvania to the ills that the dirty dozen are living through right now. We want to become married to them, and I think that is wrong.

Thank you, Mr. Speaker. I ask for a “no” vote on this bill.

On the question recurring,
Shall the bill pass finally?

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

YEAS—160

Acosta	Dombrowski	Kondrich	Reinard
Adolph	Donatucci	Kosinski	Rieger
Allen	Dorr	Kukovich	Robbins
Angstadt	Durham	LaGrotta	Roebuck
Barley	Evans	Langtry	Rudy
Battisto	Fairchild	Lashingner	Ryan
Belfanti	Fargo	Laughlin	Rybak
Birmelin	Farmer	Lee	Saurman
Bishop	Fee	Leh	Scheetz
Black	Fleagle	Lescovitz	Schuler
Bortner	Flick	Levdansky	Scrimenti
Bowley	Foster	Lucy	Semmel
Boyes	Fox	McCall	Serafini
Brandt	Freind	McVerry	Smith, B.
Bunt	Gallen	Maiale	Smith, S. H.
Burd	Gamble	Markosek	Snyder, D. W.
Burns	Gannon	Marsico	Snyder, G.
Bush	Geist	Mayernik	Staback
Caltagirone	George	Merry	Stairs
Cappabianca	Gigliotti	Micozzie	Steighner
Carlson	Gladeck	Miller	Strittmatter
Carn	Godshall	Moehlmann	Stuban
Cessar	Gruppo	Mowery	Taylor, E. Z.
Chadwick	Hagarty	Mrkonic	Taylor, F.
Civera	Haluska	Murphy	Telek
Clark, B. D.	Harper	Nahill	Van Horne
Clark, D. F.	Hayden	Nailor	Veon
Clark, J. H.	Hayes	Noye	Vroon
Clymer	Heckler	O'Brien	Wambach
Colafella	Herman	Olasz	Wass
Cole	Hershey	Oliver	Weston
Cornell	Hess	Petrone	Williams
Corrigan	Howlett	Phillips	Wilson
Cowell	Itkin	Piccola	Wogan
Coy	Jackson	Pievsky	Wozniak
DeLuca	Jadlowiec	Pistella	Wright, R. C.
DeWeese	James	Pitts	Yandrisevits
Daley	Johnson	Pressmann	
Davies	Kaiser	Raymond	O'Donnell,
Dempsey	Kasunic	Reber	Speaker
Distler	Kenney		

NAYS—33

Argall	Gruitza	Melio	Robinson
Belardi	Hasay	Michlovic	Saloom
Billow	Hughes	Mihalich	Stish
Blaum	Jarolin	Morris	Tangretti
Broujos	Josephs	Pesci	Thomas
Cawley	Lloyd	Petrarca	Tigue
Cohen	McNally	Preston	Trello
Colaizzo	Maine	Ritter	Trich
Freeman			

NOT VOTING—4

Linton Perzel Richardson Wright, D. R.

EXCUSED—5

Dietterick McHale Taylor, J. Wright, J. L.
Dininni

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

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

VOTE CORRECTION

The SPEAKER pro tempore. The Chair recognizes Mr. Wambach.

Mr. WAMBACH. Thank you, Mr. Speaker.

Mr. Speaker, I rise to correct the record on the tabling of SB 1512. I inadvertently voted in the affirmative. I wanted to be recorded in the negative.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Mr. WAMBACH. Thank you, Mr. Speaker.

WELCOMES

The SPEAKER pro tempore. The Chair welcomes Roe Klobetanz, Mary Pucciarella, and Jack Rawlings, who are the guests today of the Honorable Richard Geist. They are located to the left of the Speaker.

The Chair welcomes Maevernon Varnum, Dr. Thomas M. Warms, Maevernon Varnum, Sr., Marsha Brody, Fern Billet, Cathy Lindy, and Olena Korsun, who are the guests of the Speaker. They are seated to the left of the Speaker. And you will pardon me for the mispronunciation of the names, but the Speaker has a very difficult time reading what is written here.

The Chair also welcomes Sgt. John Tozzi, president of the Allegheny County Deputy Sheriffs' Association; Sgt. Carmen DeLuca, first vice president of the Pennsylvania Deputy Sheriffs' Association; Emil Minar, president of the Pennsylvania Constables Association; and Mike Sorill, of the Allegheny County Constables Association, who are the guests today of Representative Dave Mayernik. These gentlemen are all seated in the first row of the gallery.

The Chair also recognizes the presence of guest pages Nik Swoboda and Brayton Carner, who are guests of Representative Ron Black of Venango County.

**BILLS ON THIRD
CONSIDERATION CONTINUED**

The House proceeded to third consideration of **HB 244, PN 272**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting the transportation or possession of alcoholic beverages in public places.

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?

The Chair recognizes Representative Reber.

Mr. REBER. Thank you, Mr. Speaker.

Would the prime sponsor of the bill or someone who is familiar with the content of the bill stand for interrogation?

The SPEAKER pro tempore. The House will be at ease for just a moment.

The Chair recognizes the Representative from Montgomery County, Mr. Reber.

Mr. REBER. Thank you, Mr. Speaker.

Mr. Speaker, I am going to withdraw my request for interrogation. Thank you.

On the question recurring,
Shall the bill pass finally?

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

YEAS—194

Acosta	Donatucci	Lashinger	Rieger
Adolph	Dorr	Laughlin	Ritter
Allen	Durham	Lee	Robbins
Angstadt	Evans	Leh	Robinson
Argall	Fairchild	Lescovitz	Roebuck
Barley	Fargo	Levdansky	Rudy
Battisto	Farmer	Linton	Ryan
Belardi	Fee	Lloyd	Rybak
Belfanti	Fleagle	Lucyk	Saloom
Billow	Flick	McCall	Saurman
Birmelin	Foster	McNally	Scheetz
Black	Fox	McVerry	Schuler
Blaum	Freeman	Maiale	Scrimenti
Bortner	Gallen	Maine	Semmel
Bowley	Gamble	Markosek	Serafini
Boyes	Gannon	Marsico	Smith, B.
Brandt	Geist	Mayernik	Smith, S. H.
Broujos	George	Melio	Snyder, D. W.
Bunt	Gigliotti	Merry	Snyder, G.
Burd	Gladeck	Michlovic	Staback
Burns	Godshall	Micozzie	Stairs
Bush	Gruitza	Mihalich	Steighner
Caltagirone	Gruppo	Miller	Stish
Cappabianca	Hagarty	Moehlmann	Strittmatter
Carlson	Haluska	Morris	Stuban
Carn	Harper	Mowery	Tangretti
Cawley	Hasay	Mrkonic	Taylor, E. Z.
Cessar	Hayden	Murphy	Taylor, F.
Chadwick	Hayes	Nahill	Telek
Civera	Heckler	Nailor	Thomas
Clark, B. D.	Herman	Noye	Tigue
Clark, D. F.	Hershey	O'Brien	Trello
Clark, J. H.	Hess	Olasz	Trich
Clymer	Hughes	Oliver	Van Horne
Cohen	Itkin	Perzel	Veon
Colafella	Jackson	Pesci	Vroon
Colaizzo	Jadlowiec	Petrarca	Wambach
Cole	James	Petrone	Wass
Cornell	Jarolin	Phillips	Weston

Corrigan	Johnson	Piccola	Williams
Cowell	Josephs	Pievsky	Wilson
Coy	Kaiser	Pistella	Wogan
DeLuca	Kasunic	Pitts	Wozniak
DeWeese	Kenney	Pressmann	Wright, D. R.
Daley	Kondrich	Preston	Wright, R. C.
Davies	Kosinski	Raymond	Yandrisevits
Dempsey	Kukovich	Reber	
Distler	LaGrotta	Reinard	O'Donnell,
Dombrowski	Langtry	Richardson	Speaker

NAYS—1

Freind

NOT VOTING—2

Bishop Howlett

EXCUSED—5

Dietterick McHale Taylor, J. Wright, J. L.
Dininni

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.

VOTE CORRECTION

The SPEAKER pro tempore. The Chair recognizes the Representative from Delaware, Mr. Steve Freind.

Mr. FREIND. Thank you, Mr. Speaker.

On that last vote on HB 244, my switch malfunctioned. I would have voted in the affirmative. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

SB 1511 RECONSIDERED

The SPEAKER pro tempore. The Chair is in receipt of a reconsideration motion from Mr. David Wright, who moves that the vote by which SB 1511, PN 1992, was passed on the 2d day of October be reconsidered.

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

The following roll call was recorded:

YEAS—197

Acosta	Donatucci	Langtry	Rieger
Adolph	Dorr	Lashinger	Ritter
Allen	Durham	Laughlin	Robbins
Angstadt	Evans	Lee	Robinson
Argall	Fairchild	Leh	Roebuck
Barley	Fargo	Lescovitz	Rudy
Battisto	Farmer	Levdansky	Ryan
Belardi	Fee	Linton	Rybak
Belfanti	Fleagle	Lloyd	Saloom
Billow	Flick	Lucyk	Saurman
Birmelin	Foster	McCall	Scheetz
Bishop	Fox	McNally	Schuler
Black	Freeman	McVerry	Scrimenti
Blaum	Freind	Maiale	Semmel
Bortner	Gallen	Maine	Serafini
Bowley	Gamble	Markosek	Smith, B.
Boyes	Gannon	Marsico	Smith, S. H.
Brandt	Geist	Mayernik	Snyder, D. W.
Broujos	George	Melio	Snyder, G.

Bunt	Gigliotti	Merry	Staback
Burd	Gladeck	Michlovic	Stairs
Burns	Godshall	Micozzie	Steighner
Bush	Gruitza	Mihalich	Stish
Caltagirone	Gruppo	Miller	Strittmatter
Cappabianca	Hagarty	Moehlmann	Stuban
Carlson	Haluska	Morris	Tangretti
Carn	Harper	Mowery	Taylor, E. Z.
Cawley	Hasay	Mrkonic	Taylor, F.
Cessar	Hayden	Murphy	Telek
Chadwick	Hayes	Nahill	Thomas
Civera	Heckler	Nailor	Tigue
Clark, B. D.	Herman	Noye	Trello
Clark, D. F.	Hershey	O'Brien	Trich
Clark, J. H.	Hess	Olasz	Van Horne
Clymer	Howlett	Oliver	Veon
Cohen	Hughes	Perzel	Vroon
Colafella	Itkin	Pesci	Wambach
Colaizzo	Jackson	Petrarca	Wass
Cole	Jadlowiec	Petrone	Weston
Cornell	James	Phillips	Williams
Corrigan	Jarolin	Piccola	Wilson
Cowell	Johnson	Pievsky	Wogan
Coy	Josephs	Pistella	Wozniak
DeLuca	Kaiser	Pitts	Wright, D. R.
DeWeese	Kasunic	Pressmann	Wright, R. C.
Daley	Kenney	Preston	Yandrisevits
Davies	Kondrich	Reber	O'Donnell,
Dempsey	Kosinski	Reinard	Speaker
Distler	Kukovich	Richardson	
Dombrowski	LaGrotta		

NAYS—0

NOT VOTING—0

EXCUSED—5

Dietterick	McHale	Taylor, J.	Wright, J. L.
Dininni			

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

On the question recurring,
Shall the bill pass finally?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Westmoreland, Mr. Mihalich.

Mr. MIHALICH. Mr. Speaker, for the same reasons that were reviewed before, I would ask that the House again reconsider this and vote this bill down.

The lure to go out there and make an easy buck is what is behind this bill, in my opinion. Let our guys stay home. Let our institutions stay here in the Northeast, in Pennsylvania and our adjacent States, and continue to go out and make their money the hard way. Let them go out and earn it. They are not going to go out there and finesse any of these institutions in the other States. There is nobody out there going to do anything for Pennsylvania. We have done it for ourselves. The easy buck is not out there. Let us stay home and make our institutions stay here and work with us rather than investing their money in some of those other Western States. Thank you.

On the question recurring,
Shall the bill pass finally?

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

YEAS—161

Acosta	Distler	Kondrich	Robinson
Adolph	Dombrowski	Kosinski	Roebuck
Allen	Donatucci	Langtry	Rudy
Angstadt	Dorr	Lashinger	Ryan
Barley	Durham	Laughlin	Rybak
Battisto	Evans	Lee	Saurman
Belfanti	Fairchild	Leh	Scheetz
Birmelin	Fargo	Lescovitz	Schuler
Bishop	Farmer	Levdansky	Scrimenti
Black	Fee	Linton	Semmel
Bortner	Fleagle	Lucyk	Serafini
Bowley	Flick	McCall	Smith, B.
Boyes	Foster	McVerry	Smith, S. H.
Brandt	Fox	Maiale	Snyder, D. W.
Broujos	Freind	Marsico	Snyder, G.
Bunt	Gallen	Merry	Staback
Burd	Gamble	Micozzie	Stairs
Burns	Gannon	Miller	Steighner
Bush	Geist	Moehlmann	Strittmatter
Caltagirone	George	Mowery	Stuban
Cappabianca	Gladeck	Mrkonic	Taylor, E. Z.
Carlson	Godshall	Murphy	Taylor, F.
Carn	Gruppo	Nahill	Telek
Cessar	Hagarty	Nailor	Thomas
Chadwick	Haluska	Noye	Van Horne
Civera	Harper	O'Brien	Veon
Clark, D. F.	Hayden	Oliver	Vroon
Clark, J. H.	Hayes	Perzel	Wambach
Clymer	Heckler	Petrone	Wass
Cohen	Herman	Phillips	Weston
Colafella	Hershey	Piccola	Williams
Cole	Hess	Pievsky	Wilson
Cornell	Howlett	Pistella	Wogan
Corrigan	Itkin	Pitts	Wozniak
Cowell	Jackson	Pressmann	Wright, D. R.
Coy	Jadlowiec	Preston	Wright, R. C.
DeLuca	James	Raymond	Yandrisevits
DeWeese	Johnson	Reber	O'Donnell,
Daley	Kaiser	Reinard	Speaker
Davies	Kasunic	Rieger	
Dempsey	Kenney	Robbins	

NAYS—36

Argall	Gruitza	Maine	Petrarca
Belardi	Hasay	Markosek	Richardson
Billow	Hughes	Mayernik	Ritter
Blaum	Jarolin	Melio	Saloom
Cawley	Josephs	Michlovic	Stish
Clark, B. D.	Kukovich	Mihalich	Tangretti
Colaizzo	LaGrotta	Morris	Tigue
Freeman	Lloyd	Olasz	Trello
Gigliotti	McNally	Pesci	Trich

NOT VOTING—0

EXCUSED—5

Dietterick	McHale	Taylor, J.	Wright, J. L.
Dininni			

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

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

**BILLS ON THIRD
CONSIDERATION CONTINUED**

The House proceeded to third consideration of **HB 1228, PN 3612**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the statute of limitations involving certain sexual offenses.

On the question,

Will the House agree to the bill on third consideration?

Mr. KASUNIC offered the following amendments No. A3710:

Amend Sec. 1 (Sec. 5552), page 2, line 10, by inserting after "minor"

who is less than 18 years of age

Amend Sec. 1 (Sec. 5552), page 2, line 12, by striking out "majority" and inserting

18 years of age

Amend Sec. 1 (Sec. 5552), page 2, by inserting between lines 20 and 21

Section 3125 (relating to aggravated indecent assault).

On the question,

Will the House agree to the amendments?

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

Will the Representative please explain his amendment?

Mr. KASUNIC. Mr. Speaker, we are cleaning up some language in the bill. It was decided that we would insert the age of 18 years of age rather than use the word "majority" in order to clarify the language of the bill.

In the other part, where we are amending section 1, section 5552, page 2, by inserting between lines 20 and 21 "(relating to aggravated indecent assault)," that was an error in the drafting of the bill, and once again we are clearing up the language of the bill.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—197

Acosta	Donatucci	Langtry	Rieger
Adolph	Dorr	Lashingier	Ritter
Allen	Durham	Laughlin	Robbins
Angstadt	Evans	Lee	Robinson
Argall	Fairchild	Leh	Roebuck
Barley	Fargo	Lescovitz	Rudy
Battisto	Farmer	Levdansky	Ryan
Belardi	Fee	Linton	Rybak
Belfanti	Fleagle	Lloyd	Saloom
Billow	Flick	Lucyk	Saurman
Birmelin	Foster	McCall	Scheetz
Bishop	Fox	McNally	Schuler
Black	Freeman	McVerry	Scrimenti
Blaum	Freind	Maiale	Semmel
Bortner	Gallen	Maine	Serafini
Bowley	Gamble	Markosek	Smith, B.
Boyes	Gannon	Marsico	Smith, S. H.
Brandt	Geist	Mayernik	Snyder, D. W.
Broujos	George	Melio	Snyder, G.
Bunt	Gigliotti	Merry	Staback
Burd	Gladeck	Michlovic	Stairs
Burns	Godshall	Micozzie	Steighner

Bush	Gruitza	Mihalich	Stish
Caltagirone	Gruppo	Miller	Strittmatter
Cappabianca	Hagarty	Moehlmann	Stuban
Carlson	Haluska	Morris	Tangretti
Carn	Harper	Mowery	Taylor, E. Z.
Cawley	Hasay	Mrkonic	Taylor, F.
Cessar	Hayden	Murphy	Telek
Chadwick	Hayes	Nahill	Thomas
Civera	Heckler	Nailor	Tigue
Clark, B. D.	Herman	Noye	Trello
Clark, D. F.	Hershey	O'Brien	Trich
Clark, J. H.	Hess	Olasz	Van Horne
Clymer	Howlett	Oliver	Veon
Cohen	Hughes	Perzel	Vroon
Colafiglia	Itkin	Pesci	Wambach
Colaizzo	Jackson	Petrarca	Wass
Cole	Jadlowiec	Petrone	Weston
Cornell	James	Phillips	Williams
Corrigan	Jarolin	Piccola	Wilson
Cowell	Johnson	Pievsky	Wogan
Coy	Josephs	Pistella	Wozniak
DeLuca	Kaiser	Pitts	Wright, D. R.
DeWeese	Kasunic	Pressmann	Wright, R. C.
Daley	Kenney	Preston	Yandrisevits
Davies	Kondrich	Raymond	
Dempsey	Kosinski	Reber	O'Donnell,
Distler	Kukovich	Reinard	Speaker
Dombrowski	LaGrotta	Richardson	

NAYS—0

NOT VOTING—0

EXCUSED—5

Dietterick	McHale	Taylor, J.	Wright, J. L.
Dininni			

The question was determined in the affirmative, and the amendments were 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.

YEAS—195

Adolph	Dorr	Lashingier	Rieger
Allen	Durham	Laughlin	Ritter
Angstadt	Evans	Lee	Robbins
Argall	Fairchild	Leh	Robinson
Barley	Fargo	Lescovitz	Roebuck
Battisto	Farmer	Levdansky	Rudy
Belardi	Fee	Linton	Ryan
Belfanti	Fleagle	Lloyd	Rybak
Billow	Flick	Lucyk	Saloom
Birmelin	Foster	McCall	Saurman
Bishop	Fox	McNally	Scheetz
Black	Freeman	McVerry	Schuler
Blaum	Freind	Maiale	Scrimenti
Bortner	Gallen	Maine	Semmel
Bowley	Gamble	Markosek	Serafini
Boyes	Gannon	Marsico	Smith, B.
Brandt	Geist	Mayernik	Smith, S. H.
Broujos	George	Melio	Snyder, D. W.
Bunt	Gigliotti	Merry	Snyder, G.
Burd	Gladeck	Michlovic	Staback
Burns	Godshall	Micozzie	Stairs

Bush	Gruitza	Mihalich	Steighner
Caltagirone	Gruppo	Miller	Stish
Cappabianca	Hagarty	Moehlmann	Strittmatter
Carlson	Haluska	Morris	Stuban
Carn	Harper	Mowery	Tangretti
Cawley	Hasay	Mrkonic	Taylor, E. Z.
Cessar	Hayden	Murphy	Taylor, F.
Chadwick	Hayes	Nahill	Telek
Civera	Heckler	Nailor	Thomas
Clark, B. D.	Herman	Noye	Tigue
Clark, D. F.	Hershey	O'Brien	Trello
Clark, J. H.	Hess	Olasz	Trich
Clymer	Howlett	Oliver	Van Horne
Cohen	Hughes	Perzel	Veon
Colaifella	Itkin	Pesci	Vroon
Colaizzo	Jackson	Petrarca	Wambach
Cole	Jadlowiec	Petrone	Wass
Cornell	Jarolin	Phillips	Weston
Corrigan	Johnson	Piccola	Williams
Cowell	Josephs	Pievsky	Wilson
Coy	Kaiser	Pistella	Wogan
DeLuca	Kasunic	Pitts	Wozniak
DeWeese	Kenney	Pressmann	Wright, D. R.
Daley	Kondrich	Preston	Wright, R. C.
Davies	Kosinski	Raymond	Yandrisevits
Dempsey	Kukovich	Reber	
Distler	LaGrotta	Reinard	O'Donnell,
Dombrowski	Langtry	Richardson	Speaker
Donatucci			

NAYS—0

NOT VOTING—2

Acosta James

EXCUSED—5

Dietterick	McHale	Taylor, J.	Wright, J. L.
Dininni			

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

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

* * *

The House proceeded to third consideration of **SB 983, PN 1997**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, adding provisions relating to constables.

On the question,

Will the House agree to the bill on third consideration?

Mr. MAYERNIK offered the following amendments No. A3261:

Amend Sec. 3 (Sec. 2947), page 16, line 7, by striking out "1989-1990" and inserting 1990-1991

Amend Sec. 3 (Sec. 2947), page 16, line 12, by striking out "July 1, 1990" and inserting July 1, 1991

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Mayernik, on his amendment.

Mr. MAYERNIK. Thank you, Mr. Speaker.

SB 983 deals with the constables' education, training, disciplinary board, and fee schedule. Amendment 3261 would extend the date of the time that this bill would take effect from July 1, 1990, to July 1, 1991.

This is one of four agreed-to amendments by all interested parties, being the sheriffs, the deputy sheriffs, and the constables.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—196

Acosta	Donatucci	Langtry	Rieger
Adolph	Dorr	Lashinger	Ritter
Allen	Durham	Laughlin	Robbins
Angstadt	Evans	Lee	Robinson
Argall	Fairchild	Leh	Roebuck
Barley	Fargo	Lescovitz	Rudy
Battisto	Farmer	Levdansky	Ryan
Belardi	Fee	Linton	Rybak
Belfanti	Fleagle	Lloyd	Saloom
Billow	Flick	Lucyk	Saurman
Birmelin	Foster	McCall	Scheetz
Bishop	Fox	McNally	Schuler
Black	Freeman	McVerry	Scrimenti
Blaum	Freind	Maiale	Semmel
Bortner	Gallen	Maine	Serafini
Bowley	Gamble	Markosek	Smith, B.
Boyes	Gannon	Marsico	Smith, S. H.
Brandt	Geist	Mayernik	Snyder, D. W.
Broujos	George	Melio	Snyder, G.
Bunt	Gigliotti	Merry	Staback
Burd	Gladeck	Michlovic	Stairs
Burns	Godshall	Micozzie	Steighner
Bush	Gruitza	Mihalich	Stish
Caltagirone	Gruppo	Miller	Strittmatter
Cappabianca	Hagarty	Moehlmann	Stuban
Carlson	Haluska	Morris	Tangretti
Carn	Harper	Mowery	Taylor, E. Z.
Cawley	Hasay	Mrkonic	Taylor, F.
Cessar	Hayden	Murphy	Telek
Chadwick	Hayes	Nahill	Thomas
Civera	Heckler	Nailor	Tigue
Clark, B. D.	Herman	Noye	Trello
Clark, D. F.	Hershey	O'Brien	Trich
Clark, J. H.	Hess	Olasz	Van Horne
Clymer	Howlett	Oliver	Veon
Cohen	Hughes	Perzel	Vroon
Colaifella	Itkin	Pesci	Wambach
Colaizzo	Jackson	Petrarca	Wass
Cole	Jadlowiec	Petrone	Weston
Cornell	James	Phillips	Williams
Corrigan	Jarolin	Piccola	Wilson
Cowell	Johnson	Pievsky	Wogan
Coy	Josephs	Pitts	Wozniak
DeLuca	Kaiser	Pressmann	Wright, D. R.
DeWeese	Kasunic	Preston	Wright, R. C.
Daley	Kenney	Raymond	Yandrisevits
Davies	Kondrich	Reber	
Dempsey	Kosinski	Reinard	O'Donnell,
Distler	Kukovich	Richardson	Speaker
Dombrowski	LaGrotta		

NAYS—0

NOT VOTING—1

Pistella

EXCUSED—5

Dietterick McHale Taylor, J. Wright, J. L.
 Dininni

The question was determined in the affirmative, and the amendments were agreed to.

On the question,

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

Mr. MAYERNIK offered the following amendment No. A3337:

Amend Sec. 3 (Sec. 2946), page 12, by inserting between lines 6 and 7

(e) Temporary waiver.—The requirements of this section shall be temporarily waived for every constable and deputy constable who is in office on the effective date of this subchapter for the balance of his current term of office, or until December 31, 1994, whichever is sooner. As used in this subsection, the "current term of office" of a deputy constable shall be coterminous with that of the constable who appointed him, unless sooner revoked or terminated. Upon the expiration of such temporary waiver, every constable and deputy constable must comply with the applicable provisions of this section.

On the question,

Will the House agree to the amendment?

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

Mr. MAYERNIK. Thank you, Mr. Speaker.

When the constables, sheriffs, and deputy sheriffs sat down to review the bill, we had noticed that there were some questions regarding the certification of firearms for the constables, that we have approximately 5,000 constables in the Commonwealth, and to have them certified in 6 months would be impossible. So we have extended the date or put into place a temporary waiver for the requirements of firearms, and that would be that every constable would be trained under the firearms provision of this act by December 1994 or the expiration of their term, whichever one is sooner.

Again, this is an agreed-to amendment by all parties.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—197

Acosta	Donatucci	Langtry	Rieger
Adolph	Dorr	Lashingner	Ritter
Allen	Durham	Laughlin	Robbins
Angstadt	Evans	Lee	Robinson
Argall	Fairchild	Leh	Roebuck
Barley	Fargo	Lescovitz	Rudy
Battisto	Farmer	Levdansky	Ryan
Belardi	Fee	Linton	Rybak
Belfanti	Fleagle	Lloyd	Saloom
Billow	Flick	Lucyk	Saurman
Birmelin	Foster	McCall	Scheetz
Bishop	Fox	McNally	Schuler
Black	Freeman	McVerry	Serimenti
Blaum	Freind	Maiiale	Semmel
Bortner	Gallen	Maine	Serafini
Bowley	Gamble	Markosek	Smith, B.
Boyes	Gannon	Marsico	Smith, S. H.
Brandt	Geist	Mayernik	Snyder, D. W.

Broujos	George	Melio	Snyder, G.
Bunt	Gigliotti	Merry	Staback
Burd	Gladeck	Michlovic	Stairs
Burns	Godshall	Micozzie	Steighner
Bush	Gruitza	Mihalich	Stish
Caltagirone	Gruppo	Miller	Strittmatter
Cappabianca	Hagarty	Moehlmann	Stuban
Carlson	Haluska	Morris	Tangretti
Carn	Harper	Mowery	Taylor, E. Z.
Cawley	Hasay	Mrkonic	Taylor, F.
Cessar	Hayden	Murphy	Telek
Chadwick	Hayes	Nahill	Thomas
Civera	Heckler	Nailor	Tigue
Clark, B. D.	Herman	Noye	Trello
Clark, D. F.	Hershey	O'Brien	Trich
Clark, J. H.	Hess	Olasz	Van Horne
Clymer	Howlett	Oliver	Veon
Cohen	Hughes	Perzel	Vroon
Colafiglia	Itkin	Pesci	Wambach
Colaizzo	Jackson	Petrarca	Wass
Cole	Jadlowiec	Petrone	Weston
Cornell	James	Phillips	Williams
Corrigan	Jarolin	Piccola	Wilson
Cowell	Johnson	Pievsky	Wogan
Coy	Josephs	Pistella	Wozniak
DeLuca	Kaiser	Pitts	Wright, D. R.
DeWeese	Kasunic	Pressmann	Wright, R. C.
Daley	Kenney	Preston	Yandrisevits
Davies	Kondrich	Raymond	
Dempsey	Kosinski	Reber	O'Donnell,
Distler	Kukovich	Reinard	Speaker
Dombrowski	LaGrotta	Richardson	

NAYS—0

NOT VOTING—0

EXCUSED—5

Dietterick McHale Taylor, J. Wright, J. L.
 Dininni

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. MAYERNIK offered the following amendments No. A3262:

Amend Sec. 3 (Sec. 2943), page 7, line 2, by removing the comma after "education" and inserting or, at the discretion of the board, upon submitting proof of completion of a prior program consisting of at least 80 hours completed prior to the effective date of this act, which is comparable to the program established under section 2944;

Amend Sec. 3 (Sec. 2943), page 7, line 3, by inserting a semicolon after "clerk" where it appears the first time

Amend Sec. 3 (Sec. 2943), page 7, line 9, by inserting after "program"

, with or without attendance at the course of study,

On the question,

Will the House agree to the amendments?

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

Mr. MAYERNIK. Thank you, Mr. Speaker.

Again, this amendment is an agreed-to amendment by all interested parties. It provides for a waiver of training, and let me explain how the waiver would be acquired in two cases in this amendment.

First, we have found that there are constables in Allegheny County who have taken over 100 hours of training under the auspices and direction of President Judge Paul Zavarella. This amendment would provide that any constable who has taken a course that is deemed to be equivalent to that of the board and that in the bill may be waived, and this would be up to the discretion of the constables' education and training as provided under this legislation.

That would be one provision for a waiver. Right now we have 108 constables in Allegheny County that have taken the training. That is not a "shall" provision; it is a "may" provision.

Secondly, the second part is clarifying language that states that the constable, with or without attendance at the course, can challenge the course and take a written exam. If he does not pass that written exam, then he must take the course before he can take the test again.

This again is an agreed-to amendment, and I would ask for an affirmative vote.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—197

Acosta	Donatucci	Langtry	Rieger
Adolph	Dorr	Lashingier	Ritter
Allen	Durham	Laughlin	Robbins
Angstadt	Evans	Lee	Robinson
Argall	Fairchild	Leh	Roebuck
Barley	Fargo	Lescovitz	Rudy
Battisto	Farmer	Levdansky	Ryan
Belardi	Fee	Linton	Rybak
Belfanti	Fleagle	Lloyd	Saloom
Billow	Flick	Lucyk	Saurman
Birmelin	Foster	McCall	Scheetz
Bishop	Fox	McNally	Schuler
Black	Freeman	McVerry	Scrimenti
Blaum	Freind	Majale	Semmel
Bortner	Gallen	Maine	Serafini
Bowley	Gamble	Markosek	Smith, B.
Boyes	Gannon	Marsico	Smith, S. H.
Brandt	Geist	Mayernik	Snyder, D. W.
Broujos	George	Melio	Snyder, G.
Bunt	Gigliotti	Merry	Staback
Burd	Gladeck	Michlovic	Stairs
Burns	Godshall	Micozzie	Steighner
Bush	Gruitza	Mihalich	Stish
Caltagirone	Gruppo	Miller	Strittmatter
Cappabianca	Hagarty	Moehlmann	Stuban
Carlson	Haluska	Morris	Tangretti
Carn	Harper	Mowery	Taylor, E. Z.
Cawley	Hasay	Mrkonic	Taylor, F.
Cessar	Hayden	Murphy	Telek
Chadwick	Hayes	Nahill	Thomas
Civera	Heckler	Nailor	Tigue
Clark, B. D.	Herman	Noye	Trello
Clark, D. F.	Hershey	O'Brien	Trich
Clark, J. H.	Hess	Olasz	Van Horne
Clymer	Howlett	Oliver	Veon
Cohen	Hughes	Perzel	Vroon
Colafella	Itkin	Pesci	Wambach
Colaizzo	Jackson	Petrarca	Wass
Cole	Jadlowiec	Petrone	Weston
Cornell	James	Phillips	Williams
Corrigan	Jarolin	Piccola	Wilson
Cowell	Johnson	Pievsky	Wogan
Coy	Josephs	Pistella	Wozniak
DeLuca	Kaiser	Pitts	Wright, D. R.

DeWeese	Kasunic	Pressmann	Wright, R. C.
Daley	Kenney	Preston	Yandrisevits
Davies	Kondrich	Raymond	
Dempsey	Kosinski	Reber	O'Donnell,
Distler	Kukovich	Reinard	Speaker
Dombrowski	LaGrotta	Richardson	

NAYS—0

NOT VOTING—0

EXCUSED—5

Dietterick	McHale	Taylor, J.	Wright, J. L.
Dininni			

The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,

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

Mr. MAYERNIK offered the following amendments No. A3334:

Amend Sec. 3 (Sec. 2941), page 4, lines 22 through 24, by striking out "FOR" in line 22, all of line 23 and "AND THE TRAFFIC COURT OF PHILADELPHIA" in line 24

Amend Sec. 3 (Sec. 2942), page 5, line 6, by inserting after "duties.—"

The Supreme Court shall have the power to prescribe general rules governing practice, procedure and conduct of all officers serving process, or enforcing orders, judgments or decrees of any court or district justice.

On the question,

Will the House agree to the amendments?

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

Mr. MAYERNIK. Thank you, Mr. Speaker.

This was the substantive part of the bill that the controversy had surrounded until all groups had reached an agreement. It would strike the language in lines 22 through 23 and in line 24 that I had amended in the Judiciary Committee and would add new language stating that the Supreme Court would make the decision and have the powers to prescribe the general practices and procedure of officers of the courts, and this is language directly out of section 5 of the Constitution.

I would like to state that the purpose of this amendment and the purpose of the bill—and this statement is for the legal realists that will take a look at this legislation when it becomes law in the future—this bill and the amendment absolutely, positively, unequivocally does not expand the duties, responsibilities, of constables. It is purely an education and training bill, a disciplinary board bill, and a fee schedule bill.

Whenever you are voting for this amendment in this bill, please vote with the knowledge and the legislative intent that you are not expanding the powers of constables. If you intend to expand the powers of constables, vote against this amendment and vote against this bill. If you intend for it to be strictly, strictly an education and training, fee schedule, and disciplinary board bill, vote for this amendment.

Again, this amendment has been agreed to by all parties.

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

The following roll call was recorded:

YEAS—195

Acosta	Donatucci	LaGrotta	Richardson
Adolph	Dorr	Langtry	Rieger
Allen	Durham	Lashingier	Ritter
Angstadt	Evans	Laughlin	Robbins
Argall	Fairchild	Lee	Robinson
Barley	Fargo	Leh	Roebuck
Battisto	Farmer	Levdansky	Rudy
Belardi	Fee	Linton	Ryan
Belfanti	Fleagle	Lloyd	Rybak
Billow	Flick	Lucyk	Saloom
Birmelin	Foster	McCall	Saurman
Bishop	Fox	McNally	Scheetz
Black	Freeman	McVerry	Schuler
Blaum	Freind	Maiale	Scrimenti
Bortner	Gallen	Maine	Semmel
Bowley	Gamble	Markosek	Serafini
Boyes	Gannon	Marsico	Smith, B.
Brandt	Geist	Mayernik	Smith, S. H.
Broujos	George	Melio	Snyder, D. W.
Bunt	Gigliotti	Merry	Snyder, G.
Burd	Gladeck	Michlovic	Staback
Burns	Godshall	Micozzie	Stairs
Bush	Gruitza	Mihalich	Steighner
Caltagirone	Gruppo	Miller	Stish
Cappabianca	Hagarty	Moehlmann	Strittmatter
Carlson	Haluska	Morris	Stuban
Carn	Harper	Mowery	Tangretti
Cawley	Hasay	Mrkonic	Taylor, E. Z.
Cessar	Hayden	Murphy	Taylor, F.
Chadwick	Hayes	Nahill	Telek
Civera	Heckler	Nailor	Thomas
Clark, B. D.	Herman	Noye	Tigue
Clark, D. F.	Hershey	O'Brien	Trello
Clark, J. H.	Hess	Olasz	Trich
Clymer	Howlett	Oliver	Van Horne
Cohen	Hughes	Perzel	Vroon
Colaella	Itkin	Pesci	Wambach
Colaizzo	Jackson	Petrarca	Wass
Cole	Jadlowiec	Petrone	Weston
Cornell	James	Phillips	Williams
Corrigan	Jarolin	Piccola	Wilson
Cowell	Johnson	Pievsky	Wogan
Coy	Josephs	Pistella	Wozniak
DeLuca	Kaiser	Pitts	Wright, D. R.
DeWeese	Kasunic	Pressmann	Wright, R. C.
Daley	Kenney	Preston	Yandrisevits
Davies	Kondrich	Raymond	
Dempsey	Kosinski	Reber	O'Donnell,
Distler	Kukovich	Reinard	Speaker
Dombrowski			

NAYS—0

NOT VOTING—2

Lescovitz Veon

EXCUSED—5

Dietterick McHale Taylor, J. Wright, J. L.
Dininni

The question was determined in the affirmative, and the amendments were agreed to.

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

Mr. HAYDEN offered the following amendments No. A3600:

Amend Title, page 1, line 2, by inserting after "Statutes," further providing for the jurisdiction of the Philadelphia Municipal Court; and

Amend Bill, page 2, by inserting between lines 10 and 11 Section 2. Section 1123(a)(8) and (a.1) of Title 42, amended July 11, 1990 (P.L.454, No.111), are amended to read:
§ 1123. Jurisdiction and venue.

(a) General rule.—Except as otherwise prescribed by any general rule adopted pursuant to section 503 (relating to reassignment of matters), the Philadelphia Municipal Court shall have jurisdiction of the following matters:

(8) Any action to enjoin a [common law] public nuisance [or a nuisance which involves a violation of any city ordinance or code, or any penal statute]. The action to enjoin may be brought by any person who resides or has a place of business within 500 feet of the location of the alleged nuisance.

(a.1) Appeal from contempt citation or nuisance order.—There shall be a right to appeal to the Court of Common Pleas of Philadelphia County of a contempt citation issued by a municipal court judge or of an order issued by a municipal court judge in any action under subsection (a)(7) or (8), but the appeal shall be limited to a review of the record.

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

3

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

4

Amend Sec. 4, page 19, line 17, by striking out "4" and inserting

5

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

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

Mr. HAYDEN. Thank you, Mr. Speaker.

This is an amendment to a bill that was passed in June of this year to extend jurisdiction to Philadelphia Municipal Court for the public nuisance liquor license bars. This amendment was drafted after consultation with members of the Speaker's staff, with members of the Philadelphia Municipal Court, who had suggested that we were overinclusive in listing the number of nuisance issues which would fall within the jurisdiction of the municipal court. So this amendment restricts those nuisances to only those which qualify as public nuisances.

The second feature of this amendment would be to require that appeals from decisions of municipal court be appeals from record and would not permit an applicant or a party to an appeal de novo with the common pleas court.

These are two suggested improvements to the nuisance bar program in the city of Philadelphia, and I would appreciate your support for the amendment. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—195

Acosta	Donatucci	LaGrotta	Reinard
Adolph	Dorr	Langtry	Richardson
Allen	Durham	Lashinger	Rieger
Angstadt	Evans	Laughlin	Ritter
Argall	Fairchild	Lee	Robbins
Barley	Fargo	Leh	Robinson
Battisto	Farmer	Lescovitz	Roebuck
Belardi	Fee	Levdansky	Rudy
Belfanti	Fleagle	Linton	Ryan
Billow	Flick	Lloyd	Rybak
Birmelin	Foster	Lucyk	Saloom
Bishop	Fox	McCall	Saurman
Black	Freeman	McNally	Scheetz
Blaum	Freind	McVerry	Schuler
Bortner	Gallen	Maiale	Scrimenti
Bowley	Gamble	Maine	Semmel
Boyes	Gannon	Markosek	Serafini
Brandt	Geist	Marsico	Smith, B.
Broujos	George	Mayermik	Smith, S. H.
Bunt	Gigliotti	Melio	Snyder, D. W.
Burd	Gladeck	Merry	Snyder, G.
Burns	Godshall	Michlovic	Staback
Bush	Gruitza	Micozzie	Stairs
Caltagirone	Gruppo	Mihalich	Steighner
Cappabianca	Hagarty	Miller	Stish
Carlson	Haluska	Moehlmann	Strittmatter
Carn	Harper	Morris	Stuban
Cawley	Hasay	Mowery	Tangretti
Cessar	Hayden	Mrkonic	Taylor, E. Z.
Chadwick	Hayes	Murphy	Taylor, F.
Civera	Heckler	Nahill	Telek
Clark, B. D.	Herman	Nailor	Thomas
Clark, D. F.	Hershey	Noye	Tigue
Clark, J. H.	Hess	O'Brien	Trello
Clymer	Howlett	Olasz	Trich
Cohen	Hughes	Oliver	Van Horne
Colaarella	Itkin	Perzel	Veon
Colaizzo	Jackson	Pesci	Wambach
Cole	Jadlowiec.	Petrarca	Wass
Cornell	James	Petrone	Weston
Corrigan	Jarolin	Phillips	Wilson
Cowell	Johnson	Piccola	Wogan
Coy	Josephs	Pievsky	Wozniak
DeLuca	Kaiser	Pistella	Wright, D. R.
DeWeese	Kasunic	Pitts	Wright, R. C.
Daley	Kenney	Pressmann	Yandrisevits
Davies	Kondrich	Preston	
Dempsey	Kosinski	Raymond	O'Donnell,
Distler	Kukovich	Reber	Speaker
Dombrowski			

NAYS—0

NOT VOTING—2

Vroon Williams

EXCUSED—5

Dietterick McHale Taylor, J. Wright, J. L.
Dininni

The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,

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

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

Mr. MAYERNIK. Thank you, Mr. Speaker.

I have also distributed amendments 3138, 3139, and 3142, which I would like to withdraw at this time and be recognized on final passage, if appropriate.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

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?

The Chair recognizes the gentleman, Mr. Mayernik.

Mr. MAYERNIK. Thank you, Mr. Speaker.

Again, I would like to thank all interested parties - the deputy sheriffs of Pennsylvania, the constables of Pennsylvania, and the sheriffs - and make a final statement before we vote on this bill.

Again expressing the purpose for the legal realists, the purpose of this bill is to train and educate constables in the Commonwealth. This legislation is not intended to expand or modify in any manner whatsoever the powers, duties, or obligations of the constables; rather, the constables will retain all powers and duties with which they are vested in common law or by any other statute. The education and training contemplated by this act is intended to train constables to fulfill only those duties.

The amendments to this legislation have been carefully drafted to assure that this bill is to train and educate constables. It is the specific intent of the drafters and the sponsors of this legislation not to change, modify, amend, delete, expand, or add to any of the current powers, duties, obligations of the Pennsylvania constables.

If it is your intention to expand the powers, vote against this bill. If it is your intention for education and training, and that is positively, absolutely your reason, then vote for the bill. I ask for an affirmative vote on SB 983.

On the question recurring,

Shall the bill pass finally?

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

YEAS—197

Acosta	Donatucci	Langtry	Rieger
Adolph	Dorr	Lashinger	Ritter
Allen	Durham	Laughlin	Robbins
Angstadt	Evans	Lee	Robinson
Argall	Fairchild	Leh	Roebuck
Barley	Fargo	Lescovitz	Rudy
Battisto	Farmer	Levdansky	Ryan
Belardi	Fee	Linton	Rybak
Belfanti	Fleagle	Lloyd	Saloom
Billow	Flick	Lucyk	Saurman
Birmelin	Foster	McCall	Scheetz
Bishop	Fox	McNally	Schuler

Black	Freeman	McVerry	Scrimenti
Blaum	Freind	Maiale	Semmel
Bortner	Gallen	Maine	Serafini
Bowley	Gamble	Markosek	Smith, B.
Boyes	Gannon	Marsico	Smith, S. H.
Brandt	Geist	Mayernik	Snyder, D. W.
Broujos	George	Melio	Snyder, G.
Bunt	Gigliotti	Merry	Staback
Burd	Gladeck	Michlovic	Stairs
Burns	Godshall	Micozzie	Steighner
Bush	Gruitza	Mihalich	Stish
Caltagirone	Gruppo	Miller	Strittmatter
Cappabianca	Hagarty	Moehlmann	Stuban
Carlson	Haluska	Morris	Tangretti
Carn	Harper	Mowery	Taylor, E. Z.
Cawley	Hasay	Mrkonic	Taylor, F.
Cessar	Hayden	Murphy	Telek
Chadwick	Hayes	Nahill	Thomas
Civera	Heckler	Nailor	Tigue
Clark, B. D.	Herman	Noye	Trello
Clark, D. F.	Hershey	O'Brien	Trich
Clark, J. H.	Hess	Olasz	Van Horne
Clymer	Howlett	Oliver	Veon
Cohen	Hughes	Perzel	Vroon
Colaella	Itkin	Pesci	Wambach
Colaizzo	Jackson	Petrarca	Wass
Cole	Jadlowiec	Petrone	Weston
Cornell	James	Phillips	Williams
Corrigan	Jarolin	Piccola	Wilson
Cowell	Johnson	Pievsky	Wogan
Coy	Josephs	Pistella	Wozniak
DeLuca	Kaiser	Pitts	Wright, D. R.
DeWeese	Kasunic	Pressmann	Wright, R. C.
Daley	Kenney	Preston	Yandrisevits
Davies	Kondrich	Raymond	
Dempsey	Kosinski	Reber	O'Donnell,
Distler	Kukovich	Reinard	Speaker
Dombrowski	LaGrotta	Richardson	

NAYS—0

NOT VOTING—0

EXCUSED—5

Dietterick	McHale	Taylor, J.	Wright, J. L.
Dininni			

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

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

VOTE CORRECTION

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

Mr. MARKOSEK. Thank you, Mr. Speaker. I rise to correct the record.

I inadvertently, on SB 1511, voted in the negative. I would like to be recorded in the positive.

The SPEAKER pro tempore. The Chair thanks the gentleman.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **SB 1324, PN 2481**, entitled:

An Act amending the act of April 9, 1929 (P. L. 343, No. 176), entitled, as amended, "The Fiscal Code," authorizing the State Treasurer and the Secretary of Revenue to promulgate regulations concerning the method of payment of obligations due the Commonwealth; and further providing for requisitions out of any fund in the State Treasury.

On the question,

Will the House agree to the bill on third consideration?

Mr. CAPPABIANCA offered the following amendments No. A3612:

Amend Title, page 2, lines 3 and 4, by striking out "REQUISITIONS OUT OF ANY FUND IN THE" in line 3, all of line 4 and inserting

payments.

Amend Bill, page 3, lines 16 through 30; page 4, lines 1 through 30; page 5, lines 1 through 13, by striking out all of said lines on said pages

Amend Sec. 3, page 5, line 14, by striking out "3" and inserting

2

Amend Sec. 4, page 6, line 3, by striking out "4" and inserting

3

On the question,

Will the House agree to the amendments?

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

Mr. CAPPABIANCA. Thank you, Mr. Speaker.

This is an agreed-to amendment, and I would ask for an affirmative vote. It simply puts the legislation back to the status quo the way it was before we amended it in the Appropriations Committee.

So I would ask for an affirmative vote on this amendment, sir.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—196

Adolph	Dorr	Lashinger	Rieger
Allen	Durham	Laughlin	Ritter
Angstadt	Evans	Lee	Robbins
Argall	Fairchild	Leh	Robinson
Barley	Fargo	Lescovitz	Roebuck
Battisto	Farmer	Levdansky	Rudy
Belardi	Fee	Linton	Ryan
Belfanti	Fleagle	Lloyd	Rybak
Billow	Flick	Lucy	Saloom
Birmelin	Foster	McCall	Saurman
Bishop	Fox	McNally	Scheetz
Black	Freeman	McVerry	Schuler
Blaum	Freind	Maiale	Scrimenti
Bortner	Gallen	Maine	Semmel
Bowley	Gamble	Markosek	Serafini
Boyes	Gannon	Marsico	Smith, B.
Brandt	Geist	Mayernik	Smith, S. H.
Broujos	George	Melio	Snyder, D. W.
Bunt	Gigliotti	Merry	Snyder, G.

Burd	Gladeck	Michlovic	Staback
Burns	Godshall	Micozzie	Stairs
Bush	Gruitza	Mihalich	Steighner
Caltagirone	Gruppo	Miller	Stish
Cappabianca	Hagarty	Moehlmann	Strittmatter
Carlson	Haluska	Morris	Stuban
Carn	Harper	Mowery	Tangretti
Cawley	Hasay	Mrkonic	Taylor, E. Z.
Cessar	Hayden	Murphy	Taylor, F.
Chadwick	Hayes	Nahill	Telek
Civera	Heckler	Nailor	Thomas
Clark, B. D.	Herman	Noye	Tigue
Clark, D. F.	Hershey	O'Brien	Trello
Clark, J. H.	Hess	Olasz	Trich
Clymer	Howlett	Oliver	Van Horne
Cohen	Hughes	Perzel	Veon
Colafella	Itkin	Pesci	Vroon
Colaizzo	Jackson	Petrarca	Wambach
Cole	Jadlowiec	Petrone	Wass
Cornell	James	Phillips	Weston
Corrigan	Jarolin	Piccola	Williams
Cowell	Johnson	Pievsky	Wilson
Coy	Josephs	Pistella	Wogan
DeLuca	Kaiser	Pitts	Wozniak
DeWeese	Kasunic	Pressmann	Wright, D. R.
Daley	Kenney	Preston	Wright, R. C.
Davies	Kondrich	Raymond	Yandrisevits
Dempsey	Kosinski	Reber	
Distler	Kukovich	Reinard	O'Donnell,
Dombrowski	LaGrotta	Richardson	Speaker
Donatucci	Langtry		

NAYS—0

NOT VOTING—1

Acosta

EXCUSED—5

Dietterick	McHale	Taylor, J.	Wright, J. L.
Dininni			

The question was determined in the affirmative, and the amendments were agreed to.

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

Mr. VROON offered the following amendments No. A3481:

Amend Title, page 2, line 4, by removing the period after "TREASURY" and inserting
and for certain interest penalties.

Amend Bill, page 6, by inserting between lines 2 and 3
Section 4. Section 1507(b)(1) of the act, added December 13, 1982 (P.L. 1155, No. 206), is amended to read:

Section 1507. Interest Penalties on Commonwealth Accounts.—***

(b) (1) [Interest] Notwithstanding any provision of this section, interest penalties payable on amounts due to a business concern or qualified small business concern under this section shall be paid to the business concern for the period beginning on the day after the required payment date and ending on the date on which payment on the amount due is made[, except no interest penalty shall be paid if payment for the complete delivered item of property or service concerned is made on or before the fifteenth calendar day after the required payment date].

Amend Sec. 4, page 6, line 3, by striking out "4" and inserting

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

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

Mr. VROON. Mr. Speaker, this bill proposes to rather revolutionize the manner of making tax payments to the State.

This bill calls for what they call electronic funding, which means that all businesses that owe money to the State and owe taxes to the State must pay those taxes by an electronic funding method on the due date. In other words, if on the 15th of the month they owe taxes to the State where they might transfer by electronic funding—

The SPEAKER pro tempore. Will the speaker suspend, and, Mr. Vroon, would you please come to the podium.

(Conference held at Speaker's podium.)

BILL PASSED OVER TEMPORARILY

The SPEAKER pro tempore. The Chair goes over SB 1324 temporarily.

VOTE CORRECTION

The SPEAKER pro tempore. The Chair recognizes Representative Josephs.

Ms. JOSEPHS. I would like to correct the record.

I was voted in the affirmative on SB 1512. I meant to vote in the negative. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the Representative.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 2513, PN 4197 (Amended)

By Rep. CALTAGIRONE

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," further providing for a bill of rights for crime victims.

JUDICIARY.

HB 2732, PN 4198 (Amended)

By Rep. F. TAYLOR

An Act defining "retail motor vehicle fuel station"; restricting promulgation of certain rules and regulations; and requiring the conduct of an impact study.

BUSINESS AND COMMERCE.

SB 621, PN 2548 (Amended)

By Rep. CALTAGIRONE

An Act establishing a drug treatment and rehabilitation and academic and vocational program for youthful and juvenile offenders in the Department of Public Welfare; and making an appropriation.

JUDICIARY.

SB 635, PN 2358

By Rep. CALTAGIRONE

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

JUDICIARY.

FINANCE COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes Representative Trello for a committee meeting announcement.

Mr. TRELLO. Mr. Speaker, the Finance Committee will meet tomorrow morning at 10 o'clock in room 39E; at 10 o'clock, and I urge all the members to be present. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of SB 1442, PN 2054, entitled:

An Act amending the act of June 1, 1937 (P. L. 1168, No. 294), entitled "Pennsylvania Labor Relations Act," further providing for the salaries of board members; and making repeals.

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

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

The question is, shall the bill pass finally?

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

YEAS—193

Table listing names of members who voted 'YEAS' for SB 1442, PN 2054. Includes names like Acosta, Adolph, Allen, etc.

Table listing names of members who voted 'NAYS' for SB 1442, PN 2054. Includes names like Cohen, Colafella, Colaizzo, etc.

NAYS—2

Dombrowski Fee

NOT VOTING—2

Morris Oliver

EXCUSED—5

Table listing names of members who were excused: Dietterick, Dininni, McHale, Taylor, J., Wright, J. L.

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

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

* * *

The House proceeded to third consideration of SB 693, PN 2137, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, establishing the priority of advances made under certain mortgages; and providing for the rights of mortgagees, mortgagors and other parties with respect to certain mortgages.

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

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

The question is, shall the bill pass finally?

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

YEAS—195

Table listing names of members who voted 'YEAS' for SB 693, PN 2137. Includes names like Acosta, Adolph, Allen, etc.

Brandt	Geist	Marsico	Smith, S. H.
Broujos	George	Mayermik	Snyder, D. W.
Bunt	Gigliotti	Melio	Snyder, G.
Burd	Gladeck	Merry	Staback
Burns	Godshall	Michlovic	Stairs
Bush	Gruitza	Micozzie	Steighner
Caltagirone	Gruppo	Mihalich	Stish
Cappabianca	Hagarty	Miller	Strittmatter
Carlson	Haluska	Moehlmann	Stuban
Carn	Harper	Morris	Taylor, E. Z.
Cawley	Hasay	Mowery	Taylor, F.
Cessar	Hayden	Mrkonic	Telek
Chadwick	Hayes	Murphy	Thomas
Civera	Heckler	Nahill	Tigue
Clark, B. D.	Herman	Nailor	Trello
Clark, D. F.	Hershey	Noye	Trich
Clark, J. H.	Hess	O'Brien	Van Horne
Clymer	Howlett	Olasz	Veon
Cohen	Hughes	Perzel	Vroon
Colafigella	Itkin	Pesci	Wambach
Colaizzo	Jackson	Petrarca	Wass
Cole	Jadlowiec	Petrone	Weston
Cornell	James	Phillips	Williams
Corrigan	Jarolin	Piccola	Wilson
Cowell	Johnson	Pievsky	Wogan
Coy	Josephs	Pistella	Wozniak
DeLuca	Kaiser	Pitts	Wright, D. R.
DeWeese	Kasunic	Pressmann	Wright, R. C.
Daley	Kenney	Preston	Yandrisevits
Davies	Kondrich	Raymond	
Dempsey	Kosinski	Reber	O'Donnell,
Distler	Kukovich	Reinard	Speaker
Dombrowski			

NAYS—0

NOT VOTING—2

Oliver Tangretti

EXCUSED—5

Dietterick McHale Taylor, J. Wright, J. L.
Dininni

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

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

* * *

The House proceeded to third consideration of **SB 1588, PN 2153**, entitled:

An Act designating a portion of the Beaver Valley Expressway in Beaver and Lawrence Counties as the James E. Ross Highway.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—191

Acosta	Dorr	Langtry	Rieger
Adolph	Durham	Lashingier	Ritter
Allen	Evans	Laughlin	Robbins
Angstadt	Fairchild	Lee	Robinson
Argall	Fargo	Leh	Roebuck
Barley	Farmer	Lescovitz	Rudy
Battisto	Fee	Levdansky	Ryan
Belardi	Fleagle	Linton	Rybak
Belfanti	Flick	Lloyd	Saloom
Billow	Foster	Lucyk	Saurman
Birmelin	Fox	McCall	Scheetz
Bishop	Freeman	McNally	Schuler
Black	Freind	McVerry	Scrimenti
Blaum	Gallen	Maiale	Semmel
Bortner	Gamble	Maine	Serafini
Boyley	Gannon	Markosek	Smith, B.
Boyes	Geist	Marsico	Smith, S. H.
Brandt	George	Mayernik	Snyder, D. W.
Broujos	Gigliotti	Melio	Snyder, G.
Bunt	Gladeck	Merry	Staback
Burd	Godshall	Michlovic	Stairs
Burns	Gruitza	Micozzie	Steighner
Bush	Gruppo	Miller	Stish
Caltagirone	Hagarty	Moehlmann	Strittmatter
Cappabianca	Haluska	Morris	Stuban
Carlson	Harper	Mowery	Tangretti
Carn	Hasay	Mrkonic	Taylor, E. Z.
Cawley	Hayden	Murphy	Taylor, F.
Cessar	Hayes	Nahill	Telek
Chadwick	Heckler	Nailor	Thomas
Civera	Herman	Noye	Tigue
Clark, B. D.	Hershey	O'Brien	Trello
Clark, D. F.	Hess	Olasz	Trich
Clark, J. H.	Howlett	Oliver	Van Horne
Clymer	Hughes	Perzel	Veon
Cohen	Jackson	Pesci	Vroon
Colafigella	Jadlowiec	Petrarca	Wambach
Colaizzo	James	Petrone	Wass
Cole	Jarolin	Phillips	Weston
Cornell	Johnson	Piccola	Wilson
Corrigan	Josephs	Pistella	Wogan
Cowell	Kaiser	Pitts	Wozniak
DeLuca	Kasunic	Pressmann	Wright, D. R.
DeWeese	Kenney	Preston	Wright, R. C.
Daley	Kondrich	Raymond	Yandrisevits
Davies	Kosinski	Reber	
Dempsey	Kukovich	Reinard	O'Donnell,
Distler	LaGrotta	Richardson	Speaker
Dombrowski			

NAYS—0

NOT VOTING—6

Coy Itkin Pievsky Williams
Donatucci Mihalich

EXCUSED—5

Dietterick McHale Taylor, J. Wright, J. L.
Dininni

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

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

VOTE CORRECTION

The SPEAKER pro tempore. The Chair recognizes Representative Tangretti.

Mr. TANGRETTI. Mr. Speaker, I stand to correct the record.

On SB 693 my switch malfunctioned. I would like to be recorded in the affirmative.

The SPEAKER pro tempore. The Chair thanks the gentleman.

SB 1442 RECONSIDERED

The SPEAKER pro tempore. The Chair is in receipt of a reconsideration motion whereby SB 1442, PN 2054, which was passed on the 2d day of October, be reconsidered.

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

The following roll call was recorded:

YEAS—195

Acosta	Dorr	Langtry	Richardson
Adolph	Durham	Lashinger	Rieger
Allen	Evans	Laughlin	Ritter
Angstadt	Fairchild	Lee	Robbins
Argall	Fargo	Leh	Robinson
Barley	Farmer	Lescovitz	Roebuck
Battisto	Fee	Levdansky	Rudy
Belardi	Fleagle	Linton	Ryan
Belfanti	Flick	Lloyd	Rybak
Billow	Foster	Lucyk	Saloom
Birmelin	Fox	McCall	Saurman
Bishop	Freeman	McNally	Scheetz
Black	Freind	McVerry	Schuler
Blaum	Gallen	Maiale	Scrimenti
Bortner	Gamble	Maine	Semmel
Bowley	Gannon	Markosek	Serafini
Boyes	Geist	Marsico	Smith, B.
Brandt	George	Mayernik	Smith, S. H.
Broujos	Gigliotti	Melio	Snyder, D. W.
Bunt	Gladeck	Merry	Snyder, G.
Burd	Godshall	Michlovic	Staback
Burns	Gruitza	Micozzie	Stairs
Bush	Gruppo	Mihalich	Steighner
Caltagirone	Hagarty	Miller	Stish
Cappabianca	Haluska	Moehlmann	Strittmatter
Carlson	Harper	Morris	Suban
Carn	Hasay	Mowery	Tangretti
Cawley	Hayden	Mrkonic	Taylor, E. Z.
Cessar	Hayes	Murphy	Taylor, F.
Chadwick	Heckler	Nahill	Telek
Civera	Herman	Nailor	Thomas
Clark, B. D.	Hershey	Noye	Tigue
Clark, D. F.	Hess	O'Brien	Trello
Clark, J. H.	Howlett	Olasz	Trich
Clymer	Hughes	Oliver	Van Horne
Cohen	Itkin	Perzel	Veon
Colafigella	Jackson	Pesci	Vroon
Colaizzo	Jadlowiec	Petrarca	Wambach
Cole	James	Petrone	Wass
Cornell	Jarolin	Phillips	Weston
Corrigan	Johnson	Piccola	Wilson
Cowell	Josephs	Pievsky	Wogan
Coy	Kaiser	Pistella	Wozniak
DeLuca	Kasunic	Pitts	Wright, D. R.
DeWeese	Kenney	Pressmann	Wright, R. C.
Daley	Kondrich	Preston	Yandrisevits
Dempsey	Kosinski	Raymond	
	Kukovich	Reber	O'Donnell,
			Speaker

Distler	LaGrotta	Reinard	Speaker
Dombrowski			
		NAYS—0	
		NOT VOTING—2	
Donatucci	Williams		
		EXCUSED—5	
Dietterick	McHale	Taylor, J.	Wright, J. L.
Dininni			

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

On the question recurring,
Shall the bill pass finally?

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

YEAS—196

Acosta	Donatucci	Langtry	Richardson
Adolph	Dorr	Lashinger	Rieger
Allen	Durham	Laughlin	Ritter
Angstadt	Evans	Lee	Robbins
Argall	Fairchild	Leh	Robinson
Barley	Fargo	Lescovitz	Roebuck
Battisto	Farmer	Levdansky	Rudy
Belardi	Fee	Linton	Ryan
Belfanti	Fleagle	Lloyd	Rybak
Billow	Flick	Lucyk	Saloom
Birmelin	Foster	McCall	Saurman
Bishop	Fox	McNally	Scheetz
Black	Freeman	McVerry	Schuler
Blaum	Freind	Maiale	Scrimenti
Bortner	Gallen	Maine	Semmel
Bowley	Gamble	Markosek	Serafini
Boyes	Gannon	Marsico	Smith, B.
Brandt	Geist	Mayernik	Smith, S. H.
Broujos	George	Melio	Snyder, D. W.
Bunt	Gigliotti	Merry	Snyder, G.
Burd	Gladeck	Michlovic	Staback
Burns	Godshall	Micozzie	Stairs
Bush	Gruitza	Mihalich	Steighner
Caltagirone	Gruppo	Miller	Stish
Cappabianca	Hagarty	Moehlmann	Strittmatter
Carlson	Haluska	Morris	Suban
Carn	Harper	Mowery	Tangretti
Cawley	Hasay	Mrkonic	Taylor, E. Z.
Cessar	Hayden	Murphy	Taylor, F.
Chadwick	Hayes	Nahill	Telek
Civera	Heckler	Nailor	Thomas
Clark, B. D.	Herman	Noye	Tigue
Clark, D. F.	Hershey	O'Brien	Trello
Clark, J. H.	Hess	Olasz	Trich
Clymer	Howlett	Oliver	Van Horne
Cohen	Hughes	Perzel	Veon
Colafigella	Itkin	Pesci	Vroon
Colaizzo	Jackson	Petrarca	Wambach
Cole	Jadlowiec	Petrone	Wass
Cornell	James	Phillips	Weston
Corrigan	Jarolin	Piccola	Wilson
Cowell	Johnson	Pievsky	Wogan
Coy	Josephs	Pistella	Wozniak
DeLuca	Kaiser	Pitts	Wright, D. R.
DeWeese	Kasunic	Pressmann	Wright, R. C.
Daley	Kenney	Preston	Yandrisevits
Dempsey	Kondrich	Raymond	
	Kosinski	Reber	O'Donnell,
	Kukovich	Reinard	Speaker
Dombrowski	LaGrotta		

NAYS—0
NOT VOTING—1

Williams

EXCUSED—5

Dietterick McHale Taylor, J. Wright, J. L.
Dininni

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

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

**BILLS ON THIRD
CONSIDERATION CONTINUED**

The House proceeded to third consideration of **HB 1946, PN 3058**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), known as the "Liquor Code," further providing for the quota on the issuance of distributors license and retail licenses.

On the question recurring,

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

The SPEAKER pro tempore. The Chair recognizes Representative Bowley, who withdraws amendment No. A2321.

On the question recurring,

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

Mr. MAYERNIK offered the following amendments No. A3700:

Amend Title, page 1, line 18, by removing the period after "LICENSES" and inserting
; and prohibiting the consumption of liquor or malt or brewed beverages while tending bar or otherwise serving such beverages.

Amend Bill, page 3, by inserting between lines 17 and 18

Section 2. Section 493 of the act is amended by adding a clause to read:

Section 493. Unlawful Acts Relative to Liquor, Malt and Brewed Beverages and Licensees.—The term "licensee," when used in this section, shall mean those persons licensed under the provisions of Article IV, unless the context clearly indicates otherwise.

It shall be unlawful—

(28) Consumption of Liquor or Malt or Brewed Beverages While Tending Bar. For any licensee, his servants, agents or employes, to consume liquor or malt or brewed beverages while tending bar or otherwise serving liquor or malt or brewed beverages. No action shall be taken against a licensee under this clause unless the licensee is the individual consuming liquor or malt or brewed beverages in violation of this clause.

Amend Sec. 2, page 3, line 18, by striking out "2" and inserting

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

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

Mr. MAYERNIK. Thank you, Mr. Speaker.

Amendment 3700 would make it illegal for a bartender or an individual serving at a bar in a licensed establishment to consume alcoholic beverages while working in that capacity. The fine is put on the server and not on the licensee unless the licensee is the server at the time. Presently in California the bartender and the holder of a license are fined, and presently in New Jersey they have similar legislation.

I would ask for an affirmative vote on this.

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

The following roll call was recorded:

YEAS—194

Adolph	Dorr	Lashingier	Rieger
Allen	Durham	Laughlin	Ritter
Angstadt	Evans	Lee	Robbins
Argall	Fairchild	Leh	Robinson
Barley	Fargo	Lescovitz	Roebuck
Battisto	Farmer	Levdansky	Rudy
Belardi	Fee	Linton	Ryan
Belfanti	Fleagle	Lloyd	Rybak
Billow	Flick	Lucyk	Saloom
Birmelin	Foster	McCall	Saurman
Bishop	Fox	McNally	Scheetz
Black	Freeman	McVerry	Schuler
Blaum	Freind	Maiale	Scrimenti
Bortner	Gallen	Maine	Semmel
Bowley	Gamble	Markosek	Serafini
Boyes	Gannon	Marsico	Smith, B.
Brandt	Geist	Mayernik	Smith, S. H.
Bunt	George	Melio	Snyder, D. W.
Burd	Gigliotti	Merry	Snyder, G.
Burns	Gladeck	Michlovic	Staback
Bush	Godshall	Micozzie	Stairs
Caltagirone	Gruppo	Mihalich	Steighner
Cappabianca	Hagarty	Miller	Stish
Carlson	Haluska	Moehlmann	Strittmatter
Carn	Harper	Morris	Stuban
Cawley	Hasay	Mowery	Tangretti
Cessar	Hayden	Mrkonic	Taylor, E. Z.
Chadwick	Hayes	Murphy	Taylor, F.
Civera	Heckler	Nahill	Telek
Clark, B. D.	Herman	Nailor	Thomas
Clark, D. F.	Hershey	Noye	Tigue
Clark, J. H.	Hess	O'Brien	Trello
Clymer	Howlett	Olasz	Trich
Cohen	Hughes	Oliver	Van Horne
Colafella	Itkin	Perzel	Veon
Colaizzo	Jackson	Pesci	Vroon
Cole	Jadlowiec	Petrarca	Wambach
Cornell	James	Petrone	Wass
Corrigan	Jarolin	Phillips	Weston
Cowell	Johnson	Piccola	Williams
Coy	Josephs	Pievsky	Wilson
DeLuca	Kaiser	Pistella	Wogan
DeWeese	Kasunic	Pitts	Wozniak
Daley	Kenney	Pressmann	Wright, D. R.
Davies	Kondrich	Preston	Wright, R. C.
Dempsey	Kosinski	Raymond	Yandrisevits
Distler	Kukovich	Reber	
Dombrowski	LaGrotta	Reinard	O'Donnell,
Donatucci	Langtry	Richardson	Speaker

NAYS—0

NOT VOTING—3

Acosta Broujos Gruitza
EXCUSED—5

Dietterick McHale Taylor, J. Wright, J. L.
Dininni

The question was determined in the affirmative, and the amendments were 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 pro tempore. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

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

YEAS—190

Acosta	Donatucci	LaGrotta	Richardson
Adolph	Dorr	Langtry	Rieger
Allen	Durham	Lashinger	Ritter
Angstadt	Evans	Laughlin	Robbins
Argall	Fairchild	Leh	Robinson
Barley	Fargo	Lescovitz	Roebuck
Battisto	Farmer	Levdansky	Rudy
Belardi	Fee	Linton	Ryan
Belfanti	Fleagle	Lloyd	Rybak
Billow	Flick	Lucyk	Saloom
Birmelin	Foster	McCall	Saurman
Bishop	Fox	McNally	Scheetz
Black	Freind	McVerry	Schuler
Blaum	Gallen	Maiale	Scrimenti
Bortner	Gamble	Maine	Semmel
Bowley	Gannon	Markosek	Serafini
Boyes	Geist	Marsico	Smith, B.
Brandt	George	Mayernik	Smith, S. H.
Broujos	Gigliotti	Melio	Snyder, D. W.
Bunt	Gladeck	Michlovic	Snyder, G.
Burd	Godshall	Micozzie	Staback
Burns	Gruitza	Mihalich	Stairs
Bush	Gruppo	Miller	Steighner
Caltagirone	Hagarty	Moehlmann	Stish
Cappabianca	Haluska	Morris	Strittmatter
Carlson	Harper	Mowery	Stuban
Carn	Hasay	Mrkonic	Tangretti
Cawley	Hayden	Murphy	Taylor, E. Z.
Cessar	Hayes	Nahill	Taylor, F.
Chadwick	Heckler	Nailor	Telek
Civera	Herman	Noye	Thomas
Clark, B. D.	Hershey	O'Brien	Trello
Clark, D. F.	Hess	Olasz	Trich
Clark, J. H.	Howlett	Oliver	Van Horne
Clymer	Hughes	Perzel	Veon
Cohen	Itkin	Pesci	Vroon
Colafella	Jackson	Petrarca	Wambach
Colaizzo	Jadlowiec	Petrone	Wass
Cole	James	Phillips	Weston
Cornell	Jarolin	Piccola	Williams
Corrigan	Johnson	Pievsky	Wilson
Cowell	Josephs	Pistella	Wogan
Coy	Kaiser	Pitts	Wozniak
DeLuca	Kasunic	Pressmann	Wright, D. R.
Daley	Kenney	Preston	Wright, R. C.
Davies	Kondrich	Raymond	
Dempsey	Kosinski	Reber	O'Donnell,
Distler	Kukovich	Reinard	Speaker

NAYS—6

Dombrowski Lee Tigue Yandrisevits
Freeman Merry

NOT VOTING—1

DeWeese

EXCUSED—5

Dietterick McHale Taylor, J. Wright, J. L.
Dininni

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.

BILL REMOVED FROM TABLE

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

Mr. DeWEESE. Mr. Speaker, I move that SB 1136, PN 2487, be removed from the tabled calendar and placed upon the active calendar.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILL RECOMMENDED

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

Mr. DeWEESE. Mr. Speaker, I move that SB 1136, PN 2487, be removed from the active calendar and be recommended to the Appropriations Committee for a fiscal note.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILLS ON THIRD CONSIDERATION CONTINUED

The SPEAKER pro tempore. On page 10 of today's calendar, the Chair will pass over SB 1535, PN 2328, unless there are objections.

The Chair recognizes the minority leader, Mr. Ryan.

Mr. RYAN. Mr. Speaker, at this time I object to that bill going over. If you would wait a moment, I just had a brief meeting on the floor with the majority leader. It may be that the calendar markings should be changed at this time. I will wait for his advice.

The SPEAKER pro tempore. The House will stand at ease.

VOTE CORRECTION

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

Mr. ITKIN. During the pause in our deliberations, would I be in order to correct the record?

The SPEAKER pro tempore. Yes.

Mr. ITKIN. Mr. Speaker, the record shows that I failed to vote on final passage of SB 1588. I would like to see the record show that I would vote in the affirmative.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The House will be at ease.

THE SPEAKER (ROBERT W. O'DONNELL) PRESIDING

The SPEAKER. The Chair thanks the gentleman, Mr. Burns, for presiding.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **SB 1535, PN 2328**, entitled:

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

On the question,

Will the House agree to the bill on third consideration?

Mrs. HAGARTY offered the following amendments No. A3746:

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

Titles 18 (Crimes and Offenses) and

Amend Title, page 1, line 2, by inserting after "providing" for the prohibition of collecting certain criminal history information and for

Amend Bill, page 1, by inserting between lines 5 and 6

Section 1. Section 9106 of Title 18 of the Pennsylvania Consolidated Statutes is amended to read:

§ 9106. Prohibited information.

(a) General rule.—

(1) Intelligence information, investigative information and treatment information shall not be collected in the central repository [nor in any automated or electronic criminal justice information system]. This prohibition shall not preclude the collection in the central repository [or in any automated or electronic criminal justice information system] of names, words, numbers, phrases or other similar index keys to serve as indices to investigative reports.

(2) Intelligence information may be placed in an automated or electronic criminal justice system only if:

(i) the criminal justice agency has reasonable suspicion of criminal activity; and

(ii) access to the intelligence information contained in the automated or electronic criminal justice system is restricted to the authorized employees of the criminal justice agency and cannot be accessed by any other individuals inside or outside that agency.

(3) Intelligence information shall be placed within categories designated by the head of the criminal justice agency. The categories shall be based on subject matters that would give rise to prosecution for a State offense graded as a misdemeanor or felony, or for a Federal offense for which the penalty is imprisonment for more than one year.

(4) Intelligence information may not be collected in violation of State law.

(5) Intelligence information may not be disseminated to any outside agency unless the information has been verified.

(6) Intelligence information may not be collected or maintained concerning participation in a political, religious or social organization, or the organization or support of any nonviolent demonstration, assembly, protest, rally or similar form of public speech, unless there is a reasonable suspicion that the subject of the information is, or may be, involved in criminal activity.

(7) Investigative information and treatment information contained in the files of any criminal justice agency may be placed within an automated or electronic criminal justice information system, provided that access to the investigative information and treatment information contained in the automated or electronic criminal justice information system is restricted to authorized employees of that agency and cannot be accessed by individuals outside of that agency.

(b) Dissemination of protected information.—

(1) Intelligence information, investigative information and treatment information shall not be disseminated to any department, agency or individual unless the agency requesting the information is a criminal justice agency.

(2) Criminal justice agencies may request and may receive intelligence information, investigative information and treatment information only in connection with the duties of a criminal justice agency and only when the request for information is based upon the name, fingerprints, modus operandi, genetic typing, voice print or other identifying characteristic.

(3) Intelligence information shall be disseminated only to other criminal justice agencies which have established policies and procedures regarding data entry, maintenance, security, categorization and dissemination which are consistent with the regulations promulgated under this section. The regulations should not include any review of intelligence information by the promulgating agency.

(4) If an intelligence officer of the disseminating agency is notified that intelligence information which has been previously disseminated to another criminal justice agency is materially misleading, obsolete or otherwise unreliable, the information shall be corrected and the recipient agency notified of the change within a reasonable period of time.

(5) Criminal justice agencies shall establish retention schedules for intelligence information. Intelligence information shall be purged under the following conditions:

(i) The data is no longer relevant or necessary to the goals and objectives of the criminal justice agency.

(ii) The data has become obsolete, making it unreliable for present purposes; and the utility of updating the data would be worthless.

(iii) The data cannot be utilized for present or future strategic or tactical intelligence studies.

(c) Security of the information.—A criminal justice agency or other entity which possesses information protected by this section, but which is not the source of the information, may make use of or disclose such information to the extent that such use or disclosure is appropriate to the proper performance of the criminal justice agency using or disclosing the information; otherwise, the criminal justice agency may not disseminate such information. Agencies and individuals receiving intelligence information, investigative information or treatment information assume equal responsibility for the security of such information as the originating agency.

(d) Notations of the record.—Criminal justice agencies maintaining intelligence information, investigative information or treatment information must enter, as a permanent part of an

individual's information file, a listing of all persons and agencies to whom they have disseminated that particular information, the date of the dissemination and the purpose for which the information was disseminated. This listing shall be maintained separate from the record itself.

(e) Security requirements.—Every criminal justice agency collecting, storing or disseminating intelligence information, investigative information or treatment information shall insure the confidentiality and security of such information by providing that wherever such information is maintained, a criminal justice agency must:

(1) institute procedures to reasonably protect any repository from theft, fire, sabotage, flood, wind or other natural or man-made disasters;

(2) select, supervise and train all personnel authorized to have access to intelligence information, investigative information or treatment information; and

(3) insure that, where computerized data processing is employed, the equipment utilized for maintaining intelligence information, investigative information or treatment information is dedicated solely to purposes related to the administration of criminal justice, or, if the equipment is not used solely for the administration of criminal justice, the criminal justice agency is accorded equal management participation in computer operations used to maintain the intelligence information, investigative information or treatment information.

(f) Penalties.—Any person, including any agency or organization, who violates the provisions of this section shall be subject to the administrative penalties provided in section 9181 (relating to general administrative sanctions) and the civil penalties provided in section 9183 (relating to civil actions).

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

2

Amend Sec. 1, page 1, lines 6 and 7, by striking out "of the Pennsylvania Consolidated Statutes"

Amend Sec. 2, page 3, line 14, by striking out "2" and inserting

3

On the question,

Will the House agree to the amendments?

The SPEAKER. For what purpose does Mr. Kukovich rise?

Mr. KUKOVICH. Mr. Speaker, I believe that this amendment is a violation of rule 20, and I would ask the Chair to so rule.

AMENDMENTS RULED OUT OF ORDER

The SPEAKER. For the information of the House, we are reviewing the amendment and the rules.

In response to the gentleman, Mr. Kukovich's point of order, the amendment is ruled out of order as violative of rule 20, containing more than one subject.

PARLIAMENTARY INQUIRY

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

Mr. RYAN. Mr. Speaker, prior to probably appealing the ruling of the Chair, I would make a point of parliamentary inquiry.

The SPEAKER. The gentleman shall state his inquiry.

Mr. RYAN. Mr. Speaker, last week this House passed SB 775, which contained provisions of Title 20, Title 72, Titles 13, 18, 23, and 42, all part of the Consolidated Statutes, which is the same as the matter before us today and the proposed amendment of Mrs. Hagarty's, and I am curious as to what the difference is between these two sets of circumstances. I would be pleased to provide to the Parliamentarian a copy of SB 775, which last week was passed.

The SPEAKER. The Chair would be hard pressed to determine the extent to which these two situations are analogous. There is nothing in the record by way of a ruling of the Chair to which we can appeal. The gentleman certainly can make that argument that the two situations are similar. We do not have the bill in front of us. We appreciate the offer of the gentleman to put it in front of us. The Chair is not at this point prepared to rule on whether Consolidated Statutes are an exception to this or whatever.

In any event, the issue raised by the gentleman, on its face, appears to the Chair to be violative of rule 20 in that—the Chair will volunteer an explanation, but not by way of argument—the subject matter here is in Title 18 and not in Title 42. The subject matter of this bill appears to be exemptions from judgments, and the subject matter of the proposed amendment appears to be the criminal law and, apparently, electronic recordkeeping.

Mr. RYAN. Mr. Speaker, I look at page 6 of the calendar, SB 266, and note that Titles 24 and 71 are contained in that particular measure, and I am wondering if your ruling would also affect this Senate bill the same way.

The SPEAKER. That bill has not been voted, and certainly a point of order would be available to any member of the House at that point. There may or may not be an analogy between the two situations. At first glance—and not intending to be bound by this observation—at first glance, it appears that all that material relates to the Retirement Code in SB 266, but it is not the Chair's intention to offer the gentleman argument or opposition argument.

RULING OF CHAIR APPEALED

Mr. RYAN. Mr. Speaker, I would appeal the ruling of the Chair.

The SPEAKER. The Chair thanks the gentleman.

The matter before the House is the decision of the Chair on the point of order raised by Mr. Kukovich. The point of order was that the amendment offered by the lady, Mrs. Hagarty, was violative of rule 20, which rule forbids bills on more than one subject. The Chair has ruled that the amendment is out of order as violative of that rule. The gentleman, Mr. Ryan, has appealed the ruling of the Chair. The matter of that appeal is now before the House.

The question before the House is, shall the decision of the Chair stand as the judgment of the House?

On the question,

Will the House sustain the ruling of the Chair?

The SPEAKER. On that question, the Chair recognizes Mr. DeWeese.

Mr. DeWEESE. Mr. Speaker, I would ask that the members of our caucus sustain the ruling of the Chair; please sustain the ruling of the Chair. I would also ask the members of the Republican Caucus to sustain the ruling of the Chair. Thank you.

The SPEAKER. The Chair recognizes Mr. Ryan.

Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, I tried to point out here over the past several moments that we have time and time again handled matters before this House, bills before this House, that were part of the Consolidated Statutes of Pennsylvania containing different titles. We are going to do it in a couple of minutes, I am sure, with the Senate bill on page 6. There is no reason why we cannot do it with this particular SB 1535, unless there is something more to it than the simple objection of the gentleman, Mr. Kukovich.

So let us take a look at what we are talking about amending. The Speaker points out that even though there are different titles, the subjects are different. He does not rely, apparently, in his ruling on just the mere fact that the title numbers are different; he talks about the subjects. Well, that being the case, what is the subject of the amendment?

This amendment is an amendment that was intended—and you all have it, probably in three copies—you have this as an amendment that was going to be offered a couple of minutes ago to a bankers bill, but it was threatened that the bankers bill would be pulled; to an earlier bill dealing with constables, but if an amendment was offered, that bill was going to be pulled; and here this bill was going to be pulled because they do not want to see these amendments that you, the rank-and-file members, want to see, if you have been listening to your law enforcement people.

What does the amendment do? The amendment deals with the Criminal History Information Act. Pennsylvania is the only State in the United States today that does not have a provision for computerizing information dealing with criminal matters.

The SPEAKER. Will the gentleman suspend.

The Chair would just offer the gentleman a caution that the matter before the House is not the merits of the amendment. The Chair appreciates the gentleman's skills and, in any event, offers both leaders a much wider range of discretion, but the Chair would offer the gentleman that caution, that the matter before the House is the violation of the rule and not the substance of the amendment.

Mr. RYAN. But, Mr. Speaker, if I may, the justification for the Speaker's finding that this was violative of the rules was that the subject matter of this amendment differs from the subject matter of the bill that it was being offered to. That, in my judgment, allows me to discuss the subject matter of both the amendment and the bill.

The SPEAKER. If the Chair may offer the gentleman a measure of respect for his lawyerlike skill, and the use of the words "subject matter" by the Chair was not intended by the

Chair to open the subject matter. I mean, clearly there is a difference here between arguing the merits and arguing the situation at hand, which is the difference between these two bills. If the gentleman is about to make the point that these subject matters are the same, the Chair recedes.

Mr. RYAN. Mr. Speaker, I am not going to say they are the same; I am going to say that they are not so dissimilar that you cannot do this. By way of example, we earlier this session passed HB 121, which is now Act No. 6, which was the insurance law, which had a multitude of titles in it that were both criminal and civil. So these subject matters have been diverse all through the years, and when every district attorney in Pennsylvania, every police department in Pennsylvania, the Attorney General, and all of criminology, if you will, want this amendment, I think we should go ahead and see to it that it is inserted in a bill such as this.

With that little flag waving for law and order and the need for these CHRIA (Criminal History Record Information Act) amendments to try and continue to fight crime, I would ask that the Chair's ruling be rejected and that we be permitted to offer these amendments.

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

On the question recurring,

Will the House sustain the ruling of the Chair?

(Members proceeded to vote.)

VOTES CHALLENGED

Mr. RYAN. Mr. Speaker?

The SPEAKER. For what purpose does the gentleman rise?

Mr. RYAN. Mr. Speaker, is the gentleman, Mr. Howlett, on the floor of the House? Is the gentleman, Mr. Rieger, on the floor of the House?

The SPEAKER. The Chair would appreciate if the members would take their seats. If the members who are in the back of the chamber or within the sound of the Speaker's voice would please come to the floor and take their seats again.

The gentleman may proceed.

Mr. RYAN. The gentleman, Mr. Roebuck? The gentleman, Mr. Carn? The lady, Ms. Bishop? The gentleman, Mr. Wozniak? The gentleman, Mr. Preston? There he is. Forgive me.

The SPEAKER. The Chair would note for the record the presence of Mr. Wozniak.

Mr. RYAN. The gentleman, Mr. Brian Clark? The gentleman, Mr. Pievsky?

The SPEAKER. We would appreciate it if the members would take their seats. That would avoid anyone being challenged unnecessarily. If the members in the back of the House or in the lounge would please take their seats.

The Chair notes the presence of Representative Roebuck.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair notes the presence of Representative Taylor, and without objection, his name will be taken from leave. If the gentleman will stay at the microphone and verbally record his vote on this matter.

Mr. J. J. TAYLOR. Thank you, Mr. Speaker.

I just would like the Speaker to note my presence on the floor, and I would like to be recorded in the negative.

The SPEAKER. The Chair thanks the gentleman.

CONSIDERATION OF SB 1535 CONTINUED

The SPEAKER. The Chair notes the presence of Representative Carn in the House.

The Chair recognizes Mr. DeWeese.

Mr. DeWEESE. Mr. Speaker, I would like to inquire about the presence in the hall of the House of the gentlelady from Philadelphia, Mrs. Weston; also the gentleman from the great northwest, Mr. Robbins—good to see you—and I think the seat, the seat, of the gentleman, Mr. Perzel, is currently vacant. I see the gentleman. I wanted to make sure that the seat and the gentleman were both in the hall of the House.

On the question recurring,

Will the House sustain the ruling of the Chair?

The following roll call was recorded:

YEAS—96

Acosta	Evans	Lucyk	Rudy
Battisto	Fee	McCall	Rybak
Belardi	Freeman	McNally	Saloom
Belfanti	Gamble	Maiale	Scrimenti
Billow	George	Maine	Staback
Blaum	Gigliotti	Markosek	Steighner
Bortner	Gruitza	Mayernik	Stish
Bowley	Haluska	Melio	Stuban
Broujos	Harper	Michlovic	Tangretti
Caltagirone	Hayden	Mihalich	Taylor, F.
Cappabianca	Hughes	Mrkonic	Thomas
Carn	Itkin	Murphy	Tigue
Cawley	James	Olasz	Trello
Cohen	Jarolin	Oliver	Trich
Colaafella	Josephs	Pesci	Van Horne
Colaizzo	Kaiser	Petrarca	Veon
Cole	Kasunic	Petrone	Wambach
Corrigan	Kosinski	Pistella	Williams
Cowell	Kukovich	Pressmann	Wozniak
Coy	LaGrotta	Preston	Wright, D. R.
DeLuca	Laughlin	Richardson	Yandrisevits
DeWeese	Lescovitz	Ritter	
Daley	Levdansky	Robinson	O'Donnell,
Dombrowski	Linton	Roebuck	Speaker
Donatucci	Lloyd		

NAYS—96

Adolph	Dorr	Jadlowiec	Raymond
Allen	Durham	Johnson	Reber
Angstadt	Fairchild	Kenney	Reinard
Argall	Fargo	Kondrich	Robbins
Barley	Farmer	Langtry	Ryan
Birmelin	Fleagle	Lashingner	Saurman
Black	Flick	Lee	Scheetz
Boyes	Foster	Leh	Schuler
Brandt	Fox	McVerry	Semmel
Bunt	Freind	Marsico	Serafini
Burd	Gallen	Merry	Smith, B.
Burns	Gannon	Micozzie	Smith, S. H.

Bush	Geist	Miller	Snyder, D. W.
Carlson	Gladeck	Moehlmann	Snyder, G.
Cessar	Godshall	Morris	Stairs
Chadwick	Gruppo	Mowery	Strittmatter
Civera	Hagarty	Nahill	Taylor, E. Z.
Clark, D. F.	Hasay	Nailor	Taylor, J.
Clark, J. H.	Hayes	Noye	Telek
Clymer	Heckler	O'Brien	Vroon
Cornell	Herman	Perzel	Wass
Davies	Hershey	Phillips	Wilson
Dempsey	Hess	Piccola	Wogan
Distler	Jackson	Pitts	Wright, R. C.

NOT VOTING—6

Bishop	Howlett	Rieger	Weston
Clark, B. D.	Pievsky		

EXCUSED—4

Dietterick	Dininni	McHale	Wright, J. L.
------------	---------	--------	---------------

The SPEAKER. A majority not having voted to overturn the ruling of the Chair, the ruling of the Chair stands, and the amendment is out of order.

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?

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

YEAS—195

Acosta	Durham	Laughlin	Ritter
Adolph	Evans	Lee	Robbins
Allen	Fairchild	Leh	Robinson
Angstadt	Fargo	Lescovitz	Roebuck
Argall	Farmer	Levdansky	Rudy
Barley	Fee	Linton	Ryan
Battisto	Fleagle	Lloyd	Rybak
Belardi	Flick	Lucyk	Saloom
Belfanti	Fox	McCall	Saurman
Billow	Freeman	McNally	Scheetz
Birmelin	Freind	McVerry	Schuler
Black	Gallen	Maiale	Scrimenti
Blaum	Gamble	Maine	Semmel
Bortner	Gannon	Markosek	Serafini
Bowley	Geist	Marsico	Smith, B.
Boyes	George	Mayernik	Smith, S. H.
Brandt	Gigliotti	Melio	Snyder, D. W.
Broujos	Gladeck	Merry	Snyder, G.
Bunt	Godshall	Michlovic	Staback
Burd	Gruitza	Micozzie	Stairs
Burns	Gruppo	Mihalich	Steighner
Bush	Hagarty	Miller	Stish
Caltagirone	Haluska	Moehlmann	Strittmatter
Cappabianca	Harper	Morris	Stuban
Carlson	Hasay	Mowery	Tangretti
Cawley	Hayden	Mrkonic	Taylor, E. Z.
Cessar	Hayes	Murphy	Taylor, F.
Chadwick	Heckler	Nahill	Taylor, J.
Civera	Herman	Nailor	Telek
Clark, B. D.	Hershey	Noye	Thomas
Clark, D. F.	Hess	O'Brien	Tigue
Clark, J. H.	Howlett	Olasz	Trello
Clymer	Hughes	Oliver	Trich
Cohen	Itkin	Perzel	Van Horne
Colaafella	Jackson	Pesci	Veon
Colaizzo	Jadlowiec	Petrarca	Vroon
Cole	James	Petrone	Wambach
Cornell	Jarolin	Phillips	Wass

Corrigan	Johnson	Piccola	Weston
Cowell	Josephs	Pievsky	Williams
Coy	Kaiser	Pistella	Wilson
DeLuca	Kasunic	Pitts	Wogan
DeWeese	Kenney	Pressmann	Wozniak
Daley	Kondrich	Preston	Wright, D. R.
Davies	Kosinski	Raymond	Wright, R. C.
Dempsey	Kukovich	Reber	Yandrisevits
Distler	LaGrotta	Reinard	
Dombrowski	Langtry	Richardson	O'Donnell,
Donatucci	Lashingier	Rieger	Speaker
Dorr			

NAYS—0

NOT VOTING—3

Bishop	Carn	Foster	
EXCUSED—4			
Dietterick	Dininni	McHale	Wright, J. L.

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

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

* * *

The House proceeded to third consideration of **SB 1140, PN 2329**, entitled:

An Act amending the act of December 19, 1988 (P. L. 1262, No. 156), entitled "Local Option Small Games of Chance Act," further providing for the conducting of games of chance, the organizations which may conduct such games, how, where and by whom they may be conducted, referendums, powers of the department and penalties.

On the question,

Will the House agree to the bill on third consideration?

Mr. CLYMER offered the following amendments No. A2758:

Amend Sec. 1 (Sec. 3), page 3, line 16, by striking out "ONE YEAR" and inserting two years

Amend Sec. 1 (Sec. 3), page 5, line 27, by striking out "ONE YEAR" and inserting two years

Amend Sec. 1 (Sec. 3), page 6, line 5, by striking out "ONE YEAR" and inserting two years

Amend Sec. 1 (Sec. 3), page 9, line 29, by striking out "ONE YEAR" and inserting two years

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman, Mr. Clymer, on the amendment.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is to put back from 1 year to 2 years the time an organization, under this revised bill, has to be in place, and I feel it is important that we consider the 2-year situation because there is much money that is involved in this kind of gambling that we are discussing here this after-

noon, and I think that to have an organization just in place for 1 year really does not make good sense. We in the General Assembly, of course, have to be here 2 years, and even then, we have difficulty understanding all the things that we must learn. So if you are going to analyze that particular organization for its leadership capabilities, for its primary reasons why it has come into purpose, 2 years is a very limited time indeed, and with that, Mr. Speaker, I would ask that the General Assembly support this important amendment. Thank you.

The SPEAKER. The Chair recognizes Mr. Trello.

Mr. TRELLO. Mr. Speaker, I rise to oppose the amendment.

Increasing from 1 to 2 years the period of time that an organization must be in existence before qualifying could create some very big hardships for some new organizations - specifically, football mothers, basketball boosters, quarterback clubs, Catholic Daughters of America - a number of groups that raise money for worthwhile charities. I have gotten strong support from those organizations that want to do an awful lot of good for charitable organizations but cannot; they have to wait 2 years.

For that reason I oppose the amendment. I think 1 year is plenty of time for any organization to be chartered in Pennsylvania, so I oppose the amendment.

The SPEAKER. The Chair recognizes Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I just heard a list of those organizations. It seems to me many of them are already in place. I did not see any new organizations in there, and that is what we are really dealing with, is those groups that may form a new organization, and therefore, again I ask the General Assembly to vote "yes" on my amendment. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—50

Barley	Flick	Johnson	Saurman
Birmelin	Fox	Lashingier	Scheetz
Black	Freind	Maine	Schuler
Caltagirone	Gannon	Micozzie	Serafini
Carlson	Geist	Moehlmann	Smith, S. H.
Chadwick	Gladeck	Mowery	Snyder, G.
Civera	Godshall	Nailor	Strittmatter
Clark, D. F.	Gruppo	Noye	Vroon
Clymer	Hayes	Phillips	Wright, R. C.
Durham	Heckler	Piccola	Yandrisevits
Fairchild	Herman	Pitts	
Fargo	Hershey	Raymond	O'Donnell,
Fleagle	Hess	Ryan	Speaker

NAYS—147

Acosta	Davies	Laughlin	Rieger
Adolph	Dempsey	Lee	Ritter
Allen	Distler	Leh	Robbins
Angstadt	Dombrowski	Lescovitz	Robinson
Argall	Donatucci	Levdansky	Roebuck
Battisto	Dorr	Linton	Rudy
Belardi	Evans	Lloyd	Rybak
Belfanti	Farmer	Lucyk	Saloom
Billow	Fee	McCall	Scrimenti
Bishop	Foster	McNally	Semmel
Blaum	Freeman	McVerry	Smith, B.

Bortner	Gallen	Maiale	Snyder, D. W.
Bowley	Gamble	Markosek	Staback
Boyes	George	Marsico	Stairs
Brandt	Gigliotti	Mayernik	Steighner
Broujos	Gruitza	Meljo	Stish
Bunt	Hagarty	Merry	Stuban
Burd	Haluska	Michlovic	Tangretti
Burns	Harper	Mihalich	Taylor, E. Z.
Bush	Hasay	Miller	Taylor, F.
Cappabianca	Hayden	Morris	Taylor, J.
Carn	Howlett	Mrkonic	Telek
Cawley	Hughes	Murphy	Thomas
Cessar	Itkin	Nahill	Tigue
Clark, B. D.	Jackson	O'Brien	Trello
Clark, J. H.	Jadlowiec	Olasz	Trich
Cohen	James	Olivier	Van Horne
Colaella	Jarolin	Perzel	Veon
Colaizzo	Josephs	Pesci	Wambach
Cole	Kaiser	Petrarca	Wass
Cornell	Kasunic	Petrone	Weston
Corrigan	Kenney	Pievsky	Williams
Cowell	Kondrich	Pistella	Wilson
Coy	Kosinski	Pressmann	Wogan
DeLuca	Kukovich	Preston	Wozniak
DeWeese	LaGrotta	Reinard	Wright, D. R.
Daley	Langtry	Richardson	

NOT VOTING—1

Reber

EXCUSED—4

Dietterick	Dininni	McHale	Wright, J. L.
------------	---------	--------	---------------

The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. CLYMER offered the following amendment No. A2759:

Amend Sec. 1 (Sec. 3), page 3, lines 28 through 30; page 4, lines 1 through 8, by striking out "THE TERM SHALL ALSO" in line 28, all of lines 29 and 30, page 3, and all of lines 1 through 8, page 4

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, what my amendment intends to do here is that it exempts those organizations that are involved with the school system, such as the PTA (Parent-Teacher Association) and the booster club. I am saying that they would not qualify to do any kind of gambling.

Mr. Speaker, I just want to take a moment and see if my remarks do not make common sense.

Mr. Speaker, what we normally do and the way things are now, they use the traditional methods, if I may use that term. They use visits by the students to the businesses, hoagie sales, bake sales, booster clubs, advertising, mail solicitations, and so forth and so on, and I think that is good because it gives them the idea about what responsibility and teamwork and hard work is all about. It makes them work as a unit. Now you are saying that you want to bring in the small games of chance to make it easy for them. That is what this bill would

do, is say, students, here is the easy way to do it; you sell your small games of chance; you do that and you can make the money. I think that today we must recognize the value of hard work and the kind of responsibility that is created when they go out on their own and they raise the money.

There is another point that I am also concerned about, and that is with sports betting. As the bill now before us states, it does allow these groups that I just mentioned to go out and to have these small games of chance. I think that, you know, students in high school should not be subject to this kind of opportunity. We see that sports betting is becoming more popular, and we know what happens with many popular athletes both at the collegiate and professional levels when they begin to do gambling. So that is, I think, a bad impression, a bad model that we are presenting for our students.

For these and the reasons I mentioned, Mr. Speaker, I ask for an affirmative vote on my amendment. Thank you.

The SPEAKER. The Chair recognizes Mr. Trello.

Mr. TRELLO. Mr. Speaker, I suggest that the gentleman, Mr. Clymer, read the bill again. I do not have any idea what he is talking about when he mentions sports betting. There is no sports betting in the small games of chance, and if he read the bill, I am sure he would agree with me that there is not. The only thing that this bill allows— And I got overwhelming requests from every county in Pennsylvania dealing with football mothers, basketball mothers, football boosters, quarterback clubs, and all they do is go out and raise money for the kids to reward them for their efforts on their athletic field.

Furthermore, the language in the bill dictates that before any organization dealing with high school athletics can participate in small games of chance, a referendum must be passed by the local school board directors and give them permission and set guidelines for it. There is no language in here dealing with sports betting. All this amendment does is allow the football mothers to have their 50-50 raffles at halftime or sell raffle tickets to raise money for prizes and for a banquet for the athletes, period.

I suggest that we vote "no" on this amendment.

The SPEAKER. The Chair recognizes Mr. Clymer.

Mr. CLYMER. Mr. Speaker, I think I made it very clear. I said the influence. I did not say that there was sports betting, but the influence that is prevailing in our society is very dominant with the sports betting advocates, and that is the problem that I see. We are moving another step in that direction, and I am very much concerned about that.

But I also want to go back to the reasons that I said before that we are going to make it easy for these fundraisers, and I think that the way that they are now soliciting money and getting contributions speaks well and should be continued in that light.

I would ask, Mr. Speaker, again that the members would consider this and vote "yes" for my amendment. Thank you.

The SPEAKER. The Chair recognizes Mr. Trello.

Mr. TRELLO. Mr. Speaker, every day if you watch golf on television, a portion of the proceeds goes for Little Golfers of America to teach them good, strong habits, raising money.

You know, that is what the football mothers want. They want to keep their kids off the street. They want to raise enough money for these programs to entertain them and reward them for their efforts.

He again talks about sports betting. There is no sports betting in this amendment, and I say that we should allow the football mothers, the basketball mothers, the hockey mothers to raise money for their athletes.

I recommend a "no" vote on the amendment.

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

The following roll call was recorded:

YEAS—25

Barley	Gannon	Leh	Rybak
Birmelin	Geist	Moehlmann	Saurman
Burns	Heckler	Noye	Scheetz
Clymer	Hershey	Petrone	Schuler
Fargo	Jackson	Pitts	Strittmatter
Flick	Johnson	Ryan	Vroon
Fox			

NAYS—170

Acosta	Distler	Lashinger	Richardson
Adolph	Dombrowski	Laughlin	Rieger
Allen	Donatucci	Lee	Ritter
Angstadt	Dorr	Lescovitz	Robbins
Argall	Durham	Levdansky	Robinson
Battisto	Evans	Linton	Roebuck
Belardi	Fairchild	Lloyd	Rudy
Belfanti	Farmer	Lucyk	Saloom
Billow	Fee	McCall	Scrimenti
Bishop	Fleagle	McNally	Semmel
Black	Foster	McVerry	Serafini
Blaum	Freeman	Maiale	Smith, B.
Bowley	Freind	Maine	Smith, S. H.
Boyes	Gallen	Markosek	Snyder, D. W.
Brandt	Gamble	Marsico	Snyder, G.
Broujos	George	Mayernik	Staback
Bunt	Gigliotti	Melio	Stairs
Burd	Gladeck	Merry	Steighner
Bush	Godshall	Michlovic	Stish
Caltagirone	Gruitza	Micozzie	Suban
Cappabianca	Gruppo	Mihalich	Tangretti
Carlson	Hagarty	Miller	Taylor, E. Z.
Carn	Haluska	Morris	Taylor, F.
Cawley	Harper	Mowery	Taylor, J.
Cessar	Hasay	Mrkonic	Telek
Chadwick	Hayden	Murphy	Thomas
Civera	Hayes	Nahill	Tigue
Clark, B. D.	Herman	Nailor	Trello
Clark, D. F.	Hess	O'Brien	Trich
Clark, J. H.	Hughes	Olasz	Van Horne
Cohen	Itkin	Oliver	Veon
Colafella	Jadlowiec	Perzel	Wambach
Colaizzo	James	Pesci	Wass
Cole	Jarolin	Petrarca	Weston
Cornell	Josephs	Phillips	Williams
Corrigan	Kaiser	Piccola	Wilson
Cowell	Kasunic	Pievsky	Wogan
Coy	Kenney	Pistella	Wright, D. R.
DeLuca	Kondrich	Pressmann	Wright, R. C.
DeWeese	Kosinski	Preston	Yandrisevits
Daley	Kukovich	Raymond	
Davies	LaGrotta	Reber	O'Donnell,
Dempsey	Langtry	Reinard	Speaker

NOT VOTING—3

Bortner Howlett Wozniak

EXCUSED—4

Dietterick Dininni McHale Wright, J. L.

The question was determined in the negative, and the amendment was not agreed to.

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

Mr. CLYMER offered the following amendments No. A2760:

Amend Sec. 1, page 2, line 16, by striking out "14" and inserting

14(d)

Amend Sec. 1 (Sec. 14), page 21, lines 23 through 30; page 22, lines 1 through 30, by striking out all of said lines on said pages and inserting

* * *

Amend Sec. 1 (Sec. 14), page 23, lines 6 through 9, by striking out all of said lines and inserting

* * *

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

The SPEAKER. On the amendment, the Chair recognizes Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, my third amendment deals with the fact that under the bill it allows those nonprofit organizations to do extensive advertising of their betting throughout the publications that are within their own organization.

As I said before, this is really multimillion dollars that we are dealing with, and for that reason I do not think we really want to expand the parameters of gambling through advertisement. For that reason, Mr. Speaker— Mr. Speaker, what number are we at? What amendment, 2760?

The SPEAKER. The Chair understands the gentleman to have offered 2760.

Mr. CLYMER. Okay. Mr. Speaker, I was off on another issue here.

Mr. Speaker, this allows the local municipalities to vote once every 4 years as to whether or not they would like to have gambling in their area. Right now in the bill it changes that to every year. What I am saying is, let us keep it in the original intent of the small-games-of-chance bill and that is once every 4 years, and that is what amendment 2760 is doing. It is saying every 4 years the citizens have the right to go and to determine if they would want small games of chance.

I would ask for an affirmative vote on amendment 2760. Thank you, Mr. Speaker.

VOTE CORRECTION

The SPEAKER. The Chair recognizes Mr. Rybak.

Mr. RYBAK. Mr. Speaker, my button malfunctioned on amendment A2759, the Clymer amendment to SB 1140. It was recorded in the affirmative. It should have been in the negative. Please correct the record. Thank you.

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

CONSIDERATION OF SB 1140 CONTINUED

The SPEAKER. The Chair recognizes Mr. Trello.

Mr. TRELLO. Mr. Speaker, the language in this amendment was taken care of in HB 1831 by Representative Markosek, and I am very happy to inform Mr. Clymer that I support the amendment.

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

The following roll call was recorded:

YEAS—189

Table listing names of members who voted 'YEAS' for SB 1140, including Acosta, Adolph, Allen, Angstadt, Argall, Barley, Battisto, Belardi, Belfanti, Billow, Birmelin, Bishop, Black, Blaum, Bortner, Bowley, Boyes, Brandt, Broujos, Bunt, Burd, Burns, Bush, Caltagirone, Cappabianca, Carlson, Carn, Cawley, Cessar, Chadwick, Civera, Clark, D. F., Clark, J. H., Clymer, Colafella, Colaizzo, Cole, Cornell, Corrigan, Cowell, Coy, DeLuca, DeWeese, Daley, Davies, Dempsey, Distler, Donatucci, Dorr, Durham, Fairchild, Fargo, Farmer, Fee, Fleagle, Flick, Foster, Fox, Freeman, Freind, Gallen, Gamble, Gannon, Geist, George, Gigliotti, Gladeck, Godshall, Gruitza, Gruppo, Hagarty, Haluska, Harper, Hasay, Hayden, Hayes, Heckler, Herman, Hershey, Hess, Howlett, Hughes, Itkin, Jackson, Jadlowiec, James, Jarolin, Johnson, Josephs, Kaiser, Kasunic, Kenney, Kondrich, Kosinsky, Kukovich, Langtry, Lashinger, Laughlin, Lee, Leh, Lescovitz, Levdansky, Linton, Lloyd, Lucyk, McCall, McNally, McVerry, Maiale, Maine, Marsico, Mayernik, Melio, Merry, Michlovic, Micozzie, Mihalich, Miller, Moehlmann, Morris, Mowery, Mrkonic, Murphy, Nailor, Noye, Olasz, Oliver, Perzel, Pesci, Petrarca, Petrone, Phillips, Piccola, Pievsky, Pistella, Pitts, Pressmann, Preston, Raymond, Reber, Reinard, Richardson, Rieger, Ritter, Robbins, Robinson, Roebuck, Rudy, Ryan, Rybak, Saloom, Saurman, Scheetz, Schuler, Scrimenti, Semmel, Serafini, Smith, B., Smith, S. H., Snyder, D. W., Snyder, G., Staback, Stairs, Steighner, Stish, Strittmatter, Stuban, Tangretti, Taylor, E. Z., Taylor, F., Taylor, J., Telek, Tigie, Trello, Trich, Van Horne, Veon, Vroon, Wambach, Wass, Weston, Williams, Wilson, Wogan, Wozniak, Wright, D. R., Wright, R. C., Yandrisevits, O'Donnell, Speaker

NAYS—7

Table listing names of members who voted 'NAYS' for SB 1140, including Cohen, Dombrowski, Evans, Markosek, Nahill, O'Brien, Thomas

NOT VOTING—2

Clark, B. D. LaGrotta

EXCUSED—4

Dietterick Dininni McHale Wright, J. L.

The question was determined in the affirmative, and the amendments were agreed to.

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

Mr. SALOOM offered the following amendments No. A2996:

Amend Sec. 1 (Sec. 10), page 15, line 14, by inserting after "RAFFLES."

A holder of a limited special occasion license may also conduct pill/dice games, chuck-a-luck, cards, fifty-fifty pools (Monte Carlo day/night games) during such licensed times.

Amend Sec. 1 (Sec. 10), page 15, lines 16 through 18, by striking out "NO HOLDER OF" in line 16 and all of lines 17 and 18

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

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

Mr. SALOOM. Mr. Speaker, amendment 2996 allows the licensed organizations on their special permits to hold Monte Carlo nights, chuck-a-luck, cards, fifty-fifties, and pill and dice games, which our fire departments throughout the Commonwealth and especially the volunteer fire departments and some church organizations are doing now. I would like to make it legal by the passage of this amendment.

The SPEAKER. The Chair recognizes Mr. Clymer.

Mr. CLYMER. Mr. Speaker, would the gentleman stand for interrogation, please?

The SPEAKER. The gentleman indicates that he will. The gentleman may proceed.

Mr. CLYMER. Could you clarify for me what chuck-a-luck is? I am not sure. I would like to have that explained.

Mr. SALOOM. Yes. I have seen chuck-a-luck at many of the firemen's fairs. It is a large wheel and it has pictures of dice on, and the person usually puts a quarter down on a board at that particular dice and they spin the wheel, and if your dice comes up on the wheel, you win, and if it does not, you lose.

Mr. CLYMER. Okay. Thank you.

Mr. Speaker, could you tell me what kinds of dice games you are interested in? What kind would be played?

Mr. SALOOM. I think they play that the same as they do the chuck-a-luck.

Mr. CLYMER. Could you explain? What do you do? Roll two dice or—

Mr. SALOOM. Yes. I think they roll the dice, and then they let a ball go down in to a certain number, and if you have got that number, you win. If you do not have the number, you lose.

Mr. CLYMER. Could you explain to me the kinds of games of cards that are played?

Mr. SALOOM. Well, I think on these Monte Carlo nights that they have special types of card games similar to black-jack.

Mr. CLYMER. In any of the three games that you have spoken to me about, Mr. Speaker, could you tell me are there limits, are there gambling limits, the amount that you can bet on each of these games of chance? Are there limits?

Mr. SALOOM. Oh, yes. There certainly are.

Mr. CLYMER. Where?

Mr. SALOOM. Not in this legislation, but I think the organization has limits of their own.

Mr. CLYMER. So in any of these games of chance, they could put in \$25; they could put \$25 down on a chuck-a-luck or they can put \$25 down— Okay. Is there someone who is going to provide that response to me, that answer?

Mr. SALOOM. Would you repeat the question, please?

Mr. CLYMER. What is the limit on any of these three games of chance that you just explained to me? What is the limit that you can play?

Mr. SALOOM. Mr. Speaker, these are house rules in, of course, their fire department, and these fire departments are out there to make a little money to help with their fire equipment, and they are not out there to do any harm to any individuals. I am sure if there are, you know, individuals who are trying to overdo it, you know, they walk them away. But I am sure the limit is usually \$1 or \$2 and most places \$1.

Mr. CLYMER. Let me ask you this question: What is the amount that they can win? You know, this small-games-of-chance bill was designed for limitations. I heard that argument so often, that there is only so much money that they can win or lose. Can you explain that to me?

Mr. SALOOM. Yes; that is true. You know, if they are betting \$1, I do not think that they can win more than \$3 in any of these games.

Mr. CLYMER. Mr. Speaker, is it not true that any of the organizations that are under the special permit can play these games though. Right? You are talking about volunteer fire companies.

Mr. SALOOM. Yes. There are only a couple of times a year, and I think they can only get two permits a year for these special fairs.

Mr. CLYMER. But you will agree that it is unlimited the amount that can be bet on any of these three games. Is that correct? It is unlimited.

Mr. SALOOM. Well, we do not have a limit in the bill, but I am saying the organizations themselves do limit it, because they cannot afford to lose the money, you know, either.

Mr. CLYMER. Okay. Thank you, Mr. Speaker.

I would like to speak on the amendment.

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

Mr. CLYMER. Mr. Speaker, as I speak on this amendment, I guess I am really directing my remarks to another amendment that the gentleman has, 2743, with the same kind of games of chance.

I just would like the members to remember that 4 years ago this General Assembly at that time had passed a bill allowing for dice and card playing that became extremely, extremely controversial and that the press was involved in this for as long as it took for the General Assembly to repeal it, and we did.

One of the problems I have with this—and as I have said, with another amendment that the gentleman is making—is that we really are broadening the kind of gambling that I feel is not beneficial to Pennsylvania. We are really moving into casino gambling, and that is a fact.

I would suggest that another situation that this General Assembly will have to face if this amendment and the following amendment go in is that those who run their operations for a profit are going to be very upset and are going to come back to this General Assembly and say, you know, what you have given to the nonprofits, you had better give to us as well. So we are going to create great controversy and what I feel is impact on social ills that we can ill afford in Pennsylvania.

I would ask a “no” vote on this amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Trello.

Mr. TRELLO. Mr. Speaker, this entire bill before you is an attempt to clarify and make fairer the current law. It is not an attempt to expand small games of chance. I think if this amendment is adopted, it will make a noncontroversial bill very controversial.

I oppose the amendment, and I would appreciate members from both sides of the aisle to vote “no.”

The SPEAKER. The Chair recognizes Mr. Battisto.

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

The SPEAKER. The gentleman indicates he is willing to be interrogated. The gentleman may proceed.

Mr. BATTISTO. Mr. Speaker, when the small-games-of-chance bill passed the House, I opposed it because I said clearly that it did not do for fire companies in particular what it was intended to do. That is to say, it did not allow them during carnival weeks to do the kinds of things that they wanted to do. They did things outside the small-games-of-chance purview.

Now your amendment, I thought, was going to address this, but it appears to me that it is addressing something else. This would not allow, for example, a fire company in my district that has a carnival for 7 days to do things other than to play the small games of chance. Is that right? It would not allow that. It would allow simply organizations that do not have a specific establishment to get these special occasion permits and then to engage in these activities.

Mr. SALOOM. Well, let me say this: It would help the fire departments, because the fire departments now are doing it and they are not allowed, and other organizations that have fairs, festivals, and functions for 5 days out of a year, it would help them raise money. Yes.

Mr. BATTISTO. But the fact of the matter is, if I have a fire company in my district, it already has an established loca-

tion; it conducts a carnival at which time it raises most of its money once a year. It would not be allowed to do these things though. You are talking about special occasion permits for those—

Mr. SALOOM. Under the present law it does not allow them to do these things, but they are doing it though, and I would like to make it legal for your fire department that is doing it.

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

Mr. Speaker, may I just make a comment?

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

Mr. BATTISTO. I have to say very bluntly that I believe this amendment would very seriously endanger the welfare of this bill besides opening up many other things.

I would ask for a “no” vote on this amendment, please.

The SPEAKER. The Chair recognizes Mr. Saurman.

Mr. SAURMAN. Thank you, Mr. Speaker.

Very briefly, Mr. Speaker, from what I understand, there are no limits on what really can be done except take my word for it; trust me. I would suggest that we do not gamble on that. We put limits in other bills and there are none here.

We should defeat this amendment. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—15

Belardi	Fee	Levdansky	Stairs
Billow	Gannon	Mihalich	Tangretti
Cawley	Gruitza	Saloom	Tigue
Dombrowski	Hasay	Staback	

NAYS—182

Acosta	Donatucci	Langtry	Reinard
Adolph	Dorr	Lashinger	Richardson
Allen	Durham	Laughlin	Rieger
Angstadt	Evans	Lee	Ritter
Argall	Fairchild	Leh	Robbins
Barley	Fargo	Lescovitz	Robinson
Battisto	Farmer	Linton	Koebuck
Belfanti	Fleagle	Lloyd	Rudy
Birmelin	Flick	Lucyk	Ryan
Bishop	Foster	McCall	Rybak
Black	Fox	McNally	Saurman
Blaum	Freeman	McVerry	Scheetz
Bortner	Freind	Maiale	Schuler
Bowley	Gallen	Maine	Scrimenti
Boyes	Gamble	Markosek	Semmel
Brandt	Geist	Marsico	Serafini
Broujos	George	Mayernik	Smith, B.
Bunt	Gigliotti	Melio	Smith, S. H.
Burd	Gladeck	Merry	Snyder, D. W.
Burns	Godshall	Michlovic	Snyder, G.
Bush	Gruppo	Micozzie	Steighner
Caltagirone	Hagarty	Miller	Stish
Cappabianca	Haluska	Moehlmann	Strittmatter
Carlson	Harper	Morris	Stuban
Carn	Hayden	Mowery	Taylor, E. Z.
Cessar	Hayes	Mrkonic	Taylor, F.
Chadwick	Heckler	Murphy	Taylor, J.
Civera	Herman	Nahill	Telek
Clark, B. D.	Hershey	Nailor	Thomas
Clark, D. F.	Hess	Noye	Trello
Clark, J. H.	Howlett	O'Brien	Trich
Clymer	Hughes	Olasz	Van Horne

Cohen	Itkin	Oliver	Vroon
Colaella	Jackson	Perzel	Wambach
Colaizzo	Jadlowiec	Pesci	Wass
Cole	James	Petrarca	Weston
Cornell	Jarolin	Petrone	Williams
Corrigan	Johnson	Phillips	Wilson
Cowell	Josephs	Piccola	Wogan
Coy	Kaiser	Pievsky	Wozniak
DeLuca	Kasunic	Pistella	Wright, D. R.
DeWeese	Kenney	Pitts	Wright, R. C.
Daley	Kondrich	Pressmann	Yandrisevits
Davies	Kosinski	Preston	
Dempsey	Kukovich	Raymond	O'Donnell,
Distler	LaGrotta	Reber	Speaker

NOT VOTING—1

Veon

EXCUSED—4

Dietterick	Dininni	McHale	Wright, J. L.
------------	---------	--------	---------------

The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,

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

Mr. SALOOM offered the following amendments No. A2742:

Amend Title, page 1, line 12, by removing the period after “PENALTIES” and inserting

; and expunging certain records of violations.

Amend Bill, page 24, by inserting between lines 12 and 13

Section 2. As of the effective date of this act, any violation of record against any club for conducting a game of chance shall be expunged from such record by the Pennsylvania Liquor Control Board.

Amend Sec. 2, page 24, line 13, by striking out “2” and inserting

3

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, the Chair recognizes Mr. Saloom.

Mr. SALOOM. Mr. Speaker, all this amendment does is state that any club that was cited for a small-games-of-chance violation prior to it becoming legal, that their record would be expunged with the Liquor Control Board.

The SPEAKER. The Chair recognizes Mr. Clymer.

Mr. CLYMER. Mr. Speaker, I would stand to oppose this amendment simply because—and this is the first I have seen it—simply because if you have done a wrongdoing prior to this amendment taking effect, I do not think that should expunge it, but the organization should be held responsible.

Therefore, Mr. Speaker, I ask that this amendment also be voted “no.” Thank you.

The SPEAKER. The Chair recognizes Mr. Trello.

Mr. TRELLO. Mr. Speaker, there has been an awful lot of confusion surrounding the laws, and lack of permanent regulations makes a good case for this amendment.

There are a number of clubs, and I guess we all know that it was a common, ordinary thing to buy raffle tickets anywhere, and there were no laws or rules promulgated against this.

I think the amendment makes sense. As some of the clubs that were doing this for good, charitable organizations in the past got cited, they should get another chance.

I support the amendment.

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

The following roll call was recorded:

YEAS—96

Acosta	Daley	Kaiser	Petrone
Belardi	Distler	Kasunic	Pievsky
Belfanti	Dombrowski	Kondrich	Pistella
Billow	Donatucci	Kosinski	Pressmann
Black	Evans	Kukovich	Preston
Blaum	Fargo	LaGrotta	Rieger
Boyes	Farmer	Lashinger	Robinson
Broujos	Fee	Laughlin	Rudy
Burd	Gallen	Lescovitz	Saloom
Bush	Gamble	Levdansky	Scrimenti
Caltagirone	Gannon	Lucyk	Serafini
Cappabianca	George	McCall	Smith, S. H.
Carlson	Gigliotti	McNally	Staback
Carn	Gruitzza	McVerry	Stairs
Cawley	Haluska	Maine	Steighner
Cessar	Hasay	Markosek	Tangretti
Clark, B. D.	Hayden	Mayermik	Taylor, F.
Clark, D. F.	Howlett	Michlovic	Telek
Cohen	Hughes	Mihalich	Tigue
Colafella	Itkin	Morris	Trello
Cole	Jadlowiec	Mrkonic	Van Horne
Cowell	James	Olasz	Veon
DeLuca	Jarolin	Oliver	Williams
DeWeese	Josephs	Petrarca	Wozniak

NAYS—100

Adolph	Fleagle	Marsico	Saurman
Allen	Flick	Melio	Scheetz
Angstadt	Foster	Merry	Schuler
Argall	Fox	Micozzie	Semmel
Barley	Freeman	Miller	Smith, B.
Battisto	Freind	Moehlmann	Snyder, D. W.
Birmelin	Geist	Mowery	Snyder, G.
Bishop	Gladeck	Murphy	Stish
Bortner	Godshall	Nahill	Strittmatter
Bowley	Gruppo	Nailor	Suban
Brandt	Hagarty	Noye	Taylor, E. Z.
Bunt	Harper	O'Brien	Taylor, J.
Burns	Hayes	Pesci	Thomas
Chadwick	Heckler	Phillips	Trich
Civera	Herman	Piccola	Vroon
Clark, J. H.	Hershey	Pitts	Wambach
Clymer	Hess	Raymond	Wass
Colaizzo	Jackson	Reber	Wilson
Cornell	Johnson	Reinard	Wogan
Corrigan	Kenney	Richardson	Wright, D. R.
Coy	Langtry	Ritter	Wright, R. C.
Davies	Lee	Robbins	Yandrisevits
Dempsey	Leh	Roebuck	
Dorr	Linton	Ryan	O'Donnell,
Durham	Lloyd	Rybak	Speaker
Fairchild	Maiiale		

NOT VOTING—2

Perzel	Weston
--------	--------

EXCUSED—4

Dietterick	Dininni	McHale	Wright, J. L.
------------	---------	--------	---------------

The question was determined in the negative, and the amendments were not agreed to.

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

Mr. SALOOM offered the following amendment No. A2741:

Amend Sec. 1 (Sec. 15), page 23, lines 14 through 18, by striking out "NOTWITHSTANDING THE PROHIBITION OF" in line 14 and all of lines 15 through 18

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

The SPEAKER. The Chair recognizes Mr. Saloom.

Mr. SALOOM. Mr. Speaker, Mr. Clymer had started to mention this amendment a little bit earlier and he got a little confused. He thought it was his own amendment, I guess, or came up opposed to it.

All this amendment says is that we remove the prohibition against advertising small games of chance. We have clubs and organizations that have tickets and they would like to sell them. They would like to put a little ad in the newspaper or on the radio to let the people of that community know that they are available, and they are not allowed due to a prohibition against advertising small games of chance.

The SPEAKER. The Chair recognizes Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I think the bottom line, as I look at this particular amendment, is that one of the problems is that we are beginning to expand the gambling throughout the Commonwealth. Even though this has its form of restriction, I feel that it is still not something that we should be involved with. How far do we go in the advertisement? It is a first step today, a larger step tomorrow, and it will continue. You know, that is one of the comments that I have made, that we will never see the end of amendments and bills to expand gambling.

So getting back to the issue at hand about advertising—

AMENDMENT WITHDRAWN

Mr. SALOOM. Mr. Speaker?

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

Mr. SALOOM. Mr. Speaker, I would like to withdraw the amendment.

The SPEAKER. The Chair thanks the gentleman.

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

The Chair recognizes Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, we are back to this final bill, the bill of expanding small games of chance here in the Commonwealth of Pennsylvania. As I said in previous opportunities when I have had to speak against the bill here in this House, one of

the things that does concern me is the wide spread of gambling in this State, the fact that it is a multimillion-dollar business. It is not sort of a five-and-dime, 10-cent store that we are looking at, but on the figures done by Revenue at a public hearing, it indeed goes into the millions of dollars. I think what we have presently in law is sufficient, and I simply feel that to expand upon it is not in the best interest of this Commonwealth.

I would ask for a "no" vote. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Trello.

Mr. TRELLO. Mr. Speaker, just very briefly. I would like to say that there are hundreds of thousands of citizens, men and women throughout this Commonwealth who make many, many sacrifices so that they can support disadvantaged people and civic organizations and programs for the youth of this great country of ours. The money that they raise and the only way that they know how is by offering a raffle ticket to support a good organization. As a matter of fact, I think a resolution should be adopted in this General Assembly to honor all those dedicated people who volunteer their time to support these programs where there is no government money involved.

I think this piece of legislation that we have clarified addresses all issues and makes a good, clean-cut small games of chance with no definition of "casino-type gambling," just good language that allows people to support their favorite causes.

I certainly would appreciate a "yes" vote on final passage of the bill. Thank you.

The SPEAKER. The Chair recognizes Mr. Vroon.

Mr. VROON. Mr. Speaker, I rise to oppose this bill. I have opposed it consistently in and out of committee. I have very serious objections to the extension of gambling in this Commonwealth.

This bill, as you will recall, was the product of the referendum that was passed by several localities and rejected by several localities in an election in 1989. The bill which set up that referendum was something which is now being revamped into a much larger bill, so this is the point of my conversation here at this point.

The people out there voted "yes" or "no" on the basis of a bill which had just about 25 percent of the amount of gambling that this bill has in it. Now, after letting the people vote in the referendum as to whether or not they wanted to approve small games of chance, we turn around and we increase the exposure in this small games of chance fourfold, and I think that is in effect dishonest. The people spoke. They said what you proposed is something we like or we do not like. Even such organizations as the League of Women Voters has come forward and said very emphatically, this is not good legislation. It is not fair to treat the people of the Commonwealth this way. When they said what they did, they said, we do not like it or we do like it, and on the basis of that, we went ahead and established a small-games-of-chance process. Now we come around and say, oh, well, now that you have approved this, we are going to make it four times as good on

the guise that you are going to raise revenue for distressed municipalities and small people, small organizations this way instead of doing it in the ordinary way of raising funds, voluntary contributions.

Mr. Speaker, I oppose this bill strictly on the basis of the fact that this is betraying the confidence of the people when they voted on this in a referendum.

I ask the membership to vote "no" on this bill.

The SPEAKER. The Chair recognizes Mr. Battisto.

Mr. BATTISTO. Thank you, Mr. Speaker.

Mr. Speaker, I would like to interrogate Representative Trello.

The SPEAKER. The gentleman indicates he is willing to be interrogated. The gentleman may proceed.

Mr. BATTISTO. Mr. Speaker, one of the things, as I had said before—you and I talked about this—that bothered me about the past bill—and I would like to see if this bill has changed things—is the fact that volunteer fire— The past bill did not address the problems that volunteer fire companies had with respect to conducting raffles again during their weeks of carnivals; for example, a 7-day or a 5-day carnival week. The bill limited, for example, raffles to I think \$25 per occasion or something like that. My fire companies and most fire companies raise most of their money from carnivals, and during those carnivals they raffle off sometimes three and four and five automobiles totaling \$50,000 or \$60,000 or \$70,000.

It is my understanding that this bill would allow a fire company that conducts a raffle during a carnival week to raffle off a number of automobiles totaling, let us say, \$80,000. Is that right?

Mr. TRELLO. That is correct, Mr. Speaker.

Mr. BATTISTO. Thank you very much.

The SPEAKER. The Chair recognizes Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

Very briefly, we passed similar legislation to this earlier this session and the Senate has failed to act on it, and that is why we are here again today.

I am just asking that the members vote the same way they did a year ago on this legislation and permit raffle tickets to be sold off premises, where 99 percent of us who have bought a raffle ticket have bought them - off the premises. It is absolutely ludicrous to believe that all of the raffle tickets sold that support so many good causes as enumerated by Representative Trello are only sold and will be sold on licensed establishments. It is just ludicrous to believe that. It is time that we make small games of chance what they were intended, and that is allow these organizations the ability to legitimately raise good money for good causes.

No one is forced to buy a raffle ticket. I have never been forced to buy one. I have bought hundreds and hundreds of them and will continue to buy them whether they are legal to be sold on the premises or not, and most of you in this chamber, if you are honest about it, will have to admit that you have done the same thing.

How about voting the way your heart tells you and not think about any political ramifications before casting this vote. Thank you.

The SPEAKER. The Chair recognizes Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I have a few questions. I wonder if someone, one of the promoters of this bill, could stand for interrogation?

The SPEAKER. Mr. Trello indicates he is willing to be interrogated. The gentleman may proceed.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, to your knowledge, how many States have adopted this kind of comprehensive gambling legislation?

Mr. TRELLO. Fifty.

Mr. CLYMER. Fifty?

Mr. TRELLO. No, I am only kidding. I really do not know, Mr. Speaker.

Mr. CLYMER. Okay. And how many new organizations would qualify under the extended definitions as presented in this bill?

Mr. TRELLO. Well, first of all, this amended version, these amendments to the Small Games of Chance Act, does not expand the games of chance at all. The games are the same.

The only thing that this amendment does, it would allow, for an example, people that do not own buildings. Under the act they were not allowed to participate. Under these amendments it would allow clubs like the Catholic Daughters of America, football boosters, football mothers, and so forth to qualify.

Mr. CLYMER. Mr. Speaker, is there any impact of this bill on the State Lottery to any degree? Has anyone done a study or—

Mr. TRELLO. Well, Mr. Speaker, I can assure you that small games of chance were very active long before the lottery was.

Mr. CLYMER. Okay. Thank you, Mr. Speaker.

That concludes my interrogation. Mr. Speaker?

The SPEAKER. The Chair recognizes Mr. Clymer.

Mr. CLYMER. Mr. Speaker, through the interrogation, again I must share concerns with the General Assembly that I am concerned about the fact that we are seeing a further extension and spread of gambling in the Commonwealth of Pennsylvania. And again, not to become repetitious, but the bill we had in place is the bill that we should be living with today.

I would ask again for a "no" vote on SB 1140.

And thank you, and thank you to the members for their patience. Thank you.

The SPEAKER. The Chair recognizes Mr. Wass.

Mr. WASS. Thank you, Mr. Speaker.

I wonder if I could interrogate the maker of the amendment, please?

Mr. Speaker, I am holding a political rally. Would it be right that I could sell chances at my political rally under your amendment?

Mr. TRELLO. Not an individual candidate. An organization could, but not an individual candidate.

Mr. WASS. The Democratic Party or the Republican Party could sell raffle tickets?

Mr. TRELLO. Yes.

Mr. WASS. All right. Thank you very much.

The SPEAKER. The Chair recognizes the lady, Mrs. Harper.

Mrs. HARPER. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support SB 1140, small games of chance.

Just last week I bought some tickets to raise \$1,000 for scholarships for youth, and I also bought tickets to send underprivileged children to camp. There are so many organizations. That is the only way that they can raise money to help underprivileged children, and all kinds of charities. For that reason I firmly support this legislation. Thank you.

The SPEAKER. The Chair recognizes the lady, Mrs. Langtry.

Mrs. LANGTRY. Thank you.

I wonder if Representative Trello would be so kind as to delineate for me the elements of what we are doing here. We turned down the amendment to expand the types of games.

The SPEAKER. The gentleman indicates he is willing to be interrogated. The lady has posed the question.

Mr. TRELLO. Would you repeat the question?

Mrs. LANGTRY. Yes.

Would you be so kind as to quickly and even briefly delineate the elements of what we are doing in this bill. We turned down the amendment to expand the types of games, so tell me precisely what we are doing with this bill.

Mr. TRELLO. Well, the Small Games of Chance Act remains the same as it was when we originally passed it. The only changes that were made were to allow other organizations to participate.

For an example, under the old act, if you did not own a building, you could not participate in small games of chance. The amendments that we have offered would allow organizations like the football mothers, basketball mothers, ladies auxiliaries, firemen, veterans clubs, to participate.

We also cleared up the confusion between raffle tickets and the lottery. Under the old act you could sell raffle tickets for a color TV or whatever the prize might be anywhere off the premises, but if your raffle ticket was on the Daily Number, you could only sell them in the confines of your establishment, which hindered the sale of the tickets, because who else could you sell them to but your members if you were not allowed to go out the front door and sell them? We changed that to allow the raffle tickets to be sold—even with the Daily Number—anywhere outside the premises, including the premises and outside the premises of the building.

That is probably the most important factor of the bill.

Mrs. LANGTRY. All right. So that is essentially what we are doing here?

Mr. TRELLO. That is correct.

Mrs. LANGTRY. One more question: In the title we refer to, on line 12, "referendums." What are we doing with referendums here? Have we changed that in any way?

Mr. TRELLO. No, we have not changed that at all. That was changed several months ago with Joe Markosek's bill, HB 1831. But this bill does not address referendums at all.

Mrs. LANGTRY. Okay. Thank you very much.

The SPEAKER. The Chair recognizes Mr. Vroon.

Mr. VROON. Mr. Speaker, I would like to interrogate Representative Harper.

Mrs. HARPER. Yes, Mr. Speaker.

The SPEAKER. The lady indicates that she is willing to be interrogated. The gentleman may proceed.

Mr. VROON. Mr. Speaker, will you answer just this one question: You mentioned the fact that you bought a thousand dollars' worth of raffle tickets recently to help a good organization. Would you, Mr. Speaker, have given that organization \$1,000 if they asked you for it or did it require a raffle to make you do that?

Mrs. HARPER. Well, Mr. Speaker, I give out of my salary all that I can afford to charity, but I also go out and buy chances and use any means that I can to help underprivileged children, and that is what I did.

Mr. VROON. Would you have done it if you did not enter into a lottery or a raffle? Would you not have given that good cause \$1,000?

Mrs. HARPER. A lot of people do not have but a dollar, and they go out and buy these chances, and people use all kinds of means to help charities. So that is why it is good to have these raffles, because when we put all of these dollars together by buying chances, it equals to thousands of dollars and helps so many people.

Mr. VROON. Mr. Speaker, I am finished with my interrogation. I would just like to make a short statement.

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

Mr. VROON. Now, this interrogation just revealed the rather common situation regarding raffles and regarding these various things, these various forms of gambling. People will buy and gamble and they will lose their money and they will get nothing for it, all because they want to help charity? If they want to help charity, my word, I should think they would be eager enough to give voluntary contributions and not get involved in gambling at all. But the lure of something for nothing is really what we are dealing with here. So people will give because they have that insatiable desire to get something for nothing. That is what is wrong with this rather despicable practice of trying to raise money for good causes by gambling. I think we ought to grow up and get away from this childish attitude.

The SPEAKER. The Chair recognizes Mr. Trello.

Mr. TRELLO. Mr. Speaker, the previous speaker says this is despicable action. What might be despicable to him is a godsend to others that really need this type of a program.

I urge an affirmative vote. Thank you.

On the question recurring,
Shall the bill pass finally?

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

YEAS—173

Acosta	Dempsey	Kondrich	Reinard
Adolph	Distler	Kosinski	Richardson
Allen	Dombrowski	Kukovich	Rieger
Angstadt	Donatucci	LaGrotta	Ritter
Argall	Dorr	Lashingier	Robbins
Battisto	Durham	Laughlin	Robinson
Belardi	Evans	Lee	Roebuck
Belfanti	Farmer	Lescovitz	Rudy
Billow	Fee	Linton	Ryan
Bishop	Fleagle	Lloyd	Rybak
Black	Foster	Lucyk	Saloom
Blaum	Fox	McCall	Saurman
Bortner	Freeman	McNally	Scrimanti
Bowley	Freind	McVerry	Semmel
Boyes	Gallen	Maiale	Serafini
Brandt	Gamble	Maine	Smith, B.
Broujos	Gannon	Markosek	Smith, S. H.
Bunt	Geist	Marsico	Snyder, D. W.
Burd	George	Mayernik	Snyder, G.
Burns	Gigliotti	Melio	Staback
Bush	Gladeck	Michlovic	Stairs
Caltagirone	Godshall	Micozzie	Steighner
Cappabianca	Gruitza	Mihalich	Stish
Carlson	Gruppo	Miller	Stuban
Carn	Hagarty	Morris	Tangretti
Cawley	Haluska	Mrkonic	Taylor, F.
Cessar	Harper	Murphy	Taylor, J.
Chadwick	Hasay	Nahill	Telek
Civera	Hayden	Nailor	Thomas
Clark, B. D.	Hayes	Noye	Tigue
Clark, D. F.	Heckler	O'Brien	Trello
Clark, J. H.	Herman	Olasz	Trich
Cohen	Hess	Oliver	Van Horne
Colaella	Howlett	Perzel	Veon
Colaizzo	Hughes	Pesci	Wambach
Cole	Itkin	Petrarca	Weston
Cornell	Jadlowiec	Petrone	Williams
Corrigan	James	Pievsky	Wilson
Cowell	Jarolin	Pistella	Wogan
Coy	Josephs	Pressmann	Wozniak
DeLuca	Kaiser	Preston	Wright, D. R.
DeWeese	Kasunic	Raymond	Wright, R. C.
Daley	Kenney	Reber	Yandrisevits
Davies			

NAYS—23

Barley	Jackson	Mowery	Strittmatter
Birmelin	Johnson	Phillips	Vroon
Clymer	Langtry	Piccola	Wass
Fairchild	Leh	Pitts	
Fargo	Merry	Scheetz	O'Donnell,
Flick	Moehlmann	Schuler	Speaker
Hershey			

NOT VOTING—2

Levdansky	Taylor, E. Z.
-----------	---------------

EXCUSED—4

Dietterick	Dininni	McHale	Wright, J. L.
------------	---------	--------	---------------

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same with

amendment in which the concurrence of the Senate is requested.

**THE SPEAKER PRO TEMPORE
(IVAN ITKIN) PRESIDING**

**BILLS ON THIRD
CONSIDERATION CONTINUED**

The House proceeded to third consideration of **HB 444, PN 3941**, entitled:

An Act amending the act of May 2, 1945 (P. L. 382, No. 164), known as the "Municipality Authorities Act of 1945," further providing for powers.

On the question recurring,

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.

YEAS—196

Adolph	Dorr	Lashinger	Ritter
Allen	Durham	Laughlin	Robbins
Angstadt	Evans	Lee	Robinson
Argall	Fairchild	Leh	Roebuck
Barley	Fargo	Lescovitz	Rudy
Battisto	Farmer	Levdansky	Ryan
Belardi	Fee	Linton	Rybak
Belfanti	Fleagle	Lloyd	Saloom
Billow	Flick	Lucyk	Saurman
Birmelin	Foster	McCall	Scheetz
Bishop	Fox	McNally	Schuler
Black	Freeman	McVerry	Scrimenti
Blaum	Freind	Maiale	Semmel
Bortner	Gallen	Maine	Serafini
Bowley	Gamble	Markosek	Smith, B.
Boyes	Gannon	Marsico	Smith, S. H.
Brandt	Geist	Mayernik	Snyder, D. W.
Broujos	George	Melio	Snyder, G.
Bunt	Gigliotti	Merry	Staback
Burd	Gladeck	Michlovic	Stairs
Burns	Godshall	Micozzie	Steighner
Bush	Gruitza	Mihalich	Stish
Caltagirone	Gruppo	Miller	Strittmatter
Cappabianca	Hagarty	Moehlmann	Stuban
Carlson	Haluska	Morris	Tangretti
Carn	Harper	Mowery	Taylor, E. Z.
Cawley	Hasay	Mrkonic	Taylor, F.
Cessar	Hayden	Murphy	Taylor, J.
Chadwick	Hayes	Nahill	Telek
Civera	Heckler	Nailor	Thomas
Clark, B. D.	Herman	Noye	Tigue
Clark, D. F.	Hershey	O'Brien	Trello
Clark, J. H.	Hess	Olasz	Trich
Clymer	Howlett	Oliver	Van Horne
Cohen	Hughes	Perzel	Veon
Colafella	Itkin	Pesci	Vroon
Colaizzo	Jackson	Petrarca	Wambach
Cole	Jadlowiec	Petrone	Wass
Cornell	James	Phillips	Weston
Corrigan	Jarolin	Piccola	Williams
Cowell	Johnson	Pievsky	Wilson
Coy	Josephs	Pistella	Wogan

DeLuca	Kaiser	Pitts	Wozniak
DeWeese	Kasunic	Pressmann	Wright, D. R.
Daley	Kenney	Preston	Wright, R. C.
Davies	Kondrich	Raymond	Yandrisevits
Dempsey	Kosinski	Reber	
Distler	Kukovich	Reinard	O'Donnell,
Dombrowski	LaGrotta	Richardson	Speaker
Donatucci	Langtry		

NAYS—0

NOT VOTING—2

Acosta Rieger

EXCUSED—4

Dietterick Dininni McHale Wright, J. L.

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.

VOTE CORRECTION

The SPEAKER pro tempore. The Chair recognizes the lady, Mrs. Taylor.

Mrs. TAYLOR. Mr. Speaker, on SB 1140 my switch failed to operate. If it had, I would have voted in the negative.

The SPEAKER pro tempore. The lady's remarks will be spread upon the record.

**BILLS ON THIRD
CONSIDERATION CONTINUED**

The House proceeded to third consideration of **HB 1361, PN 3942**, entitled:

An Act amending the act of July 31, 1968 (P. L. 805, No. 247), known as the "Pennsylvania Municipalities Planning Code," providing for transportation and sewer and water impact fees; and making repeals.

On the question recurring,

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

Mr. D. W. SNYDER offered the following amendments No. A3744:

Amend Sec. 1 (Sec. 502-A), page 2, by inserting between lines 24 and 25

"Adjusted for family size," adjusted in a manner which results in an income eligibility level which is lower for households with fewer than four people, or higher for households with more than four people, than the base income eligibility level determined as provided in the definition of low- to moderate-income persons based upon a formula as established by the rule of the agency.

"Adjusted gross income," all wages, assets, regular cash or noncash contributions or gifts from persons outside the household, and such other resources and benefits as may be determined to be income by rule of the department, adjusted for family size, less deductions under section 62 of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 62 et seq.).

"Affordable," with respect to the housing unit to be occupied by low- to moderate-income persons, monthly rents or monthly

mortgage payments including property taxes and insurance, that do not exceed 30% of that amount which represents 100% of the adjusted gross annual income for households within the metropolitan statistical area (MSA) or, if not within the MSA, within the county in which the housing unit is located, divided by 12.

“Agency,” the Pennsylvania Housing Finance Agency as created pursuant to the act of December 3, 1959 (P.L.1688, No.621), known as the “Housing Finance Agency Law.”

“Department,” the Department of Community Affairs of the Commonwealth.

Amend Sec. 1 (Sec. 502-A), page 3, line 5, by inserting after “the”

legally adopted municipal street or highway plan or the

Amend Sec. 1 (Sec. 502-A), page 3, by inserting between lines 14 and 15

“Low- to moderate-income persons,” one or more natural persons or a family, the total annual adjusted gross household income of which is less than 100% of the median annual adjusted gross income for households in this Commonwealth, or is less than 100% of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within the MSA, within the county in which the household is located, whichever is greater.

Amend Sec. 1 (Sec. 502-A), page 4, line 17, by inserting after “engineer”

in this Commonwealth

Amend Sec. 1 (Sec. 502-A), page 4, line 20, by striking out “in this Commonwealth,”

Amend Sec. 1 (Sec. 502-A), page 5, line 3, by striking out “five” and inserting

seven

Amend Sec. 1 (Sec. 502-A), page 5, line 7, by striking out “for” and inserting

within

Amend Sec. 1 (Sec. 502-A), page 5, line 7, by inserting after “fees.”

No area may be included in more than one transportation service area.

Amend Sec. 1 (Sec. 503-A), page 5, line 13, by striking out “land”

Amend Sec. 1 (Sec. 503-A), page 6, lines 11 and 12, by striking out “low-income households as defined by the United” in line 11, all of line 12 and inserting

low- and moderate-income persons

Amend Sec. 1 (Sec. 503-A), page 7, line 21, by inserting after “FOR” where it appears the first time

those

Amend Sec. 1 (Sec. 503-A), page 7, line 23, by inserting after “PROGRAM”

which are

Amend Sec. 1 (Sec. 503-A), page 8, line 17, by removing the period after “plan” and inserting

, except that impact fees may be used for no more than a proportionate amount of the cost of professional consultants incurred in preparing a roadway sufficiency analysis of infrastructure within a specified transportation service area, such allowable proportion to be calculated by dividing the total costs of all road improvements in the adopted transportation capital improvement program within the transportation service area attributable to projected future development within the service area, as defined in section 504-A(e)(1)(iii), by the total costs of all road improvements in the adopted transportation capital improvement program within the specific transportation service area, as defined in section 504-A.

Amend Sec. 1 (Sec. 503-A), page 8, by inserting between lines 29 and 30

(g) (1) A municipality which has enacted an impact fee ordinance on or before June 1, 1990, may for a period not to exceed one year from the effective date of this article, adopt an impact fee ordinance to conform with the standards and procedures set forth in this article. Where a fee previously imposed pursuant to an ordinance in effect on June 1, 1990, for transportation improvements authorized by this article is greater than the recalculated fee due under the newly adopted ordinance, the individual who paid the fee is entitled to a refund of the difference. If the recalculated fee is greater than the previously paid fee, there shall be no additional charge.

(2) The provisions of this subsection shall not apply to municipalities whose impact fee ordinances have been challenged by a lawsuit in which an answer has been filed on or before June 1, 1990.

Amend Sec. 1 (Sec. 504-A), page 9, line 18, by striking out “ROAD” and inserting roadway

Amend Sec. 1 (Sec. 504-A), page 13, line 22, by inserting after “FUTURE”

new

Amend Sec. 1 (Sec. 505-A), page 20, line 10, by inserting after “given”

transportation

Amend Sec. 1 (Sec. 505-A), page 22, by inserting between lines 7 and 8

(c) (1) A municipality may give notice of its intention to adopt an impact fee ordinance by publishing a statement of such intention twice in one newspaper of general circulation in the municipality. The first publication shall not occur before the adoption of the resolution by which the municipality establishes its impact fee advisory committee. The second publication shall occur not less than one nor more than three weeks thereafter.

(2) A municipal impact fee ordinance adopted under and pursuant to this act may provide that the provisions of the ordinance may have retroactive application, for a period not to exceed 18 months after the adoption of the resolution creating an impact fee advisory committee pursuant to section 504-A(b)(1), to preliminary or tentative applications for land development, subdivision or PRD with the municipality on or after the first publication of the municipality’s intention to adopt an impact fee ordinance; provided, however, that the impact fee imposed on building permits for construction of new development approved pursuant to such applications filed during the period of pendency shall not exceed \$1,000 per anticipated peak hour trip as calculated in accordance with the generally accepted traffic engineering standards as set forth under the provisions of subsection (a)(1) or the subsequently adopted fee established by the ordinance, whichever is less.

(3) No action upon an application for land development, subdivision, or PRD shall be postponed, delayed or extended by the municipality because adoption of a municipal impact fee ordinance is being considered. Furthermore, the adoption of an impact fee ordinance more than 18 months after adoption of a resolution creating the impact fee advisory committee shall not be retroactive or applicable to plats submitted for preliminary or tentative approval prior to the legal publication of the proposed impact fee ordinance and any fees collected pursuant to this subsection shall be refunded to the payor of such fees; provided the adoption of the impact fee ordinance was not delayed due to the initiation of any litigation challenging the adoption of such ordinance.

Amend Sec. 1 (Sec. 505-A), page 22, line 8, by striking out “(c)” and inserting

(d)

Amend Sec. 1 (Sec. 505-A), page 22, line 30, by striking out “(d)” and inserting

(e)

Amend Sec. 1 (Sec. 505-A), page 23, line 5, by inserting after “APPLICABLE”

new

Amend Sec. 1 (Sec. 505-A), page 23, line 17, by striking out “(e)” and inserting

(f)

Amend Sec. 1 (Sec. 505-A), page 24, line 1, by striking out “(f)” and inserting

(g)

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Lehigh, Mr. Snyder.

Mr. D. W. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, as the House considered HB 1361 the last day of June prior to our summer recess, we noted that there were still some differences outstanding between the municipal associations and the Builders Association on the issue of transportation impact fees.

The amendment before you, amendment 3744, is an agreed-to amendment between the associations on four important issues to our municipalities. The first amendment provides a grandfather clause. Those municipalities who have enacted an impact fee ordinance in the past may have the opportunity after this law goes into effect to, within 1 year of the effective date of the act, bring those laws into conformance and to provide refunds to any application in which the fees exceed the new fees under the conforming act.

The second amendment would allow the municipality to use a portion of the impact fees to offset the costs of the engineering studies necessary to establish the roadway sufficiency analysis under the formation of a transportation impact fee ordinance.

The third amendment would provide the extension of a transportation service area in which the impact fees would be collected from 5 square miles to 7 square miles.

Finally, the fourth major amendment would allow a municipality a period of up to 18 months to adopt an impact fee ordinance, in which time many applications submitted to that municipality could fall under the new ordinance.

There are also several small changes that are in A3744. One is including the definition for affordable housing, which is presently an option for municipalities to provide a credit under the bill, and technical changes that were noted from the printing of the bill from June.

As I said, this amendment is agreed to by both municipal associations and the Builders Association, and we ask your support. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Bucks, Mr. Heckler.

Mr. HECKLER. Thank you, Mr. Speaker.

As has been indicated, and I believe that Mr. Wozniak would agree, this amendment is agreed to both by the Penn-

sylvania Builders Association, by the second-class townships association, and represents the resolution of four of the five points about which you have been receiving mail on the general impact fee issue. I would urge your support of the amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Gamble.

Mr. GAMBLE. Mr. Speaker, this is an agreed-to amendment. We ask for passage. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—198

Acosta	Donatucci	Langtry	Rieger
Adolph	Dorr	Lashinger	Ritter
Allen	Durham	Laughlin	Robbins
Angstadt	Evans	Lee	Robinson
Argall	Fairchild	Leh	Roebuck
Barley	Fargo	Lescovitz	Rudy
Battisto	Farmer	Levdansky	Ryan
Belardi	Fee	Linton	Rybak
Belfanti	Fleagle	Lloyd	Saloom
Billow	Flick	Lucyk	Saurman
Birmelin	Foster	McCall	Scheetz
Bishop	Fox	McNally	Schuler
Black	Freeman	McVerry	Scrimenti
Blaum	Freind	Maiale	Semmel
Bortner	Gallen	Maine	Serafini
Bowley	Gamble	Markosek	Smith, B.
Boyes	Gannon	Marsico	Smith, S. H.
Brandt	Geist	Mayernik	Snyder, D. W.
Broujos	George	Melio	Snyder, G.
Bunt	Gigliotti	Merry	Staback
Burd	Gladeck	Michlovic	Stairs
Burns	Godshall	Micozzie	Steighner
Bush	Gruitza	Mihalich	Stish
Caltagirone	Gruppo	Miller	Strittmatter
Cappabianca	Hagarty	Moehlmann	Stuban
Carlson	Haluska	Morris	Tangretti
Carn	Harper	Mowery	Taylor, E. Z.
Cawley	Hasay	Mrkonic	Taylor, F.
Cessar	Hayden	Murphy	Taylor, J.
Chadwick	Hayes	Nahill	Telek
Civera	Heckler	Nailor	Thomas
Clark, B. D.	Herman	Noye	Tigue
Clark, D. F.	Hershey	O'Brien	Trello
Clark, J. H.	Hess	Olasz	Trich
Clymer	Howlett	Oliver	Van Horne
Cohen	Hughes	Perzel	Veon
Colafella	Itkin	Pesci	Vroon
Colaizzo	Jackson	Petrarca	Wambach
Cole	Jadlowiec	Petrone	Wass
Cornell	James	Phillips	Weston
Corrigan	Jarolin	Piccola	Williams
Cowell	Johnson	Pievsky	Wilson
Coy	Josephs	Pistella	Wogan
DeLuca	Kaiser	Pitts	Wozniak
DeWeese	Kasunic	Pressmann	Wright, D. R.
Daley	Kenney	Preston	Wright, R. C.
Davies	Kondrich	Raymond	Yandrisevits
Dempsey	Kosinski	Reber	
Distler	Kukovich	Reinard	O'Donnell,
Dombrowski	LaGrotta	Richardson	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—4

Dietterick Dininni McHale Wright, J. L.

The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,

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

Mr. D. W. SNYDER offered the following amendment No. A3737:

Amend Sec. 1 (Sec. 503-A), page 8, line 23, by inserting after "act."

Nothing in this act shall be deemed to prohibit an applicant from voluntarily entering into an agreement with a municipality in which the parties, acting in good faith, as a partial or complete substitute for payment of the impact fee, waiver of onsite improvements otherwise required, or modification or waiver of subdivision and land development ordinance provisions, mutually agree to provide for the construction, dedication or payment in lieu thereof of alternative capital improvements necessary and beneficial to the development of the plat and such capital improvements have been incorporated into the municipality's capital improvements plan and budget. Additionally, no applicant shall be compelled to enter any such agreement for alternative capital improvements as a condition to approval of the applicant's development plan. Adoption of an agreement pursuant to this subsection by the municipality shall be set forth by separate resolution at a public meeting of the governing body. Upon approval of the resolution by a majority of the members of the governing body, the municipality shall, within 30 days of the approval, record the resolution in the office of the recorder of deeds of the county in which the municipality is located. In the event any provision of this subsection is violated willfully or in bad faith by an applicant or by a municipality, upon proof thereof in a court of competent jurisdiction, the court shall be empowered to assess, against the violator, attorney fees incurred by the injured party on account of the violation in addition to such other remedies as may be appropriate and authorized by law.

On the question,

Will the House agree to the amendment?

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

Mr. D. W. SNYDER. Thank you, Mr. Speaker.

Most of you in this chamber have received notification from your municipalities concerning the negotiations that have been ongoing over the issue of impact fees over the summer. There were several issues that needed to be reconciled. As we previously noted, four out of the five key issues were addressed in the previous amendment.

The members of the House are going to have to be the arbitrators of the last outstanding issue between the municipalities and the Home Builders Association. That issue concerns the ability of a municipality to continue to participate with an applicant in negotiations over other issues that are not specifically covered either by the transportation impact fees or onsite improvements.

You will hear arguments why this amendment is not necessary. However, the municipalities feel that there are two circumstances when this is necessary. First of all, for those municipalities that do adopt an impact fee for transportation. Because each individual plat that comes before them is unique and has various attributes that have to be addressed, there are often times when the municipality needs some flexibility to address the needs that are created by that particular development.

Under this amendment, for a developer who comes before the municipality who meets all the requirements of that municipality's subdivision and land development ordinance, there is no need for negotiations. However, if a builder voluntarily wishes to enter into an agreement with the municipality in exchange for waivers of the impact fees in whole or in part or seeks modifications or waivers of the otherwise required improvements or constraints on that development, they may do so. This amendment also provides other protections for the builder who chooses to enter into those negotiations voluntarily.

The municipality may not negotiate for any capital improvements that are not necessary and beneficial to the development of the applicant's plat. Furthermore, those capital improvements have to be in the municipality's capital improvement plan and their budget. So if you have been hearing things that through negotiations the municipality can use the money that they receive through these so-called negotiations for purposes of just keeping taxes low or for using it for other purposes that do not benefit the development, this amendment is very clear that that will not occur.

Furthermore, this amendment reemphasizes the provisions of this act that say that the municipality cannot condition the granting of the approval of an application for development on any negotiations that may occur under this provision.

You have also heard arguments from the builders in the past that what they are concerned about is back-room negotiations and, as they call them, the old "by the ways" that happen to crop up during the process of their application being reviewed. This requires that the municipality would have to approve the agreement by separate resolution publicly at a meeting, and that resolution would have to be recorded at the courthouse. So there is no back room.

Finally, as a safeguard to those who are concerned that they still may be put under pressure to enter into agreements that they do not wish otherwise to enter into, this provides relief for the applicant to say that if you go to court due to any violation of this amendment—and the same right applies to municipalities as well—that in addition to any other remedies that the court may deem appropriate, the violator can be assessed the attorney's fees for bringing that challenge.

Mr. Speaker, this amendment has gone through many revisions. It has the approval of the municipal associations. It addresses most of the issues that the builders have raised through this process. I would ask for your consideration. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Cambria, Mr. Wozniak.

Mr. WOZNIAK. Thank you, Mr. Speaker.

I rise to oppose this amendment. This is exactly the crux of the entire impact fee legislation, and this circles right back to where we started whereby local municipalities could cajole, homebuilders could influence supervisors' decisions, and we are taking what was a very good bill and gutting it.

This provision will do a number of things. It creates a large loophole, where now we have set into the legislation strict guidelines of what impact fees are and how they will be assessed, by putting that aside and allowing them to negotiate or renegotiate separate items, such as possibly a playground, a police car, a fire engine, that should be in the overall tax base.

The issue of impact fees is very strict - to create those improvements necessary to a municipality so that it can take the added burden on of development and growth. By doing this amendment we are going back, very simply, to the old backdoor negotiating and favoritism among competing factors, and I would request that we do not botch up this bill and vote negatively on this amendment. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Gamble.

Mr. GAMBLE. Mr. Speaker, I rise too to oppose the amendment. Negotiation is exactly why we are here. It has not worked in the past and it will not work in the future. When one of the negotiators has all the authority and the other has none, how can it be fair? That is why for 4 long years, 2 years under Chairman Sweet and 2 years in this committee, we have worked tirelessly in a bipartisan effort to come up with an agreed-to piece of legislation, and this will be the bone of contention which will crush this bill and will take us back to ground zero, square one.

We ask for the defeat of this amendment, and let us get along with the other amendments.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Delaware, Mr. Raymond.

Mr. RAYMOND. Thank you, Mr. Speaker.

Mr. Speaker, for the reasons given by the two previous speakers, I also rise in opposition to this amendment. There is not a lot I can add to what they have said, but the reasons are very valid, and I would urge a negative vote on this amendment. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from York, Mr. Foster.

Mr. FOSTER. Thank you, Mr. Speaker.

We have worked very hard on the bill before us, and I would like to commend the members of the Local Government Committee and Chairman Gamble for the tireless efforts that they have made to resolve the many conflicts in this package.

We are finally down to what I consider the epicenter of the issue: the fact that we have now before us an amendment that will permit what we all feel is a logical concept in other areas -

to let people get together and let men of good will negotiate an issue when that is possible.

I strongly support the Snyder amendment, because Representative Snyder has made every effort to take care of every problem and every nuance of the legislation in this amendment.

Now, let me tell you why I think it is necessary in terms of the many small municipalities of this Commonwealth. There are adjacent to my district a couple of boroughs with populations of only about 300 people, but the land area is most significant. Already one of these municipalities has developmental pressure, and it would be so logical that they handle the matter of impact fees through negotiation. The small population and the low budget of this municipality makes it logical to do it that way, and there are thousands of those, at least a thousand or more of those types of municipalities around the Commonwealth.

We are not negating the rest of the bill. This is the one final point upon which there could not quite be total agreement, and I ask you, as you make the decision up or down on this one issue, to think of the smaller municipalities, and I want you to give them the opportunity to use a commonsense approach in negotiating a settlement. It will save many dollars; it will save many hours of work and litigation, perhaps.

I support the Snyder amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Perzel.

Mr. PERZEL. Mr. Speaker, as presently written, this bill is for the municipalities around the Commonwealth of Pennsylvania. I think that we ought to strike a fair balance between the home buyers and the municipalities. Right now we are concerned about interest rates around the Commonwealth and we are concerned about people being able to buy a home. If they are allowed to put these additional fees on, Mr. Speaker, then it is going to cost more for the home and it is going to make it tougher for someone to buy a home.

So I am requesting a negative vote on this amendment. Let us represent the home buyers in the Commonwealth of Pennsylvania. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bucks, Mr. Heckler.

Mr. HECKLER. Thank you, Mr. Speaker.

Mr. Speaker, this has nothing to do with the home buyers of Pennsylvania. This amendment in particular is of great importance to the many of you who represent municipalities which will not enact impact fee ordinances, because they will be too expensive, too burdensome, for the needs and the capacities of your municipalities.

There is one fundamental error that is being made, and I would urge you, before you cast a vote, just to take a look at the amendment. You are being told this guts the bill. You are being told that only one side has all the power in this process. Those statements would be true if the negotiated agreement was compelled as a condition of plan approval. That is what the builders have been complaining about, and that is where there may well have been some abuses in the past.

Take a look at the middle of this amendment where it says, "Additionally, no applicant shall be compelled to enter any such agreement for alternative capital improvements as a condition to approval of the applicant's development plan." That language, coupled with language which is already in the bill, makes it clear that we are not talking about impact fees. Impact fees are what you do have to pay or you do not get your plan approved. This enables your municipalities to negotiate if the other side is willing to negotiate.

This is a fundamental amendment. If your municipalities do not get it, I think we will have agreement later on that without this amendment, there is the ability to negotiate, because it is not prohibited in the bill, but it will happen without any framework; it will happen without any legal guidelines.

Oddly enough, most of the builders down my way, in the areas where these negotiations have taken place, see this as a plus. This is going to put them ahead of the game. It is going to create rules of the game that have not existed before. You are being asked to reject this mostly because some of the homebuilders from areas of the State where this has not been a practice do not want the word to get out. That is not the proper basis on which we should enact legislation.

I would suggest that this helps your municipalities and yet puts great restraints on them in this process. It does not deal with impact fees. It deals with what the rest of the State that will not enact impact fees can do, and I would urge the adoption of this amendment.

The SPEAKER pro tempore. Mr. DeLuca from Allegheny is recognized.

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, I oppose this amendment mainly because of the fact that I believe this is going to lead to more litigation, and we are going to have the same problems we had in the past.

First of all, if this amendment goes in, I do not think this bill is going to pass the Senate over there. We are not going to have any impact fees. We have a very good piece of legislation without this one piece of amendment, and if it does go in, I am fearful that we are possibly not going to have the impact fee legislation that we so direly need in this Commonwealth.

We have seen the municipalities and we have seen the builders paying for litigation in this Commonwealth. The municipalities are fighting right now in a couple court cases because of impact fee legislation, and who pays for that? The taxpayers pay for that. And on the builders' side, when they have to go to court, who pays for that? The homeowner has to pay for that, because the cost is being thrown back onto the building cost.

Therefore, I think what the maker of the amendment is trying to do is fine, but I think there are a couple loopholes in here that are only going to lead to more litigation with the courts and tie up some of the small builders who cannot afford to have their buildings tied up.

I ask for a negative vote on this amendment. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Northampton, Mr. Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the Snyder-Heckler amendment.

This amendment provides our municipalities with the flexibility they need. It does so in a very fair framework. Without it, it is going to be particularly burdensome to our smaller municipalities, who, under the current language in the bill, will have a very difficult time of complying with the impact fee language that they otherwise would have to comply with.

If we want to be fair to our municipalities, if we want to insure that they are going to have the proper tools they need to deal with the kind of sprawl and growth that can occur with unplanned development, they need this amendment.

I urge the members to stand by our municipalities and to vote for the Snyder-Heckler amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes Mr. Wozniak.

Mr. WOZNIAK. Thank you, Mr. Speaker.

Just a couple more statements and I am going to again ask for a negative vote.

This once again brings us back around to the cutting of the deal. If the municipalities and the homebuilders are interested in voluntarily helping out, nothing in the legislation presently written prevents any homebuilder from voluntarily helping out in some other particular project. The whole concept of impact fees is to develop an infrastructure that can take the additional growth and the potential growth in an area that is caused by that development.

This bill has been worked out, and I know that Don Snyder and Heckler and Tony DeLuca have worked diligently to try to bring the pieces together. This one amendment is the crux of the whole thing. If this passes, all these months and effort will be for naught, and I am hoping that all of you here will look at it very objectively. It sounds nice that we can sit here and say, well, let them negotiate whatever they want to. That is exactly what put us in the position of development with impact fees in the first place.

Please defeat this amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes Mr. Ron Raymond for the second time.

Mr. RAYMOND. Thank you, Mr. Speaker.

Mr. Speaker, would Representative Heckler stand for a brief interrogation?

The SPEAKER pro tempore. The gentleman consents to being interrogated, and Mr. Raymond may proceed.

Mr. RAYMOND. Thank you.

Mr. Speaker, in the first Snyder-Heckler amendment, was there a provision in there that allows a municipality to recover a proportionate share of the costs for hiring consultants and preparing studies that are required under this impact fee legislation?

Mr. HECKLER. There is a provision for a— When you say a proportionate share, the municipalities will get some portion

of the moneys they expend, far less than all of the moneys they would expend on the experts, I would imagine.

Mr. RAYMOND. So you made the statement with regard to this amendment that the small municipalities do not have the ability or the wherewithal to have these studies done, but there are some provisions for them to recoup some of their costs on a proportionate share with developments as they come into being in their community.

Mr. HECKLER. That is correct. However—and again, it is obviously a prediction—my prediction would be that a great many municipalities—even well-developed municipalities I do not think are going to get more—will say it is not worth our doing; it is not worth our paying those costs up front and hoping we recover them if there is additional development, plus there will be a lot of smaller municipalities that will just figure they are not going to get that development.

I just heard of an example cited that in a small municipality that had not had any growth for years, a big horse farm is going up in, I think, a bankruptcy sale, and all of a sudden there are 340 units slated for it. That is where an awful lot of this comes. It just blindsides municipalities, and after the fact they are concerned about the issue, not beforehand.

Mr. RAYMOND. Okay. Let me give you a little scenario about an instance that could happen with a builder. Suppose a builder comes into a town and the community comes to him before he has approval and says, Mr. Builder, we know our impact fees require you to put in sidewalks, curbing, and we want you to widen the road, but instead of doing that, we want you to give us money in lieu of these improvements. Maybe the improvements are worth \$300,000, and they say, well, you just give us \$200,000; do not do the improvements, and you will save \$100,000, and I say, no, I do not want to do that because I am in favor of improving the area because I am going to build a project here.

Now, you say there are provisions in this bill that would prevent the builder from being raked over the coals or drug in the backroom or what have you, but the point I am going to make is that builders do not want to be subject to foot-dragging of municipalities, of taking their time and putting roadblocks in their way. What can possibly prevent them from doing that?

Mr. HECKLER. Well, oddly enough, this amendment can prevent them from doing this because this amendment contains the language that the refusal to make these negotiated contributions cannot be the basis of a refusal to approve the plan.

What you have described is something that happens in municipalities and something that, frankly, can happen without this amendment. There is nothing, so far as I know, in the bill or in the MPC (Municipalities Planning Code) as it presently exists that prevents a municipality from building into its subdivision ordinance extra requirements which they are willing to give up in certain cases - sidewalks, curbing, or whatever - and, if they give them up, saying we are willing to give this up on the basis you say: you know, we will get part of the money; you will save part of the money. Now, the builder

can always say no to that. What the builders are really asking us to do by rejecting this amendment is prevent them from being asked. They can always say no. As long as that language is in there that the municipalities are not allowed to hold up their plans improperly, all they can do is be asked and they can say no. The scenario you described is just as possible, in fact more possible, without this amendment, which is what makes me a little bit amazed that the homebuilders are opposing the amendment.

If this amendment does not go in, I think it is perfectly clear, just the scenario you have described - a subdivision ordinance with these various requirements. The homebuilder comes in with a plan. The municipality says, we will waive the sidewalks, curbs, and streetlights; that will save you \$300,000; you give us \$200,000. That is not an impact fee. That could be negotiated because it is not a condition of approval. He has got two choices. He can say no, or he can say, yeah, that is fine with me. That happens either way. The people who are opposing this are saying that happens in certain places but we do not want it to happen around the State. The word is going to get out whether or not the Snyder-Heckler-Battisto amendment goes in.

Mr. RAYMOND. All right. My feeling on that is that this will cause more problems with court cases that are going to drag builders into court and cost them time.

One more little scenario and I will let you go. You mentioned that this is not an issue dealing with the home buyers. I disagree with you, and for instance, your amendment goes in and I as a builder come in and get an approval for a project and I start building, and then you come to me as a municipality and say, look, Mr. Builder, we have a problem. We need a firetruck; we need a police car; we need a library; we need whatever. In lieu of doing the improvements that you already agreed to that are in your plan, putting in sidewalks and curbing and widening a street, how about giving us \$200,000 instead of spending the \$300,000?

Now, that could happen under this voluntary agreement. Correct?

Mr. HECKLER. No, no. I would suggest to you that, at least in my experience and what I could foresee from this language, once— You posed in this that the person has started building, that the builder started building. That means he has gotten not only preliminary plan approval but final plan approval. I cannot conceive of a situation— I mean, you know, I can ask you for a thousand dollars right now. Hey, will you give me a thousand dollars? I cannot think of any reason in the wide world why you are going to do that. Similarly, once final plan approval has been given, the municipality has absolutely no leverage. That homebuilder is no more— In fact, to delete sidewalks and curbs, they would have to go back and change the final plan in order to even do that, for it to be legally possible to be done. So I do not see a way that the home buyer gets implicated in that.

Mr. RAYMOND. My point in this is, if the developer says, yes, I will agree to that; I will not put in the sidewalks and curbs; I will not widen the road, and home buyers have pur-

chased property there and they are building a home for them and they have already paid for these improvements, and then I figure I can save \$100,000 as the builder, I am taking \$100,000 of the people buying the house's money, the home buyers' money, and putting it in my pocket and not doing the improvements. That is my point in that.

Mr. HECKLER. I hear what you are saying, and I interpret that as a question. I hear what you are saying, and I am telling you that I do not believe that scenario is possible because it is too far into the plan approval, and in fact, there would be legal rights. If there is a plan approved and I as a home buyer have bought a lot in a development that shows those improvements, I have got a right to those improvements. The municipality could not back up on me. This all happens in the real world, where it happens, much earlier in the process, in the preliminary plan approval stage of things. That is a matter between the builder and the municipality, and we could get into an argument about whether the costs are ultimately reflected in the cost of the home. I think it goes into what the land gets paid for, but that is a different subject. I do not think your final scenario is possible.

Mr. RAYMOND. Okay. Thank you.

On the amendment, Mr. Speaker?

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

Mr. RAYMOND. I just have to agree with Representative Wozniak that this amendment would muddy the waters considerably, would set back the process that has been ongoing for a number of years, and I would again urge a negative vote on the amendment. Thank you.

The SPEAKER pro tempore. Does the gentleman, Mr. Barley, seek recognition?

The gentleman from Lancaster is recognized.

Mr. BARLEY. Thank you, Mr. Speaker.

I would like to interrogate Representative Snyder on the amendment, please.

The SPEAKER pro tempore. Does the gentleman, Mr. Snyder, consent to being interrogated? The gentleman agrees, and the gentleman from Lancaster may proceed.

Mr. BARLEY. Mr. Speaker, the question I have is, there are several municipalities in our area, some of the smaller municipalities, that are currently negotiating agreements, what we would say, in lieu of impact fees. With this amendment going in the bill, what kind of impact or effect do you feel that would have on that process where the municipality does not have an impact fee ordinance currently and does not necessarily intend to adopt one?

Mr. D. W. SNYDER. Mr. Speaker, under the scenario that you just outlined in which a municipality is, quote, "negotiating," unquote, with various developers for improvements within their municipality, after this law goes into effect, under my understanding of the law, as long as those negotiations between the builder and the municipality are not requirements for approval of the plan - that is, conditioned within the resolution for approval - but are truly voluntary agreements, there will not be any effect on those types of negotiations. In fact,

as someone who has worked on this bill for the last 9 months and does not want to see this issue unravel over a particular issue such as this, I feel that this legislation, as it is proposed right now in this amendment, will do more for the builders than it does the municipalities. I say that because in your scenario there is nothing to prohibit—and the Builders Association, as far as I understand, agree—there is no prohibition against voluntary agreements between the builder and the municipality right now nor will there be any prohibition against that kind of negotiation after this goes into effect. HB 1361 makes it very clear and so does this amendment that the municipality cannot hold up approval of that plan or impose conditions in that plan that are not within the ordinance. Let me further clarify that.

This amendment is important to the builders because the language that we just inserted this morning, after the memos went out concerning this legislation, now requires that in the negotiations only capital improvements that are necessary and beneficial to that plat can be covered by those negotiations. So not only are they voluntary negotiations but the concern is that where that are being put in a position to negotiate—and I hear the police car, the library, and those things mentioned—unless the municipality can establish that that library is necessary and beneficial to that particular development being approved, there is really no statutory or authority otherwise if this would get through.

So in terms of your answer, the municipalities would actually be restricted in terms of their voluntary negotiations if this amendment is put in. Without this amendment, there are no restrictions or parameters for which those negotiations can be conducted.

Mr. BARLEY. Mr. Speaker, then on the scenario you described, they would be able to negotiate for improvements that are not in the capital improvement plan and so on and so forth. Would that be possible?

Mr. D. W. SNYDER. Under this amendment?

Mr. BARLEY. Yes, with this amendment.

Mr. D. W. SNYDER. This amendment requires that anything that is negotiated be included in the capital plan and budget.

Mr. BARLEY. But that is only if it is offsetting the dollars that would be paid. What if we were talking about additional dollars that somehow there were discussions of negotiating? That could go on with or without this amendment. Is that correct?

Mr. D. W. SNYDER. There is no prohibition against that. There is a prohibition from the municipality entering into negotiations describing that, but if a builder wants to voluntarily write a check and donate it to the municipality, there is nothing that prohibits them from doing that.

Mr. BARLEY. So there are discussions that could be going on between the two parties, who could do that with or without the amendment, is what you are saying.

Mr. D. W. SNYDER. I think it would be much more difficult for a township solicitor to advise the municipality to enter into such an agreement if this language is entered into the legislation.

Mr. BARLEY. Thank you, Mr. Speaker. That ends my interrogation.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair now recognizes Mr. Snyder to speak on the amendment.

Mr. D. W. SNYDER. Mr. Speaker, I think most of the points were already addressed through interrogation. As I stated, this is a very tough issue for each of the members. Certainly, no one wants to have to make a decision between the builders, who are our small businessmen in our districts, and our municipalities. I think the amendment provides a fair balance between the needs for municipalities to be able to address the unique attributes of a particular development and recognize that each development may provide for the need for other improvements that are not necessarily in the overall ordinance that applies to everybody.

The ordinance provides for quid pro quos. It is not that we are layering improvements on top of the builder. We are saying if the municipality has priorities and says it is more important that you provide that storage tank so you can provide fire protection to your development than it is for you to put in onsite wells or something like that on the development, they can offset it. This has quid pro quos in it. Under the law, if HB 1361 passes without this amendment, there are no guarantees of quid pro quos for builders, and the question of municipalities, whether they have the authority or not, certainly can be subject to some challenge.

So therefore, I think this amendment serves the interests of both parties. I ask for your careful consideration. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from York, Mr. Foster.

Mr. FOSTER. Thank you, Mr. Speaker.

If the House would indulge me for about 90 seconds, I would like to try to put this matter in perspective.

Twenty-five years ago, when I was a member of a borough council, we did precisely what we are going to do under this amendment. When we had a developer, we would state clearly that if he put down the street to the borough's specifications, the borough would adopt the street. If the water mains were put in by the developer, fine; we would accept them, and he would receive free water rent until the cost was done - perfectly easy, commonsense arrangement that was made without an ordinance and without a lot of formula. All I am asking is, do not foreclose our municipalities from having the ability to do that same thing in a commonsense arrangement outside the realm of government.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—27

Battisto	Foster	Lee	Scheetz
Bortner	Freeman	Melio	Schuler
Broujos	Gannon	Mihalich	Snyder, D. W.
Burns	Godshall	Morris	Snyder, G.
Bush	Hagarty	Murphy	Strittmatter
Clymer	Heckler	Pitts	Wilson
Dorr	Hershey	Reinard	

NAYS—171

Acosta	Donatucci	Lashinger	Ritter
Adolph	Durham	Laughlin	Robbins
Allen	Evans	Leh	Robinson
Angstadt	Fairchild	Lescovitz	Roebuck
Argall	Fargo	Levdansky	Rudy
Barley	Farmer	Linton	Ryan
Belardi	Fee	Lloyd	Rybak
Belfanti	Fleagle	Lucyk	Saloom
Billow	Flick	McCall	Saurman
Birmelin	Fox	McNally	Scrimenti
Bishop	Freind	McVerry	Semmel
Black	Gallen	Maiale	Serafini
Blaum	Gamble	Maine	Smith, B.
Blaum	Geist	Markosek	Smith, S. H.
Boyes	George	Marsico	Staback
Brandt	Gigliotti	Mayernik	Stairs
Bunt	Gladeck	Merry	Steighner
Burd	Gruitza	Michlovic	Stish
Caltagirone	Gruppo	Micozzie	Stuban
Cappabianca	Haluska	Miller	Tangretti
Carlson	Harper	Moehlmann	Taylor, E. Z.
Carn	Hasay	Mowery	Taylor, F.
Cawley	Hayden	Mrkonic	Taylor, J.
Cessar	Hayes	Nahill	Telek
Chadwick	Herman	Nailor	Thomas
Civera	Hess	Noye	Tigue
Clark, B. D.	Howlett	O'Brien	Trello
Clark, D. F.	Hughes	Olasz	Trich
Clark, J. H.	Itkin	Oliver	Van Horne
Cohen	Jackson	Perzel	Veon
Colaizza	Jadlowiec	Pesci	Vroon
Cole	James	Petrarca	Wambach
Cornell	Jarolin	Petrone	Wass
Corrigan	Johnson	Phillips	Weston
Cowell	Josephs	Piccola	Williams
Coy	Kaiser	Pievsky	Wogan
DeLuca	Kasunic	Pistella	Wozniak
DeWeese	Kenney	Pressmann	Wright, D. R.
Daley	Kondrich	Preston	Wright, R. C.
Davies	Kosinski	Raymond	Yandrisevits
Dempsey	Kukovich	Reber	
Distler	LaGrotta	Richardson	O'Donnell,
Dombrowski	Langtry	Rieger	Speaker

NOT VOTING—0

EXCUSED—4

Dietterick	Dininni	McHale	Wright, J. L.
------------	---------	--------	---------------

The question was determined in the negative, and the amendment was not agreed to.

On the question recurring,

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

Mr. FREEMAN offered the following amendments No. A3192:

Amend Sec. 1 (Sec. 505-A), page 24, lines 2 and 3, by striking out “, to the PAYOR OF such fees”

Amend Sec. 1 (Sec. 505-A), page 24, lines 11 through 13, by striking out “those persons who” in line 11, all of line 12 and “THE FEES WHICH REMAIN UNDISPERSED” in line 13 and inserting

the then owner or owners of the real estate involved

Amend Sec. 1 (Sec. 505-A), page 24, lines 18 through 20, by striking out “which notice shall be provided to the” in line 18, all of line 19 and “municipality,” in line 20

Amend Sec. 1 (Sec. 505-A), page 25, lines 11 and 12, by striking out “to the person or persons who paid” in line 11, all of line 12 and inserting

to the then owner or owners of real estate involved,
pro rata.

On the question,

Will the House agree to the amendments?

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

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, the underlying premise of this legislation before us today is one of fairness - fairness to developers to let them know what impact fees they will be responsible for, what they will incur; fairness to municipalities, letting them utilize those impact fees which are so essential for them to deal with very critical planning problems and infrastructure needs. My amendment goes at the heart of the fairness issue.

Under current language within the bill, any unexpended impact fee would automatically return to the developer. On its face, that sounds fair. However, if in the process the developer has already sold the properties, sold the houses, they are going to pass the costs of those impact fees along to whoever buys those properties. My amendment seeks to prevent this kind of double-dipping. What it would do is require that the unexpended impact fee would be refunded to whoever owns the property. If the properties have not been sold, if the development has not been sold, the developer will receive the refund. If, on the other hand, the properties have been sold, then it is the person who purchases that property, the owner of the real estate involved, who will receive the refund.

This is simply a matter of fairness. We should not allow double-dipping. I would urge the membership to support this amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Cambria, Mr. Wozniak.

Mr. WOZNIAK. I would like to ask the maker of the amendment a question, please.

The SPEAKER pro tempore. The gentleman from Cambria wishes to interrogate the gentleman from Northampton. The gentleman may proceed.

Mr. WOZNIAK. I am the second buyer of that house. Originally it was purchased by you right from the developer itself when the new plat came up on line. It has been 5 years now, and you have sold it and had a couple of kids and moved on and sold the house to me. It turns out that the cost of the impact fee is less than what was anticipated and that money went back to the developer. Nobody knows where the original buyer is. Are you saying that that money goes to the second purchaser of that house?

Mr. FREEMAN. It will go to the owner of the property at the time that the unexpended impact fee is returned or refunded.

Mr. WOZNIAK. So that person is getting a windfall also?

Mr. FREEMAN. Not at all, because whoever purchased the property more than likely will incur the pass-along costs either from the developer or the previous person who incurred those pass-along costs from the original developer.

The basic premise here is that the developer is not going to get caught with the impact fees. He is going to pass them

along. The homeowner who buys that house and sells it again is not going to get caught with those fees either; they are going to pass them along. All we are saying is, anyone who receives the refund from these unexpended fees, it should go to the person who has incurred that fee through the pass-along process. It is a simple matter of fairness.

Mr. WOZNIAK. Thank you, Mr. Speaker.

Mr. FREEMAN. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—36

Battisto	Godshall	Maiale	Pressmann
Bishop	Harper	Michlovic	Richardson
Bush	Heckler	Mihalich	Ritter
Caltagirone	Hershey	Miller	Rybak
Carn	Howlett	Morris	Strittmatter
Cawley	Hughes	Murphy	Tigue
Cohen	Lee	Oliver	Trich
Flick	Linton	Pesci	Wozniak
Freeman	Lloyd	Pitts	Yandrisevits

NAYS—162

Acosta	Distler	Kosinski	Robinson
Adolph	Dombrowski	Kukovich	Roebuck
Allen	Donatucci	LaGrotta	Rudy
Angstadt	Dorr	Langtry	Ryan
Argall	Durham	Lashingner	Saloom
Barley	Evans	Laughlin	Saurman
Belardi	Fairchild	Leh	Scheetz
Belfanti	Fargo	Lescovitz	Schuler
Billow	Farmer	Levdansky	Scrimenti
Birmelin	Fee	Lucyk	Semmel
Black	Fleagle	McCall	Serafini
Blaum	Foster	McNally	Smith, B.
Bortner	Fox	McVerry	Smith, S. H.
Bowley	Freind	Maine	Snyder, D. W.
Boyes	Gallen	Markosek	Snyder, G.
Brandt	Gamble	Marsico	Staback
Broujos	Gannon	Mayernik	Stairs
Bunt	Geist	Melio	Steighner
Burd	George	Merry	Stish
Burns	Gigliotti	Micozzie	Stuban
Cappabianca	Gladeck	Moehlmann	Tangretti
Carlson	Gruitza	Mowery	Taylor, E. Z.
Cessar	Gruppo	Mrkonic	Taylor, F.
Chadwick	Hagarty	Nahill	Taylor, J.
Civera	Haluska	Nailor	Telek
Clark, B. D.	Hasay	Noye	Thomas
Clark, D. F.	Hayden	O'Brien	Trello
Clark, J. H.	Hayes	Olasz	Van Horne
Clymer	Herman	Perzel	Veon
Colafrilla	Hess	Petrarca	Vroon
Colaizzo	Itkin	Petrone	Wambach
Cole	Jackson	Phillips	Wass
Cornell	Jadlowiec	Piccola	Weston
Corrigan	James	Pievsky	Williams
Cowell	Jarolin	Pistella	Wilson
Coy	Johnson	Preston	Wogan
DeLuca	Josephs	Raymond	Wright, D. R.
DeWeese	Kaiser	Reber	Wright, R. C.
Daley	Kasunic	Reinard	
Davies	Kenney	Rieger	O'Donnell,
Dempsey	Kondrich	Robbins	Speaker

NOT VOTING—0

EXCUSED—4

Dietterick Dininni McHale Wright, J. L.

The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,

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

Mr. FREEMAN offered the following amendments No. A3189:

Amend Sec. 1 (Sec. 504-A), page 9, line 26, by striking out "40%" and inserting 20%

Amend Sec. 1 (Sec. 504-A), page 10, line 16, by striking out "40%" and inserting 20%

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Northampton, Mr. Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, under current language in the bill, the advisory committee that would be set up to overlook the impact fees calls for not less than 40 percent of the members to be from the developmental field, either developers, realtors, builders. To my mind, that is a bit like having the fox watch the henhouse.

What this amendment proposes is that we reduce that figure to not less than 20 percent. Obviously, they could go beyond the 20 percent, but I think that 20 percent is a much fairer starting point. It makes it much more reasonable to insure that the advisory committee is composed of individuals who have their community's best interest in mind.

I would urge the membership to support this amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Cambria, Mr. Wozniak.

Mr. WOZNIAK. Thank you, Mr. Speaker.

I rise to oppose this amendment. It was agreed to already in the original HB 1361 and the one that we just passed the last day of June before we broke for summer recess. Those numbers were agreed to by the last omnibus amendment and we should stick to that proposal. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—19

Bunt Godshall Kukovich Murphy
Caltagirone Heckler Langtry Oliver
Carn Howlett Maiale Pitts
Cohen Hughes Mihalich Richardson
Freeman James Morris

NAYS—179

Acosta Donatucci Lee Rudy
Adolph Dorr Leh Ryan
Allen Durham Lescovitz Rybak
Angstadt Evans Levdansky Saloom
Argall Fairchild Linton Saurman
Barley Fargo Lloyd Scheetz

Battisto Farmer Lucy Schuler
Belardi Fee McCall Scrimenti
Belfanti Fleagle McNally Semmel
Billow Flick McVerry Serafini
Birmelin Foster Maine Smith, B.
Bishop Fox Markosek Smith, S. H.
Black Freind Marsico Snyder, D. W.
Blaum Gallen Mayernik Snyder, G.
Bortner Gamble Melio Staback
Bowley Gannon Merry Stairs
Boyes Geist Michlovic Steighner
Brandt George Micozzie Stish
Broujos Gigliotti Miller Strittmatter
Burd Gladeck Moehlmann Stuban
Burns Gruitza Mowery Tangretti
Bush Gruppo Mrkonc Taylor, E. Z.
Cappabianca Hagarty Nahill Taylor, F.
Carlson Haluska Nailor Taylor, J.
Cawley Harper Noye Telek
Cessar Hasay O'Brien Thomas
Chadwick Hayden Olasz Tighe
Civera Hayes Perzel Trello
Clark, B. D. Herman Pesci Trich
Clark, D. F. Hershey Petrarca Van Horne
Clark, J. H. Hess Petrone Veon
Clymer Itkin Phillips Vroon
Colafella Jackson Piccola Wambach
Colaizzo Jadlowiec Pievsky Wass
Cole Jarolin Pistella Weston
Cornell Johnson Pressmann Williams
Corrigan Josephs Preston Wilson
Cowell Kaiser Raymond Wogan
Coy Kasunic Reber Wozniak
DeLuca Kenney Reinard Wright, D. R.
DeWeese Kondrich Rieger Wright, R. C.
Daley Kosinski Ritter Yandrisevits
Davies LaGrotta Robbins
Dempsey Lashinger Robinson O'Donnell,
Distler Laughlin Roebuck Speaker

NOT VOTING—0

EXCUSED—4

Dietterick Dininni McHale Wright, J. L.

The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,

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

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

Mr. FREEMAN. I would like to withdraw my last amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

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

Mr. BARLEY offered the following amendment No. A3196:

Amend Sec. 1 (Sec. 503-A), page 6, by inserting between lines 17 and 18

(iii) Exempt de minimus applications from impact fee requirements. If such a policy is adopted, the definition of de minimus shall be contained in the ordinance.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Lancaster, Mr. Barley.

Mr. BARLEY. Thank you, Mr. Speaker.

The amendment I have is an amendment that would allow for an exemption of a small development or more than likely a one-lot subdivision that would have a very minimal impact on the municipality that has adopted an impact fee ordinance. Under the current wording of HB 1361, a municipality could not make an exemption to the payment of the impact fees with the exception of some provisions that would affect affordable housing.

In my amendment, for example, where a farmer or a landowner who may want to give a parcel of land to a son or daughter for building a home, this would just simply provide that in a one-lot subdivision such as that, that the municipality could exempt that from the impact fee.

Really the amendment would allow for situations like in my particular area in Lancaster County where many of our Amish folks have farms that are actually in agricultural zoning where they are not allowed to develop more than one lot per 25 acres, so they are really not creating any kind of an impact on the community anyhow. They are keeping that land out of development, but from time to time they may have a need to or wish to develop one lot. The township with this provision in the bill could include in their impact fee ordinance the opportunity for that one-lot subdivision to be exempted.

Basically, Mr. Speaker, that is what the amendment would do for the bill.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Cambria, Mr. Wozniak.

Mr. WOZNIAK. Thank you, Mr. Speaker.

I oppose the amendment. Now, the amendment is ambiguous and it is not a "shall" amendment. It is saying that they could, which means who decides whose cousin or best friend gets exempted while somebody else's daughter does not.

The other issue that the gentleman brought up was that the de minimis effects of impact could be easily worked out by saying you only owe a buck, so there is no real need for this amendment.

I would appreciate a negative vote. Thank you, Mr. Speaker.

The SPEAKER pro tempore. Mr. Heckler from Bucks is recognized.

Mr. HECKLER. Very briefly, Mr. Speaker, the comments of Mr. Wozniak are not entirely accurate. The amendment, as I understand it, would provide that the municipality may enact in their ordinance a provision for de minimis exemptions, so that we are not talking about doing one fellow's son a favor and some other fellow's grandson not. This is something that would be up to the municipality whether or not they include it in their ordinance, and if they do, there would be uniform standards for what is de minimis.

I would suggest that this is a meritorious amendment. It is something that was in the bill at one point and removed in committee at the behest of the homebuilders.

I would urge support of the amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Chester, Mr. Morris.

Mr. MORRIS. Thank you, Mr. Speaker.

I really cannot fathom or understand my good friend, Representative Wozniak's views on this. I do not know how many farmers you have in your area who have children. When you are saying de minimis, that would not go to a whole family of six or eight children or six or eight houses. It might be one. I really cannot see what the objection to this amendment is. It just seems perfectly ordinary.

I think the members of this Assembly should accept this amendment and help the farmers of this Commonwealth. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lehigh, Mr. Snyder.

Mr. D. W. SNYDER. Mr. Speaker, this provision was in HB 1361 as it was considered by the Local Government Committee. The amendment, as stated by Representative Barley, would provide that by municipal ordinance the township or borough or city could provide that a small number of lots, whether it be one, two, three, usually it is what they call minor subdivisions, would be exempt from the transportation impact fee due to the fact that essentially that small number of lots would not have an impact on the roads of the municipality.

I believe that the amendment is worthy of your consideration and hope that you will look at it in terms of what it will do for those small lot owners.

The SPEAKER pro tempore. The gentleman from Allegheny, Mr. Gamble, is recognized.

Mr. GAMBLE. Mr. Speaker, I rise to oppose the amendment. Again, there were 4 years of work going into this and this was not part of the final agreement.

I ask a "no" vote.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Montgomery, Mr. Godshall.

Mr. GODSHALL. Just very briefly. Thank you, Mr. Speaker.

I would like to interrogate the maker of the amendment, please.

The SPEAKER pro tempore. The gentleman from Lancaster consents to being interrogated. The gentleman from Montgomery may proceed.

Mr. GODSHALL. This definition here looks like it is really wide open. Could this be a 10-lot subdivision? Could it be a 15-lot subdivision? Is this not really entirely in the hands of the supervisors to say who they want to exclude and who they do not want to exclude? Could it not even be up to, say, 20-house subdivisions, as long as it is equal throughout the municipality?

Mr. BARLEY. Well, Mr. Speaker, I hardly think that de minimis would mean 15 to 20 lots. It would have to be

uniform throughout the township. That is correct. If the township would choose for that threshold to be three or four lots, that is where it would be across the board for any developer, any applicant in the township. So certainly my intent would not be for this to be construed or interpreted to mean anything more than a very minor subdivision, and in the present zoning, most townships refer to minor subdivisions as anything five lots or smaller. Most of that is in current ordinances, and they do not require preliminary plans and then final plans. If it is five lots or less, many municipalities will allow that under current zoning to go through in one stage. So I would certainly think that in order for this to be consistent with present zoning, it would not include subdivisions larger than five lots, and certainly that would not be my intention.

Mr. GODSHALL. Thank you, Mr. Speaker.

I would like to make a statement on the amendment.

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

Mr. GODSHALL. I really feel that if we are adopting an impact fee ordinance, it should be equal on everybody. The problem is, the maker of this amendment says he is taking it up to 5 lots, but it could be 5, 10, 15, or whatever, up to the discretion of the supervisors.

So I would oppose this amendment. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Berks, Mr. Leh.

Mr. LEH. Thank you, Mr. Speaker.

May I speak on the amendment?

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

Mr. LEH. If you support the family farmer, you should support this amendment. Traditionally, family farmers have fairly large families; at the very least, three or four children. In my area, an agricultural area, those farmers' families grow up. If you want to keep them on the farm, you ought to allow them to live there. They are not going to be a future impact on that community. They already live there.

This is a good amendment, and I think we should support it. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lancaster, Mr. Barley, for the second time.

Mr. BARLEY. Thank you, Mr. Speaker.

In closing, I would just like to say that I think this amendment is certainly one of fairness, and we have heard that referred to, that it is unfair to treat certain categories differently. Well, I think we can look at the present practice of agricultural zoning where in some areas it is arbitrarily decided that farmers are only allowed to develop one lot for every 25 acres when the zone right next door may be able to build one house for each acre. Now, I am not sure where fairness comes into play there.

What I am saying is, this gives the township the opportunity to provide this minimal exemption for the landowner where he may be in that district that is zoned agricultural, and he will only be able to develop one lot for 25 acres. In most cases that dwelling that will be built there more than likely will be built

for somebody who is working on the farm and they will never even travel the roads to work. They will be staying there working on the farm and their impact on the community traffic patterns again will be very minimal.

So I just contend, Mr. Speaker, that this amendment is one that speaks truly of fairness, and I would appreciate and urge a positive vote. Thank you very much.

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

The following roll call was recorded:

YEAS—110

Allen	Distler	Lashinger	Rybak
Angstadt	Dorr	Lee	Scheetz
Argall	Durham	Leh	Schuler
Barley	Fairchild	Lloyd	Semmel
Battisto	Fargo	Lucy	Serafini
Belfanti	Farmer	McCall	Smith, B.
Black	Fleagle	Maiale	Smith, S. H.
Bortner	Foster	Maine	Snyder, D. W.
Bowley	Freeman	Marsico	Snyder, G.
Brandt	Freind	Melio	Staback
Broujos	Gallen	Merry	Stairs
Bunt	Geist	Miller	Stish
Burd	Gladeck	Moehlmann	Strittmatter
Burns	Gruppo	Morris	Stuban
Bush	Hagarty	Mowery	Taylor, E. Z.
Caltagirone	Hasay	Nailor	Taylor, F.
Carlson	Hayes	Noye	Taylor, J.
Cessar	Heckler	O'Brien	Telek
Chadwick	Herman	Perzel	Tigue
Clark, D. F.	Hershey	Phillips	Vroon
Clark, J. H.	Hess	Piccola	Wass
Clymer	Howlett	Pitts	Weston
Cole	Jackson	Reber	Wilson
Cornell	Jadlowiec	Reinard	Wogan
Coy	Johnson	Robbins	Wright, D. R.
Daley	Kasunic	Rudy	Wright, R. C.
Davies	Kenney	Ryan	Yandrisevits
Dempsey	Langtry		

NAYS—88

Acosta	Fee	Lescovitz	Raymond
Adolph	Flick	Levdansky	Richardson
Belardi	Fox	Linton	Rieger
Billow	Gamble	McNally	Ritter
Birmelin	Gannon	McVerry	Robinson
Bishop	George	Markosek	Roebuck
Blaum	Gigliotti	Mayernik	Saloom
Boyes	Godshall	Michlovic	Saurman
Cappabianca	Gruitza	Micozzie	Scrimenti
Carn	Haluska	Mihalich	Steighner
Cawley	Harper	Mrkonic	Tangretti
Civera	Hayden	Murphy	Thomas
Clark, B. D.	Hughes	Nahill	Trello
Cohen	Itkin	Olasz	Trich
Colafrilla	James	Oliver	Van Horne
Colaizzo	Jarolin	Pesci	Veon
Corrigan	Josephs	Petrarca	Wambach
Cowell	Kaiser	Petrone	Williams
DeLuca	Kondrich	Pievsky	Wozniak
DeWeese	Kosinski	Pistella	
Dombrowski	Kukovich	Pressmann	O'Donnell,
Donatucci	LaGrotta	Preston	Speaker
Evans	Laughlin		

NOT VOTING—0

EXCUSED—4

Dietterick Dininni McHale Wright, J. L.

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. MURPHY offered the following amendments No. A3749:

Amend Title, page 1, line 22, by inserting after "transportation"

public open space, recreational

Amend Sec. 1 (Sec. 502-A), page 3, line 13, by inserting after "TRANSPORTATION"

or public open space and recreational

Amend Sec. 1 (Sec. 502-A), page 4, by inserting between lines 6 and 7

"Public open space recreational capital improvements," those improvements or lands that are available for use by the general public.

Amend Sec. 1 (Sec. 503-A), page 5, line 15, by inserting after "TRANSPORTATION"

public open space and recreational

Amend Sec. 1 (Sec. 503-A), page 7, line 17, by inserting after "TRANSPORTATION"

public open space and recreational

Amend Sec. 1 (Sec. 503-A), page 7, line 22, by inserting after "TRANSPORTATION"

public open space and recreational

Amend Sec. 1 (Sec. 503-A), page 8, line 1, by inserting after "TRANSPORTATION"

public open space and recreational

Amend Sec. 1 (Sec. 503-A), page 8, line 16, by inserting after "transportation"

public open space and recreational

Amend Sec. 1 (Sec. 504-A), page 8, line 30, by inserting after "Transportation"

Public Open Space and Recreational

Amend Sec. 1 (Sec. 504-A), page 9, line 1, by inserting after "transportation"

public open space and recreational

Amend Sec. 1 (Sec. 504-A), page 9, line 6, by striking out "transportation"

Amend Sec. 1 (Sec. 504-A), page 9, line 8, by striking out "transportation"

Amend Sec. 1 (Sec. 504-A), page 9, line 15, by striking out "TRANSPORTATION"

Amend Sec. 1 (Sec. 504-A), page 11, line 1, by inserting after "improvements,"

public open space and recreational needs

Amend Sec. 1 (Sec. 504-A), page 11, line 14, by inserting after "transportation"

public open space and recreational

Amend Sec. 1 (Sec. 504-A), page 11, line 22, by inserting after "transportation"

public open space and recreational

Amend Sec. 1 (Sec. 504-A), page 15, line 16, by inserting after "ANALYSIS"

and public open space and recreational needs analysis

Amend Sec. 1 (Sec. 504-A), page 15, line 25, by striking out "traffic volumes" and inserting

growth

Amend Sec. 1 (Sec. 504-A), page 15, line 27, by inserting after "transportation"

public open space and recreational

Amend Sec. 1 (Sec. 504-A), page 16, line 9, by inserting after "transportation"

public open space and recreational

Amend Sec. 1 (Sec. 504-A), page 17, by inserting after line 30

(vii) The Public Open Space and Recreational Plan

shall identify specific opportunities based on land use assumptions and future development and a plan to attribute the cost in part to future developments. It shall include anticipated revenues from other sources.

Amend Sec. 1 (Sec. 504-A), page 18, line 17, by inserting after "transportation"

public open space and recreational

Amend Sec. 1 (Sec. 504-A), page 19, line 25, by inserting after "transportation"

public open space and recreational

Amend Sec. 1 (Sec. 504-A), page 19, line 28, by inserting after "transportation"

public open space and recreational

On the question,

Will the House agree to the amendments?

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

Mr. MURPHY. Thank you, Mr. Speaker.

Mr. Speaker, this includes public open space and recreational uses for the uses of impact fees. It is my belief that in rapidly developing communities around the Commonwealth, one of the very much overlooked but necessary amenities that municipalities should provide is public open space and recreational opportunities.

While in the Municipalities Planning Code there is some language that does permit municipalities to require certain set-asides by developers of either land or fees, if you talk to municipal leaders, you will learn that there is not, there is not anywhere near sufficient money to create the kind of open space that people with great vision had included in many of our urban areas in the past. If you think of the city of Pittsburgh or Philadelphia or other major cities where large parks like Schenley Park in Pittsburgh or Fairmount Park in Philadelphia add a great deal to the quality of life of residents of those areas, those parks face the same kind of intense development pressure as is taking place in townships and other municipalities around the Commonwealth today. For that reason, I would hope that you would give municipalities the opportunity to show some vision and to have the financial wherewithal to shape public space, open space, and recreational opportunities for future generations, because frankly, if you talk to township supervisors or commissioners from rapidly developing communities around the Commonwealth, what you learn is that they do not have the capacity now to carve out any major size of open space for future use for public recreation, and in many cases they have to struggle to even create small areas for recreational opportunity.

I think it is an important use for impact fees. It is one that will benefit the community at large and I think clearly fits under the definition of what impact fees ought to be used for. I believe that there ought to be some reasonable controls on

impact fees, but I think it is a mistake to limit those impact fees solely for transportation uses.

For this reason, I urge your support of my amendment. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lehigh, Mr. Snyder.

Mr. D. W. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, today we passed HB 444, which provides for the funding by new development of off-site water and sewer lines. Under the Municipalities Planning Code, the developers are also responsible for all on-site public improvements.

Further, Mr. Speaker, in 1988, when this House made amendments to the Municipalities Planning Code, we amended section 503 of the MPC, which provides that a development must, if the municipality requires it, provide for the public dedication of land suitable for the use intended. It can also be required to provide for the construction of recreational facilities, the payment of fees in lieu thereof, or the preservation of land, and it sets forth the requirements for the municipality to require new development to do that.

I know many of us have seen editorials over the summer and in the spring dealing with what this impact fee legislation does not cover. The impact fee legislation today covers transportation, water, sewer. We have in our MPC on-site improvements and recreation already. We had pretty well covered almost every type of impact a new development could have on a community. I am sure people would like to see other things added to this list, but I think we have adequately provided for recreation contributions through the existing law, the MPC, and we strengthened those provisions in 1988 with the amendments. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Cambria, Mr. Wozniak.

Mr. WOZNIAK. I am just asking for a "no" vote. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—23

Bowley	Fox	McNally	Murphy
Burns	Freeman	Marsico	Pistella
Caltagirone	Hagarty	Melio	Preston
Carn	Heckler	Michlovic	Robinson
Cohen	James	Miller	Tigue
Cowell	Levdansky	Morris	

NAYS—172

Acosta	Donatucci	Langtry	Rudy
Adolph	Dorr	Lashingner	Ryan
Allen	Durham	Laughlin	Rybak
Angstadt	Evans	Lee	Saloom
Argall	Fairchild	Leh	Saurman
Barley	Fargo	Lescovitz	Scheetz
Battisto	Farmer	Linton	Schuler
Belardi	Fee	Lloyd	Scrimenti
Belfanti	Fleagle	Lucyk	Semmel
Billow	Flick	McCall	Serafini
Birmelin	Foster	McVerry	Smith, B.
Bishop	Freind	Maine	Smith, S. H.
Black	Gallen	Markosek	Snyder, D. W.
Blaum	Gamble	Mayernik	Snyder, G.

Bortner	Gannon	Merry	Staback
Boyes	Geist	Micozzie	Stairs
Brandt	George	Mihalich	Steighner
Broujos	Gigliotti	Moehlmann	Stish
Bunt	Gladeck	Mowery	Strittmatter
Burd	Godshall	Mrkonic	Stuban
Bush	Gruitza	Nahill	Tangretti
Cappabianca	Gruppo	Nailor	Taylor, E. Z.
Carlson	Haluska	Noye	Taylor, F.
Cawley	Harper	O'Brien	Taylor, J.
Cessar	Hasay	Olasz	Telek
Chadwick	Hayden	Oliver	Trello
Civera	Hayes	Perzel	Trich
Clark, B. D.	Herman	Pesci	Van Horne
Clark, D. F.	Hershey	Petrarca	Veon
Clark, J. H.	Hess	Petrone	Vroon
Clymer	Hughes	Phillips	Wambach
Colafella	Itkin	Piccola	Wass
Colaizzo	Jackson	Pievscky	Weston
Cole	Jadlowiec	Pitts	Williams
Cornell	Jarolin	Pressmann	Wilson
Corrigan	Johnson	Raymond	Wogan
Coy	Josephs	Reber	Wozniak
DeLuca	Kaiser	Reinard	Wright, D. R.
DeWeese	Kasunic	Richardson	Wright, R. C.
Daley	Kenney	Rieger	Yandrisevits
Davies	Kondrich	Ritter	
Dempey	Kosinski	Robbins	O'Donnell,
Distler	Kukovich	Roebuck	Speaker
Dombrowski	LaGrotta		

NOT VOTING—3

Howlett	Maiale	Thomas
---------	--------	--------

EXCUSED—4

Dietterick	Dininni	McHale	Wright, J. L.
------------	---------	--------	---------------

The question was determined in the negative, and the amendments were not agreed to.

VOTE CORRECTIONS

The SPEAKER pro tempore. Without objection, the Chair recognizes the gentleman from York, Mr. Bortner, for the purpose of correcting the record. The Chair hears no objection.

Mr. BORTNER. Thank you, Mr. Speaker.

On amendment 2759 to SB 1140, I was not recorded. I would like to be recorded as having voted in the negative. Thank you.

The SPEAKER pro tempore. The gentleman's remarks will be spread upon the record.

The Chair recognizes the gentleman from Delaware, Mr. Gannon.

Mr. GANNON. Mr. Speaker, on amendment A3737 to HB 1361, my switch did not operate properly. I would like to be recorded in the negative.

The SPEAKER pro tempore. The gentleman's remarks will be spread upon the record.

CONSIDERATION OF HB 1361 CONTINUED

On the question recurring,

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

Mr. WOZNIAK offered the following amendments No. A3734:

Amend Sec. 1 (Sec. 502-A), page 2, by inserting between lines 24 and 25

“Adjusted for family size,” adjusted in a manner which results in an income eligibility level which is lower for households with fewer than four people, or higher for households with more than four people, than the base income eligibility level determined as provided in the definition of low to moderate income persons based upon a formula as established by the rule of the Pennsylvania Housing Finance Agency.

“Adjusted gross income,” all wages, assets, regular cash or noncash contributions or gifts from persons outside the household, and such other resources and benefits as may be determined to be income by rule of the Department of Community Affairs, adjusted for family size, less deductions under section 62 of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 62 et seq.).

“Affordable,” with respect to a housing unit to be occupied by low to moderate income persons, monthly rents, or monthly mortgage payments including property taxes and insurance, that do not exceed 30% of that amount which represents 100% of the adjusted gross annual income for households within the metropolitan statistical area (MSA) or, if not within the MSA, within the county in which the housing unit is located.

“Agency,” the Pennsylvania Housing Finance Agency as created pursuant to the act of December 3, 1959 (P.L.1688, No.621), known as the “Housing Finance Agency Law.”

“Department,” the Department of Community Affairs of the Commonwealth.

Amend Sec. 1 (Sec. 502-A), page 3, by inserting between lines 14 and 15

“Low to moderate income persons,” one or more natural persons or a family, the total annual adjusted gross household income of which is less than 100% of the median annual adjusted gross income for households in this Commonwealth, or is less than 100% of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within the MSA, within the county in which the household is located, whichever is greater.

Amend Sec. 1 (Sec. 503-A), page 6, lines 5 and 6, by striking out “may choose to” and inserting shall

Amend Sec. 1 (Sec. 503-A), page 6, lines 6 and 7, by striking out “have the power to”

Amend Sec. 1 (Sec. 503-A), page 6, line 8, by striking out “up to”

Amend Sec. 1 (Sec. 503-A), page 6, lines 11 and 12, by striking out “low-income households as defined by the United” in line 11, all of line 12 and inserting

low to moderate income persons.

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On the question, the Chair recognizes the gentleman from Cambria, Mr. Wozniak.

Mr. WOZNIAK. Thank you, Mr. Speaker.

What this amendment is for is the low to moderately priced homes. We have a problem in this Nation inasmuch as a large percentage of our population cannot afford to buy their own home. What this amendment does is set up standards and exempt low- to medium-income developments from having to pay impact fees.

I would appreciate an affirmative vote. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Bucks, Mr. Heckler, is recognized.

Mr. HECKLER. Mr. Speaker, this is a “no” vote. This legislation is real simple and straightforward. Flip it over on the backside and you will see that the heart of this legislation is that it takes out the words “may choose to,” which gives your municipalities, as we already have in HB 1361 in the balance that has been struck, the authority. If they want to exempt or partially exempt low- or moderate-income housing from impact fees, they can do so. This substitutes the word “shall.” It says they have to. It makes impact fees impossible to impose on what is defined as low- and moderate-income housing. We have put the definitions of those in the bill already so that it is very clear. All the guidelines are there. If you want to go back home and tell your municipalities that you do not trust them, that you have told them that they have to do this, that is fine; you vote for this amendment. If you want to preserve their ability to do so if they wish to, then defeat the amendment as I urge that you do.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Somerset, Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, I would like to interrogate Mr. Heckler.

The SPEAKER pro tempore. The gentleman from Bucks consents to being interrogated, and the gentleman from Somerset may proceed.

Mr. LLOYD. Mr. Speaker, I think we are dealing here with a double-negative situation, and I do not really understand what this amendment is going to do.

Under the bill as you amended it with your omnibus amendment, do municipalities have the right to impose impact fees on low- to moderate-income housing developments?

Mr. HECKLER. Yes.

Mr. LLOYD. Is that at their choice or are they obligated to impose the impact fee?

Mr. HECKLER. At their choice.

Mr. LLOYD. And under this amendment would they be obligated to impose the fee or prohibited from imposing the fee?

Mr. HECKLER. Prohibited.

Mr. LLOYD. So in other words, if this amendment goes in, we will be exempting low- to moderate-income housing from having to pay an impact fee.

Mr. HECKLER. That is exactly correct.

Mr. LLOYD. I guess I am confused, if that is what it does, as to why— It is a mandatory exclusion.

Mr. HECKLER. That is correct.

Mr. LLOYD. So in other words, if a municipality feels that moving low-income housing into that area is going to impose certain costs, it would no longer be able to impose an impact fee.

Mr. HECKLER. That is correct.

Mr. LLOYD. Thank you.

Mr. HECKLER. In the bill originally we permitted them to exclude or partially lower the fee on moderate- or low-cost housing. That has always been permitted. With our amendment we added definitions to make very clear what low- and moderate-income housing is. This amendment would prohibit those fees from being imposed under any circumstances.

Mr. LLOYD. And this is a departure from the omnibus agreed-to amendment?

Mr. HECKLER. Definitely.

Mr. LLOYD. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from York, Mr. Foster.

Mr. FOSTER. Thank you, Mr. Speaker.

I join my colleagues in opposing this amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Montgomery, Mr. Lashinger.

Mr. LASHINGER. Thank you, Mr. Speaker.

Mr. Speaker, as strongly as Representative Heckler indicated that he felt this was a "no" vote, I feel equally as strong that this is a "yes" vote.

This is one of the areas that, as we held hearings around the Commonwealth on the issue of affordable housing, probably ranking number two or three as to a cost that contributed to the availability and the affordability of housing in the Commonwealth was the issue of impact fees. Mr. Heckler is right. Under the Snyder-Heckler compromise, a municipality would be able to say, yes, if you are going to develop affordable housing, we will waive an impact fee. The practical side of that is, however, in those municipalities where they are currently levying those fees and they have had the opportunity to negotiate with the developer to waive those fees, they have not, and it has created, as Representative Wozniak has said, a crisis in the Commonwealth. We must, we must, if we are serious about creating affordable housing stock in Pennsylvania, mandate, as Representative Lloyd brought out in debate this amendment will do, mandate where we can make low to moderate, and if you look at the definition of "moderate income persons," this covers many of the districts. It will cover districts in Montgomery County, districts in Delaware County, where we will be able for the first time to develop affordable housing according to the income guidelines set down in this amendment.

So if we are really serious about tackling this problem, we will mandate. There is no public policy, I think, that is served by saying let them levy impact fees, though they will be minimal, let them levy impact fees on this type of housing; there is no public policy served, in my opinion, by doing such. Instead, I think the public policy position of this Assembly should be we should waive them so that we can enable developers to bring housing costs in at an affordable level.

I would support the amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Donald Snyder.

Mr. D. W. SNYDER. Mr. Speaker, you have heard this is sort of a "mom and apple pie." How can you vote against affordable housing? But look at the context of HB 1361. It

was put together for predictability. It was put together so that a municipality could determine for the next 5 or 10 years what their impact on their transportation system is going to be and fairly assess those costs. Now, if a municipality has an area that is zoned high density, do they know when they are determining what the impact fees are going to be and what their traffic improvements are going to be whether those are going to be \$200,000 condominiums or \$60,000 apartments? They do not know. There is no predictability. So what do they do when they are planning? Do they plan to include those high-density units in the transportation impact fee as they are making the calculations or not? So for one thing, it really skews your ability to have predictability in calculating the fees.

Second of all, we heard a lot of opposition to the de minimis, because we should have everybody included with impact fees, but yet a 200- or 300-unit apartment complex being constructed in your community certainly is going to have an impact on your transportation system. Who is going to pay for that? Why have transportation impact fees?

The bill as it is currently proposed—and it was agreed to by the builders and the municipalities—leaves that option up to the townships or boroughs or cities to encourage them to have affordable housing in their municipality on a site-by-site basis.

Under the MPC in 1988 we mandated that municipalities provide housing for all types of family incomes. This is one way that they can do it, through the incentive of waiving the impact fees. But then it is under their control for predictability, not as catch as catch can with putting big holes in their budgets for providing that very infrastructure that HB 1361 is designed to produce.

I ask for your opposition to this amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lancaster, Mr. Miller.

Mr. MILLER. Thank you, Mr. Speaker.

Mr. Speaker, on the issue of impact fees, let us remember the very remarkable thing that we are talking about. We are talking about enhancing the quality of life in areas that have developed rapidly, and by enhancing the quality of life, we are talking about impact fees to make sure that there are safe sidewalks for Billy and Johnny and Sally to ride their bikes on on the way to school; that there are safe intersections and road improvements so that we can all have careful egress.

We are talking about quality-of-life issues. Any member of this House could name 15 or 20 of them associated with impact fees. And oh, the township supervisors and municipal planners all over this State are anxiously awaiting those dollars, even as Mr. Murphy suggested, perhaps to plan open space, again a quality-of-life issue in our community.

And now we hear from the gentlemen opposing this amendment that we cannot predict the need for low-income housing. Well, I suggest to this House that the quality-of-life issue that is most fundamental in impact fees is in fact housing - habitable housing, affordable housing for Pennsylvanians - and what is predictable is the fact that the Pennsylvania housing

industry, our own planning through the Municipalities Planning Code, is in fact not meeting that housing shortage today. And to suggest that we can take a final passage vote on a quality-of-life issue so Johnny and Billy can ride their bikes safely around the corner when we fail to provide a habitable roof over their heads is to me a great compromise that this legislature should not, and I trust will not, make.

I would encourage each of you to look at this issue, and please support the Wozniak amendment for the simple reason that quality of life begins with quality housing. I thank the Chair.

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

Mr. PRESSMANN. Thank you, Mr. Speaker.

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

Mr. Speaker, the experience in our area, when you are trying to put together a deal to do moderate- or low-income housing, the margins are all very small. The imposition of impact fees will in many cases make it impossible to do moderate- or low-income projects. If it is the objective of the opponents of this amendment to keep moderate- and low-income housing developments out and keep them out of their districts and out of their neighborhoods, then maybe that is the objective and maybe they should vote "no." But if you believe, as the gentleman, Mr. Miller, said, that the objective is that people should have a decent place to live and have that opportunity, you should vote "yes."

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

Mr. MERRY. Mr. Speaker, may I draw the attention of the members that I think we are getting emotional about this. This really does not have a great deal to do with affordable housing being possible or not possible.

As I look at the issue in my district, I have never seen a project that was either a go or a no-go based on an impact fee. What I do see is that this affordable housing is being done by government programs. Most all of your rental is subsidized today, which means that some governmental unit is paying the difference between usually 30 percent and full market value.

I suggest that we have to defeat this bill here, because at the choice of the municipality, impact fees many times have to be applied to even low to moderate income. Why should the rest of the people have to further subsidize a project by paying through general taxation for the impact fees that should have been paid by the project?

So please let us look at it fairly as to what it really means. Let us defeat the Wozniak amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bucks, Mr. Heckler, for the second time.

Mr. HECKLER. Thank you, Mr. Speaker.

I wish that somebody could afford to build affordable housing in my district. The fact is that all the homebuilders competing to grab up all the open land have bid the land up so high that by the time you buy it, you have got to put a big house on it or you lose money. It is the market that determines where affordable housing can be built, not some kind of legislative activity one way or the other.

However, let us be clear about something. You may have read that a whole series of lawsuits were brought in Bucks and Montgomery Counties by the homebuilders against municipalities for charging so-called illegal impact fees. I surveyed those lawsuits. Not a one of them, not a one of the impact fees they talk about in Bucks and Montgomery Counties amount to more than \$1,000 per unit. So we are not talking about a number that takes a \$60,000 house and blows it out of somebody's reach. We are talking about minuscule numbers in the total picture of what housing costs. It is the land costs more than anything else that determine whether or not you can have affordable housing.

We heard a lot of argument back with Don Snyder's amendment and mine about negotiation, that this was a fragile compromise and that it was going to get lost in the Senate if we did not defeat that amendment. This amendment goes beyond the scope of what the parties have agreed to. It creates an additional burden upon municipalities.

You know, if people here are serious about affordable housing, let us put up some money for affordable housing. You have got my vote. Let us not say to the municipalities, we are giving you this tool, but we are not going to let you use it on some of the housing that may impose the biggest burden on your transportation network.

Let us defeat this amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from York, Mr. Foster, for the second time.

Mr. FOSTER. Thank you, Mr. Speaker.

I think it is indeed necessary to vote down this amendment that we have before us. We are dealing with an impact fee bill and there is no question as to whether a development of X number of houses, be they low-income houses or upper-income houses, is going to have a certain impact on the infrastructure of a community.

We have given the municipality the power to waive this if it is deemed feasible, but by no means should we enact a prohibition. If we do so, we are undermining what the bill is all about, going beyond the scope of the agreement, and risking rupture of a very well balanced piece of legislation.

I strongly urge a negative vote.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—86

Acosta	Fox	Linton	Ritter
Belardi	Freeman	McCall	Robinson
Belfanti	Gamble	McNally	Roebuck
Billow	Gigliotti	Maiale	Rybak
Bishop	Gruitza	Maine	Saloom
Blaum	Haluska	Markosek	Staback
Bortner	Harper	Mayernik	Steighner
Caltagirone	Hayden	Michlovic	Stish
Carn	Howlett	Miller	Stuban
Civera	Hughes	Mrkonc	Taylor, F.
Clark, B. D.	Itkin	Murphy	Thomas
Cohen	James	Olasz	Trello
Colafiglia	Jarolin	Oliver	Van Horne
Colaizzo	Josephs	Pesci	Wambach
Cole	Kaiser	Petrarca	Wass
Corrigan	Kasunic	Pievsky	Williams

Cowell	Kosinski	Pistella	Wozniak
DeLuca	Kukovich	Pressmann	Wright, D. R.
DeWeese	Lashingner	Preston	Wright, R. C.
Daley	Laughlin	Raymond	
Evans	Lescovitz	Richardson	O'Donnell,
Fleagle	Levdansky	Rieger	Speaker

NAYS—112

Adolph	Distler	Johnson	Reinard
Allen	Dombrowski	Kenney	Robbins
Angstadt	Donatucci	Kondrich	Rudy
Argall	Dorr	LaGrotta	Ryan
Barley	Durham	Langtry	Saurman
Battisto	Fairchild	Lee	Scheetz
Birmelin	Fargo	Leh	Schuler
Black	Farmer	Lloyd	Scrimenti
Bowley	Fee	Lucyk	Semmel
Boyes	Flick	McVerry	Serafini
Brandt	Foster	Marsico	Smith, B.
Broujos	Freind	Melio	Smith, S. H.
Burd	Gallen	Merry	Snyder, D. W.
Burns	Gannon	Micozzie	Snyder, G.
Bush	Geist	Mihalich	Stairs
Cappabianca	George	Moehlmann	Strittmatter
Carlson	Gladeck	Morris	Tangretti
Cawley	Godshall	Mowery	Taylor, E. Z.
Cessar	Gruppo	Nahill	Taylor, J.
Chadwick	Hagarty	Nailor	Telek
Clark, D. F.	Hasay	Noye	Tigue
Clark, J. H.	Hayes	O'Brien	Trich
Clymer	Heckler	Perzel	Veon
Cornell	Herman	Petrone	Vroon
Coy	Hershey	Phillips	Weston
Davies	Hess	Piccola	Wilson
Dempsey	Jackson	Pitts	Wogan
	Jadlowiec	Reber	Yandrisevits

NOT VOTING—0

EXCUSED—4

Dietterick	Dininni	McHale	Wright, J. L.
------------	---------	--------	---------------

The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,

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

Mr. STRITTMATTER offered the following amendment No. A3765:

Amend Sec. 1 (Sec. 503-A), page 3, lines 18 through 33 (A3744), by striking out all of said lines and inserting

(g) A municipality which has enacted an impact fee ordinance on or before June 1, 1990, may for a period not to exceed one year from the effective date of this article, adopt an impact fee ordinance to conform with the standards and procedures set forth in this article. Where a fee previously imposed pursuant to an ordinance in effect on June 1, 1990, for transportation improvements authorized by this article is greater than the recalculated fee due under the newly adopted ordinance, the individual who paid the fee is entitled to a refund of the difference. If the recalculated fee is greater than the previously paid fee, there shall be no additional charge.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On the question, the Chair recognizes Mr. Strittmatter.

Mr. STRITTMATTER. Thank you, Mr. Speaker.

Our amendment would allow uniformity and treat all municipalities equally, and I would ask for an affirmative vote. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Cambria, Mr. Wozniak.

Mr. WOZNIAK. I do not have the amendment in front of me. I am going to be opposing this amendment, and I would urge each of you to vote your own conscience.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Gamble.

Mr. GAMBLE. Mr. Speaker, I urge you, strongly, to vote against this amendment. It was not part of the agreement. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lancaster, Mr. Strittmatter, for the second time.

Mr. STRITTMATTER. Thank you, Mr. Speaker.

I would like to interrogate Representative Gamble, please, on his opposition.

The SPEAKER pro tempore. Does the gentleman from Allegheny County consent to being interrogated? The gentleman does, and the gentleman from Lancaster may proceed.

Mr. STRITTMATTER. Thank you, Mr. Speaker.

It seems that the bill was crafted to penalize two municipalities. Can you explain why?

Mr. GAMBLE. Would you please repeat the question.

Mr. STRITTMATTER. Yes, sir.

What we are talking about is the grandfathering amendment to allow municipalities that have an impact fee ordinance at this time to use the formula which we are adopting here in this 28-page bill. What this will do, it will allow every municipality that has ordinances at this time, in order to comply, by using the safeguards we provide within our 28-page bill. The amendment that was agreed to that you talked in favor of as part of an agreement, and now talking about this amendment, excludes or penalizes two municipalities out of the over 2,600 in our Commonwealth. I would ask, why?

Mr. GAMBLE. It was my understanding that if the grandfather clause prevails, there will not be uniformity as far as the implementation of the law across the Commonwealth, and for that reason we oppose the amendment.

Mr. STRITTMATTER. Mr. Speaker, another question.

At least 22 other municipalities have been collecting impact fees for years. They were grandfathered. Our amendment just asks for uniformity. Can you give me some explanation why those 22 municipalities are allowed to be grandfathered but the Manheim Township municipality in Lancaster County and the Cranberry Township case in Butler County cannot be?

Mr. GAMBLE. I do not have the slightest idea as to the answer to that question. I was not part of the final negotiating process. Those who were are in this House, and they were the sponsors of the final agreed-to amendment. I would suggest that that question be directed to them.

Mr. STRITTMATTER. Thank you, Mr. Speaker, and I apologize for asking you a question that you were not prepared to answer.

I would ask Representative Heckler to please answer the question. Thank you.

The SPEAKER pro tempore. The gentleman from Bucks consents to being interrogated. The gentleman from Lancaster may proceed.

Mr. STRITTMATTER. Mr. Speaker, why just these two municipalities?

Mr. HECKLER. It is my understanding that there is litigation pending in both— And the language that you are seeking to delete prevents this grandfather clause from being effective as to Cranberry Township in Butler County and as to Manheim Township in Lancaster County. The reason that those two municipalities were excluded was essentially the fact that they have appealed rulings of their common pleas courts which have held that they did not have the power to impose impact fees, and that the Home Builders Associations that have been litigating with them were unwilling to agree to have them subject to the grandfather clause.

It is also my understanding that both of the townships in question have indicated to the parties that they are in litigation with that they would withdraw their appeals if the grandfathering provision was available to them and if in fact this legislation becomes an act that is law - passes the House and the Senate and is signed by the Governor. At least as of this date, we were informed—and we had this amendment drawn both ways this afternoon—as of this date we have been informed that the two Home Builders Associations are sticking by their guns and not agreeable. Therefore, in order to have the rest of the agreed-to amendment, they were excluded.

Mr. STRITTMATTER. Thank you, Mr. Speaker.

That concludes my interrogation. I would just like to make a comment, sir.

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

Mr. STRITTMATTER. I thank the indulgence of the House.

I feel it is better that we decide today and adopt the 28 pages and allow all the municipalities in the Commonwealth to be afforded the same formulas and the same safeguards to all our builders and developers rather than taking it out of our hands and leaving it to the courts in this case.

Both municipalities, as Representative Heckler has indicated, have said that they are going to drop their court cases if this is adopted. I do not believe that we should extend this through the courts any longer, and I would please ask the House for an affirmative vote on the amendment. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—26

Barley	Carlson	Johnson	Scheetz
Blaum	Chadwick	Lashinger	Schuler
Brandt	Clymer	Lee	Serafini
Burd	Freeman	Murphy	Snyder, D. W.
Burns	Gallen	Noye	Steighner
Bush	Hasay	Reinard	Strittmatter
Caltagirone	Heckler		

NAYS—170

Acosta	Evans	Leh	Ritter
Adolph	Fairchild	Lescovitz	Robbins
Allen	Fargo	Levdansky	Robinson
Angstadt	Farmer	Linton	Roebuck
Argall	Fee	Lloyd	Rudy
Battisto	Fleagle	Lucyk	Ryan
Belardi	Flick	McCall	Rybak
Belfanti	Foster	McNally	Saloom
Billow	Fox	McVerry	Saurman
Birmelin	Freind	Maine	Scrimenti
Bishop	Gamble	Markosek	Semmel
Black	Gannon	Marsico	Smith, B.
Bortner	Geist	Mayernik	Smith, S. H.
Bowley	George	Melio	Snyder, G.
Boyes	Gigliotti	Merry	Staback
Broujos	Gladeck	Michlovic	Stairs
Bunt	Godshall	Micozzie	Stish
Cappabianca	Gruitza	Mihalich	Stuban
Carn	Gruppo	Miller	Tangretti
Cawley	Hagarty	Moehlmann	Taylor, E. Z.
Cessar	Haluska	Morris	Taylor, F.
Civera	Harper	Mowery	Taylor, J.
Clark, B. D.	Hayden	Mrkonic	Telek
Clark, D. F.	Hayes	Nahill	Thomas
Clark, J. H.	Herman	Nailor	Tigue
Cohen	Hershey	O'Brien	Trello
Colafella	Hess	Olasz	Trich
Colaizzo	Hughes	Oliver	Van Horne
Cole	Itkin	Perzel	Veon
Cornell	Jackson	Pesci	Vroon
Corrigan	Jadlowiec	Petrarca	Wambach
Cowell	James	Petrone	Wass
Coy	Jarolin	Phillips	Weston
DeLuca	Josephs	Piccola	Williams
DeWeese	Kaiser	Pievsky	Wilson
Daley	Kasunic	Pistella	Wogan
Davies	Kenney	Pitts	Wozniak
Dempsey	Kondrich	Pressmann	Wright, D. R.
Distler	Kosinski	Preston	Wright, R. C.
Dombrowski	Kukovich	Raymond	Yandrisevits
Donatucci	LaGrotta	Reber	
Dorr	Langtry	Richardson	O'Donnell,
Durham	Laughlin	Rieger	Speaker

NOT VOTING—2

Howlett Maiale

EXCUSED—4

Dietterick Dininni McHale Wright, J. L.

The question was determined in the negative, and the amendment was not agreed to.

On the question recurring,

Will the House agree to the bill on third consideration 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?

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

Mr. OLASZ. Mr. Speaker, there are two amendments that were circulated. I am withdrawing one for Mr. Clark, but the other one I would appreciate be considered. That is amendment No. 3274.

The SPEAKER pro tempore. The gentleman will submit the amendment to the desk.

Mr. OLASZ. It was submitted to the amendment clerk.

DECISION OF CHAIR RESCINDED

The SPEAKER pro tempore. Without objection, the Chair reverses its decision that the bill has been agreed to for the third time as amended.

On the question recurring,

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

Mr. OLASZ offered the following amendments No. A3274:

Amend Sec. 1 (Sec. 504-A), page 19, line 29, by striking out "FEDERAL AID OR STATE HIGHWAYS" and inserting highways under the jurisdiction and authority of the Department of Transportation

Amend Sec. 1 (Sec. 504-A), page 20, line 5, by striking out all of said line and inserting highways under its jurisdiction and authority.

Amend Sec. 1, page 28, by inserting between lines 5 and 6 Section 508-A. Savings Clause.—Nothing in this article shall affect, alter or diminish the power of the Department of Transportation to require a driveway permit applicant to bear all costs of highway improvement arising from the proposed access for the applicant.

Amend Sec. 2, page 28, lines 16 and 17, by striking out all of said lines

On the question,

Will the House agree to the amendments?

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

Mr. OLASZ. Mr. Speaker, I yield to hear if there are any negative comments about this amendment.

The SPEAKER pro tempore. Does the gentleman, Mr. Wozniak, wish to—

Mr. WOZNIAK. Thank you, Mr. Speaker.

Since the Democrats have a fundraiser and we are all ready to go, I would just urge a "no" vote for this amendment. Thank you very much, Mr. Speaker.

The SPEAKER pro tempore. The gentleman, Mr. Snyder.

Mr. D. W. SNYDER. Mr. Speaker, I agree. This is a negative vote. The bill already provides ample protection from the Department of Transportation. I do not think this amendment is necessary.

Mr. OLASZ. Well, Mr. Speaker, in response to the two negative colleagues of mine, I would like to call attention to situations that quite properly should be addressed and might arise.

All this does is add and make certain that PennDOT has that right, that all driveway applicants should bear the costs of highway improvements arising from the proposed access of a State highway, and I think it is reasonable to expect that that provision be contained and the legislature so indicate that they want that provision in there.

Let me paint a couple scenarios to you, and I want you to think about it. You have a developer coming in and he wants to develop X number of acres. And I want to qualify my state-

ments by saying, hey, I have been on record. I served as a councilman for 8 years for one of the largest shopping developments this side of the Mississippi River. But I also respect my obligation to my community and to the Commonwealth which I represent.

Suppose that State highway is slanted to the right and the developer comes in and wants to put houses in on the left, which is lower than the crown of the road. He takes the building inspector out for a long lunch. The next thing you know, the developer does not jack pipes under the highway but he drops all the storm water on this side of the highway. We all know that DER (Department of Environmental Resources) regs say that you cannot pipe storm water into sanitary sewage. So what is the ultimate effect? The storm water always comes out here on this side of the road, flows down to the bottom to the last resident; all of a sudden the crown switches. Who is going to pay for the road repair? The drainage ditch is on the right side of the road; the storm water is running off to the left.

Let us paint another scenario. Oh yeah. I have got to give you two to think about at the fundraiser tonight.

We have a nice housing development. Suddenly the zoning laws change and the guy says, well, let us put in a shopping mall. They put a shopping mall up in the upper area. The next thing you know, you have a demand for signalization. Mr. Sponsor of the Bill, do you want to tell me who is going to pay for the signalization?

I think it is a 4- or 5-cent provision. For the safety of the Commonwealth and your municipality, you should vote in the affirmative and make certain it is contained in that bill that that developer has the obligation to pay for any damage or any improvements that are necessary as a result of his development coming into there.

I hope you would support it with a positive vote, and enjoy your fundraiser.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—18

Blaum	Cohen	Noye	Robinson
Boyes	Dombrowski	Olasz	Trello
Burns	Gigliotti	Petrarca	Veon
Caltagirone	Heckler	Petrone	Wright, D. R.
Clark, B. D.	Miller		

NAYS—178

Acosta	Evans	Lashinger	Ritter
Adolph	Fairchild	Laughlin	Robbins
Allen	Fargo	Lee	Roebuck
Angstadt	Farmer	Leh	Rudy
Argall	Fee	Lescovitz	Ryan
Barley	Fleagle	Levdansky	Rybak
Battisto	Flick	Linton	Saloom
Belardi	Foster	Lloyd	Saurman
Belfanti	Fox	Lucyk	Scheetz
Billow	Freeman	McCall	Schuler
Birmelin	Freind	McNally	Scrimenti
Bishop	Gallen	McVerry	Semmel
Black	Gamble	Maiale	Serafini
Bortner	Gannon	Maine	Smith, B.
Bowley	Geist	Markosek	Smith, S. H.

Brandt	George	Marsico	Snyder, D. W.
Broujos	Gladeck	Mayernik	Snyder, G.
Burd	Godshall	Melio	Staback
Bush	Gruitza	Merry	Stairs
Cappabianca	Gruppo	Michlovic	Steighner
Carlson	Hagarty	Micozzie	Stish
Carn	Haluska	Mihalich	Strittmatter
Cawley	Harper	Moehlmann	Suban
Cessar	Hasay	Morris	Tangretti
Chadwick	Hayden	Mowery	Taylor, E. Z.
Civera	Hayes	Mrkonic	Taylor, F.
Clark, D. F.	Herman	Murphy	Taylor, J.
Clark, J. H.	Hershey	Nahill	Telek
Clymer	Hess	Nailor	Thomas
Colafiglia	Hughes	O'Brien	Tigue
Colaizzo	Itkin	Oliver	Trich
Cole	Jackson	Perzel	Van Horne
Cornell	Jadlowiec	Pesci	Vroon
Corrigan	James	Phillips	Wambach
Cowell	Jarolin	Piccola	Wass
Coy	Johnson	Pievsky	Weston
DeLuca	Josephs	Pistella	Williams
DeWeese	Kaiser	Pitts	Wilson
Daley	Kasunic	Pressmann	Wogan
Davies	Kenney	Preston	Wozniak
Dempsey	Kondrich	Raymond	Wright, R. C.
Distler	Kosinski	Reber	Yandrisevits
Donatucci	Kukovich	Reinard	
Dorr	LaGrotta	Richardson	O'Donnell,
Durham	Langtry	Rieger	Speaker

NOT VOTING—2

Bunt Howlett

EXCUSED—4

Dietterick Dininni McHale Wright, J. L.

The question was determined in the negative, and the amendments were not agreed to.

On the question recurring, -----

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—198

Acosta	Donatucci	Langtry	Rieger
Adolph	Dorr	Lashingner	Ritter
Allen	Durham	Laughlin	Robbins
Angstadt	Evans	Lee	Robinson
Argall	Fairchild	Leh	Roebuck
Barley	Fargo	Lescovitz	Rudy
Battisto	Farmer	Levdansky	Ryan
Belardi	Fee	Linton	Rybak
Belfanti	Fleagle	Lloyd	Saloom
Billow	Flick	Lucyk	Saurman
Birmelin	Foster	McCall	Scheetz
Bishop	Fox	McNally	Schuler
Black	Freeman	McVerry	Scrimenti
Blaum	Freind	Maiale	Semmel
Bortner	Gallen	Maine	Serafini
Bowley	Gamble	Markosek	Smith, B.
Boyes	Gannon	Marsico	Smith, S. H.
Brandt	Geist	Mayernik	Snyder, D. W.
Broujos	George	Melio	Snyder, G.
Bunt	Gigliotti	Merry	Staback

Burd	Gladeck	Michlovic	Stairs
Burns	Godshall	Micozzie	Steighner
Bush	Gruitza	Mihalich	Stish
Caltagirone	Gruppo	Miller	Strittmatter
Cappabianca	Hagarty	Moehlmann	Suban
Carlson	Haluska	Morris	Tangretti
Carn	Harper	Mowery	Taylor, E. Z.
Cawley	Hasay	Mrkonic	Taylor, F.
Cessar	Hayden	Murphy	Taylor, J.
Chadwick	Hayes	Nahill	Telek
Civera	Heckler	Nailor	Thomas
Clark, B. D.	Herman	Noye	Tigue
Clark, D. F.	Hershey	O'Brien	Trello
Clark, J. H.	Hess	Olasz	Trich
Clymer	Howlett	Oliver	Van Horne
Cohen	Hughes	Perzel	Veon
Colafiglia	Itkin	Pesci	Vroon
Colaizzo	Jackson	Petrarca	Wambach
Cole	Jadlowiec	Petrone	Wass
Cornell	James	Phillips	Weston
Corrigan	Jarolin	Piccola	Williams
Cowell	Johnson	Pievsky	Wilson
Coy	Josephs	Pistella	Wogan
DeLuca	Kaiser	Pitts	Wozniak
DeWeese	Kasunic	Pressmann	Wright, D. R.
Daley	Kenney	Preston	Wright, R. C.
Davies	Kondrich	Raymond	Yandrisevits
Dempsey	Kosinski	Reber	
Distler	Kukovich	Reinard	O'Donnell,
Dombrowski	LaGrotta	Richardson	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—4

Dietterick Dininni McHale Wright, J. L.

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

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

THE SPEAKER (ROBERT W. O'DONNELL) PRESIDING

CONSIDERATION OF SB 1324 CONTINUED

On the question recurring,

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

(Amendment A3481, offered earlier by Mr. Vroon, was withdrawn.)

Mr. VROON offered the following amendments No. A3764:

Amend Title, page 1, line 4 (A3612), by removing the period after "payments" and inserting
and for certain interest penalties.

Amend Bill, page 6, by inserting between lines 2 and 3

Section 4. Section 1507(b)(1) of the act, added December 13, 1982 (P.L.1155, No.206), is amended to read:

Section 1507. Interest Penalties on Commonwealth Accounts.—***

(b) (1) [Interest] Notwithstanding any provision of this section, interest penalties payable on amounts due to a business concern or qualified small business concern under this section shall be paid to the business concern for the period beginning on the day after the required payment date and ending on the date on

which payment on the amount due is made], except no interest penalty shall be paid if payment for the complete delivered item of property or service concerned is made on or before the fifteenth calendar day after the required payment date].

Amend Sec. 4, page 6, line 3, by striking out "4" and inserting

5

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes Mr. Vroon.

Mr. VROON. Mr. Speaker, we have before us here— I know you are all waiting to go home. You are probably going to your fundraiser or whatever. If you will just give us a few minutes, we will try to explain some things.

Mr. Speaker, this bill before us would change the method by which people, corporations in particular, would have to pay their taxes. The main thrust of this thing is that now your taxes are paid when you put a check into the Revenue Department for your taxes regardless of how long that check takes to clear the bank. Those are the terms of payment as they are right now. When we change this, as is suggested, by compelling corporations to pay cash or equivalent the very same day that it is due, these corporations lose maybe 5 to 7 days' float, or the use of their money. So this is what they are doing in this bill, and instead of trying to argue about the bill itself, I am just saying, let us observe the old saying "tit for tat." If the State is going to insist on having such a stringent payment requirement, then why should we not require the State to pay their bills on time to the many vendors who sell goods and services to the State?

Mr. Speaker, I think everybody here has had some kind of occasion to be talked to about late payment of bills, and this is going on all the time. I have a very good typical illustration in my hand here as to what goes on with the payment of State bills, and I will read from the article. This is from the Greensburg Tribune-Review and dated March 6, 1990:

When Youngwood contractor Tom Skowronek received a telephone call Jan. 1 from the state police barracks in Greensburg asking him to bid on an emergency contract, he decided it wasn't a bad idea.

He said he figured it would be a normal job - do the work, submit a bill and get paid in 30 days or so.

Well, he was wrong.

He found that payments for bills from "emergency" contracts for the state take a lot longer than 30 days - a state police purchasing agent pegged the average figure at about 90 days with some as long as six months. Now Skowronek's saddled with rapidly accumulating business and personal bills.

—that he cannot pay because he has not been paid by the State.

And the problem facing Skowronek is quite common, according to Joan Douglas of the state police's Management Facility in Harrisburg.

Listen to this:

She said that thus the state often has difficulty in obtaining vendors in emergencies.

Skowronek said nobody told him about the snail-like pace at which the Harrisburg bureaucracy moves. Douglas said she has no doubt the contractor wasn't informed.

Skowronek wound up incurring costs of 10,000-some dollars and finally getting his payment 6 months after due date.

Now, this amendment requires that these bills be paid according to term. The term for paying bills is generally 30 days and is recognized as such in State law. If you do not pay within 30 days, you have an additional 15 days of loophole time in which to pay it without any interest penalty. This would eliminate the period of grace of 15 days and it would insist on interest being paid on late payments over 30 days from the date the invoice is submitted to the department involved.

I think this is only a fair amendment to this bill. If the State wants to insist on more than prompt payment by electronic funding, then I think we have a right to insist that they pay their bills on time to small vendors who have to wait forever and a day to get their money.

Mr. Speaker, I ask for an affirmative vote on this amendment.

The SPEAKER. The Chair recognizes Mr. Cappabianca.

Mr. CAPPABIANCA. Thank you, Mr. Speaker.

I wish the Assembly would stop and listen to this for a second. I stand to oppose the amendment for two reasons, what we consider flawed in Mr. Vroon's amendment.

First of all, in Mr. Vroon's explanation, it was not perfectly clear, I might add, that the Commonwealth presently, when it makes payments to a vendor or a supplier for services or whatever, has 15 days, presently, to make that payment. If they do not make it within the 15 days, there is a penalty or an interest charge. Mr. Vroon's amendment would negate that and the interest would start immediately. There would not be a 15-day grace for the State to even cut a check.

Secondly, the most important defect in his amendment is the provision whereby if defective products were delivered to the Commonwealth, the Commonwealth would immediately, if it was under dispute, would have to pay the interest immediately on defective material that would be under dispute by the Commonwealth. I asked our people to give me an example of a dispute, and for example, General Services presently has been holding back \$600,000 in final payment on the Frackville prison job due to defective concrete. Under Mr. Vroon's amendment, the Commonwealth would suffer the exposure while they are still under this dispute to be paying interest immediately. That is not fair. This amendment is not proper.

I ask for a negative vote on the amendment.

The SPEAKER. The Chair recognizes Mr. Vroon.

Mr. VROON. The statement was absolutely incorrect. There is absolutely nothing to bar the State from withholding payment until a dispute is resolved. It is in there now, and the

only difference is we are moving it up from 45 days to 30 days, and the 30 days is the term except when they do get to pay the whole bill within the 45 days.

Now, let us face the facts. How long does it take the State to cut a check, and how long are they going to figure on using our money on the taxes? They frivol about a few days of float, but here are several days of laxity in paying vendors. Most of the vendors' bills do not involve disputes, but all of them would be affected by the situation as it now is in addition to being required to pay their taxes via electronic funding. They get a double whammy, and I do not think that is fair at all. There is not anything in here at all that requires the State to pay a bill on term if there is a dispute involved. All they have to do is pick up the phone and telephone the vendor and say, we do not recognize your invoice as presently constituted because there are defective products involved here, and this is a perfectly valid excuse for withholding payment. There is nothing at all that prevents the State from getting their satisfaction; nothing at all. There is no substance at all to the argument.

The SPEAKER. The Chair recognizes Mr. Cappabianca.

Mr. CAPPABIANCA. Mr. Speaker, there is no doubt that Mr. Vroon is well intended in what he is trying to do, but his amendment is not clear. In his provision, it says, "Notwithstanding any provision of this section...." This exposes the Commonwealth when it receives defective material or services. They would be able to dispute it, but the interest would be compounded immediately, the penalty, and that is wrong. The Commonwealth has a right to due process like any other individual.

I ask for a negative vote on the amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—88

Adolph	Fargo	Langtry	Reber
Allen	Farmer	Lashingier	Reinard
Argall	Fleagle	Lee	Robbins
Barley	Flick	Leh	Ryan
Birmelin	Foster	McVerry	Saurman
Black	Fox	Marsico	Scheetz
Brandt	Gallen	Mayernik	Schuler
Bunt	Gannon	Merry	Semmel
Burd	Geist	Micozzie	Serafini
Burns	Gladeck	Miller	Smith, B.
Cessar	Godshall	Moehlmann	Smith, S. H.
Civera	Gruppo	Mowery	Snyder, D. W.
Clark, D. F.	Hagarty	Murphy	Snyder, G.
Clark, J. H.	Hasay	Nahill	Stairs
Clymer	Hayes	Nailor	Strittmatter
Cornell	Heckler	Noye	Taylor, E. Z.
Davies	Herman	O'Brien	Taylor, J.
Dempsey	Hess	Perzel	Wass
Distler	Jackson	Phillips	Weston
Dorr	Jadlowiec	Piccola	Wilson
Durham	Johnson	Pitts	Wogan
Fairchild	Kondrich	Raymond	Wright, R. C.

NAYS—105

Acosta	DeLuca	Lescovitz	Roebuck
Angstadt	DeWeese	Levdansky	Rudy
Battisto	Daley	Linton	Rybak
Belardi	Dombrowski	Lloyd	Saloom

Belfanti	Donatucci	Lucyk	Scrimenti
Billow	Evans	McCall	Staback
Bishop	Fee	McNally	Steighner
Blaum	Freeman	Maine	Stish
Bortner	Gamble	Markosek	Stuban
Bowley	George	Melio	Tangretti
Boyes	Gigliotti	Michlovic	Taylor, F.
Broujos	Gruitza	Mihalich	Telek
Bush	Haluska	Morris	Thomas
Caltagirone	Harper	Mrkonic	Tigue
Cappabianca	Hayden	Olasz	Trello
Carlson	Hughes	Oliver	Trich
Carn	Itkin	Pesci	Van Horne
Cawley	James	Petrarca	Veon
Chadwick	Jarolin	Petrone	Wambach
Clark, B. D.	Josephs	Pievsky	Williams
Cohen	Kaiser	Pistella	Wozniak
Colafella	Kasunic	Pressmann	Wright, D. R.
Colaizzo	Kenney	Preston	Yandrisevits
Cole	Kosinski	Richardson	
Corrigan	Kukovich	Rieger	O'Donnell,
Cowell	LaGrotta	Ritter	Speaker
Coy	Laughlin	Robinson	

NOT VOTING—5

Freind	Howlett	Maiale	Vroon
Hershey			

EXCUSED—4

Dietterick	Dininni	McHale	Wright, J. L.
------------	---------	--------	---------------

The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—181

Acosta	Dombrowski	Langtry	Robbins
Adolph	Donatucci	Lashingier	Robinson
Allen	Durham	Laughlin	Roebuck
Angstadt	Evans	Lescovitz	Rudy
Argall	Fairchild	Levdansky	Ryan
Battisto	Fargo	Linton	Rybak
Belardi	Farmer	Lloyd	Saloom
Belfanti	Fee	Lucyk	Scheetz
Billow	Fleagle	McCall	Scrimenti
Bishop	Flick	McNally	Semmel
Black	Fox	McVerry	Serafini
Blaum	Freeman	Maine	Smith, B.
Bortner	Freind	Markosek	Smith, S. H.
Bowley	Gallen	Marsico	Snyder, D. H.
Boyes	Gamble	Mayernik	Snyder, G.
Brandt	Gannon	Merry	Staback
Broujos	Geist	Michlovic	Stairs
Bunt	George	Micozzie	Steighner
Burd	Gigliotti	Mihalich	Stish
Burns	Gladeck	Miller	Strittmatter
Bush	Godshall	Moehlmann	Stuban
Caltagirone	Gruitza	Morris	Tangretti
Cappabianca	Gruppo	Mowery	Taylor, E. Z.
Carlson	Hagarty	Mrkonic	Taylor, F.
Carn	Haluska	Murphy	Taylor, J.
Cawley	Harper	Nahill	Telek
Cessar	Hasay	Nailor	Thomas

Chadwick	Hayden	Olasz	Tigue
Civera	Hayes	Oliver	Trello
Clark, B. D.	Heckler	Perzel	Trich
Clark, D. F.	Herman	Pesci	Van Horne
Clark, J. H.	Hess	Petrarca	Veon
Clymer	Hughes	Petrone	Vroon
Cohen	Jackson	Phillips	Wambach
Colafranca	Jadlowiec	Piccola	Wass
Colaizzo	James	Pievsky	Weston
Cole	Jarolin	Pistella	Williams
Cornell	Johnson	Pitts	Wilson
Corrigan	Josephs	Pressmann	Wozniak
Cowell	Kaiser	Preston	Wright, D. R.
Coy	Kasunic	Raymond	Wright, R. C.
DeLuca	Kenney	Reber	Yandrisevits
Daley	Kondrich	Reinard	
Davies	Kosinski	Richardson	O'Donnell, Speaker
Dempsey	Kukovich	Rieger	
Distler	LaGrotta	Ritter	

NAYS—7

Birmelin	Foster	Leh	Saurman
Dorr	Lee	Noye	

NOT VOTING—10

Barley	Howlett	Melio	Schuler
DeWeese	Itkin	O'Brien	Wogan
Hershey	Maiale		

EXCUSED—4

Dietterick	Dininni	McHale	Wright, J. L.
------------	---------	--------	---------------

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

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

BILL ON FINAL PASSAGE POSTPONED

The House proceeded to consideration on final passage postponed of **HB 1655, PN 3955**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further defining the offense of ethnic intimidation to include sexual orientation; and changing the designation of the offense.

On the question recurring,
Shall the bill pass finally?

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader. Mr. DeWEESE. Mr. Speaker, I move that HB 1655 be recommitted to the Rules Committee.

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

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER. All remaining bills and resolutions on the calendar will be over for today.

RULES SUSPENDED

The SPEAKER. The Chair recognizes the majority leader. Mr. DeWEESE. Mr. Speaker, I move that the rules be suspended to permit immediate consideration of HR's 391, 383, 384, 385, 386, 380, and 390.

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

VOTE CORRECTIONS

The SPEAKER. The Chair recognizes Mr. Vroon. For what purpose does the gentleman rise?

Mr. VROON. I would like to correct a vote, Mr. Speaker. I was incorrectly recorded as voting in the affirmative for SB 1324. I wish the record to show that I had intended to be voted in the negative.

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

For what purpose does the gentleman, Mr. Itkin, rise?
Mr. ITKIN. To correct the record.

Mr. Speaker, on SB 1324 I was recorded as not voting. I wish to be recorded as voting in the affirmative.

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

If the members correcting votes would wait until the resolutions are done, we will give them an opportunity to correct the record at that time.

RESOLUTIONS ADOPTED

The SPEAKER. The gentleman, Mr. Kenney, calls up HR 391, which will be read by the clerk.

The following resolution was read:

House Resolution No. 391

A RESOLUTION

Congratulating the Soviet Jewish Community of Philadelphia, Pennsylvania, on the occasion of the renewal of their marriage vows on October 15, 1990, and commending Operation Exodus and the Federation of Jewish Agencies for their charitable activities.

WHEREAS, Religious liberty has been suppressed in the Soviet Union since the 1917 Communist Revolution; and

WHEREAS, Churches, synagogues and mosques have been closed; religious education has been suppressed; and Soviet citizens of all faiths and nationalities have been deprived of the free exercise of religion, including basic religious ceremonies such as marriage; and

WHEREAS, In recent years, thousands of Soviet Jews in search of religious and political freedom and economic opportunity have settled in Philadelphia, Pennsylvania; and

WHEREAS, Our new neighbors from the Soviet Union are distinguishing themselves through hard work and study, making great contributions to the social and economic life of our city, State and Nation; and

WHEREAS, Our Soviet Jewish neighbors are becoming United States citizens; and

WHEREAS, Operation Exodus, a project of the Federation of Jewish Agencies, is providing financial and humanitarian aid for Jews who are leaving the Soviet Union and settling in the United States and Israel; and

WHEREAS, On October 15, 1990, Operation Exodus is sponsoring a wedding ceremony in synagogues throughout the Philadelphia area in which Soviet Jews who were deprived of religious marriages in the Soviet Union will renew their marriage vows in accordance with the ancient traditions of their faith; therefore be it

RESOLVED, That the House of Representatives extend its warmest congratulations to the October 15 "newlyweds" and the Soviet Jewish Community of Philadelphia on the occasion of the renewal of their marriage vows; and be it further

RESOLVED, That the House of Representatives commend Operation Exodus and the Federation of Jewish Agencies for their charitable activities in Philadelphia and throughout the world; and be it further

RESOLVED, That a copy of this resolution be presented to representatives of the Soviet Jewish Community of Philadelphia and Operation Exodus.

George T. Kenney, Jr.
Chris R. Wogan

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—189

Acosta	Distler	Langtry	Robbins
Adolph	Dombrowski	Lashingner	Robinson
Allen	Dorr	Laughlin	Roebuck
Angstadt	Durham	Lee	Rudy
Argall	Evans	Leh	Ryan
Barley	Fairchild	Lescovitz	Rybak
Battisto	Fargo	Levdansky	Saloom
Belardi	Farmer	Linton	Saurman
Belfanti	Fee	Lloyd	Scheetz
Billow	Fleagle	Lucyk	Schuler
Birmelin	Flick	McCall	Scrimenti
Bishop	Foster	McNally	Semmel
Black	Fox	McVerry	Serafini
Blaum	Freind	Maine	Smith, B.
Bortner	Gallen	Markosek	Smith, S. H.
Bowley	Gamble	Marsico	Snyder, D. W.
Boyes	Gannon	Mayernik	Snyder, G.
Brandt	Geist	Melio	Staback
Broujos	George	Merry	Stairs
Bunt	Gigliotti	Michlovic	Steighner
Burd	Gladeck	Micozzie	Stish
Burns	Godshall	Mihalich	Strittmatter
Bush	Gruitza	Miller	Stuban
Caltagirone	Gruppo	Moehlmann	Tangretti
Cappabianca	Hagarty	Morris	Taylor, E. Z.
Carlson	Haluska	Mowery	Taylor, F.
Carn	Harper	Mrkonic	Taylor, J.
Cawley	Hasay	Murphy	Telek
Cessar	Hayden	Nahill	Thomas
Chadwick	Hayes	Nailor	Tigue
Civera	Heckler	Noye	Trello
Clark, B. D.	Herman	O'Brien	Trich
Clark, D. F.	Hess	Olasz	Van Horne
Clark, J. H.	Hughes	Perzel	Veon
Clymer	Itkin	Pesci	Wambach
Cohen	Jackson	Petrarca	Wass
Colaafella	Jadlowiec	Petrone	Weston
Colaizzo	James	Piccola	Williams
Cole	Jarolin	Pievsky	Wilson
Cornell	Johnson	Pistella	Wogan
Corrigan	Josephs	Pitts	Wozniak
Cowell	Kaiser	Pressmann	Wright, D. R.
Coy	Kasunic	Preston	Wright, R. C.

DeLuca	Kenney	Raymond	Yandrisevits
DeWeese	Kondrich	Reber	
Daley	Kosinski	Reinard	O'Donnell,
Davies	Kukovich	Richardson	Speaker
Dempsey	LaGrotta	Ritter	

NAYS—0

NOT VOTING—9

Donatucci	Howlett	Oliver	Rieger
Freeman	Maiale	Phillips	Vroon
Hershey			

EXCUSED—4

Dietterick	Dininni	McHale	Wright, J. L.
------------	---------	--------	---------------

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

* * *

The SPEAKER. The gentleman, Mr. Fox, calls up HR 383, which will be read by the clerk.

The following resolution was read:

House Resolution No. 383

A RESOLUTION

Proclaiming October 5, 1990, as "Raoul Wallenberg Day."

WHEREAS, During World War II, Raoul Wallenberg left his comfortable life in neutral Sweden and traveled to Nazi-occupied Budapest as a diplomat under the auspices of the Swedish Government; and

WHEREAS, Funded by the United States War Refugee Board, Raoul Wallenberg, at the risk of his own life, saved 100,000 Hungarian Jews slated for extermination and countless anti-Nazi Christian resisters; and

WHEREAS, When the Russian Army advanced on Budapest in 1945, Wallenberg was arrested without cause, imprisoned illegally and deprived of his fundamental human rights; and

WHEREAS, Raoul Wallenberg has been held incommunicado since 1945 without trial, in violation of the rules of diplomatic immunity, Swedish neutrality and international law; and

WHEREAS, On October 5, 1981, the President of the United States of America signed into law legislation passed by Congress conferring Honorary Citizenship on Raoul Gustav Wallenberg; therefore be it

RESOLVED, That the House of Representatives proclaim October 5, 1990, as "Raoul Wallenberg Day."

- Jon D. Fox
- Robert W. Godshall
- Anthony J. Melio
- George T. Kenney, Jr.
- Alice S. Langtry
- Russ Fairchild
- Timothy L. Pesci
- Andrew Billow, Jr.
- Nicholas A. Micozzie
- Paul J. Angstadt
- Joseph F. Markosek
- Anthony M. DeLuca
- Robert E. Belfanti, Jr.
- Arthur D. Hershey
- Ron Gamble
- Lois Sherman Hagarty
- Frank J. Gigliotti
- Frank J. Pistella
- Edwin G. Johnson
- David G. Argall

Joseph R. Pitts
 Connie G. Maine
 George E. Saurman
 Vincent Hughes
 Joseph A. Lashinger, Jr.
 Charles F. Nahill, Jr.
 Raymond Bunt, Jr.
 John N. Wozniak
 Paul I. Clymer
 Nicholas B. Moehlmann

On the question,
 Will the House adopt the resolution?

The following roll call was recorded:

YEAS—191

Acosta	Donatucci	Langtry	Ritter
Adolph	Dorr	Lashinger	Robbins
Allen	Durham	Laughlin	Robinson
Angstadt	Evans	Lee	Roebuck
Argall	Fairchild	Leh	Rudy
Barley	Fargo	Lescovitz	Ryan
Battisto	Farmer	Levdansky	Rybak
Belardi	Fee	Linton	Saloom
Belfanti	Fleagle	Lloyd	Saurman
Billow	Flick	Lucyk	Scheetz
Birmelin	Foster	McCall	Schuler
Bishop	Fox	McNally	Scrimenti
Black	Freeman	McVerry	Semmel
Blaum	Freind	Maine	Serafini
Bortner	Gallen	Markosek	Smith, B.
Bowley	Gamble	Marsico	Smith, S. H.
Boyes	Gannon	Mayernik	Snyder, D. W.
Brandt	Geist	Melio	Snyder, G.
Broujos	George	Merry	Staback
Bunt	Gigliotti	Michlovic	Stairs
Burd	Gladeck	Micozzie	Steighner
Burns	Godshall	Mihalich	Stish
Bush	Gruppo	Miller	Strittmatter
Caltagirone	Hagarty	Moehlmann	Stuban
Cappabianca	Haluska	Morris	Tangretti
Carlson	Harper	Mowery	Taylor, E. Z.
Carn	Hasay	Mrkonic	Taylor, F.
Cawley	Hayden	Murphy	Taylor, J.
Cessar	Hayes	Nahill	Telek
Chadwick	Heckler	Nailor	Thomas
Civera	Herman	O'Brien	Tigue
Clark, B. D.	Hershey	Olasz	Trello
Clark, D. F.	Hess	Oliver	Trich
Clark, J. H.	Hughes	Perzel	Van Horne
Clymer	Itkin	Pesci	Veon
Cohen	Jackson	Petrarca	Vroon
Colafranca	Jadlowiec	Petrone	Wambach
Colaizzo	James	Phillips	Wass
Cole	Jarolin	Piccola	Weston
Cornell	Johnson	Pievsky	Williams
Corrigan	Josephs	Pistella	Wilson
Cowell	Kaiser	Pitts	Wozniak
Coy	Kasunic	Pressmann	Wright, D. R.
DeLuca	Kenney	Preston	Wright, R. C.
Daley	Kondrich	Raymond	Yandrisevits
Davies	Kosinski	Reber	
Dempsey	Kukovich	Reinard	O'Donnell,
Distler	LaGrotta	Richardson	Speaker
Dombrowski			

NAYS—1

DeWeese

NOT VOTING—6

Gruitza	Majale	Rieger	Wogan
Howlett	Noye		

EXCUSED—4

Dietterick Dininni McHale Wright, J. L.

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

* * *

The SPEAKER. The gentleman, Mr. Fox, calls up HR 384, which will be read by the clerk.

The following resolution was read:

House Resolution No. 384

A RESOLUTION

Proclaiming the month of October as "Spinal Health Month."

WHEREAS, Doctors of chiropractic throughout the United States are active during October in a special community health program to improve the spinal health of our citizens; and

WHEREAS, Spinal integrity makes it possible for all the organs in the body to function most efficiently; and

WHEREAS, Spinal health is essential to proper growth and development; and

WHEREAS, Millions of citizens are suffering from numerous illnesses and are unaware that these conditions may be related directly to spinal defects; and

WHEREAS, Periodic chiropractic examinations can reveal spinal defects or distortions; and

WHEREAS, Increased awareness of the need for spinal health through chiropractic care can correct many illnesses which occur in other parts of the body; and

WHEREAS, Poor spinal health costs our nation time, money and manpower; and

WHEREAS, Conversely, spinal health assures our nation a more efficient and productive citizenry; and

WHEREAS, The attention of every individual must be brought to the benefits of spinal health and the need for periodic chiropractic examinations; and

WHEREAS, The science of chiropractic and the doctors who practice it have contributed greatly to the health of our citizenry by providing this specialized health care; therefore be it

RESOLVED, That the House of Representatives officially join with the Pennsylvania Chiropractic Society in proclaiming the month of October as "Spinal Health Month," and urge that this period be dedicated to informing the citizens of this great Commonwealth of the health benefits of spinal integrity; and be it further

RESOLVED, That the House of Representatives commend the doctors of chiropractic and the colleges of chiropractic for their efforts in the public's behalf, and specifically the doctors of chiropractic of this Commonwealth for their community service programs.

Jon D. Fox
 Thomas W. Dempsey
 Anthony L. Colaizzo
 Anthony J. Melio
 George T. Kenney, Jr.
 George W. Jackson
 Alice S. Langtry
 Russ Fairchild
 Timothy L. Pesci
 Thomas A. Tangretti
 Andrew Billow, Jr.
 Nicholas A. Micozzie
 Edward J. Haluska
 Paul J. Angstadt
 Joseph F. Markosek
 Anthony M. DeLuca

John M. Perzel
James T. Distler
Thomas M. Tigie
Robert E. Belfanti, Jr.
Arthur D. Hershey
Ron Gamble
Thomas C. Corrigan, Sr.
Frank J. Gigliotti
Gaynor Cawley
Edwin G. Johnson
David G. Argall
Edward G. Staback
Joseph A. Lashinger, Jr.
Charles F. Nahill, Jr.
John N. Wozniak
Paul I. Clymer

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—190

Acosta	Dorr	Laughlin	Robbins
Adolph	Durham	Lee	Robinson
Allen	Evans	Leh	Roebuck
Angstadt	Fairchild	Lescovitz	Rudy
Argall	Fargo	Levdansky	Ryan
Barley	Farmer	Linton	Rybak
Battisto	Fee	Lloyd	Saloom
Belardi	Fleagle	Lucyk	Saurman
Belfanti	Flick	McCall	Scheetz
Billow	Foster	McNally	Schuler
Birmelin	Fox	McVerry	Scrimenti
Black	Freeman	Maine	Semmel
Blaum	Freind	Markosek	Serafini
Bortner	Gallen	Marsico	Smith, B.
Bowley	Gamble	Mayernik	Smith, S. H.
Boyes	Gannon	Melio	Smith, D. W.
Brandt	Geist	Merry	Snyder, G.
Broujos	George	Michlovic	Staback
Bunt	Gigliotti	Micozzie	Stairs
Burd	Gladeck	Mihalich	Steighner
Burns	Godshall	Miller	Stish
Bush	Gruppo	Moehlmann	Strittmatter
Caltagirone	Hagarty	Morris	Suban
Cappabianca	Haluska	Mowery	Tangretti
Carlson	Harper	Mrkonic	Taylor, E. Z.
Carn	Hasay	Murphy	Taylor, F.
Cawley	Hayden	Nahill	Taylor, J.
Cessar	Hayes	Nailor	Telek
Chadwick	Heckler	Noye	Thomas
Civera	Herman	O'Brien	Tigie
Clark, D. F.	Hess	Olasz	Trello
Clark, J. H.	Hughes	Oliver	Trich
Clymer	Itkin	Perzel	Van Horne
Cohen	Jackson	Pesci	Veon
Colafella	Jadlowiec	Petrarca	Vroon
Colaizzo	James	Petrone	Wambach
Cole	Jarolin	Phillips	Wass
Cornell	Johnson	Piccola	Weston
Corrigan	Josephs	Pievsky	Williams
Cowell	Kaiser	Pistella	Wilson
Coy	Kasunic	Pitts	Wogan
DeLuca	Kenney	Pressmann	Wozniak
Daley	Kondrich	Preston	Wright, D. R.
Davies	Kosinski	Raymond	Wright, R. C.
Dempsey	Kukovich	Reber	Yandrisevits
Distler	LaGrotta	Reinard	
Dombrowski	Langtry	Richardson	O'Donnell,
Donatucci	Lashinger	Ritter	Speaker

NAYS—1

DeWeese

NOT VOTING—7

Bishop	Gruitza	Howlett	Rieger
Clark, B. D.	Hershey	Maiale	

EXCUSED—4

Dietterick	Dininni	McHale	Wright, J. L.
------------	---------	--------	---------------

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

* * *

The SPEAKER. The gentleman, Mr. Saurman, calls up HR 385, which will be read by the clerk.

The following resolution was read:

House Resolution No. 385

A RESOLUTION

Declaring the week of October 7 through 13, 1990, as "Social Studies Week" in Pennsylvania.

WHEREAS, Chapter 5 of the State Board of Education regulations indicates that a quality education shall help every student learn the history of the United States, understand its systems of government and economics, and acquire the values and attitudes necessary for responsible citizenship; and

WHEREAS, Social studies curriculum includes such broad topics as anthropology, economics, geography, history, political science, psychology, sociology, American culture, world cultures and history and government of the United States and Pennsylvania; and

WHEREAS, A comprehensive study of the social sciences will enable students to develop a broad understanding and appreciation of human nature and the institutions which serve as the foundations for governing men and women of different nations; therefore be it

RESOLVED, That the House of Representatives recognize the importance of social studies in the curriculum of all students in this Commonwealth; and be it further

RESOLVED, That the House of Representatives declare and commemorate the week of October 7 through 13, 1990, as "Social Studies Week" in Pennsylvania.

George E. Saurman
Ronald R. Cowell
Jon D. Fox
Dwight Evans
Jere W. Schuler
John S. Davies
Peter J. Daley II
Lois Sherman Hagarty
Thomas M. Tigie
James H. Clark
Nicholas A. Colafella

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—193

Acosta	Dombrowski	LaGrotta	Richardson
Adolph	Donatucci	Langtry	Ritter
Allen	Dorr	Lashinger	Robbins
Angstadt	Durham	Laughlin	Robinson
Argall	Evans	Lee	Roebuck
Barley	Fairchild	Leh	Rudy

Battisto	Fargo	Lescovitz	Ryan
Belardi	Farmer	Levdansky	Saloom
Belfanti	Fee	Linton	Saurman
Billow	Fleagle	Lloyd	Scheetz
Birmelin	Flick	Lucyk	Schuler
Bishop	Foster	McCall	Scrimenti
Black	Fox	McNally	Semmel
Blaum	Freeman	McVerry	Serafini
Bortner	Freind	Maine	Smith, B.
Bowley	Gallen	Markosek	Smith, S. H.
Boyes	Gamble	Marsico	Snyder, D. W.
Brandt	Gannon	Mayernik	Snyder, G.
Broujos	Geist	Melio	Staback
Bunt	George	Merry	Stairs
Burd	Gigliotti	Michlovic	Steighner
Burns	Gladeck	Micozzie	Stish
Bush	Godshall	Mihalich	Strittmatter
Caltagirone	Gruitza	Miller	Stuban
Cappabianca	Gruppo	Moehlmann	Tangretti
Carlson	Hagarty	Morris	Taylor, E. Z.
Carn	Haluska	Mowery	Taylor, F.
Cawley	Harper	Mrkonc	Taylor, J.
Cessar	Hasay	Murphy	Telek
Chadwick	Hayden	Nahill	Thomas
Civera	Hayes	Nailor	Tigue
Clark, B. D.	Heckler	Noye	Trello
Clark, D. F.	Herman	O'Brien	Trich
Clark, J. H.	Hershey	Olasz	Van Horne
Clymer	Hess	Oliver	Veon
Cohen	Hughes	Perzel	Vroon
Colafrella	Itkin	Pesci	Wambach
Colaizzo	Jackson	Petrarca	Wass
Cole	Jadlowiec	Petrone	Williams
Cornell	James	Phillips	Wilson
Corrigan	Jarolin	Piccola	Wogan
Cowell	Johnson	Pievsky	Wozniak
Coy	Josephs	Pistella	Wright, D. R.
DeLuca	Kaiser	Pitts	Wright, R. C.
DeWeese	Kasunic	Pressmann	Yandrisevits
Daley	Kenney	Preston	
Davies	Kondrich	Raymond	O'Donnell,
Dempsey	Kosinski	Reber	Speaker
Distler	Kukovich	Reinard	

NAYS—0

NOT VOTING—5

Howlett	Rieger	Rybak	Weston
Maiale			

EXCUSED—4

Dietterick	Dininni	McHale	Wright, J. L.
------------	---------	--------	---------------

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

* * *

The SPEAKER. The gentleman, Mr. Daley, calls up HR 386, which will be read by the clerk.

The following resolution was read:

House Resolution No. 386

A RESOLUTION

Memorializing the Congress of the United States to promote and encourage the use of coal as a viable domestic energy resource and to promote research in coal usage and clean coal technology as a means of ensuring economic prosperity, national security and environmental compatibility.

WHEREAS, The current crisis in the Middle East highlights the need to further develop our domestic energy resources; and

WHEREAS, Our nation's addiction to foreign oil has given an unfair advantage to foreign competitors and jeopardizes our national industries and national security; and

WHEREAS, Pennsylvania ranks fourth in the nation in coal producers with 315 years of coal reserves remaining in the ground as a viable domestic energy resource; and

WHEREAS, Since the 1973 energy crisis, coal production has doubled in this country and will reach over 1 billion tons in 1990 - the energy equivalent of three and a half million barrels of oil a day with much room for future growth; and

WHEREAS, Coal accounts for 82% of the known recoverable energy resources in our nation; and

WHEREAS, Coal generates 57% of all electricity in our nation and has an 80% usage rate among the electric power market in America; and

WHEREAS, For every 1 million tons of coal mined in Pennsylvania, \$29,160,000 is generated for the economy and 225 direct mining jobs are supported; and

WHEREAS, Current advances in clean coal technology permits the use of coal in an environmentally compatible and efficient manner; therefore be it

RESOLVED, That the Congress of the United States should promote both the use of coal as a domestic energy resource and research in coal technology as a way to regain American competitiveness in the international marketplace instead of taking a back seat to foreign competitors with cheap oil; and be it further

RESOLVED, That the Congress of the United States should promote the use and technological advancement of coal as a domestic energy resource in order to further provide for our national security and not subject our nation to the political instability of Middle East oil producing nations; and be it further

RESOLVED, That the Congress of the United States should promote the use of coal and technological advancement of coal through research and development in clean coal technology in order to ensure that coal is even more environmentally compatible and that environmental responsibility remains a constant top priority of industries which use coal; and be it further

RESOLVED, That the use of coal and research to further advance the use of coal will make the United States economically stronger and will no longer allow the people of this great country to be held "hostage" to the political whims of unfriendly oil producing nations.

- Peter J. Daley II
- Anthony L. Colaizzo
- Richard A. Kasunic
- Thomas B. Stish
- William R. Lloyd, Jr.
- Howard L. Fargo
- Richard J. Cessar
- Frank J. Gigliotti
- Paul Wass
- Bruce Smith
- Lynn B. Herman
- Herman Mihalich
- Christopher K. McNally
- James M. Burd
- Robert D. Robbins

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—190

Acosta	DOTT	Laughlin	Robbins
Adolph	Durham	Lee	Robinson
Allen	Evans	Leh	Roebuck
Angstadt	Fairchild	Lescovitz	Rudy
Argall	Fargo	Levdansky	Ryan
Barley	Farmer	Linton	Rybak

Battisto	Fee	Lloyd	Saloom
Belardi	Fleagle	Lucyk	Saurman
Belfanti	Flick	McCall	Scheetz
Billow	Fox	McNally	Schuler
Birmelin	Freeman	McVerry	Scrimenti
Bishop	Freind	Maiale	Semmel
Black	Gallen	Maine	Serafini
Blaum	Gamble	Markosek	Smith, B.
Bortner	Gannon	Marsico	Smith, S. H.
Bowley	Geist	Mayernik	Snyder, D. W.
Boyes	George	Melio	Snyder, G.
Brandt	Gigliotti	Merry	Staback
Broujos	Gladeck	Michlovic	Stairs
Bunt	Godshall	Micozzie	Steighner
Burd	Gruitza	Mihalich	Stish
Burns	Gruppo	Miller	Strittmatter
Bush	Hagarty	Moehlmann	Stuban
Caltagirone	Haluska	Mowery	Tangretti
Cappabianca	Harper	Mrkonic	Taylor, E. Z.
Carlson	Hasay	Murphy	Taylor, F.
Carn	Hayden	Nahill	Taylor, J.
Cawley	Hayes	Nailor	Telek
Cessar	Heckler	Noye	Thomas
Chadwick	Herman	O'Brien	Tigue
Civera	Hershey	Olasz	Trello
Clark, D. F.	Hess	Oliver	Trich
Clark, J. H.	Howlett	Perzel	Van Horne
Clymer	Hughes	Pesci	Veon
Cohen	Jadlowiec	Petrarca	Vroon
Colafrilla	James	Petrone	Wambach
Colaizzo	Jarolin	Phillips	Wass
Cole	Johnson	Piccola	Weston
Cornell	Josephs	Pievsky	Williams
Corrigan	Kaiser	Pistella	Wilson
Cowell	Kasunic	Pitts	Wogan
Coy	Kenney	Pressmann	Wozniak
DeLuca	Kondrich	Preston	Wright, D. R.
DeWeese	Kosinski	Raymond	Wright, R. C.
Daley	Kukovich	Reber	Yandrisevits
Davies	LaGrotta	Reinard	
Dempsey	Langtry	Richardson	O'Donnell,
Dombrowski	Lashinger	Ritter	Speaker

NAYS—0

NOT VOTING—8

Clark, B. D.	Donatucci	Itkin	Morris
Distler	Foster	Jackson	Rieger

EXCUSED—4

Dietterick	Dininni	McHale	Wright, J. L.
------------	---------	--------	---------------

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

* * *

The SPEAKER. The gentleman, Mr. George, calls up HR 380, which will be read by the clerk.

The following resolution was read:

House Resolution No. 380

A RESOLUTION

Designating the week of October 21 through 27, 1990, as "Biodiversity Landscape Event Week."

WHEREAS, The Pennsylvania State University will hold an international event October 22 through 25, 1990, at University Park, Pennsylvania titled "BIODIVERSITY AND LANDSCAPES: Human Challenges for Conservation in the Changing World"; and

WHEREAS, The preservation of our landscapes and of plant, animal, and microbial diversity is essential for our well-being and for all life; and

WHEREAS, The destruction of our natural and biological resources has reached critical proportions and is threatening the earth's ability to meet our future needs for food, water, and other life-sustaining resources; and

WHEREAS, The species extinction lowers the overall biological diversity of the planet; and

WHEREAS, Decreases in genetic diversity leave species open to decimation by catastrophic events; and

WHEREAS, While conservation efforts throughout the world focus on relatively large animals, researchers agree that biodiversity problems are a major concern for plants and insects; and

WHEREAS, The Pennsylvania State University, National Wildlife Federation, Pennsylvania Biological Survey, Pennsylvania Fish Commission, Pennsylvania Game Commission, Pennsylvania Conservation Fund, The Wilderness Society and The World Conservation Union support this action; therefore be it

RESOLVED, That to meet these challenges will require a multidisciplinary approach encompassing a wide range of ideas and expertise; and be it further

RESOLVED, That this first-of-its-kind event will provide a forum to discuss the history and impact of declining biodiversity on human existence; and be it further

RESOLVED, That the week of October 21 through 27, 1990, be proclaimed as "Biodiversity Landscape Event Week" in the Commonwealth of Pennsylvania.

- Camille "Bud" George
- Thomas J. Fee
- Bernard J. Dombrowski
- Eugene G. Saloom
- Fred A. Trello
- George C. Hasay
- Herman Mihalich
- Richard Hayden
- Timothy L. Pesci
- Paul I. Clymer
- Robert Louis Freeman
- Frank W. Yandrisevits
- John N. Wozniak
- Samuel H. Smith
- Peter J. Daley II
- Ronald S. Marsico
- Kenneth M. Jadlowiec
- John H. Broujos
- Stanley J. Jarolin
- David K. Levdansky
- Edward J. Lucyk
- Anthony M. DeLuca
- Curtis S. Bowley
- Joseph W. Battisto

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—192

Acosta	Dorr	Langtry	Richardson
Adolph	Durham	Lashinger	Ritter
Allen	Evans	Laughlin	Robbins
Angstadt	Fairchild	Lee	Robinson
Argall	Fargo	Leh	Roebeck
Barley	Farmer	Lescovitz	Rudy
Battisto	Fee	Levdansky	Ryan
Belardi	Fleagle	Linton	Rybak
Belfanti	Flick	Lloyd	Saloom
Billow	Foster	Lucyk	Saurman
Birmelin	Fox	McCall	Scheetz
Bishop	Freeman	McNally	Schuler
Black	Freind	McVerry	Scrimenti
Blaum	Gallen	Maiale	Semmel

Bortner	Gamble	Maine	Serafini
Bowley	Gannon	Markosek	Smith, B.
Boyes	Geist	Marsico	Smith, S. H.
Broujos	George	Mayernik	Snyder, D. W.
Bunt	Gigliotti	Melio	Snyder, G.
Burd	Gladeck	Merry	Staback
Burns	Godshall	Michlovic	Stairs
Bush	Gruitza	Micozzie	Steighner
Caltagirone	Gruppo	Mihalich	Stish
Cappabianca	Hagarty	Miller	Suban
Carlson	Haluska	Moehlmann	Tangretti
Carn	Harper	Morris	Taylor, E. Z.
Cawley	Hasay	Mowery	Taylor, F.
Cessar	Hayden	Mrkonic	Taylor, J.
Chadwick	Hayes	Murphy	Telek
Civera	Heckler	Nahill	Thomas
Clark, D. F.	Herman	Nailor	Tigue
Clark, J. H.	Hershey	Noye	Trello
Clymer	Hess	O'Brien	Trich
Cohen	Howlett	Olasz	Van Horne
Colafella	Hughes	Oliver	Veon
Colaizzo	Itkin	Perzel	Vroon
Cole	Jackson	Pesci	Wambach
Cornell	Jadlowiec	Petrarca	Wass
Corrigan	James	Petrone	Williams
Cowell	Jarolin	Phillips	Wilson
Coy	Johnson	Piccola	Wogan
DeLuca	Josephs	Pievsky	Wozniak
DeWeese	Kaiser	Pistella	Wright, D. R.
Daley	Kasunic	Pitts	Wright, R. C.
Davies	Kenney	Pressmann	Yandrisevits
Dempsey	Kondrich	Raymond	
Distler	Kosinski	Reber	O'Donnell,
Dombrowski	Kukovich	Reinard	Speaker
Donatucci	LaGrotta		

NAYS—0

NOT VOTING—3

Brandt	Preston	Strittmatter	Weston
Clark, B. D.	Rieger		

EXCUSED—4

Dietterick	Dininni	McHale	Wright, J. L.
------------	---------	--------	---------------

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

* * *

The SPEAKER. The gentleman, Mr. Wass, calls up HR 390, which will be read by the clerk.

The following resolution was read:

House Resolution No. 390

A RESOLUTION

Recognizing teachers selected to the Salute to Teaching Program.

WHEREAS, Teachers provide the key to learning for all the young citizens of the nation; and

WHEREAS, Excellent teachers are the most important resource that schools have; and

WHEREAS, This Nation and this Commonwealth need to honor, reward and retain their excellent teachers; and

WHEREAS, In the Commonwealth of Pennsylvania there are presently 105,415 full-time public school teachers and 19,839 full-time faculty teaching in 3,268 public schools and 148 colleges and universities, and these teachers are educating 1,655,271 students in our public schools and 556,927 students enrolled in higher education; therefore be it

RESOLVED, That the House of Representatives acknowledge these excellent teachers for their dedication; and be it further

RESOLVED, That the House of Representatives salute in particular, those Pennsylvania teachers who have been selected by their peers through the Salute to Teaching Program of the Pennsylvania Academy for the Profession of Teaching as examples to all citizens of the Commonwealth of Pennsylvania; and be it further

RESOLVED, That the members of the House of Representatives commend them as worthy exemplars of the profession of teaching and as persons especially important to their profession, to society and to the Commonwealth of Pennsylvania.

- Paul Wass
- Ronald R. Cowell
- John S. Davies
- H. William DeWeese
- Samuel E. Hayes, Jr.
- Nicholas A. Colafella
- Victor J. Lescovitz
- Elinor Z. Taylor
- Lynn B. Herman
- Edward F. Burns, Jr.
- Jere W. Schuler
- Joseph W. Battisto
- Gerard A. Kosinski

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—197

Acosta	Dorr	Lashingner	Ritter
Adolph	Durham	Laughlin	Robbins
Allen	Evans	Lee	Robinson
Angstadt	Fairchild	Leh	Roebuck
Argall	Fargo	Lescovitz	Rudy
Barley	Farmer	Levdansky	Ryan
Battisto	Fee	Linton	Rybak
Belardi	Fleagle	Lloyd	Saloom
Belfanti	Flick	Lucyk	Saurman
Billow	Foster	McCall	Scheetz
Birmelin	Fox	McNally	Schuler
Bishop	Freeman	McVerry	Scrimenti
Black	Freind	Maiale	Semmel
Blaum	Gallen	Maine	Serafini
Bortner	Gamble	Markosek	Smith, B.
Bowley	Gannon	Marsico	Smith, S. H.
Boyes	Geist	Mayernik	Snyder, D. W.
Brandt	George	Melio	Snyder, G.
Broujos	Gigliotti	Merry	Staback
Bunt	Gladeck	Michlovic	Stairs
Burd	Godshall	Micozzie	Steighner
Burns	Gruitza	Mihalich	Stish
Bush	Gruppo	Miller	Strittmatter
Caltagirone	Hagarty	Moehlmann	Suban
Cappabianca	Haluska	Morris	Tangretti
Carlson	Harper	Mowery	Taylor, E. Z.
Carn	Hasay	Mrkonic	Taylor, F.
Cawley	Hayden	Murphy	Taylor, J.
Cessar	Hayes	Nahill	Telek
Chadwick	Heckler	Nailor	Thomas
Civera	Herman	Noye	Tigue
Clark, D. F.	Hershey	O'Brien	Trello
Clark, J. H.	Hess	Olasz	Trich
Clymer	Howlett	Oliver	Van Horne
Cohen	Hughes	Perzel	Veon
Colafella	Itkin	Pesci	Vroon
Colaizzo	Jackson	Petrarca	Wambach
Cole	Jadlowiec	Petrone	Wass
Cornell	James	Phillips	Weston
Corrigan	Jarolin	Piccola	Williams
Cowell	Johnson	Pievsky	Wilson
Coy	Josephs	Pistella	Wogan
DeLuca	Kaiser	Pitts	Wozniak

DeWeese	Kasunic	Pressmann	Wright, D. R.
Daley	Kenney	Preston	Wright, R. C.
Davies	Kondrich	Raymond	Yandrisevits
Dempsey	Kosinski	Reber	
Distler	Kukovich	Reinard	O'Donnell,
Dombrowski	LaGrotta	Richardson	Speaker
Donatucci	Langtry	Rieger	

NAYS—0

NOT VOTING—1

Clark, B. D.

EXCUSED—4

Dietterick Dininni McHale Wright, J. L.

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

RULES SUSPENDED

The SPEAKER. The Chair recognizes the majority leader. Mr. DeWEESE. Mr. Speaker, I move that the rules be suspended to permit immediate consideration of HR 392.

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

RESOLUTION ADOPTED

The SPEAKER. The gentleman, Mr. Richardson, calls up HR 392, which will be read by the clerk.

The following resolution was read:

House Resolution No. 392

A RESOLUTION

Applauding a concurrent resolution of the 101st Congress of the United States, dated September 30, 1990, deploring racist remarks by certain Japanese officials.

WHEREAS, On September 30, 1990, the 101st Congress of the United States adopted the following concurrent resolution:

“Whereas on September 21, 1990, Justice Minister Seiroku Kajiyama of Japan, upon observing police and immigration agents arrest foreign women on prostitution charges in a red-light district of Tokyo, said: ‘It’s like in America when neighborhoods become mixed because Blacks move in and whites are forced out’ ...prostitutes ‘ruin the atmosphere’ in the same way;

Whereas in 1988 Michio Watanabe, the policy chief for the governing Liberal Democratic Party of Japan stated that American Blacks had few qualms about going bankrupt, implying that African Americans are financially irresponsible and walk away from their debts;

Whereas in 1987 Japanese merchants marketed a wide variety of products using stereotypical portrayals of Blacks in a highly offensive manner;

Whereas in 1986 Prime Minister Yasuhiro Nakasone of Japan suggested that America was intellectually inferior to Japan ‘because of a considerable number of Blacks, Puerto Ricans and Mexicans’;

Whereas in 1985 the Ministry of Foreign Affairs issued a report attributing Japan’s economic successes to its racial purity;

Whereas these continuing reprehensible comments by officials of the Japanese government are clear evidence of the deep, per-

vasive and fundamental racism endemic in that country’s government;

Whereas the histories of the Japanese people and African Americans have long been intertwined—African American soldiers stationed in Kobe, Gifu, Nara, Yokohama, and many other cities, personally assisted schools, hospitals, orphanages and homeless individuals with the very substance of survival;

Whereas Japan sends 40 percent of its exports to the United States and African Americans, with a combined disposable income of \$300 billion, purchase about \$7 billion of Japanese goods;

Whereas Japan has recovered (most notably with the help of the United States) and is a leading world economic power and top producer of consumer goods, yet the economic gains to the Japanese have not been returned in kind in any substantial manner to the African American community; and

Whereas the vitality of our economic relationship necessarily depends upon a basis of mutual respect which cannot be fostered in a climate of racism and antagonism: Now, therefore be it

Resolved by the House of Representatives
(the Senate concurring)

That it is the sense of the Congress that 1) immediate and direct action must be taken by Prime Minister Toshiki Kaifu and his administration to combat the racist attitude which presently prevails among Japanese government officials 2) the President should insist upon an official apology to all Americans, in particular African Americans, from Prime Minister Toshiki Kaifu for the remarks of Justice Minister Seiroku Kajiyama, and 3) the President should request the resignation of the Justice Minister of Japan.”; and

WHEREAS, The House of Representatives agrees that racism, bigotry and prejudice are offensive and intolerable, regardless of where and by whom they are practiced and tolerated; therefore be it

RESOLVED, That the House of Representatives applaud the concurrent resolution of the Congress, dated September 30, 1990, and set forth in its entirety herein, and add its support to the Congressional commitment against racism; and be it further

RESOLVED, That copies of this resolution be transmitted to the President of the United States, to Governor Robert P. Casey, to presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

David P. Richardson, Jr.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—194

Acosta	Donatucci	LaGrotta	Richardson
Adolph	Dorr	Langtry	Rieger
Allen	Durham	Lashingier	Ritter
Angstadt	Evans	Laughlin	Robbins
Argall	Fairchild	Lee	Robinson
Barley	Fargo	Leh	Roebuck
Battisto	Farmer	Lescovitz	Rudy
Belardi	Fee	Levdansky	Ryan
Belfanti	Fleagle	Linton	Rybak
Billow	Flick	Lloyd	Saloom
Birmelin	Foster	Lucyk	Saurman
Bishop	Fox	McCall	Scheetz
Black	Freeman	McNally	Schuler
Blaum	Freind	McVerry	Scrimenti
Bortner	Gallen	Maiale	Semmel
Bowley	Gamble	Maine	Serafini
Boyes	Gannon	Markosek	Smith, B.
Brandt	Geist	Marsico	Smith, S. H.
Broujos	George	Mayernik	Snyder, D. W.
Bunt	Gigliotti	Melio	Snyder, G.

Burd	Gladeck	Michlovic	Staback
Bush	Godshall	Micozzie	Stairs
Caltagirone	Gruitza	Mihalich	Steighner
Cappabianca	Gruppo	Miller	Stish
Carlson	Hagarty	Moehlmann	Strittmatter
Carn	Haluska	Morris	Stuban
Cawley	Harper	Mowery	Tangretti
Cessar	Hasay	Mrkonic	Taylor, E. Z.
Chadwick	Hayden	Murphy	Taylor, F.
Civera	Hayes	Nahill	Taylor, J.
Clark, B. D.	Heckler	Nailor	Telek
Clark, D. F.	Herman	Noye	Thomas
Clark, J. H.	Hershey	O'Brien	Tigue
Clymer	Hess	Olasz	Trello
Cohen	Howlett	Oliver	Trich
Colafrella	Hughes	Perzel	Van Horne
Colaizzo	Itkin	Pesci	Veon
Cole	Jackson	Petrarca	Vroon
Cornell	Jadlowiec	Petrone	Wambach
Corrigan	James	Phillips	Wass
Cowell	Jarolin	Piccoia	Williams
Coy	Johnson	Pievsky	Wilson
DeLuca	Josephs	Pistella	Wozniak
DeWeese	Kaiser	Pitts	Wright, D. R.
Daley	Kasunic	Pressmann	Wright, R. C.
Davies	Kenney	Preston	Yandrisevits
Dempsey	Kondrich	Raymond	
Distler	Kosinski	Reber	O'Donnell,
Dombrowski	Kukovich	Reinard	Speaker

NAYS—0

NOT VOTING—4

Burns	Merry	Weston	Wogan
-------	-------	--------	-------

EXCUSED—4

Dietterick	Dininni	McHale	Wright, J. L.
------------	---------	--------	---------------

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

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 1, 1990

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, October 8, 1990, 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 Tuesday, October 9, 1990, 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?
Mr. DeWEESE offered the following amendment:

In the House of Representatives
October 2, 1990

RESOLVED, That the Senate concurrent adjournment Resolution dated October 1, 1990, be amended to read as follows:

RESOLVED, (the Senate concurring), That when the Senate adjourns this week it reconvene on Monday, November 12, 1990, 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, November 12, 1990, unless sooner recalled by the Speaker of the House of Representatives.

On the question,
Will the House agree to the amendment?
Amendment was agreed to.

On the question,
Will the House concur in the resolution of the Senate as amended?

Resolution as amended was concurred in.

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

VOTE CORRECTIONS

The SPEAKER. The Chair recognizes Mr. Battisto to correct the record.

Mr. BATTISTO. Mr. Speaker, on final passage of HB 1946, I was recorded in the affirmative. I would like to be recorded in the negative. Thank you.

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

The Chair recognizes Mr. Levdansky.

Mr. LEVDANSKY. Thank you, Mr. Speaker.

Mr. Speaker, on final passage of SB 1140, I was not recorded. I would like to be recorded in the affirmative.

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

The Chair recognizes Mr. Strittmatter.

Mr. STRITTMATTER. Thank you, Mr. Speaker.

On SB 1512 I would like to be recorded in the affirmative, and also in the affirmative on the resolution that we voted on before HR 390. Thank you, Mr. Speaker.

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

ANNOUNCEMENT BY MRS. HARPER

The SPEAKER. The Chair recognizes the lady, Mrs. Harper.

Mrs. HARPER. Thank you, Mr. Speaker.

I have an announcement. The public hearing scheduled for Thursday by the Urban Affairs Committee has been canceled. Thank you.

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

VOTE CORRECTIONS

The SPEAKER. The Chair recognizes Mr. Schuler.

Mr. SCHULER. Thank you, Mr. Speaker.

I would like to be recorded in the affirmative on SB 1324.

Thank you.

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

The Chair recognizes Mr. Bowley.

Mr. BOWLEY. Thank you, Mr. Speaker.

This morning on final passage of HB 2183, I was not in my seat. If I had been, I would have voted in the affirmative.

Thank you.

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

The Chair recognizes Mr. Wogan.

Mr. WOGAN. Thank you, Mr. Speaker.

On SB 1324 I was not recorded at all. I would have liked to have been recorded in the affirmative. Thank you.

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

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. The Chair recognizes Mr. Dorr.

Mr. DORR. Thank you, Mr. Speaker.

I have the following remarks to submit for the record.

The SPEAKER. The Chair thanks the gentleman.

The clerk will accept the gentleman's remarks.

Mr. DORR submitted the following remarks for the Legislative Journal:

House of Representatives
Commonwealth of Pennsylvania
Harrisburg
October 2, 1990

Mr. Speaker:

It has been called to my attention that the official record of the morning portion of the Session of the House on September 26, 1990, is incorrect. I was not in my seat but was apparently recorded on the following votes: Master Roll Call, House Resolution 335, House Resolution 346, House Resolution 352, House Resolution 357, House Resolution 358, House Resolution 359, House Resolution 360, House Resolution 362, House Resolution 363, and House Bill 200, Motion to Reconsider.

Had I been in my seat, I would have voted in the affirmative on all of the aforesaid.

Don Dorr

DWD:jmd

VOTE CORRECTIONS

The SPEAKER. The Chair recognizes Mr. Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, earlier this morning I was placed on leave because I had car trouble and was unable to attend the morning session. However, I would like the record to reflect that had I been present, I would have voted in the affirmative

on the following bills: HB 2158; HB 2171; HB 2187; HB 2188; HB 2183; HB 2730; HB 1825; HB 1972; and SB 867.

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

The Chair recognizes Mr. Mayernik.

Mr. MAYERNIK. Thank you, Mr. Speaker.

I would like to correct the record on SB 1511. My switch malfunctioned. It recorded in the negative. I would like to be recorded in the affirmative.

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

The Chair recognizes Mr. O'Brien.

Mr. O'BRIEN. Mr. Speaker, on SB 1324 I was not recorded. I would like to be recorded in the affirmative.

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

The Chair recognizes Mr. Vroon.

Mr. VROON. Mr. Speaker, I was not recorded at all on amendment A3764 to SB 1324. I wish to be recorded as being in favor of that amendment.

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

SENATE MESSAGE**HOUSE BILLS****CONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, returned **HB 502, PN 3264**; and **HB 1744, PN 2148**, with information that the Senate has passed the same without amendment.

SENATE MESSAGE**HOUSE AMENDMENTS****CONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 775, PN 2485**.

BILLS SIGNED BY SPEAKER

The Chair gave notice that he was about to sign the following bills, which were then signed:

HB 502, PN 3264

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

HB 1744, PN 2148

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), known as the "Pennsylvania Election Code," changing the date for the General primary in 1994; and making a repeal.

SB 693, PN 2137

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, establishing the priority of advances made under certain mortgages; and providing for

the rights of mortgagees, mortgagors and other parties with respect to certain mortgages.

SB 775, PN 2485

An Act amending Titles 20 (Decedents, Estates and Fiduciaries) and 72 (Taxation and Fiscal Affairs) of the Pennsylvania Consolidated Statutes, reducing the time for advertisement of accounts to two weeks; adding a section providing that documents submitted to the register of wills, except for probate, may be attested to by an affidavit or by a verified statement; broadening the class of property deemed disclaimed when a spouse takes an elective share; avoiding automatic modification of wills and inter vivos conveyances that are made in contemplation of a marriage or divorce; adding a rule of interpretation for wills and conveyances regarding corporate fiduciaries; confirming existing law that a gift to any unfunded trust is valid; adding a chapter relating to contracts concerning succession; authorizing personal representatives to make certain temporary investments; allowing fiduciaries to hold certain securities in book-entry form; further providing for notice to parties in interest; further providing for rights of claimants; authorizing the guardian of the estate of a minor to distribute certain income without court approval; adding the Pennsylvania Uniform Transfers to Minors Act; adding provisions relating to guardians of incapacitated persons; clarifying the jurisdiction of the court to appoint certain temporary guardians; authorizing the court to exercise all rights and privileges under certain contracts which provide for payments to an incompetent or others after the incompetent's death; authorizing the court to modify the estate plan of an incompetent to reflect changes in applicable tax laws; permitting certain powers of attorney to be executed by mark; ensuring the validity of durable powers of attorney; authorizing the court to allow a shorter period of notice to an absentee; providing that as a matter of law divorce revokes any revocable beneficiary designation made in favor of the former spouse; further providing for the annexation of accounts; further authorizing the court to divide trusts; further authorizing the court to grant declaratory relief with respect to certain interests in real property; exempting spousal transfers from inheritance taxation; providing for the taxation of certain spousal trusts; adding conforming amendments to Titles 13, 18, 23 and 42; amending Title 72 to exempt spousal transfers from inheritance taxation; and making technical changes.

SB 1442, PN 2054

An Act amending the act of June 1, 1937 (P. L. 1168, No. 294), entitled "Pennsylvania Labor Relations Act," further providing for the salaries of board members; and making repeals.

SB 1511, PN 1992

An Act amending the act of December 14, 1967 (P. L. 746, No. 345), entitled "Savings Association Code of 1967," providing for reciprocal interstate operations; permitting the formation of mutual holding companies; further providing for acquisitions of the stock of a savings association; revising proxy rules; and making repeals.

SB 1535, PN 2328

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

SB 1588, PN 2153

An Act designating a portion of the Beaver Valley Expressway in Beaver and Lawrence Counties as the James E. Ross Highway.

ADJOURNMENT

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

Mr. LEE. Mr. Speaker, I move that this House do now adjourn until Monday, November 12, 1990, at 1 p.m., e.s.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 7:36 p.m., e.d.t., the House adjourned.