

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, DECEMBER 7, 1993

SESSION OF 1993

177TH OF THE GENERAL ASSEMBLY

No. 62

HOUSE OF REPRESENTATIVES

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

THE SPEAKER PRO TEMPORE (FRED A. TRELLO) PRESIDING

PRAYER

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

Let us pray:

Gracious God our Father, there is so much bad in the best of us and so much good in the worst of us; how can any of us talk about the rest of us?

Lord, teach us how to judge without being judgmental, to be critical yet not harsh in our criticisms, and always remain open to Your chastisements, which, like fire, cleanse and purify us from all our iniquities.

May we willingly transform wrongs committed in this legislature to rights that redound to the good of our constituents and to our beloved Commonwealth.

Bless and keep our leadership on both sides of the aisle and every member of this precious body, for it is in Your 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, December 6, 1993, will be postponed until printed. The Chair hears no objection.

GUESTS INTRODUCED

The SPEAKER pro tempore. Visiting us today as the guests of Representative Hennessey are Carol Hennessey, his wife; his district aide, Teri Mosteller; and his good friend, Chuck Moody. Chuck is the president and publisher of American Waste Digest, a magazine serving the international waste industry. Will the guests please rise and be recognized.

Also visiting us today is Stephanie McClendon, the legislative assistant in the West Lawn district office. She is the guest of Representative Sheila Miller. Will the guest please rise and be recognized.

Also visiting us today are the Pocono Area Home Schoolers, who are the guests of Representative Jerry Birmelin. Will the guests please rise and be recognized.

Also visiting the Capitol are Kim Campbell and Jason Goshorn. They are guest pages from Fannett-Metal High School in Franklin County, and they are the guests of Representative Egolf. Will the guests please rise and be recognized.

Also visiting the House this morning from Bullskin Township near Connellsville, Fayette County, are Earl and Helen Gadd. They are the guests of Representative Larry Roberts. Will the guests please rise and be recognized.

LEAVES OF ABSENCE

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Steighner, for leaves of absence.

Mr. STEIGHNER. Thank you, Mr. Speaker.

Mr. Speaker, I have no leaves to report at this time. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Perzel, for the purpose of leaves of absence.

Mr. PERZEL. Thank you, Mr. Speaker.

I would like to ask for a temporary leave for the gentlelady from Montgomery, Mrs. HARLEY. I would like to ask for a leave of absence for the gentleman from Bucks, Mr. REINARD, for the rest of the week; the gentleman from Montgomery, Mr. SAURMAN, for temporary leave; the gentlelady from Chester, Mrs. E. Z. TAYLOR, for the remainder of the week; and the gentleman from Lycoming, Mr. BUSH, for the remainder of the week.

The SPEAKER pro tempore. Without objection, leaves of absence will be granted.

MASTER ROLL CALL

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

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER pro tempore. The clerk will strike the vote.

FORMER MEMBER WELCOMED

The SPEAKER pro tempore. The Chair would like to announce a former member who is visiting the House floor today, who is the father of Representative Karen Ritter, my good friend, Jim Ritter, a former member who is sitting to the left of the Speaker. Jim, will you please rise.

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 1076, PN 2734; and HB 2198, PN 2723.

MASTER ROLL CALL RETAKEN

The SPEAKER pro tempore. There was a malfunction in the switch. The master roll will be taken at this time. Will the members proceed to vote.

The following roll call was recorded:

PRESENT—197

Acosta	Fajt	Lloyd	Santoni
Adolph	Fargo	Lucyk	Sather
Allen	Farmer	Lynch	Saylor
Argall	Fee	Maitland	Scheetz
Armstrong	Fichter	Manderino	Schuler
Baker	Fleagle	Markosek	Scrimenti
Barley	Flick	Marsico	Semmel
Battisto	Freeman	Masland	Serafini
Bebko-Jones	Gamble	Mayernik	Smith, B.
Belardi	Gannon	McCall	Smith, S. H.
Belfanti	Geist	McGeehan	Snyder, D. W.
Birmelin	George	McNally	Staback
Bishop	Gerlach	Melio	Stairs
Blaum	Gigliotti	Merry	Steelman
Boyes	Gladeck	Michlovic	Steighner
Brown	Godshall	Micozzie	Steil
Bunt	Gordner	Mihalich	Stern
Butkovitz	Gruitza	Miller	Stetler
Buxton	Gruppo	Mundy	Stish
Caltagirone	Haluska	Murphy	Strittmatter
Cappabianca	Hanna	Nailor	Sturla
Carn	Hasay	Nickol	Surra
Carone	Hennessey	Nyce	Tangretti
Cawley	Herman	O'Brien	Taylor, J.
Cessar	Hershey	O'Donnell	Thomas
Chadwick	Hess	Olasz	Tigue
Civera	Hughes	Oliver	Tomlinson
Clark	Hutchinson	Perzel	Trello
Clymer	Itkin	Pesci	Trich
Cohen, L. I.	Jadlowiec	Petrarca	True
Cohen, M.	James	Petrone	Tulli
Colafiglia	Jarolin	Pettit	Uliana
Colaizzo	Josephs	Phillips	Vance
Conti	Kaiser	Piccola	Van Home
Cornell	Kasunic	Pistella	Veon

Corrigan	Keller	Pitts	Vitali
Cowell	Kenney	Platts	Washington
Coy	King	Preston	Waugh
Curry	Kirkland	Raymond	Williams
Daley	Krebs	Reber	Wogan
DeLuca	Kukovich	Richardson	Wozniak
Dempsey	LaGrotta	Ritter	Wright, D. R.
Dent	Laub	Roberts	Wright, M. N.
Dermoddy	Laughlin	Robinson	Yandrisevits
Donatucci	Lawless	Roebuck	Yewcic
Druce	Lederer	Rohrer	Zug
Durham	Lee	Rooney	
Egolf	Leh	Rubley	DeWeese,
Evans	Lescovitz	Rudy	Speaker
Fairchild	Levdansky	Ryan	

ADDITIONS—0

NOT VOTING—0

EXCUSED—6

Bush	Reinard	Saurman	Taylor, E. Z.
Harley	Rieger		

LEAVES CANCELED—2

Harley	Saurman
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BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 989, PN 1073**, entitled:

An Act authorizing and directing the Department of Transportation, with the approval of the Governor, to sell and convey a tract of land situate in the Borough of State College, Centre County, Pennsylvania, to the Borough of State College.

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—197

Acosta	Fajt	Lloyd	Santoni
Adolph	Fargo	Lucyk	Sather
Allen	Farmer	Lynch	Saylor
Argall	Fee	Maitland	Scheetz
Armstrong	Fichter	Manderino	Schuler
Baker	Fleagle	Markosek	Scrimenti
Barley	Flick	Marsico	Semmel
Battisto	Freeman	Masland	Serafini
Bebko-Jones	Gamble	Mayernik	Smith, B.
Belardi	Gannon	McCall	Smith, S. H.
Belfanti	Geist	McGeehan	Snyder, D. W.
Birmelin	George	McNally	Staback
Bishop	Gerlach	Melio	Stairs
Blaum	Gigliotti	Merry	Steelman
Boyes	Gladeck	Michlovic	Steighner
Brown	Godshall	Micozzie	Steil
Bunt	Gordner	Mihalich	Stern

Butkovitz	Gruitza	Miller	Stetler
Buxton	Gruppo	Mundy	Stish
Callagirono	Haluska	Murphy	Strittmatter
Cappabianca	Hanna	Nailor	Sturla
Carn	Hasay	Nickol	Surra
Carone	Hennessey	Nyce	Tangretti
Cawley	Herman	O'Brien	Taylor, J.
Cessar	Hershey	O'Donnell	Thomas
Chadwick	Hess	Olasz	Tigue
Civera	Hughes	Oliver	Tomlinson
Clark	Hutchinson	Perzel	Trello
Clymer	Itkin	Pesci	Trich
Cohen, L. I.	Jadlowiec	Petrarca	True
Cohen, M.	James	Petrone	Tulli
Colaifella	Jarolin	Pettit	Uliana
Colaizzo	Josephs	Phillips	Vance
Conti	Kaiser	Piccola	Van Horne
Cornell	Kasunic	Pistella	Veon
Corrigan	Keller	Pitts	Vitali
Cowell	Kenney	Platts	Washington
Coy	King	Preston	Waugh
Curry	Kirkland	Raymond	Williams
Daley	Krebs	Reber	Wogan
DeLuca	Kukovich	Richardson	Wozniak
Dempsey	LaGrotta	Ritter	Wright, D. R.
Dent	Laub	Roberts	Wright, M. N.
Dermody	Laughlin	Robinson	Yandrisevits
Donatucci	Lawless	Roebuck	Yewcic
Druce	Lederer	Rohrer	Zug
Durham	Lee	Rooney	
Egolf	Leh	Rubley	DeWeese,
Evans	Lescovitz	Rudy	Speaker
Fairchild	Levdansky	Ryan	

NAYS—0

NOT VOTING—0

EXCUSED—6

Bush	Reinard	Saurman	Taylor, E. Z.
Harley	Rieger		

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

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

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The House proceeded to third consideration of **HB 1763, PN 2705**, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Adjutant General for the Department of Military Affairs and the Governor, to convey to the County of Butler, the old Butler Armory and the surrounding tract of land located in the City of Butler, Butler County.

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—197

Acosta	Fajt	Lloyd	Santoni
Adolph	Fargo	Lucyk	Sather
Allen	Farmer	Lynch	Saylor
Argall	Fee	Maitland	Scheetz
Armstrong	Fichter	Manderino	Schuler
Baker	Fleagle	Markosek	Scrimenti
Barley	Flick	Marsico	Semmel
Battisto	Freeman	Masland	Serafini
Bebko-Jones	Gamble	Mayernik	Smith, B.
Belardi	Gannon	McCall	Smith, S. H.
Belfanti	Geist	McGeehan	Snyder, D. W.
Birmelin	George	McNally	Staback
Bishop	Gerlach	Melio	Stairs
Blaum	Gigliotti	Merry	Steelman
Boyes	Gladeck	Michlovic	Steighner
Brown	Godshall	Micozzie	Steil
Bunt	Gordner	Mihalich	Stern
Butkovitz	Gruitza	Miller	Stetler
Buxton	Gruppo	Mundy	Stish
Callagirono	Haluska	Murphy	Strittmatter
Cappabianca	Hanna	Nailor	Sturla
Carn	Hasay	Nickol	Surra
Carone	Hennessey	Nyce	Tangretti
Cawley	Herman	O'Brien	Taylor, J.
Cessar	Hershey	O'Donnell	Thomas
Chadwick	Hess	Olasz	Tigue
Civera	Hughes	Oliver	Tomlinson
Clark	Hutchinson	Perzel	Trello
Clymer	Itkin	Pesci	Trich
Cohen, L. I.	Jadlowiec	Petrarca	True
Cohen, M.	James	Petrone	Tulli
Colaifella	Jarolin	Pettit	Uliana
Colaizzo	Josephs	Phillips	Vance
Conti	Kaiser	Piccola	Van Horne
Cornell	Kasunic	Pistella	Veon
Corrigan	Keller	Pitts	Vitali
Cowell	Kenney	Platts	Washington
Coy	King	Preston	Waugh
Curry	Kirkland	Raymond	Williams
Daley	Krebs	Reber	Wogan
DeLuca	Kukovich	Richardson	Wozniak
Dempsey	LaGrotta	Ritter	Wright, D. R.
Dent	Laub	Roberts	Wright, M. N.
Dermody	Laughlin	Robinson	Yandrisevits
Donatucci	Lawless	Roebuck	Yewcic
Druce	Lederer	Rohrer	Zug
Durham	Lee	Rooney	
Egolf	Leh	Rubley	DeWeese,
Evans	Lescovitz	Rudy	Speaker
Fairchild	Levdansky	Ryan	

NAYS—0

NOT VOTING—0

EXCUSED—6

Bush	Reinard	Saurman	Taylor, E. Z.
Harley	Rieger		

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 2235**, **PN 2728**, entitled:

An Act authorizing the Pennsylvania Department of Military Affairs, on behalf of the Commonwealth of Pennsylvania and with the approval of the Governor, to accept a gift of certain real property located in the City of Pittsburgh, Allegheny County, for the purpose of constructing a State veterans' home.

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—197

Acosta	Fajt	Lloyd	Santoni
Adolph	Fargo	Lucyk	Sather
Allen	Farmer	Lynch	Saylor
Argall	Fee	Maitland	Scheetz
Armstrong	Fichter	Manderino	Schuler
Baker	Fleagle	Markosek	Scrimenti
Barley	Flick	Marsico	Semmel
Battisto	Freeman	Masland	Serafini
Bebko-Jones	Gamble	Mayernik	Smith, B.
Belardi	Gannon	McCall	Smith, S. H.
Belfanti	Geist	McGeehan	Snyder, D. W.
Birmelin	George	McNally	Staback
Bishop	Gerlach	Melio	Stairs
Blaum	Gigliotti	Merry	Steelman
Boyes	Gladeck	Michlovic	Steighner
Brown	Godshall	Micozzie	Steil
Bunt	Gordner	Mihalich	Stern
Butkovitz	Gruitza	Miller	Stetler
Buxton	Gruppo	Mundy	Stish
Caltagirone	Haluska	Murphy	Strittmatter
Cappabianca	Hanna	Nailor	Sturla
Carn	Hasay	Nickol	Surra
Carone	Hennessey	Nyce	Tangretti
Cawley	Herman	O'Brien	Taylor, J.
Cessar	Hershey	O'Donnell	Thomas
Chadwick	Hess	Olasz	Tigue
Civera	Hughes	Oliver	Tomlinson
Clark	Hutchinson	Perzel	Trello
Clymer	Itkin	Pesci	Trich
Cohen, L. I.	Jadlowiec	Petrarca	True
Cohen, M.	James	Petrone	Tulli
Colafrèlla	Jarolin	Pettit	Ufiana
Colaizzo	Josephs	Phillips	Vance
Conti	Kaiser	Piccola	Van Horne
Cornell	Kasunic	Pistella	Veon
Corrigan	Keller	Pitts	Vitali
Cowell	Kenney	Platts	Washington
Coy	King	Preston	Waugh
Curry	Kirkland	Raymond	Williams
Daley	Krebs	Reber	Wogan
DeLuca	Kukovich	Richardson	Wozniak
Dempsey	LaGrotta	Ritter	Wright, D. R.
Dent	Laub	Roberts	Wright, M. N.
Dermody	Laughlin	Robinson	Yandrisevits
Donatucci	Lawless	Roebuck	Yewcic
Druce	Lederer	Rohrer	Zug

Durham	Lee	Rooney	
Egolf	Leh	Rubley	DeWeese,
Evans	Lescovitz	Rudy	Speaker
Fairchild	Levdansky	Ryan	

NAYS—0

NOT VOTING—0

EXCUSED—6

Bush	Reinard	Saurman	Taylor, E. Z.
Harley	Rieger		

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 2066**, **PN 2536**, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for sale of armories and land and for the State Treasury Armory Fund.

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—197

Acosta	Fajt	Lloyd	Santoni
Adolph	Fargo	Lucyk	Sather
Allen	Farmer	Lynch	Saylor
Argall	Fee	Maitland	Scheetz
Armstrong	Fichter	Manderino	Schuler
Baker	Fleagle	Markosek	Scrimenti
Barley	Flick	Marsico	Semmel
Battisto	Freeman	Masland	Serafini
Bebko-Jones	Gamble	Mayernik	Smith, B.
Belardi	Gannon	McCall	Smith, S. H.
Belfanti	Geist	McGeehan	Snyder, D. W.
Birmelin	George	McNally	Staback
Bishop	Gerlach	Melio	Stairs
Blaum	Gigliotti	Merry	Steelman
Boyes	Gladeck	Michlovic	Steighner
Brown	Godshall	Micozzie	Steil
Bunt	Gordner	Mihalich	Stern
Butkovitz	Gruitza	Miller	Stetler
Buxton	Gruppo	Mundy	Stish
Caltagirone	Haluska	Murphy	Strittmatter
Cappabianca	Hanna	Nailor	Sturla
Carn	Hasay	Nickol	Surra
Carone	Hennessey	Nyce	Tangretti
Cawley	Herman	O'Brien	Taylor, J.
Cessar	Hershey	O'Donnell	Thomas
Chadwick	Hess	Olasz	Tigue

Civera	Hughes	Oliver	Tomlinson
Clark	Hutchinson	Perzel	Trello
Clymer	Itkin	Pesci	Trich
Cohen, L. I.	Jadlowiec	Petrarca	True
Cohen, M.	James	Petrone	Tulli
Colafella	Jarolin	Pettit	Uliana
Colaizzo	Josephs	Phillips	Vance
Conti	Kaiser	Piccola	Van Home
Cornell	Kasunic	Pistella	Veon
Corrigan	Keller	Pitts	Vitali
Cowell	Kenney	Platts	Washington
Coy	King	Preston	Waugh
Curry	Kirkland	Raymond	Williams
Daley	Krebs	Reber	Wogan
DeLuca	Kukovich	Richardson	Wozniak
Dempsey	LaGrotta	Ritter	Wright, D. R.
Dent	Laub	Roberts	Wright, M. N.
Dermody	Laughlin	Robinson	Yandrisevits
Donatucci	Lawless	Roebuck	Yewcic
Druce	Lederer	Rohrer	Zug
Durham	Lee	Rooney	
Egolf	Leh	Rubley	DeWeese,
Evans	Lescovitz	Rudy	Speaker
Fairchild	Levdansky	Ryan	

NAYS—0

NOT VOTING—0

EXCUSED—6

Bush	Reinard	Saurman	Taylor, E. Z.
Harley	Rieger		

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

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

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The House proceeded to third consideration of **HB 1251, PN 1368**, entitled:

An Act amending the act of December 20, 1967 (P.L.869, No.385), known as the Public Works Contractors' Bond Law of 1967, further providing for enforcement of laborers' claims and for financial security of contractors and bidders.

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.

(Members proceeded to vote.)

VOTE STRICKEN

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

Mr. PERZEL. It is my understanding, Mr. Speaker, that we did not caucus on this particular bill yet, and we would like to have an opportunity to caucus on this.

The SPEAKER pro tempore. The clerk will strike the vote.

Mr. PERZEL. Thank you, Mr. Speaker.

**BILL PLACED ON FINAL PASSAGE
POSTPONED CALENDAR**

The SPEAKER pro tempore. Without objection, HB 1251 will be placed on the postponed calendar.

RESOLUTION

Mr. D. R. WRIGHT called up **HR 166, PN 2481**, entitled:

A Resolution memorializing the President and Congress to maintain or increase funding for the Low-Income Home Energy Assistance Program.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

Acosta	Fajt	Lloyd	Ryan
Adolph	Fargo	Lucyk	Santoni
Allen	Farmer	Lynch	Sather
Argall	Fee	Maitland	Saylor
Armstrong	Fichter	Manderino	Scheetz
Baker	Fleagle	Markosek	Schuler
Barley	Flick	Marsico	Scrimenti
Battisto	Freeman	Masland	Semmel
Bebko-Jones	Gamble	Mayermik	Smith, B.
Belardi	Gannon	McCall	Smith, S. H.
Belfanti	Geist	McGeehan	Snyder, D. W.
Birmelin	George	McNally	Staback
Bishop	Gerlach	Melio	Stairs
Blaum	Gigliotti	Merry	Steelman
Boyes	Gladeck	Michlovic	Steighner
Brown	Godshall	Micozzie	Steil
Bunt	Gordner	Mihalich	Stern
Butkovitz	Gruitza	Miller	Stetler
Buxton	Gruppo	Mundy	Stish
Caltagirone	Haluska	Murphy	Strittmatter
Cappabianca	Hanna	Nailor	Sturla
Carn	Hasay	Nickol	Surra
Carone	Hennessey	Nyce	Tangretti
Cawley	Herman	O'Brien	Taylor, J.
Cessar	Hershey	O'Donnell	Thomas
Chadwick	Hess	Olasz	Tigue
Civera	Hughes	Oliver	Tomlinson
Clark	Hutchinson	Perzel	Trello
Clymer	Itkin	Pesci	Trich
Cohen, L. I.	Jadlowiec	Petrarca	True
Cohen, M.	James	Petrone	Tulli
Colafella	Jarolin	Pettit	Uliana
Colaizzo	Josephs	Phillips	Vance
Conti	Kaiser	Piccola	Van Home
Cornell	Kasunic	Pistella	Veon
Corrigan	Keller	Pitts	Vitali
Cowell	Kenney	Platts	Washington
Coy	King	Preston	Waugh
Curry	Kirkland	Raymond	Williams
Daley	Krebs	Reber	Wogan
DeLuca	Kukovich	Richardson	Wozniak

Dempsey	LaGrotta	Ritter	Wright, D. R.
Dent	Laub	Roberts	Wright, M. N.
Dermody	Laughlin	Robinson	Yandrisevits
Donatucci	Lawless	Roebuck	Yewcic
Druce	Lederer	Rohrer	Zug
Durham	Lee	Rooney	
Egolf	Leh	Rubley	DeWeese,
Evans	Lescovitz	Rudy	Speaker
Fairchild	Levdansky		

NAYS—0

NOT VOTING—1

Serafini

EXCUSED—6

Bush	Reinard	Saurman	Taylor, E. Z.
Harley	Rieger		

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

GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair welcomes to the hall of the House Gregory Siegwarth, Andrew Wengerd, and Herman Marini, who are the guests of Representative Frank Dermody. Will the guests please rise and be recognized.

Also visiting the chamber are Janalle Coleman and Tiffany Brown, who are the guests of the gentleman from Philadelphia, Representative Richardson. Will the guests please rise and be recognized.

Visiting the House are students from West Fallowfield Christian School. Their teacher is Mr. Mark Fiscus. They are in the balcony. They are the guests of Representative Hershey. Will the guests please rise and be recognized.

Visiting the chamber is Jessie Topper, guest page from Bedford County, who is the guest of Representative Hess. Will Jessie Topper please rise and be recognized.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of HB 906, PN 2424, entitled:

An Act requiring timely payment to certain contractors and subcontractors; and providing remedies to contractors and subcontractors.

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

Mr. LESCOVITZ offered the following amendments No. A4532:

Amend Sec. 2, page 4, by inserting between lines 9 and 10 "Person." A corporation, partnership, business trust, other association, estate, trust foundation or a natural individual.

Amend Sec. 6, page 5, line 26, by striking out "ALL OTHER ITEMS WHICH APPEAR" and inserting any item which appears

Amend Sec. 6, page 5, line 27, by striking out "HAVE" and inserting has

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

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

Mr. LESCOVITZ. Thank you, Mr. Speaker.

This is just a technical amendment. I would appreciate the support of the members on this.

Mr. Speaker, this amendment clarifies that the bill will not apply to local governments.

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

The following roll call was recorded:

YEAS—195

Acosta	Fargo	Lloyd	Santoni
Adolph	Farmer	Lucyk	Sather
Allen	Fee	Lynch	Saylor
Argall	Fichter	Maitland	Scheetz
Armstrong	Fleagle	Manderino	Schuler
Baker	Flick	Markosek	Scrimenti
Barley	Freeman	Marsico	Semmel
Battisto	Gamble	Masland	Serafini
Bebko-Jones	Gannon	Mayernik	Smith, B.
Belardi	Geist	McCall	Smith, S. H.
Belfanti	George	McGeehan	Snyder, D. W.
Birmelin	Gerlach	McNally	Staback
Bishop	Gigliotti	Melio	Stairs
Blaum	Gladeck	Merry	Steelman
Boyes	Godshall	Michlovic	Steighner
Brown	Gordner	Micozzie	Steil
Bunt	Gruitza	Mihalich	Stern
Butkovitz	Gruppo	Miller	Stetler
Buxton	Haluska	Mundy	Stish
Caltagirone	Hanna	Murphy	Strittmatter
Cappabianca	Hasay	Nailor	Sturla
Carn	Hennessey	Nickol	Surra
Carone	Herman	Nyce	Tangretti
Cawley	Hershey	O'Brien	Taylor, J.
Chadwick	Hess	O'Donnell	Thomas
Civera	Hughes	Olasz	Tigue
Clark	Hutchinson	Oliver	Tomlinson
Clymer	Itkin	Perzel	Trello
Cohen, L. I.	Jadlowiec	Pesci	Trich
Cohen, M.	James	Petrarca	Truc
Colafella	Jarolin	Petrone	Tulli
Colaizzo	Josephs	Pettit	Uliana
Conti	Kaiser	Phillips	Vance
Cornell	Kasunic	Piccola	Van Horne
Corrigan	Keller	Pistella	Veon
Cowell	Kenney	Pitts	Vitali
Coy	King	Platts	Washington
Curry	Kirkland	Preston	Waugh
Daley	Krebs	Raymond	Williams
DeLuca	Kukovich	Reber	Wogan
Dempsey	LaGrotta	Richardson	Wozniak
Dent	Laub	Ritter	Wright, D. R.
Dermody	Laughlin	Roberts	Wright, M. N.
Donatucci	Lawless	Robinson	Yandrisevits
Druce	Lederer	Rohrer	Yewcic
Durham	Lee	Rooney	Zug
Egolf	Leh	Rubley	

Evans	Lescovitz	Rudy	DeWeese,
Fairchild	Levdansky	Ryan	Speaker
Fajt			

NAYS—1

Cessar

NOT VOTING—1

Roebuck

EXCUSED—6

Bush	Reinard	Saurman	Taylor, E. Z.
Harley	Rieger		

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—196

Acosta	Fajt	Lloyd	Ryan
Adolph	Fargo	Lucyk	Santoni
Allen	Farmer	Lynch	Sather
Argall	Fee	Maitland	Saylor
Armstrong	Fichter	Manderino	Scheetz
Baker	Fleagle	Markosek	Schuler
Barley	Flick	Marsico	Scrimanti
Battisto	Freeman	Masland	Semmel
Bebko-Jones	Gamble	Mayermik	Serafini
Belardi	Gannon	McCall	Smith, B.
Belfanti	Geist	McGeehan	Smith, S. H.
Birmelin	George	McNally	Snyder, D. W.
Bishop	Gerlach	Melio	Staback
Blaum	Gigliotti	Merry	Stairs
Boyes	Gladeck	Michlovic	Steelman
Brown	Godshall	Micozzie	Steighner
Bunt	Gordner	Mihalich	Steil
Butkovitz	Gruizta	Miller	Stern
Buxton	Gruppo	Mundy	Stetler
Caltagirone	Haluska	Murphy	Stish
Cappabianca	Hanna	Nailor	Strittmatter
Carn	Hasay	Nickol	Sturla
Carone	Hennessey	Nyce	Surra
Cawley	Herman	O'Brien	Tangretti
Cessar	Hershey	O'Donnell	Taylor, J.
Chadwick	Hess	Olasz	Thomas
Civera	Hughes	Oliver	Tigue
Clark	Hutchinson	Perzel	Tomlinson
Clymer	Itkin	Pesci	Trello
Cohen, L. I.	Jadlowiec	Petrarca	Trich
Cohen, M.	James	Petrone	True
Colafella	Jarolin	Pettit	Tulli
Colaizzo	Josephs	Phillips	Uliana
Conti	Kaiser	Piccola	Vance
Cornell	Kasunic	Pistella	Van Horne
Corrigan	Keller	Pitts	Veon

Cowell	Kenney	Platts	Washington
Coy	King	Preston	Waugh
Curry	Kirkland	Raymond	Williams
Daley	Krebs	Reber	Wogan
DeLuca	Kukovich	Richardson	Wozniak
Dempsey	LaGrotta	Ritter	Wright, D. R.
Dent	Laub	Roberts	Wright, M. N.
Dermody	Laughlin	Robinson	Yandrisevits
Donatucci	Lawless	Roebuck	Yewcic
Druce	Lederer	Rohrer	Zug
Durham	Lee	Rooney	
Egolf	Leh	Rubley	DeWeese,
Evans	Lescovitz	Rudy	Speaker
Fairchild	Levdansky		

NAYS—1

Vitali

NOT VOTING—0

EXCUSED—6

Bush	Reinard	Saurman	Taylor, E. Z.
Harley	Rieger		

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.

GUEST INTRODUCED

The SPEAKER pro tempore. About to be introduced on the floor of the House is a very distinguished guest, and for that purpose the Chair recognizes the gentleman, Mr. Veon.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, I just would like to take a moment to introduce a very distinguished guest of a number of members of the House. This gentleman is a very distinguished military officer, and he is on the Speaker's rostrum this morning — Comdr. T. Ladson Webb, Jr., of the United States Navy. Commander Webb is currently the commander of the U.S.S. John F. Kennedy, stationed in Philadelphia. Commander Webb also has a very distinguished military career, including Operation Desert Storm, commanding officer of Attack Squadron. He also is the proud recipient of a number of distinguished medals from the President and Congress, including the Distinguished Flying Cross, Bronze Star Medal, Meritorious Service Medal, and numerous other air medals.

Mr. Speaker, I would like the House just to take a moment for a round of applause and congratulations for a very distinguished guest and a very distinguished military officer, Comdr. Ladson Webb, on the Speaker's rostrum.

The SPEAKER pro tempore. Will the gentleman please rise and be recognized.

DEMOCRATIC CAUCUS

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Coy, for a caucus announcement.

Mr. COY. Thank you, Mr. Speaker.

Mr. Speaker, if we could propose a schedule whereby the members would be able to have lunch, we will go to caucus at 12:30 and return to the floor by 2 o'clock; caucus at 12:30, return to the floor by 2 o'clock.

The SPEAKER pro tempore. Caucus at 12:30 for the Democrats and back on the floor at 2.

REPUBLICAN CAUCUS

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

Mr. GEIST. Thank you, Mr. Speaker.

The Republicans will likewise caucus promptly. I would ask all the members to please be there on time—we have a very, very busy schedule—12:30, so that we can be back on the floor by 2 to do business. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Republicans will caucus at 12:30 and be back on the floor at 2.

RECESS

The SPEAKER pro tempore. This House stands in recess till 2 o'clock.

RECESS EXTENDED

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

AFTER RECESS

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

ACTUARIAL NOTE

The SPEAKER pro tempore. The Chair acknowledges receipt of an actuarial note on SB 974, which the clerk will file.

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

BILLS REMOVED FROM TABLE

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

Mr. ITKIN. Mr. Speaker, I move that the following bills be removed from the table:

HB 1913;
SB 701; and
SB 705.

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

LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. The lady, Mrs. Harley, will be added to the master roll call.

**LOCAL GOVERNMENT
COMMITTEE MEETING**

The SPEAKER pro tempore. The Chair recognizes the chairman of the Local Government Committee, who calls for an immediate committee meeting in the members' lounge at the rear of the House.

BILL RECOMMITTED

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

Mr. ITKIN. Mr. Speaker, I move that HB 1913 be recommitted to the Appropriations Committee.

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

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:

SB 701, PN 1756; and SB 705, PN 1757.

**BILLS REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND TABLED****HB 1740, PN 2015**

By Rep. PETRONE

An Act amending the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, further providing for pensions of survivors of deceased police officers.

URBAN AFFAIRS.**HB 2057, PN 2527**

By Rep. PETRONE

An Act declaring buildings and parts of buildings in cities of the first class used for purposes of illegal use and sale of narcotics to be nuisances and providing a method for their abatement; and imposing penalties.

URBAN AFFAIRS.**HB 2192, PN 2892 (Amended)**

By Rep. PETRONE

An Act amending the act of July 7, 1947 (P.L.1368, No.542), known as the Real Estate Tax Sale Law, further providing for the notice of filing returns and entry of claim, for the period for discharge, for notice of sale, for removal of sale, for judicial sales and for qualifications of purchaser.

URBAN AFFAIRS.

RULES COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the majority leader, who calls an immediate meeting of the Rules Committee at his desk.

RESOLUTION REPORTED FROM COMMITTEE

HR 204, PN 2759 By Rep. ITKIN

A Resolution urging the Pennsylvania Supreme Court to develop and certify a program for the training of all judges on domestic violence.

RULES.

LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. The Chair will add the gentleman, Mr. Saurman, to the master roll.

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 315, PN 1734**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for persons authorized to direct traffic.

On the question,
Will the House agree to the bill on third consideration?
Mr. ITKIN offered the following amendments No. A4577:

Amend Title, page 1, line 4, by striking out "TITLE" and inserting

Titles 74 (Transportation) and

Amend Title, page 1, line 5, by inserting after "STATUTES,"

further providing for utilization of public transportation assistance funding and for community transportation programs and other programs; and

Amend Sec. 1, page 3, lines 18 and 19, by striking out all of said lines and inserting

Section 1. Section 1311 of Title 74 of the Pennsylvania Consolidated Statutes is amended by adding a subsection to read: § 1311. Use of funds distributed.

(j) Limit on certain amounts expended.—Notwithstanding any law to the contrary, local transportation organizations and transportation companies are authorized to expend moneys distributed pursuant to section 1310 for asset maintenance costs in an amount not to exceed the greater of:

(1) the maximum amount of asset maintenance expenditures which could have been approved by the department for expenditure by that local transportation organization or transportation company for the 1991-1992 fiscal year pursuant to section 17(a) of the act of August 5, 1991 (P.L.238, No.26), entitled "An act amending Titles 74 (Transportation) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, codifying provisions relating to public transportation; imposing certain fees and taxes; further providing for certain Pennsylvania Turnpike projects; defining 'farm equipment'; further providing for the responsibilities of vehicle transferees, for exemptions from

registration and certificates of title and for the use of dealer plates, multipurpose dealer plates and farm equipment plates; further providing for funeral processions; further providing for a restricted receipts fund and for registration for snowmobiles and ATV's; establishing the Snowmobile Trail Advisory Committee; further providing for the highway maintenance and construction tax; and making repeals," based upon a projection of \$200,000,000 in total dedicated capital assistance funds; or

(2) the amount permitted to be expended for such purposes under subsection (e).

Section 2. Sections 1312(c) and 1313(b) of Title 74 are amended to read:

§ 1312. Community transportation programs.

(c) [Next fiscal year] Availability of funds.—Funds not expended under this section in the fiscal year in which they were made available shall not lapse and shall be available for use pursuant to this section in the next [fiscal year] succeeding fiscal years.

§ 1313. Additional programs.

(b) [Next fiscal year] Availability of funds.—Funds not expended under this section in the fiscal year in which they were made available shall not lapse and shall be available for use pursuant to this section in the next [fiscal year] succeeding fiscal years.

Section 3. Section 3102 of Title 75 is amended to read:

Amend Sec. 2, page 3, line 27, by striking out all of said line and inserting

Section 4. This act shall take effect as follows:

(1) The amendment of 75 Pa.C.S. § 3102 shall take effect in 60 days.

(2) The remainder of this act shall take effect immediately.

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

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

Mr. RYAN. Mr. Speaker, before running the next roll call, would you note the presence in the hall of the House of the lady, Mrs. Harley, and remove her from leave.

The SPEAKER pro tempore. We have already done that. Mr. RYAN. Thank you.

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

The following roll call was recorded:

YEAS—199

Acosta	Fargo	Lloyd	Santoni
Adolph	Farmer	Lucyk	Sather
Allen	Fee	Lynch	Saurman
Argall	Fichter	Maitland	Saylor
Armstrong	Fleagle	Manderino	Scheetz
Baker	Flick	Markosek	Schuler
Barley	Freeman	Marsico	Scrimenti
Battisto	Gamble	Masland	Semmel
Bebko-Jones	Gannon	Mayernik	Serafini
Belardi	Geist	McCall	Smith, B.
Belfanti	George	McGeehan	Smith, S. H.
Birmelin	Gerlach	McNally	Snyder, D. W.
Bishop	Gigliotti	Melio	Staback
Blau	Gladeck	Merry	Stairs
Boyes	Godshall	Michlovic	Steelman
Brown	Gordner	Micozzie	Steighner

Bunt	Gruitza	Mihalich	Steil
Butkovitz	Gruppo	Miller	Stern
Buxton	Haluska	Mundy	Stetler
Caltagirone	Hanna	Murphy	Stish
Cappabianca	Harley	Nailor	Strittmatter
Carn	Hasay	Nickol	Sturla
Carone	Hennessey	Nyce	Surra
Cawley	Herman	O'Brien	Tangretti
Cessar	Hershey	O'Donnell	Taylor, J.
Chadwick	Hess	Olasz	Thomas
Civera	Hughes	Oliver	Tigue
Clark	Hutchinson	Perzel	Tomlinson
Clymer	Itkin	Pesci	Trello
Cohen, L. I.	Jadlowiec	Petrarca	Trich
Cohen, M.	James	Petrone	True
Colafiglia	Jarolin	Pettit	Tulli
Colaizzo	Josephs	Phillips	Uliana
Conti	Kaiser	Piccola	Vance
Cornell	Kasunic	Pistella	Van Horne
Corrigan	Keller	Pitts	Veon
Cowell	Kenney	Platts	Vitali
Coy	King	Preston	Washington
Curry	Kirkland	Raymond	Waugh
Daley	Krebs	Reber	Williams
DeLuca	Kukovich	Richardson	Wogan
Dempsey	LaGrotta	Ritter	Wozniak
Dent	Laub	Roberts	Wright, D. R.
Dermody	Laughlin	Robinson	Wright, M. N.
Donatucci	Lawless	Roebuck	Yandrisevits
Druce	Lederer	Rohrer	Yewcic
Durham	Lee	Rooney	Zug
Egolf	Leh	Rublely	
Evans	Lescovitz	Rudy	DeWeese,
Fairchild	Levdansky	Ryan	Speaker
Fajt			

NAYS—0

NOT VOTING—0

EXCUSED—4

Bush	Reinard	Rieger	Taylor, E. Z.
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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—199

Acosta	Fargo	Lloyd	Santoni
Adolph	Farmer	Lucyk	Sather
Allen	Fee	Lynch	Saurman
Argall	Fichter	Maitland	Saylor
Armstrong	Fleagle	Manderino	Scheetz
Baker	Flick	Markosek	Schuler
Barley	Freeman	Marsico	Scrimenti
Battisto	Gamble	Masland	Semmel

Bebko-Jones	Gannon	Mayernik	Serafini
Belardi	Geist	McCall	Smith, B.
Belfanti	George	McGeehan	Smith, S. H.
Birmelin	Gerlach	McNally	Snyder, D. W.
Bishop	Gigliotti	Melio	Staback
Blaum	Gladeck	Merry	Stairs
Boyes	Godshall	Michlovic	Steelman
Brown	Gordner	Micozzie	Steighner
Bunt	Gruitza	Mihalich	Steil
Butkovitz	Gruppo	Miller	Stern
Buxton	Haluska	Mundy	Stetler
Caltagirone	Hanna	Murphy	Stish
Cappabianca	Harley	Nailor	Strittmatter
Carn	Hasay	Nickol	Sturla
Carone	Hennessey	Nyce	Surra
Cawley	Herman	O'Brien	Tangretti
Cessar	Hershey	O'Donnell	Taylor, J.
Chadwick	Hess	Olasz	Thomas
Civera	Hughes	Oliver	Tigue
Clark	Hutchinson	Perzel	Tomlinson
Clymer	Itkin	Pesci	Trello
Cohen, L. I.	Jadlowiec	Petrarca	Trich
Cohen, M.	James	Petrone	True
Colafiglia	Jarolin	Pettit	Tulli
Colaizzo	Josephs	Phillips	Uliana
Conti	Kaiser	Piccola	Vance
Cornell	Kasunic	Pistella	Van Horne
Corrigan	Keller	Pitts	Veon
Cowell	Kenney	Platts	Vitali
Coy	King	Preston	Washington
Curry	Kirkland	Raymond	Waugh
Daley	Krebs	Reber	Williams
DeLuca	Kukovich	Richardson	Wogan
Dempsey	LaGrotta	Ritter	Wozniak
Dent	Laub	Roberts	Wright, D. R.
Dermody	Laughlin	Robinson	Wright, M. N.
Donatucci	Lawless	Roebuck	Yandrisevits
Druce	Lederer	Rohrer	Yewcic
Durham	Lee	Rooney	Zug
Egolf	Leh	Rublely	
Evans	Lescovitz	Rudy	DeWeese,
Fairchild	Levdansky	Ryan	Speaker
Fajt			

NAYS—0

NOT VOTING—0

EXCUSED—4

Bush	Reinard	Rieger	Taylor, E. Z.
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk 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 974, PN 1733**, entitled:

An Act amending Title 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for the Public School Employees' Retirement System and the State Employees' Retirement System; adding and

amending certain definitions; further providing for older workers, for eligibility for and the computation of annuities and other retirement benefits, for contributions and other payments made by employers, for certain credited service, for the powers and duties of the Public School Employees' Retirement Board and the State Employees' Retirement Board, for the rights and duties of members, for the management of funds and accounts, for taxation, attachment and assignment of funds and for certain domestic relations matters.

On the question,

Will the House agree to the bill on third consideration?

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Cowell, who offers the following amendment, which the clerk will read.

Mr. COWELL. Mr. Speaker, I am waiting for the amendment to arrive from my office. It is going to take a minute. You might want to pass over it and go to the next one.

The SPEAKER pro tempore. Agreed to.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. KENNEY offered the following amendments No. A4602:

Amend Title, page 1, line 14, by inserting after "WORKERS,"

for nonintervening military service,

Amend Bill, page 63, by inserting after line 30

Section 8.1. Section 5304(e) of Title 71 is repealed.

Amend Sec. 9, page 64, line 1, by inserting after "5308.1,"

5505(b),

Amend Sec. 9, page 65, by inserting between lines 25 and

26

§ 5505. Contributions for the purchase of credit for creditable nonstate service.

* * *

(b) Nonintervening military service.—

(1) The amount due for the purchase of credit for military service other than intervening military service shall be determined by applying the member's basic contribution rate, the additional contribution rate plus the Commonwealth normal contribution rate for active members at the time of entry, subsequent to such military service, of the member into State service to his average annual rate of compensation over the first three years of such subsequent State service and multiplying the result by the number of years and fractional part of a year of creditable nonintervening military service being purchased together with statutory interest during all periods of subsequent State and school service to date of purchase. Upon application for credit for such service, payment shall be made in a lump sum within 30 days or in the case of an active member it may be amortized with statutory interest through salary deductions in amounts agreed upon by the member and the board. Application may be filed for all such military service credit upon completion of three years of subsequent State service and shall be credited as Class A service.

(2) Applicants may purchase credit as follows:

(i) one purchase of the total amount of creditable nonintervening military service; or

(ii) one purchase per 12-month period of a portion of creditable nonintervening military service.

The amount of each purchase shall be not less than one year of creditable nonintervening military service.

* * *

On the question,

Will the House agree to the amendments?

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

Mr. KENNEY. Thank you, Mr. Speaker.

Mr. Speaker, amendment A4602 would allow for multiple purchases of nonintervening military service with individual purchases of not less than 1 year of service credit being limited to one in each 12-month period.

Mr. Speaker, what this amendment does is, presently under current statute, veterans are only allowed to make a one-time purchase, whether they purchase their full benefit or not. This would allow military veterans to buy their military service back at 1-year intervals totaling their total credit that is owed to them.

Just for the cost, the actuarial note says that this amendment actually encourages members to commence the purchase of nonintervening military service at an earlier date than would have occurred under the current provisions. The multiple-purchase option will serve to reduce the additional unfunded actuarial accrued liabilities generated by such purchases and also improve the accuracy of the annual actuarial valuations and annual contributions to the State Employees' Retirement System.

I would ask members for their affirmative vote.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Evans.

Mr. EVANS. May I speak to the maker of the amendment for a second, Mr. Speaker?

(Conference held.)

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

Mr. EVANS. Thank you, Mr. Speaker. I would like to thank the members of the House.

Mr. Speaker, I have no problem with Representative Kenney's amendment. I support that amendment. Thank you, Mr. Speaker.

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

Mr. CAWLEY. Thank you, Mr. Speaker.

Mr. Speaker, would the gentleman just explain again what the amendment is? I cannot find it at my desk.

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

Mr. KENNEY. Thank you, Mr. Speaker.

What this amendment does is allow veterans to buy back their service time in multiple purchases. Presently they are only allowed a one-time purchase. I will say there is one constituent back home that is a State employee. He is entitled to 4 years of service time. He bought 2 years of service time and went back to buy the additional 2 years and they said, no, you cannot do that; you already made your one-time purchase.

So this would allow veterans to go buy their service time in multiple purchases; meaning, he could buy those 4 years in

yearly intervals instead of making a one-time purchase of the entire 4 years.

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	Fajt	Levdansky	Ryan
Adolph	Fargo	Lloyd	Santoni
Allen	Farmer	Lucyk	Sather
Argall	Fee	Lynch	Saurman
Armstrong	Fichter	Maitland	Saylor
Baker	Fleagle	Manderino	Scheetz
Barley	Flick	Markosek	Schuler
Battisto	Freeman	Marsico	Scriminti
Bebko-Jones	Gamble	Masland	Semmel
Belardi	Gannon	Mayernik	Serafini
Belfanti	Geist	McCall	Smith, B.
Birmelin	George	McGeehan	Smith, S. H.
Bishop	Gerlach	McNally	Snyder, D. W.
Blaum	Gigliotti	Melio	Staback
Boyes	Gladeck	Merry	Stairs
Brown	Godshall	Michlovic	Steelman
Bunt	Gordner	Micozzie	Steighner
Butkovitz	Gruitza	Mihalich	Stern
Buxton	Gruppo	Miller	Stetler
Caltagirone	Haluska	Mundy	Stish
Cappabianca	Hanna	Murphy	Strittmatter
Carn	Harley	Nailor	Sturla
Carone	Hasay	Nickol	Surra
Cawley	Hennessey	Nyce	Tangretti
Cessar	Herman	O'Brien	Taylor, J.
Chadwick	Hershey	O'Donnell	Thomas
Civera	Hess	Olasz	Tigue
Clark	Hughes	Oliver	Tomlinson
Clymer	Hutchinson	Petzel	Treffo
Cohen, L. I.	Itkin	Pesci	Trich
Cohen, M.	Jadlowiec	Petrarca	True
Colafella	James	Petrone	Tulli
Colaizzo	Jarolin	Pettit	Uliana
Conti	Josephs	Phillips	Vance
Cornell	Kaiser	Piccola	Van Horne
Corrigan	Kasunic	Pistella	Veon
Cowell	Keller	Pitts	Vitali
Coy	Kenney	Platts	Washington
Curry	King	Preston	Waugh
Daley	Kirkland	Raymond	Williams
DeLuca	Krebs	Reber	Wogan
Dempsey	Kukovich	Richardson	Wozniak
Dent	LaGrotta	Ritter	Wright, D. R.
Dermody	Laub	Roberts	Wright, M. N.
Donatucci	Laughlin	Robinson	Yandrisevits
Druce	Lawless	Roebuck	Yewcic
Durham	Lederer	Rohrer	Zug
Egolf	Lee	Rooney	
Evans	Leh	Rublely	DeWeese,
Fairchild	Lescovitz	Rudy	Speaker

NAYS—1

Steil

NOT VOTING—0

EXCUSED—4

Bush Reinard Rieger Taylor, F. Z.

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. NICKOL offered the following amendments No. A4604:

Amend Bill, page 37, by inserting between lines 28 and 29 Section 5.1. Section 8501(e) of Title 24 is amended and the section is amended by adding a subsection to read:
§ 8501. Public School Employees' Retirement Board.

(e) [Corporate power and legal advisor.—For the purposes of this part, the board shall possess the power and privileges of a corporation. The Attorney General of the Commonwealth shall be the legal advisor of the board.] Legal advisor.—The board shall constitute an "independent agency" under section 102 of the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act, with the full power and authority to hire and retain its own legal counsel.

(f) Corporate power.—For the purposes of this part, the board shall possess the power and privileges of a corporation.

Amend Sec. 6 (Sec. 8502), page 39, lines 17 and 18, by inserting brackets before and after "THE ATTORNEY GENERAL AND THE ACTUARY, ADOPT AND PROMULGATE" and inserting immediately thereafter

its counsel and actuary, adopt, promulgate, amend and repeal

Amend Sec. 11, page 75, lines 2 and 3, by striking out "SECTIONS 5901(A), 5902, 5905, 5907(F), (H) AND (K), 5908(B) AND (C), 5931 AND 5953 OF TITLE 71 ARE AMENDED" and inserting

Section 5901(a) and (e) of Title 71 are amended and the section is amended by adding a subsection

Amend Sec. 11, page 75, by inserting between lines 19 and 20

(e) [Corporate power and legal advisor.—For the purposes of this part, the board shall possess the power and privileges of a corporation. The Attorney General of the Commonwealth shall be the legal advisor of the board.] Legal advisor.—The board shall constitute an "independent agency" under section 102 of the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act, with the full power and authority to hire and retain its own legal counsel.

(f) Corporate power.—For the purposes of this part, the board shall possess the power and privileges of a corporation.

Section 11.1. Sections 5902, 5905, 5907(f), (h) and (k), 5908(b) and (c), 5931 and 5953 of Title 71 are amended to read:

Amend Sec. 11 (Sec. 5902), page 77, lines 2 and 3, by inserting a bracket before "THE" in line 2, where it appears the first time and after "SERVICES." in line 3

Amend Sec. 11 (Sec. 5902), page 78, lines 1 and 2, by inserting brackets before and after "THE ATTORNEY GENERAL AND THE ACTUARY, ADOPT AND PROMULGATE" and inserting immediately thereafter

its counsel and actuary, adopt, promulgate, amend and repeal

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

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

Mr. NICKOL. Thank you, Mr. Speaker.

This amendment would allow the State Employees' Retirement System and the Public School Employees' Retirement System to choose independent counsels. At present, the counsels that operate with these boards are assigned to the Governor's Office.

I think each of our caucuses has probably been on both sides of this issue at one time or another. I think we all probably realize, though, it is the proper thing to do.

There is no problem on the vast majority of actions these boards take. There is no problem with the present counsel to the Public School Employees' Retirement System, on which I serve, Mr. Jeff Clay. We are well satisfied with him. But there are points in time when the boards' interests as fiduciaries do sometimes come in conflict with the administration's position, administrations of either party.

I think it is the proper thing to do and the proper time to do it since we have a Governor with only 1 year left remaining in his term. I would urge all members to join together to do the right thing and allow these two boards to select their own independent counsels. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Evans.

Mr. EVANS. Mr. Speaker, I hope the members will listen very closely to this particular debate about this particular issue. I want the members to understand, Mr. Speaker, what the maker of the amendment is attempting to do.

Mr. Speaker, you need to know how individuals are appointed to these various boards. Mr. Speaker, basically, on both boards they are politically appointed. Let me repeat that: Mr. Speaker, every member that is appointed to the teachers board and to the State board is politically appointed.

Mr. Speaker, the gentleman now wants to get into politics in terms of who picks the legal services for both pension funds. Mr. Speaker, when the gentleman says to you he wants to pick independent counsel, the bottom line it comes down to, Mr. Speaker, is about who picks the lawyers for the pension funds? I would like to think, Mr. Speaker, that the current system, the current system that we have, although it is not a perfect system, Mr. Speaker, it stays away from what we better know as pin-striped patronage.

The people need to understand, Mr. Speaker, that the only thing the gentleman is attempting to do is to have both of these boards, which we both know tend to be political, pick their legal counsels. I am saying to you, Mr. Speaker, I like to think that is the wrong message people want to send regarding pension funds.

Mr. Speaker, those retirees who are out there today do not want us playing around with them regarding who the lawyers are for these various funds. I would ask you, Mr. Speaker, this is not the kind of climate, in my view, you need to get into, the business about who the lawyers are representing these particular funds. That again, Mr. Speaker, is business as usual.

I would ask, Mr. Speaker, that we vote a resounding "no" on this particular issue. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, for the second time, Mr. Nickol.

Mr. NICKOL. Thank you.

I must profess shock to find out that the board members on either of these boards are political, but I must say, I am very comforted to understand now that the Governor's Office itself is not political either.

I really think this is the proper thing to do. As I said, both caucuses have probably been on both sides of this issue in the past trying to protect the Governor of their own party. I believe Mr. Evans probably has voted in the past for independent counsel if he would check the record.

I think it is the proper thing to do. This administration only has one more year in office. I think it is the time to do it now with a lameduck administration. Let us do the right thing once. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Evans.

Mr. EVANS. Mr. Speaker, the first thing I would like to say to the gentleman is, no, I have never voted for independent counsel for the pension boards. That is the first thing I want to say.

Secondly, Mr. Speaker, I would like to just note to the members of how people are appointed on this board, from the Secretary of Education to the Treasurer of the Commonwealth of Pennsylvania to two members appointed by the Governor to members from the various unions that are involved and from members of the House.

Mr. Speaker, I will repeat what I said. I was describing to you how people are appointed. There are six elected individuals and there are nine appointed individuals, Mr. Speaker. Mr. Speaker, there is no way we know in this House that politics is not going to be involved in picking the legal counsel for both of these pension funds. Mr. Speaker, there is no way and no time we have to be playing politics around who the legal representation will be for these various pension funds.

Mr. Speaker, I state to the gentleman, I understand his intent, but this will not help him, Mr. Speaker. This again will be politics as usual. Mr. Speaker, I would encourage my colleagues to be "no" on this particular amendment, because I think that it sends the wrong message regarding these funds.

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—98

Adolph	Fairchild	Lee	Saurman
Allen	Fargo	Leh	Saylor
Argall	Farmer	Lynch	Scheetz
Armstrong	Fichter	Maitland	Schuler
Baker	Fleagle	Marsico	Semmel

Barley	Flick	Masland	Serafini
Birmelin	Gannon	Merry	Smith, B.
Boyes	Geist	Micozzie	Smith, S. H.
Brown	Gerlach	Miller	Snyder, D. W.
Bunt	Gladeck	Nailor	Stairs
Carone	Godshall	Nyce	Steil
Cawley	Gruppo	O'Brien	Stern
Cessar	Harley	Perzel	Strittmatter
Chadwick	Hasay	Pettit	Taylor, J.
Civera	Hennessey	Phillips	Tomlinson
Clark	Herman	Piccola	True
Clymer	Hershey	Pitts	Tulli
Cohen, L. I.	Hess	Platts	Uliana
Conti	Hutchinson	Raymond	Vance
Cornell	Jadlowiec	Reber	Vitali
Dempsey	Kenney	Rohrer	Waugh
Dent	King	Rublely	Wogan
Druce	Krebs	Ryan	Wright, M. N.
Durham	Laub	Sather	Zug
Egolf	Lawless		

NAYS—96

Battisto	Gamble	Markosek	Santoni
Bebko-Jones	George	Mayermik	Scrimenti
Belardi	Gigliotti	McCall	Staback
Belfanti	Gordner	McGeehan	Steighner
Bishop	Gruitza	McNally	Stetler
Blaum	Haluska	Melio	Stish
Butkovitz	Hanna	Michlovic	Sturla
Buxton	Hughes	Mihalich	Surra
Cappabianca	Itkin	Mundy	Tangretti
Carn	James	Murphy	Thomas
Cohen, M.	Jarolin	Olasz	Tigue
Colaella	Josephs	Oliver	Trello
Colaizzo	Kaiser	Pesci	Trich
Corrigan	Kasunic	Petrarca	Van Horne
Cowell	Keller	Petrone	Veon
Coy	Kirkland	Pistella	Washington
Curry	Kukovich	Preston	Williams
Daley	LaGrotta	Richardson	Wozniak
DeLuca	Laughlin	Ritter	Wright, D. R.
Dermody	Lederer	Roberts	Yandrisevits
Donatucci	Lescovitz	Robinson	Yewcic
Evans	Levdansky	Roebuck	
Fajt	Lloyd	Rooney	DeWeese,
Fee	Lucyk	Rudy	Speaker
Freeman	Manderino		

NOT VOTING—5

Acosta	Nickol	O'Donnell	Steelman
Caltagirone			

EXCUSED—4

Bush	Reinard	Rieger	Taylor, E. Z.
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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?

VOTE CORRECTION

The SPEAKER pro tempore. Does the gentleman, Mr. Steil, wish recognition?

Mr. STEIL. Mr. Speaker, I would just like to advise that on amendment 4602 I was recorded as voting in the negative. Unfortunately, I mixed up my switches and would like to be recorded as voting in the affirmative. Thank you.

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

GUEST INTRODUCED

The SPEAKER pro tempore. Could we have some order.

The House is honored to have a very distinguished guest visiting us today and also the guest of Representative Ivan Itkin. He is Eviatar Manor, Consul General of Israel, Chief Diplomatic Officer for Israel representing Pennsylvania, Ohio, West Virginia, Kentucky, Delaware, and southern New Jersey. Will the gentleman please rise and be recognized.

CONSIDERATION OF SB 974 CONTINUED

AMENDMENT A4604 RECONSIDERED

The SPEAKER pro tempore. The Chair is in possession of a reconsideration motion, which is requested by the gentlemen, Mr. Evans and Mr. Coy, who move that the vote by which amendment 4604 to SB 974, PN 1733, passed on the 7th day of December be reconsidered.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—199

Acosta	Fargo	Lloyd	Santoni
Adolph	Farmer	Lucyk	Sather
Allen	Fee	Lynch	Saurman
Argall	Fichter	Maitland	Saylor
Armstrong	Fleagle	Manderino	Scheetz
Baker	Flick	Markosek	Schuler
Barley	Freeman	Marsico	Scrimenti
Battisto	Gamble	Masland	Semmel
Bebko-Jones	Gannon	Mayermik	Serafini
Belardi	Geist	McCall	Smith, B.
Belfanti	George	McGeehan	Smith, S. H.
Birmelin	Gerlach	McNally	Snyder, D. W.
Bishop	Gigliotti	Melio	Staback
Blaum	Gladeck	Merry	Stairs
Boyes	Godshall	Michlovic	Steelman
Brown	Gordner	Micozzie	Steighner
Bunt	Gruitza	Mihalich	Steil
Butkovitz	Gruppo	Miller	Stern
Buxton	Haluska	Mundy	Stetler
Caltagirone	Hanna	Murphy	Stish
Cappabianca	Harley	Nailor	Strittmatter
Carn	Hasay	Nickol	Sturla
Carone	Hennessey	Nyce	Surra
Cawley	Herman	O'Brien	Tangretti
Cessar	Hershey	O'Donnell	Taylor, J.
Chadwick	Hess	Olasz	Thomas
Civera	Hughes	Oliver	Tigue
Clark	Hutchinson	Perzel	Tomlinson
Clymer	Itkin	Pesci	Trello
Cohen, L. I.	Jadlowiec	Petrarca	Trich
Cohen, M.	James	Petrone	True
Colaella	Jarolin	Pettit	Tulli

Colaizzo	Josephs	Phillips	Uliana
Conti	Kaiser	Piccola	Vance
Cornell	Kasunic	Pistella	Van Home
Corrigan	Keller	Pitts	Veon
Cowell	Kenney	Platts	Vitali
Coy	King	Preston	Washington
Curry	Kirkland	Raymond	Waugh
Daley	Krebs	Reber	Williams
DeLuca	Kukovich	Richardson	Wogan
Dempsey	LaGrotta	Ritter	Wozniak
Dent	Laub	Roberts	Wright, D. R.
Dermody	Laughlin	Robinson	Wright, M. N.
Donatucci	Lawless	Roebuck	Yandrisevits
Druce	Lederer	Rohrer	Yewcic
Durham	Lee	Rooney	Zug
Egolf	Leh	Rubley	
Evans	Lescovitz	Rudy	DeWeese,
Fairchild	Levdansky	Ryan	Speaker
Fajt			

NAYS—0

NOT VOTING—0

EXCUSED—4

Bush Reinard Rieger Taylor, E. Z.

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

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

The clerk read the following amendments No. A4604:

Amend Bill, page 37, by inserting between lines 28 and 29 Section 5.1. Section 8501(e) of Title 24 is amended and the section is amended by adding a subsection to read:
§ 8501. Public School Employees' Retirement Board.

* * *

(e) [Corporate power and legal advisor.—For the purposes of this part, the board shall possess the power and privileges of a corporation. The Attorney General of the Commonwealth shall be the legal advisor of the board.] Legal advisor.—The board shall constitute an "independent agency" under section 102 of the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act, with the full power and authority to hire and retain its own legal counsel.

(f) Corporate power.—For the purposes of this part, the board shall possess the power and privileges of a corporation.

Amend Sec. 6 (Sec. 8502), page 39, lines 17 and 18, by inserting brackets before and after "THE ATTORNEY GENERAL AND THE ACTUARY, ADOPT AND PROMULGATE" and inserting immediately thereafter

its counsel and actuary, adopt, promulgate, amend and repeal

Amend Sec. 11, page 75, lines 2 and 3, by striking out "SECTIONS 5901(A), 5902, 5905, 5907(F), (H) AND (K), 5908(B) AND (C), 5931 AND 5953 OF TITLE 71 ARE AMENDED" and inserting

Section 5901(a) and (e) of Title 71 are amended and the section is amended by adding a subsection

Amend Sec. 11, page 75, by inserting between lines 19 and 20

(e) [Corporate power and legal advisor.—For the purposes of this part, the board shall possess the power and privileges of a corporation. The Attorney General of the Commonwealth shall be the legal advisor of the board.] Legal advisor.—The board shall constitute an "independent agency" under section 102 of the act

of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act, with the full power and authority to hire and retain its own legal counsel.

(f) Corporate power.—For the purposes of this part, the board shall possess the power and privileges of a corporation.

Section 11.1. Sections 5902, 5905, 5907(f), (h) and (k), 5908(b) and (c), 5931 and 5953 of Title 71 are amended to read:

Amend Sec. 11 (Sec. 5902), page 77, lines 2 and 3, by inserting a bracket before "THE" in line 2, where it appears the first time and after "SERVICES." in line 3

Amend Sec. 11 (Sec. 5902), page 78, lines 1 and 2, by inserting brackets before and after "THE ATTORNEY GENERAL AND THE ACTUARY, ADOPT AND PROMULGATE" and inserting immediately thereafter

its counsel and actuary, adopt, promulgate, amend and repeal

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

The SPEAKER pro tempore. Before us is amendment A4604 to SB 974 that we just reconsidered.

On the amendment, the Chair recognizes the gentleman, Mr. Evans.

Mr. EVANS. Mr. Speaker, I want to reemphasize what I said earlier. What I said earlier, Mr. Speaker, is that the way that the current system works for the pension board is that the General Counsel assigns lawyers to both those pension funds. Mr. Speaker, what I indicated to you is that the only thing this amendment would do, in my particular opinion, is go about the business of playing the same kind of politics that unfortunately we are always accused of and we participate in. There is no reason and no basis, in my view, Mr. Speaker, for us to be moving in this particular direction, talking about an independent counsel. It is no more, Mr. Speaker, than politics as usual.

I am encouraging, Mr. Speaker, I would hope that this would not be a partisan issue, Mr. Speaker, but that we would understand that there is no way we will want to continue to get in the same old typical games about who handles the legal business.

Now, it is unfortunate, Mr. Speaker, from that last vote that people look at it strictly as a question of the Democrats control versus switching to the Republicans. But the bottom line, Mr. Speaker, is strictly about who handles the legal business on those pension funds. So you need to understand, Mr. Speaker, when you vote for something like this, that what you are basically saying is that you want to have politics as usual regarding the pension funds.

Mr. Speaker, the current system, in my view, is, no, it is not a perfect system, but if you move in this particular direction, Mr. Speaker, again you continue to send the message that you want politics as usual, and I would ask people to be "no" on this particular amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the minority leader, Mr. Ryan.

Mr. RYAN. Mr. Speaker, I confess, I, frankly, was not listening closely to the gentleman the first time he spoke on

this subject, and I disagree with the gentleman now that I have listened to him on this occasion.

It is true, having independent counsel might cost some money to pay these particular lawyers, but it costs money if they are on the State parole. So there really should not be any significant difference in the cost, whether it be the Counsel General having additional attorneys doing this work or the pension funds hiring attorneys to do the work.

I think what is important is that an independent agency—and I stress the words “independent agency”—be prepared and be able to get independent counsel. That is what is important. The turnpike has independent counsel. This agency, the General Assembly, when we have a difference with the executive branch, we hire our own lawyers and we pay for them. The pension board, why should we put members—and we do—why should we put members on the pension board? The House, the Senate, Republican and Democrat, are all represented there. We make a decision and perhaps the executive branch does not like our decision. We ask for a legal opinion. Regardless of what we think, somebody in the executive branch can tell the lawyer that they have assigned to us, give them an opinion that says they can or cannot do it as the executive wants rather than an independent legal opinion.

So I think being penny wise and pound foolish is the course of action that you are advocating, and I say that with a great deal of respect, because I am suggesting that the gentleman maybe in haste has not thought out the possible repercussions perhaps of having counsel that is not truly independent. It is tremendously important that independent agencies have independent counsel, and that is why they are called independent. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Evans.

Mr. EVANS. Mr. Speaker, the gentleman said some interesting things. The first thing he did is, he compared—and he is a lawyer, Mr. Speaker, and he certainly knows much more about this than I do, but I want to put a couple things on the record—he compared the fees of the General Counsel, Civil Service Office, with the private sector. I will be willing to bet you, Mr. Speaker, that the salaries that are made by the individuals in the General Counsel's Office, Mr. Speaker, do not compare to some major law firms in Pittsburgh, in Philadelphia, or whatever major firm across this State. When the gentleman says that I am only attempting, attempting in some way to control the cost, yes, I am, Mr. Speaker, because it is the retirees' money that we are playing with, first.

Secondly, Mr. Speaker, the gentleman fully knows that he has appointments on that board like we have appointments on that board and the Senate has appointments and the Governor has appointments. The gentleman knows, Mr. Speaker, if we do need independent counsel outside of the General Counsel that is responsible for this pension fund, he knows that I would be prepared, along with him, at any particular time to sign the letter to say to them that in a particular situation we may need an independent lawyer, but I do not believe, Mr. Speaker, in

this climate of trying to control the amount of money that we expend, Mr. Speaker, that we should turn around and do business as usual.

The gentleman admitted himself that I am just being a little “penny foolish”—I use that word—by opposing this particular amendment. I am saying to you, Mr. Speaker, it is nice to sit up here and think that this counsel is going to be independent when you and I know I just described to you how people are appointed on both these pension boards. I am saying to you, Mr. Speaker, that I believe that this would be a mistake and this again, Mr. Speaker, would be about the business of not—of not—looking out for the interest of the retirees.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I am going to suggest to the gentleman that he take a look at, oh, halfway down the second paragraph of the amendment, and if you look at the amendment—and this is something I, frankly, did not know until one of my staff people pointed it out to me—what this amendment does is, it puts the legal adviser of this independent agency under the Commonwealth Attorneys Act. Now, what that means, I am told, is that they are simply employees of the Commonwealth, the same ones you are talking about. They are just another employee of the Commonwealth, but they are attorney employees. They are not law firms out in Pittsburgh or Philadelphia or Dauphin County. They are full-time employees of the Commonwealth, the same way you have full-time employees of the Attorney General or the Counsel General.

Now, the gentleman is busy, so I will wait. I knew you were carrying on a conversation, so I thought I would wait for you.

If you look at this amendment, the attorneys are not—not—independent law firms. They are employees of the Commonwealth. Like your legal staff and my legal staff, these people would be part of the legal staff of the pension fund. They are not pin-striped patronage out of Pittsburgh or Dauphin County or Philadelphia or Delaware County. They are employees; they are under the Commonwealth Attorneys Act. I do not know whether you understand that distinction. These people are just like our lawyers here at the House. They are not outside attorneys.

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

Mr. EVANS. Mr. Speaker, both pension boards have attorneys now. I do not understand why there would be a need for this amendment. If you listen to the description that the gentleman just gave, if you listen to the description, what he said is that these individuals would be—

Mr. STRIIMATTER. Mr. Speaker, would the gentleman like to yield to ask for consent from the House to speak for a third time?

The SPEAKER pro tempore. Will the gentleman repeat his question.

Mr. STRITTMATTER. Would the speaker like to ask for permission to speak under unanimous consent or else to yield to speak for the third time?

The SPEAKER pro tempore. The gentleman is correct. It is his third time.

Does the gentleman wish to ask for unanimous consent?

Without objection, the gentleman is in order and may proceed.

Mr. EVANS. I thank the House members for allowing me to speak for the third time.

Mr. Speaker, if you listen to the gentleman, who described to you that these individuals would not be like some law firm in Pittsburgh or in Dauphin County or Philadelphia or wherever you may, I am saying to you, I am saying to you that they would be. I am saying to you that it would be outside counsel. I am saying to you, if you read and you understand this, that there is no need for this particular amendment. The gentleman knows full well for himself, if we need additional legal assistance, he knows that through his appointment and the appointments on this side and the appointments in the Senate, that we can request that of the General Counsel's Office; we can request that. We can make that happen. We do not need, Mr. Speaker, to put this language into law to state that, because the only thing it is—and I will repeat this again—it is no more than a form of pin-striped patronage.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the minority leader, Mr. Ryan.

Mr. RYAN. Mr. Speaker, just quickly in my own closing.

It is not pin-striped patronage. These are people who are employees of the pension board, and you are suggesting that if you need additional lawyers, you call up the Counsel General to get them. That is the very point of this. You want independence. You do not want to have to call the Counsel General to say I need a lawyer. You want the pension board to be able to act for the pension board. We have representation on the pension board. We want our representatives, yours and mine, to make a decision on what is going on, give us some advice that we need, and we do not want to have to go to the Counsel General and say, Counsel General, we need another lawyer to tell us what we should do. We want to be able to do it ourselves. We are independent. We are represented by legislators from all four caucuses as well as people from the Governor's Office.

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

Mr. NICKOL. Thank you, Mr. Speaker.

On the vast majority of actions our boards take, there is no problem with the present arrangements. But the boards' interests as fiduciaries, I want to emphasize, do come in conflict with administrations of either party now and then. Our present counsels serve two masters. I think we should do what is right and give these boards independent counsel. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—98

Adolph	Fairchild	Lee	Sather
Allen	Fargo	Leh	Saurman
Argall	Farmer	Lynch	Saylor
Armstrong	Fichter	Maitland	Scheetz
Baker	Fleagle	Marsico	Schuler
Barley	Flick	Masland	Semmel
Birmelin	Gannon	Merry	Serafini
Boyes	Geist	Micozzie	Smith, B.
Brown	Gerlach	Miller	S nith, S. H.
Bunt	Gladeck	Nailor	Snyder, D. W.
Carone	Godshall	Nickol	Stairs
Cawley	Gruppo	Nyce	Steil
Cessar	Harley	O'Brien	Stern
Chadwick	Hasay	Strittmatter	Strittmatter
Civera	Hennessey	Pettit	Taylor, J.
Clark	Herman	Phillips	Tomlinson
Clymer	Hershey	Piccola	True
Cohen, L. I.	Hess	Pitts	Tulli
Conti	Hutchinson	Platts	Uliana
Cornell	Jadlowiec	Raymond	Vance
Dempsey	Kenney	Reber	Waugh
Dent	King	Rohrer	Wogan
Druce	Krebs	Rublely	Wright, M. N.
Durham	Laub	Ryan	Zug
Egolf	Lawless		

NAYS—100

Acosta	Freeman	Markosek	Scrimenti
Battisto	Gamble	Mayermik	Staback
Bebko-Jones	George	McCall	Steelman
Belardi	Gigliotti	McGeehan	Steighner
Belfanti	Gordner	McNally	Stetler
Bishop	Gruitza	Melio	Stish
Blaum	Haluska	Michlovic	Sturla
Butkovitz	Hanna	Mihalich	Surra
Buxton	Hughes	Mundy	Tangretti
Caltagirone	Itkin	Murphy	Thomas
Cappabianca	James	Olasz	Tigue
Cam	Jarolin	Oliver	Trello
Cohen, M.	Josephs	Pesci	Trich
Colafella	Kaiser	Petrarca	Van Horne
Colaizzo	Kasunic	Petrone	Veon
Corrigan	Keller	Pistella	Vitali
Cowell	Kirkland	Preston	Washington
Coy	Kukovich	Richardson	Williams
Curry	LaGrotta	Ritter	Wozniak
Daley	Laughlin	Roberts	Wright, D. R.
DeLuca	Lederer	Robinson	Yandrisevits
Dermody	Lescovitz	Roebuck	Yewcic
Donatucci	Levdansky	Rooney	
Evans	Lloyd	Rudy	DeWeese,
Fajt	Lucyk	Santoni	Speaker
Fee	Manderino		

O'Donnell NOT VOTING—1

EXCUSED—4

Bush	Reinard	Rieger	Taylor, E. Z.
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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. NICKOL offered the following amendments No. A4609:

Amend Sec. 5 (Sec. 8348.3), page 37, line 20, by striking out "1995" and inserting
1994

Amend Sec. 10 (Sec. 5708.3), page 74, line 23, by striking out "1995" and inserting
1994

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

The SPEAKER pro tempore. The gentleman, Mr. Nickol, is in order and may proceed.

Mr. NICKOL. Thank you, Mr. Speaker.

Would the Appropriations Committee chairman kindly consent to interrogation on this legislation?

The SPEAKER pro tempore. The gentleman indicates that he will.

Mr. NICKOL. Mr. Speaker, the COLA (cost-of-living adjustment) proposed in SB 974 becomes effective on what date?

Mr. EVANS. Forgive me, Mr. Speaker, this is amendment A4608? A4609; my mistake, Mr. Speaker.

Excuse me. Mr. Speaker, I apologize to the gentleman that was asking the question. Could he—

The SPEAKER pro tempore. Will the gentleman please repeat his interrogation?

Mr. NICKOL. Shall I reiterate the question?

Mr. Speaker, the COLA proposed in SB 974 becomes effective on what date?

Mr. EVANS. Mr. Speaker, the COLA becomes effective July 1, 1994.

Mr. NICKOL. Mr. Speaker, does this mean the COLA will be paid to eligible retirees and included in each monthly retirement check beginning on July 1, 1994, and continuing through the 1994-95 fiscal year?

Mr. EVANS. Yes, Mr. Speaker.

Mr. NICKOL. Mr. Speaker, when will the cost of the COLA first be reflected in the State budget?

Mr. EVANS. Mr. Speaker, it will be reflected a year from the date that the COLA is implemented, Mr. Speaker.

Mr. NICKOL. Thank you, Mr. Speaker. I have completed my interrogation and would like to continue with some remarks.

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

Mr. NICKOL. The Appropriations Committee chairman's responses have confirmed what I have read in this legislation. I thought at first it might be a technical problem with the wrong year inadvertently inserted in the effective date, but I was obviously wrong.

SB 974 proposes a COLA for eligible retired State and public school employees beginning on July 1, 1994. Payments will be made throughout the 1994-95 fiscal year, but the cost of the COLA's will not be included in our State budget until 1 year later, in the 1995-96 fiscal year.

My amendment will change the effective date for the funding of the COLA's to commence with the beginning of benefits on July 1, 1994.

In realizing the game someone was playing with SB 974 and offering these amendments to correct the language, I fear I may somehow be interfering with Santa Claus during the month of December. So where is my Christmas spirit? Why should I quibble about such a little thing in government as paying as you go, especially when we can set new rules for ourselves. Balanced budgets, after all, are no fun, because they force you to choose between what you want and what you can afford. So who cares if we force the retirement systems to eat the first-year costs out of their assets.

It is Christmas, and it is indeed heartwarming to know that the Appropriations Committee chairman apparently still believes in Santa Claus. Ho, ho, ho; we will pass out Christmas gifts today and let the next Governor and the next session of the General Assembly figure out how to pay for them when they get hit with the State's share of the \$55.1-million first-year payment in 1995.

It is all in the holiday spirit. I am reminded of those Christmas retailers who urge you to charge your purchase today because they have a special deal and you will not need to make payments until March, only here we have a COLA: Buy it today for Christmas, delivery will be several months before the general election in 1994, and no one will need to begin making payments until July 1995. What a deal. Everyone should be merry.

Sometimes our parties seem to argue over God's political affiliation or who owns the American flag, but I fear my party cannot begin to contest Santa Claus after this brazen move.

My argument is not against the COLA's themselves, but if we want them, we should set priorities and pay for them. Even retirees who stand to benefit from the COLA question this method of funding. But no, instead someone has proposed we play a little game with ourselves and our constituents.

The COLA's price tag is \$55.1 million in first-year costs. Someone has apparently agreed to buy into the COLA but refuses to pay for it during the first year. Why? Because this will allow them to spread around what should be the State's share of the \$55.1 million and spend it on other programs in our upcoming State budget.

So who loses if we play this budget game by new rules? Obviously not the Appropriations Committee chairman. He wins big with the new rules, but all other Pennsylvanians lose if we break these rules by which we have always funded increased pension obligations.

The new rules make it much easier to spend more than we can afford, and if we can bend the rules this year by not funding the benefits in the first year, why not just put the limit back a little, 2 or more years in the future when it is politically expedient?

In 1995 a new Governor and a new General Assembly will be obligated for the State's share of the \$55.1 million in first-year costs. And what is worse, the programs funded by this

extra money in this year's budget will probably also carry over into next year, so we could even get a double whammy.

This is a lesson in how we build toward future budget disasters. We make decisions today out of budgetary or political convenience only to increase the costs on someone else somewhere else down the line.

I urge every member who has a sense of right and wrong to join us in supporting my amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes Mr. Evans.

Mr. EVANS. Mr. Speaker, again, what is so unfortunate is that again it is politics as usual.

When Governor Thornburgh was Governor in 1979, we did the exact same thing we are doing today. In 1979 when Governor Thornburgh was Governor, the gentleman may not know, but we did the exact same thing in 1979, one.

Two, Mr. Speaker, when we passed the Mellow bill a couple of years ago, we pushed the funding out a year, Mr. Speaker. We did it when we did the Mellow bill, Mr. Speaker. This is no new technique. This is not something that all of a sudden we discovered it, Mr. Speaker.

Number three, in this bill, Mr. Speaker, we have the prudent-person rule, and under that rule, Mr. Speaker, it will provide more flexibility to our pension funds so that we can generate much more revenue, so that a year out, Mr. Speaker, we can have much more revenue available to deal with this problem.

Mr. Speaker, so I point those three things out: We did this in 1979; we did this with the Mellow bill, Mr. Speaker; and the prudent person in there, which I can show the statistics, will provide more money to the pension fund as a result of the implementation of the prudent-person rule.

So I say, Mr. Speaker, that the gentleman's argument is politics as usual, that he wants to have a selective memory. And maybe he is not aware of that history, Mr. Speaker, but I want to put that history on the record that we did it in 1979 and we did it under the Mellow bill, and I would ask that there be a negative vote on this particular amendment. Thank you, Mr. Speaker.

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

Mr. LEE. Thank you, Mr. Speaker.

I was not intending to rise and speak on this issue, but I want to rise in support of Representative Nickol's amendment, because what Representative Evans is asking us to do today by voting for this bill is to vote for politics as usual. It was politics in 1979 when we did this, it was politics when we did it with the Mellow bill, and it will be politics if we do it now.

What Representative Nickol is trying to do is say let us not have politics as usual. If we are going to spend additional money, let us buck up and pay for it and not put it onto some other Governor or some other future legislator. Thank you very much.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Evans.

Mr. EVANS. Mr. Speaker, the gentleman certainly makes a very good point, but the reality of it is, Mr. Speaker, that members made their opinion clear last June that they would not support changes in this unless we dealt with the COLA.

Mr. Speaker, the retirees will receive their COLA's come July 1, 1994. The main thing is they will receive their COLA's. The only thing we are attempting to do, Mr. Speaker, with this language in this bill is a question of when we pay for it, Mr. Speaker, and I think that is very important to understand. The retirees will receive their COLA come July 1, 1994. That is the thing we heard from all members on the Democrat and the Republican side. But I stress again to you, Mr. Speaker, it is a question of when we pay for it.

I stated to you, Mr. Speaker, even though the gentleman stated that that was politics as usual in 1979, and the Mellow bill, Mr. Speaker, which we did about a year or 2 years ago, we did the very same thing, and, Mr. Speaker, I do not know that gentleman's vote, what he did on the Mellow bill, but I assure you, Mr. Speaker, and I do not know if many of you were aware, but we did the same thing on the Mellow bill no more than 2 years ago, Mr. Speaker.

So I am stressing to you that I believe that this would be a mistake, that I am asking you to be a negative on this particular amendment. 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—99

Adolph	Fargo	Leh	Saylor
Allen	Farmer	Lynch	Scheetz
Argall	Fichter	Maitland	Schuler
Armstrong	Fleagle	Marsico	Semmel
Baker	Flick	Masland	Serafini
Barley	Gannon	Merry	Smith, B.
Birmelin	Geist	Micozzie	Smith, S. H.
Boyes	Gerlach	Miller	Snyder, D. W.
Brown	Gladeck	Nailor	Stairs
Bunt	Godshall	Nickol	Steelman
Carone	Gruppo	Nyce	Steil
Cessar	Harley	O'Brien	Stern
Chadwick	Hasay	Perzel	Strittmatter
Civera	Hennessey	Pettit	Taylor, J.
Clark	Herman	Phillips	Tigue
Clymer	Hershey	Piccola	Tomlinson
Cohen, L. I.	Hess	Pitts	True
Conti	Hutchinson	Platts	Tulli
Cornell	Jadlowiec	Raymond	Uliana
Dempsey	Kenney	Reber	Vance
Dent	King	Rohrer	Waugh
Druce	Krebs	Rubley	Wogan
Durham	Laub	Ryan	Wright, M. N.
Egolf	Lawless	Sather	Zug
Fairchild	Lee	Saurman	

NAYS—99

Acosta	Fee	Lucyk	Rudy
Battisto	Freeman	Manderino	Santoni
Bebko-Jones	Gamble	Markosek	Scrimenti
Belardi	George	Mayermik	Staback
Belfanti	Gigliotti	McCall	Steighner
Bishop	Gordner	McGeehan	Stetler
Blaum	Gruitza	McNally	Stish
Butkovitz	Haluska	Melio	Sturla
Buxton	Hanna	Michlovic	Surra
Caltagirone	Hughes	Mihalich	Tangretti
Cappabianca	Itkin	Mundy	Thomas
Carn	James	Murphy	Trello
Cawley	Jarolin	Olasz	Trich
Cohen, M.	Josephs	Oliver	Van Horne
Colafrella	Kaiser	Pesci	Veon
Colaizzo	Kasunic	Petrarca	Vitali
Corrigan	Keller	Petrone	Washington
Cowell	Kirkland	Pistella	Williams
Coy	Kukovich	Preston	Wozniak
Curry	LaGrotta	Richardson	Wright, D. R.
Daley	Laughlin	Ritter	Yandrisevits
DeLuca	Lederer	Roberts	Yewcic
Dermody	Lescovitz	Robinson	DeWeese,
Donatucci	Levdansky	Roebuck	Speaker
Evans	Lloyd	Rooney	
Fajt			

NOT VOTING—1

O'Donnell

EXCUSED—4

Bush Reinard Rieger Taylor, E. Z.

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. COWELL offered the following amendment No. A4667:

Amend Sec. 7 (Sec. 8535), page 62, by inserting between lines 11 and 12

(3) The State Treasurer shall make payment to school entities of the Commonwealth's portion of the employer's liability under this section no later than five calendar days prior to the Public School Employees' Retirement Fund's payment due dates.

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

The SPEAKER pro tempore. The gentleman, Mr. Cowell, is in order and may proceed.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, this amendment deals with the issue of the State's share of the retirement system costs for school employees.

This amendment is intended to make sure that the State's share of that cost is forwarded to the school districts in a timely fashion and before the school district must make the full payment to the retirement system. We do not want the school

districts carrying the burden, the cash-flow burden, if you will, for the Commonwealth's share of the School Employees' Retirement System, and so this language requires that the State's share be sent to the school districts no later than 5 days before that date on which the school district must make payment to the School Employees' Retirement System.

I urge the approval of the amendment.

Mr. EVANS. Mr. Speaker, I support this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—197

Acosta	Fargo	Lucyk	Sather
Adolph	Farmer	Lynch	Saurman
Allen	Fee	Maitland	Saylor
Argall	Fichter	Manderino	Scheetz
Armstrong	Fleagle	Markosek	Schuler
Baker	Flick	Marsico	Scrimenti
Barley	Freeman	Masland	Semmel
Bebko-Jones	Gamble	Mayermik	Serafini
Belardi	Gannon	McCall	Smith, B.
Belfanti	Geist	McGeehan	Smith, S. H.
Birmelin	George	McNally	Snyder, D. W.
Bishop	Gertlach	Melio	Staback
Blaum	Gigliotti	Merry	Stairs
Boyes	Gladeck	Michlovic	Steelman
Brown	Godshall	Micozzie	Steighner
Bunt	Gordner	Mihalich	Steil
Butkovitz	Gruitza	Miller	Stern
Buxton	Gruppo	Mundy	Stetler
Caltagirone	Haluska	Murphy	Stish
Cappabianca	Hanna	Nailor	Strittmatter
Carn	Harley	Nickol	Sturla
Carone	Hasay	Nyce	Surra
Cawley	Hennessey	O'Brien	Tangretti
Cessar	Herman	O'Donnell	Taylor, J.
Chadwick	Hershey	Olasz	Thomas
Civera	Hess	Oliver	Tigue
Clark	Hutchinson	Perzel	Tomlinson
Clymer	Itkin	Pesci	Trello
Cohen, L. I.	Jadlowiec	Petrarca	Trich
Cohen, M.	James	Petrone	True
Colafrella	Jarolin	Pettit	Tulli
Colaizzo	Josephs	Phillips	Uliana
Conti	Kaiser	Piccola	Vance
Cornell	Kasunic	Pistella	Van Horne
Corrigan	Keller	Pitts	Veon
Cowell	Kenney	Platts	Vitali
Coy	King	Preston	Washington
Curry	Kirkland	Raymond	Waugh
Daley	Krebs	Reber	Williams
DeLuca	Kukovich	Richardson	Wogan
Dempsey	LaGrotta	Ritter	Wozniak
Dent	Laub	Roberts	Wright, D. R.
Dermody	Laughlin	Robinson	Wright, M. N.
Donatucci	Lawless	Roebuck	Yandrisevits
Druce	Lederer	Rohrer	Yewcic
Durham	Lee	Rooney	Zug
Egolf	Leh	Rublely	
Evans	Lescovitz	Rudy	DeWeese,
Fairchild	Levdansky	Ryan	Speaker
Fajt	Lloyd	Santoni	

NAYS—0

NOT VOTING—2

Battisto Hughes

EXCUSED—4

Bush Reinard Rieger Taylor, E. Z.

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. SCHULER offered the following amendments No. A4607:

Amend Sec. 1 (Sec. 8102), page 21, line 25, by striking out the bracket before "SERVING"

Amend Sec. 1 (Sec. 8102), page 21, lines 27 through 29, by striking out "[WORKING FULL TIME FOR OR" in line 27 and all of lines 28 and 29

Amend Sec. 1 (Sec. 8102), page 22, line 2, by striking out the brackets before and after "STATEWIDE"

Amend Sec. 1 (Sec. 8102), page 22, line 3, by striking out the bracket before "THAT"

Amend Sec. 1 (Sec. 8102), page 22, line 4, by striking out the bracket after "OFFICE;"

Amend Sec. 1 (Sec. 8102), page 22, line 8, by striking out the brackets before and after "STATEWIDE"

Amend Sec. 1 (Sec. 8102), page 22, line 9, by striking out the bracket before "AND"

Amend Sec. 1 (Sec. 8102), page 22, lines 17 through 19, by striking out "{ FOR SUCH SALARY, WAGES," in line 17 and all of lines 18 and 19

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The gentleman, Mr. Schuler, is in order and may proceed.

Mr. SCHULER. Thank you, Mr. Speaker.

What my amendment does is to change the present bill and provide that only officers of statewide organizations under the Public Employe Act would be reimbursed for their salary, benefits, and retirement. Under the present proposal, this would be eliminated, and the local officials of negotiating units could be receiving these reimbursements.

Number two, it puts back into the bill the two-term limit that was removed.

And number three, it puts back into the bill the fact that the Commonwealth will be reimbursed for retirement benefits that it would pay. Under the proposal, this has been eliminated.

I ask for your support on this amendment. Thank you, Mr. Speaker.

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

Mr. EVANS. Could I speak to the maker of the amendment, Mr. Speaker?

(Conference held.)

The SPEAKER pro tempore. Does the gentleman, Mr. Evans, wish to be recognized?

Mr. EVANS. Yes, Mr. Speaker.

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

Mr. EVANS. Mr. Speaker, I apologize to the members of the House. We were just attempting to— I was hoping to kind of come to some kind of resolution on what is viewed, in my view, as somewhat of a technical issue. But as a result, Mr. Speaker, I believe that we need not to accept this particular amendment, because, Mr. Speaker, when we passed the last retirement act in December of 1992, we inadvertently restricted the PSEA (Pennsylvania State Education Association) and PFT (Pennsylvania Federation of Teachers) members from the remaining part of the retirement system when they went on leave for collective-bargaining units. However, we did make special provisions, Mr. Speaker, for APSCUF (Association of Pennsylvania State College and University Faculties) and AFSCME (American Federation of State, County, and Municipal Employees). So, Mr. Speaker, the only thing we are attempting to do is to correct a problem where we, the General Assembly, made a mistake in December of 1992.

Current law only addresses retirement system members who are members of a statewide organization as opposed to a local organization. This amendment will make retroactive the retirement status of PSEA and PFT members on leave with collective-bargaining units for 1 year. The proposal only applies to people who are members of the school system and go on leave to serve with a collective-bargaining unit. So, Mr. Speaker, the only thing we are attempting to do is to correct a problem where we, the General Assembly, in December of 1992, where we made a mistake.

So I would ask us to be negative on this particular amendment, Mr. Speaker. Thank you.

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

Mr. SCHULER. Thank you, Mr. Speaker.

The gentleman is correct. There is some confusion in this area, but I think my amendment will help to restore some validity to this thing.

I would ask that the members think through this, and remember, there is a philosophical problem here. Are we, this legislature, going to subsidize the retirement of union officials who are going to be negotiating at the local level? I do not think we want to do that.

Now, there has been some confusion, but I think my amendment would correct that and the two other areas that I already spoke of. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Evans.

Mr. EVANS. Mr. Speaker, I state what I stated before. This is a practice, Mr. Speaker, that we have been performing for a number of years. I am stating to you, Mr. Speaker, that we now, that we now, Mr. Speaker, have to fix a mistake that we made in the General Assembly.

So I would ask on both sides of the aisle that we vote negative on the amendment, Mr. Speaker. 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—99

Adolph	Fairchild	Lee	Saurman
Allen	Fargo	Leh	Saylor
Argall	Farmer	Lynch	Scheetz
Armstrong	Fichter	Maitland	Schuler
Baker	Fleagle	Marsico	Semmel
Barley	Flick	Masland	Serafini
Birmelin	Gannon	Merry	Smith, B.
Boyes	Geist	Micozzie	Smith, S. H.
Brown	Gerlach	Miller	Snyder, D. W.
Bunt	Gladeck	Nailor	Stairs
Carone	Godshall	Nickol	Steil
Cawley	Gruppo	Nyce	Stern
Cessar	Harley	O'Brien	Strittmatter
Chadwick	Hasay	Perzel	Taylor, J.
Civera	Hennessey	Pettit	Tigue
Clark	Herman	Phillips	Tomlinson
Clymer	Hershey	Piccola	True
Cohen, L. I.	Hess	Pitts	Tulli
Conti	Hutchinson	Platts	Uliana
Cornell	Jadlowiec	Raymond	Vance
Dempsey	Kenney	Reber	Waugh
Dent	King	Rohrer	Wogan
Druce	Krebs	Rublely	Wright, M. N.
Durham	Laub	Ryan	Zug
Egolf	Lawless	Sather	

NAYS—100

Acosta	Freeman	Markosek	Santoni
Battisto	Gamble	Mayernik	Scrimenti
Bebko-Jones	George	McCall	Staback
Belardi	Gigliotti	McGeehan	Steelman
Belfanti	Gordner	McNally	Steighner
Bishop	Gruitza	Melio	Stetler
Blaum	Haluska	Michlovic	Stish
Butkovitz	Hanna	Mihalich	Sturla
Buxton	Hughes	Mundy	Surra
Callagirono	Itkin	Murphy	Tangretti
Cappabianca	James	O'Donnell	Thomas
Cara	Jarolin	Olasz	Trello
Cohen, M.	Josephs	Oliver	Trich
Colafella	Kaiser	Pesci	Van Horne
Colaizzo	Kasunic	Petrarca	Veon
Corrigan	Keller	Petrone	Vitali
Cowell	Kirkland	Pistella	Washington
Coy	Kukovich	Preston	Williams
Curry	LaGrotta	Richardson	Wozniak
Daley	Laughlin	Ritter	Wright, D. R.
DeLuca	Lederer	Roberts	Yandrisevits
Dermody	Lescovitz	Robinson	Yewcic
Donatucci	Levdansky	Roebuck	
Evans	Lloyd	Rooney	DeWeese,
Fajt	Lucyk	Rudy	Speaker
Fee	Manderino		

NOT VOTING—0

EXCUSED—4

Bush Reinard Rieger Taylor, E. Z.

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. STAIRS offered the following amendments No. A4622:

Amend Sec. 5 (Sec. 8348.3), page 36, lines 29 and 30; page 37, lines 1 and 2, by striking out all of said lines on said pages and inserting

July 1, 1988, through June 30, 1991	3.0%
July 1, 1985, through June 30, 1988	5.5%
July 1, 1982, through June 30, 1985	8.0%
On or prior to June 30, 1982	12.0%

Amend Sec. 5 (Sec. 8348.3), page 37, line 24, by striking out "1992" and inserting
1991

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

The SPEAKER pro tempore. The gentleman, Mr. Stairs, is in order and may proceed.

Mr. STAIRS. Thank you, Mr. Speaker.

I would ask if you would pass over this amendment temporarily while my fiscal and actuarial notes are being distributed. Does everybody have them?

The SPEAKER pro tempore. The gentleman will pause a moment.

Mr. STAIRS. Since they have been distributed, may I proceed then?

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

Mr. STAIRS. Thank you, Mr. Speaker.

I offer this amendment to correct a problem in the COLA distribution. Earlier this spring when the House was debating the school subsidy, the code word was "equity"; let us be fair to our school districts across the State. I assume that as we address the school subsidy for the next fiscal year, that will also be a key word that we will be using, "equity." I am asking equity in the COLA's for the retired teachers. I am asking for special consideration for retirees who retired before the escalation in teachers' pay over the last couple years.

We have many teachers, and I am sure each one of us can recall from our schooldays teachers who worked diligently and gave their all to the education of the Commonwealth. Well, many of these teachers who retired a number of years ago are now living at levels that we should be ashamed of as State legislators, and I would hope that in my proposed amendment, we change this COLA to give these teachers more equity and more fairness in their COLA increases.

It makes me wonder, in the wisdom of the legislature, a couple years ago when we passed the Mellow bill, the intent was to certainly reward teachers financially to get them to retire, to create new jobs, and also to bring new ideas into the

classroom. A reward was given to the teachers under the Mellow bill. We are rewarding them again, because many of the Mellow retirees—and I believe the number is 1,800—are going to get a COLA boost as the COLA bill is written in this bill. My amendment would correct that and also add extra incentive, extra COLA, to the many teachers who retired several years ago, who unfortunately are living at levels that we in the legislature cannot be proud to see happen.

So I would hope that you would support my amendment to make more fairness to retired teachers who retired many years ago and bring this COLA more in line to reality. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Evans.

Mr. EVANS. The problem with this amendment, Mr. Speaker, is that it treats the people who are in the teacher system different than it treats the people who are in the State system. Mr. Speaker, it removes the COLA for people retiring in 1991-92. The amendment will treat people who retire before 1988 different, whereas the proposed COLA in SB 974 treats people who retire before 1989 the same.

Mr. Speaker, the changes are for the school retirees only. There is no justification for this different treatment, Mr. Speaker. We have always made the same COLA available for teachers as we have the State system. Our proposal, Mr. Speaker, provides a COLA for people retiring in 1991-92, whereas the amendment provides no COLA—let me repeat that, Mr. Speaker—the amendment provides no COLA, Mr. Speaker, for those in the State retired system. Mr. Speaker, the amendment will treat people who retire before 1988 differently, but our COLA treats people who retire before 1989 the same.

I would ask, Mr. Speaker, that this would be a very unfortunate policy to establish, that we must treat both systems the same, and I would ask that it would be a negative vote on this particular amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Stairs.

Mr. STAIRS. Thank you, Mr. Speaker.

I will close very briefly by saying that the retired schoolteachers across the Commonwealth have supported my amendment over the present bill as it is written. So I want to inform the members that the retired teachers prefer the amendment that I offer. 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—99

Adolph	Fairchild	Lawless	Sather
Allen	Fargo	Lee	Saurman
Argall	Farmer	Leh	Saylor
Armstrong	Fichter	Lynch	Scheetz

Baker	Fleagle	Maitland	Schuler
Barley	Flick	Marsico	Semmel
Birmelin	Gamble	Masland	Serafini
Boyes	Gannon	Merry	Smith, B.
Brown	Geist	Micozzie	Smith, S. H.
Bunt	Gerlach	Miller	Snyder, D. W.
Carone	Gladeck	Nailor	Stairs
Cawley	Godshall	Nickol	Steil
Cessar	Gruppo	Nyce	Stem
Chadwick	Harley	O'Brien	Strittmatter
Civera	Hasay	Perzel	Taylor, J.
Clark	Hennessey	Pettit	Tomlinson
Clymer	Herman	Phillips	True
Cohen, L. I.	Hershey	Piccola	Tulli
Conti	Hess	Pitts	Uliana
Cornell	Hutchinson	Platts	Vance
Dempsey	Jadlowiec	Raymond	Wagh
Dent	Kenney	Reber	Wogan
Druce	King	Rohrer	Wright, M. N.
Durham	Krebs	Rublely	Zug
Egolf	Laub	Ryan	

NAYS—99

Acosta	Freeman	Markosek	Scrimanti
Battisto	George	Mayernik	Staback
Bebko-Jones	Gigliotti	McCall	Steelman
Belardi	Gordner	McGeohan	Steighner
Belfanti	Gruitza	McNally	Stetler
Bishop	Haluska	Melio	Stish
Blaum	Hanna	Michlovic	Sturla
Butkovitz	Hughes	Mihalich	Surra
Buxton	Itkin	Mundy	Tangretti
Caltagirone	James	Murphy	Thomas
Cappabianca	Jarolin	O'Donnell	Tigue
Cam	Josephs	Olasz	Trello
Cohen, M.	Kaiser	Oliver	Trich
Colafella	Kasunic	Pesci	Van Horne
Colaizzo	Keller	Petrarca	Veon
Corrigan	Kirkland	Petrone	Vitali
Cowell	Kukovich	Preston	Washington
Coy	LaGrotta	Richardson	Williams
Curry	Laughlin	Ritter	Wozniak
Daley	Lederer	Roberts	Wright, D. R.
DeLuca	Lescovitz	Robinson	Yandrisevits
Dermody	Levdansky	Roebuck	Yewcic
Donatucci	Lloyd	Rooney	
Evans	Lucyk	Rudy	DeWeese,
Fajt	Manderino	Santoni	Speaker
Fee			

NOT VOTING—1

Pistella

EXCUSED—4

Bush	Reinard	Rieger	Taylor, E. Z.
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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. EVANS offered the following amendments No. A4623:

Amend Sec. 3 (Sec. 8326), page 26, lines 13 through 15, by striking out "WHO" in line 13, all of line 14 and "2502 OF THE PUBLIC SCHOOL CODE" in line 15 and inserting that are school entities

Amend Sec. 3 (Sec. 8326), page 26, lines 17 through 19, by striking out "WHO" in line 17, all of line 18 and "SECTION 2502 OF THE PUBLIC SCHOOL CODE" in line 19 and inserting
that are not school entities

Amend Sec. 3 (Sec. 8326), page 26, lines 27 and 28, by striking out all of line 27 and "2502 OF THE PUBLIC SCHOOL CODE" in line 28 and inserting

are school entities
Amend Sec. 3 (Sec. 8326), page 27, lines 1 and 2, by striking out all of line 1 and "SECTION 2502 OF THE PUBLIC SCHOOL CODE" in line 2 and inserting

are not school entities
Amend Sec. 3 (Sec. 8327), page 27, lines 14 and 15, by striking out "RECEIVES PAYMENTS ON ACCOUNT OF" in line 14 and all of line 15 and inserting

is a school entity, the
Amend Sec. 3 (Sec. 8327), page 27, lines 28 through 30, by striking out "DOES NOT RECEIVE PAYMENTS ON" in line 28, all of line 29 and "SCHOOL CODE" in line 30 and inserting

is not a school entity
Amend Sec. 4 (Sec. 8329), page 30, lines 16 through 18, by striking out "WHO RECEIVES PAYMENTS ON" in line 16, all of line 17 and "SCHOOL CODE" in line 18 and inserting

that is a school entity
Amend Sec. 4 (Sec. 8329), page 30, line 20, by striking out "DISTRICTS" and inserting

entities
Amend Sec. 4 (Sec. 8329), page 30, line 21, by inserting after "1993,"

and who also had not previously been employed by any school entity within this Commonwealth

Amend Sec. 4 (Sec. 8329), page 30, line 21, by striking out "REIMBURSE" and inserting

pay
Amend Sec. 4 (Sec. 8329), page 30, line 22, by striking out "DISTRICT" and inserting

entity
Amend Sec. 4 (Sec. 8329), page 30, line 26, by striking out "DISTRICT" where it appears the first time and inserting

entity
Amend Sec. 4 (Sec. 8329), page 30, line 26, by striking out "DISTRICT" where it appears the second time and inserting

entity
Amend Sec. 4 (Sec. 8329), page 31, line 2, by striking out "REIMBURSE EACH SCHOOL DISTRICT" and inserting

pay each school entity
Amend Sec. 7 (Sec. 8535), page 61, line 8, by striking out "REIMBURSEMENT OF DISTRICTS" and inserting

payments to school entities
Amend Sec. 7 (Sec. 8535), page 61, line 10, by striking out "DISTRICT SHALL BE REIMBURSED" and inserting

entity shall be paid
Amend Sec. 7 (Sec. 8535), page 61, line 13, by striking out "REIMBURSE" and inserting

pay
Amend Sec. 7 (Sec. 8535), page 61, line 14, by striking out "DISTRICT" and inserting

entity
Amend Sec. 7 (Sec. 8535), page 61, line 18, by striking out "DISTRICTS" and inserting

entities
Amend Sec. 7 (Sec. 8535), page 61, line 18, by inserting after "1993,"

and who also had not previously been employed by any school entity within this Commonwealth

Amend Sec. 7 (Sec. 8535), page 61, line 25, by striking out "DISTRICT" and inserting

entity
Amend Sec. 7 (Sec. 8535), page 61, line 26, by striking out "DISTRICT" and inserting

Amend Sec. 7 (Sec. 8535), page 61, line 28, by striking out "AID RATIO"

Amend Sec. 7 (Sec. 8535), page 62, line 1, by striking out "REIMBURSE" and inserting

pay
Amend Sec. 7 (Sec. 8535), page 62, line 2, by striking out "DISTRICT" and inserting

entity
Amend Sec. 12 (Sec. 5955.1), page 103, line 26, by striking out "RELATES" and inserting

relate
Amend Sec. 21, page 105, line 29, by striking out "AMENDMENT" and inserting

addition
Amend Sec. 21, page 105, line 30, by striking out "5953(C)" and inserting

5953(a)(4)

On the question,

Will the House agree to the amendments?

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

Mr. EVANS. Mr. Speaker, this amendment is designed to correct some technical problems in the original version of SB 974 that relate to the equalization of State payments to school districts, vo-tech schools, and intermediate units for the costs of retirement and Social Security. The technical changes are needed so that these issues are addressed in the same manner they were when the House passed HB 1596 last May. The technical corrections assure that the equalization of retirement and Social Security payments apply to all school districts, vo-tech schools, and intermediate units covering employee contributions for employees hired after June 30, 1993, who never previously worked.

I would ask that we support this amendment. Thank you, Mr. Speaker.

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

Mr. RYAN. Mr. Speaker, may I interrogate the gentleman?

The SPEAKER pro tempore. The gentleman indicates that he will.

Mr. RYAN. Would the gentleman again explain exactly what this amendment does?

Mr. EVANS. Mr. Speaker, this amendment is to correct some technical problems that originally we had dealt with in HB 1596. Basically, the technical corrections assure that the equalization of retirement and Social Security payments apply to all school districts, vo-tech schools, and intermediate units covering employee contributions only for employees hired—

Mr. RYAN. All right. I thank the gentleman and agree with the gentleman.

Mr. EVANS. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—199

Acosta	Fargo	Lloyd	Santoni
Adolph	Farmer	Lucyk	Sather

Allen	Fec	Lynch	Saurman
Argall	Fichter	Maitland	Saylor
Armstrong	Fleagle	Manderino	Scheetz
Baker	Flick	Markosek	Schuler
Barley	Freeman	Marsico	Serimenti
Battisto	Gamble	Masland	Sennel
Bebko-Jones	Gannon	Mayermik	Serafini
Befardi	Geist	McCall	Smith, B.
Belfanti	George	McGeehan	Smith, S. H.
Birmelin	Gerlach	McNally	Snyder, D. W.
Bishop	Gigliotti	Melio	Staback
Blaum	Gladeck	Merry	Stairs
Boyes	Godshall	Michlovic	Steelman
Brown	Gordner	Micozzie	Steighner
Bunt	Gruitza	Mihalich	Steil
Butkovitz	Gruppo	Miller	Stern
Buxton	Haluska	Mundy	Stetler
Caltagirone	Hanna	Murphy	Stish
Cappabianca	Harley	Nailor	Strittmatter
Carn	Hasay	Nickol	Sturla
Carone	Hennessey	Nyce	Surra
Cawley	Herrman	O'Brien	Tangretti
Cessar	Hershey	O'Donnell	Taylor, J.
Chadwick	Hess	Olasz	Thomas
Civera	Hughes	Oliver	Tigue
Clark	Hutchinson	Perzel	Tomlinson
Clymer	Itkin	Pesci	Trello
Cohen, L. I.	Jadlowiec	Petrarca	Trich
Cohen, M.	James	Petrone	Truc
Colafella	Jarolin	Pettit	Tulli
Colaizzo	Josephs	Phillips	Uliana
Conti	Kaiser	Piccola	Vance
Cornell	Kasunic	Pistella	Van Horne
Corrigan	Keller	Pitts	Veon
Cowell	Kenney	Platts	Vitali
Coy	King	Preston	Washington
Curry	Kirkland	Raymond	Waugh
Daley	Krebs	Reber	Williams
DeLuca	Kukovich	Richardson	Wogan
Dempsey	LaGrotta	Ritter	Wozniak
Dent	Laub	Roberts	Wright, D. R.
Dermody	Laughlin	Robinson	Wright, M. N.
Donatucci	Lawless	Roebuck	Yandrisevits
Druce	Lederer	Rohrer	Yewcic
Durham	Lee	Rooney	Zug
Egolf	Leh	Rublely	
Evans	Lescovitz	Rudy	DeWeese,
Fairchild	Levdansky	Ryan	Speaker
Fajt			

NAYS—0

NOT VOTING—0

EXCUSED—4

ar.	Bush	Reinard	Rieger	Taylor, E. Z.
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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?

Th Mr. NYCE offered the following amendments No. A4631:

Amend Sec. 4 (Sec. 8329), page 30, line 30, by inserting after “.15,”

If the sum of all Commonwealth payments to school entities under this paragraph does not equal one-half the sum of the entire

employer's share for all such employees of all school entities, the payments to the school entities by the Commonwealth shall be proportionately reduced or increased to make the sum of all Commonwealth payments equal to one-half the sum of the entire employer's share for all such employees of all the school entities.

Amend Sec. 7 (Sec. 8535), page 61, line 18, by inserting after “TO”

the product of one-half of the sum of the percentages of

Amend Sec. 7 (Sec. 8535), page 61, line 30, by inserting after “.15.”

If the sum of all the payments under this subparagraph by school entities for a quarter does not equal one-half the sum of the percentages, as determined under section 8328, applied to the total compensation during the pay periods in the quarter of all such employees of all the school entities, the actuary shall compute and the board shall certify to the school entities an interim contribution rate for such employees for the following quarter proportionately reduced or increased to provide, as nearly as practicable, that the sum of all payments under this paragraph during the following quarter shall equal one-half the sum of the percentages, as determined under section 8328, applied to the total compensation during the pay periods in the following quarter of all such employees of all the school entities.

On the question,

Will the House agree to the amendments?

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

Mr. NYCE. Thank you, Mr. Speaker.

Mr. Speaker, the purpose of this amendment is to prevent the State from passing back to our local school districts another tax increase. What it says in effect is that a separate calculation will be made following the aid ratio calculation to compare the amount that would have been paid at the old 50-percent portion for the State. If there is an excess, that excess will be paid back to the local school districts proportionate to the amounts they receive under the new aid ratio formula.

Now, for those of you who have school districts that have an aid ratio less than 50 percent, if this bill passes, you have in effect passed a local tax increase. This is one way to insure that the State is not going to pocket money that normally would have gone to your districts and instead will be shared proportionately back by your local districts. I would hope that you would support this amendment and in effect help the local districts to pay for the pension and Social Security costs related to their employees.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Evans.

Mr. EVANS. Mr. Speaker, may I interrogate the maker of the amendment?

The SPEAKER pro tempore. The gentleman indicates that he will.

Mr. EVANS. Do you have a copy of the bill in front of you, Mr. Speaker?

Mr. NYCE. The amendment or the bill?

Mr. EVANS. Well, the amendment as well as the bill. What I am looking at, Mr. Speaker, there is something that is not clear to me about payment to school entities. It is section

8535 in the bill. It is on page 61. It is on page 61, section 8535. Do you have it, Mr. Speaker?

Mr. NYCE. Yes.

Mr. EVANS. What I am not clear about, Mr. Speaker, is, what is the exact intent relating to your amendment to that particular section? I am not clear on exactly what that means.

Mr. NYCE. My intent is that under the calculation as provided in the bill, the total of all those payments would be compared to the total which would have been paid on a 50-50 basis and any excess, as compared to that 50-50 calculation, would then be paid back to all the school districts on a proportionate-share basis.

Mr. EVANS. Mr. Speaker, can we put the House at ease for a second? I would like to speak to the maker of the amendment.

The SPEAKER pro tempore. The gentleman is in order.

(Conference held.)

Mr. EVANS. Mr. Speaker?

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

Mr. EVANS. I think that we have worked out an agreement, Mr. Speaker. The gentleman, the maker of the amendment, is going to describe, if we can, Mr. Speaker, if it is proper, to divide the amendment, and he will describe and I will be supportive of what he is trying to do.

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

PARLIAMENTARY INQUIRY

Mr. NYCE. Thank you, Mr. Speaker.

Mr. Speaker, I am requesting that we divide the amendment after the first paragraph, the last word, "entities," immediately before "Amend Sec. 7."

The SPEAKER pro tempore. Will the gentlemen, Mr. Evans and Mr. Nyce, come to the rostrum, please.

(Conference held at Speaker's podium.)

AMENDMENTS DIVIDED

The SPEAKER pro tempore. The amendment is divisible, and the gentleman, Mr. Nyce, is recognized to offer the first amendment, which ends with the word "entities."

On the question,

Will the House agree to part 1 of the amendments?

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

Mr. NYCE. Mr. Speaker, one more time on the amendment, please. Just quickly.

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

Mr. NYCE. I would urge all of my colleagues in the House to consider the amendment as divided. It does not accomplish all of what I had intended in the original amendment, but it certainly protects the school districts on the Social Security

portion of their contribution for retirement. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Mihalich.

Mr. MIHALICH. Mr. Speaker, I think I know, but would you clearly identify what portion we are voting on? I think it is the top, but would you confirm that, please?

The SPEAKER pro tempore. It is divided after the first paragraph. It ends at the word "entities."

Mr. MIHALICH. And the part above that is what we are voting on?

The SPEAKER pro tempore. Yes.

Mr. MIHALICH. Thank you.

On the question recurring,

Will the House agree to part 1 of the amendments?

The following roll call was recorded:

YEAS—199

Acosta	Fargo	Lloyd	Santoni
Adolph	Farmer	Lucyk	Sather
Allen	Fee	Lynch	Saurman
Argall	Fichter	Maitland	Saylor
Armstrong	Fleagle	Manderino	Scheetz
Baker	Flick	Markosek	Schuler
Barley	Freeman	Marsico	Scrimenti
Battisto	Gamble	Masland	Sermel
Bebko-Jones	Gannon	Mayernik	Serafini
Belardi	Geist	McCall	Smith, B.
Belfanti	George	McGeehan	Smith, S. H.
Birmelin	Gerlach	McNally	Snyder, D. W.
Bishop	Gigliotti	Melio	Staback
Blaum	Gladeck	Merry	Stairs
Boyes	Godshall	Michlovic	Steelman
Brown	Gordner	Micozzie	Steighner
Bunt	Gruitza	Mihalich	Steil
Butkowitz	Gruppo	Miller	Stern
Buxton	Haluska	Mundy	Stetler
Caltagirone	Hanna	Murphy	Stish
Cappabianca	Harley	Nailor	Strittmatter
Cam	Hasay	Nickol	Sturla
Carone	Hennessey	Nyce	Surra
Cawley	Herman	O'Brien	Tangretti
Cessar	Hershey	O'Donnell	Taylor, J.
Chadwick	Hess	Olasz	Thomas
Civera	Hughes	Oliver	Tigue
Clark	Hutchinson	Perzel	Tomlinson
Clymer	Itkin	Pesci	Trello
Cohen, L. I.	Jadlowiec	Petrarca	Trich
Cohen, M.	James	Petrone	True
Colafella	Jarolin	Pettit	Tulli
Colaizzo	Josephs	Phillips	Uliana
Conti	Kaiser	Piccola	Vance
Cornell	Kasunic	Pistella	Van Home
Corrigan	Keller	Pitts	Veon
Cowell	Kenney	Platts	Vitali
Coy	King	Preston	Washington
Curry	Kirkland	Raymond	Waugh
Daley	Krebs	Reber	Williams
DeLuca	Kukovich	Richardson	Wogan
Dempsey	LaGrotta	Ritter	Wozniak
Dent	Laub	Roberts	Wright, D. R.
Dermody	Laughlin	Robinson	Wright, M. N.
Donatucci	Lawless	Roebuck	Yandrisevits
Druce	Lederer	Rohrer	Yewcic

Durham	Lee	Rooney	Zug
Egolf	Leh	Rubley	
Evans	Lescovitz	Rudy	DeWeese,
Fairchild	Levdansky	Ryan	Speaker
Fajt			

NAYS—0

NOT VOTING—0

EXCUSED—4

Bush	Reinard	Rieger	Taylor, E. Z.
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The question was determined in the affirmative, and part 1 of the amendments was agreed to.

PART 2 OF AMENDMENTS WITHDRAWN

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Nyce, who withdraws the second portion of the amendment.

On the question recurring,

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

Mr. TIGUE offered the following amendment No. A4676:

Amend Sec. 10 (Sec. 5708.3), page 74, lines 21 through 23, by striking out "FUNDED IN" in line 21, all of lines 22 and 23 and inserting

fully funded by the Commonwealth.

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

The SPEAKER pro tempore. The gentleman, Mr. Tigue, is in order and may proceed.

Mr. TIGUE. Mr. Speaker, I would like to withdraw that 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?

MOTION TO SUSPEND RULES

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

Mr. TIGUE. Mr. Speaker, the amendment I just withdrew was drafted because, I guess, a lack of proper communications, so it was not drafted to the right section to do the right thing. Therefore, I have an amendment 4762.

I would like to ask that we suspend the rules in order that I offer amendment 4762, which says that the liability for the public school employees' portion will be paid exclusively by the Commonwealth and the school districts will not have to pay a share of that.

On the question,

Will the House agree to the motion?

The SPEAKER pro tempore. Will the House be at ease for a moment.

The Chair recognizes the gentleman, Mr. Evans.

Mr. EVANS. Mr. Speaker, I know it is not normal practice to oppose a suspension of the rules, but I was attempting to explain to the gentleman that even if he were successful at suspending the rules for his amendment to be entertained, my understanding, based on the Parliamentarian, is that this must have an actuarial note from the actuarial study commission, and that is a State law. It is not a rule that we can suspend. So in that particular case, Mr. Speaker, my understanding is that this particular amendment would be out of order and we could not entertain it, based on the fact that it does not have an actuarial letter or a note stating how it affects the retirement fund.

AMENDMENT RULED OUT OF ORDER

The SPEAKER pro tempore. The gentleman is correct, and the Chair is not aware of any actuarial note that reflects on the amendment, so the amendment is out of order.

RULING OF CHAIR APPEALED

Mr. TIGUE. Mr. Speaker?

The SPEAKER pro tempore. The Chair recognizes the gentleman.

Mr. TIGUE. Mr. Speaker, I challenge the ruling of the Chair.

The SPEAKER pro tempore. Shall the decision of the Chair stand as the judgment of the House? Those in favor of sustaining the Chair's decision will vote "aye"; those opposed will vote "no."

On the question,

Will the House sustain the ruling of the Chair?

(Members proceeded to vote.)

VOTE STRICKEN

Mr. RYAN. Mr. Speaker, would you strike the roll call so I have an opportunity—

The SPEAKER pro tempore. The clerk will strike the vote. The Chair recognizes the minority leader, Mr. Ryan.

Mr. RYAN. Mr. Speaker, I apologize to the House. I was in a private conversation with the Speaker. I did not have an opportunity to hear the objection, nor did I have an opportunity to hear the ruling of the Chair, and I wonder if the Chair would restate the question that is being appealed from.

The SPEAKER pro tempore. The objection was made simply because the amendment did not have an actuarial note.

Under Title 43 of the Pennsylvania Statutes, section 1407, "Note required for amendments.—Except as otherwise provided in subsection (f)(2), no amendment to any bill concerning any public employee pension or retirement plan shall be considered by either House of the General Assembly until an actuarial

note prepared by an enrolled pension actuary has been attached."

PARLIAMENTARY INQUIRY

Mr. RYAN. Mr. Speaker, point of parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his point of inquiry.

Mr. RYAN. My recollection is somewhat dimmed, but your Parliamentarian perhaps could enlighten maybe all of us. It is in my mind that the question of an actuarial note is not a subject that is a rule of the House but rather is a statutory provision. Is that what you have just referred to, or is that—

The SPEAKER pro tempore. The gentleman is correct.

Mr. RYAN. I am inclined, Mr. Speaker, to agree with the ruling of the Chair, and I am going to ask my members to agree with the Chair, that this is statutory and we cannot suspend the rules because we cannot suspend a statute of this State.

The SPEAKER pro tempore. The Chair thanks the gentleman.

THE SPEAKER (H. WILLIAM DeWEESE) PRESIDING

PARLIAMENTARY INQUIRY

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

Mr. FAIRCHILD. Mr. Speaker, a point of parliamentary inquiry.

The SPEAKER. The gentleman will state his point.

Mr. FAIRCHILD. Mr. Speaker, there is not an amendment before us, and I think the motion was to suspend the rules. Can you rule on the actuarial note on an amendment before you suspend the rules to discuss that amendment?

The SPEAKER. The gentleman, Mr. Fairchild, should note that the point of order was raised in anticipation of the lack of an actuarial note being brought to our attention. So the point of order was correct.

Mr. FAIRCHILD. To suspend the rules then, you must identify a specific amendment and the reason you are requesting the suspension of the rules?

The SPEAKER. Yes.

Mr. FAIRCHILD. Thank you.

On the question recurring,

Will the House sustain the ruling of the Chair?

Mr. TIGUE. Mr. Speaker, may I speak on it?

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

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, if I were changing the pensions, I would support the ruling of the Chair. However, the amendment I am offering has no effect whatsoever on the pension bill before us. All the actuarial notes are in place. Any fiscal notes have been satisfied, evidently. My amendment just says, let us decide who pays for it. It has no effect on that person's pension. I do

not change anything to do with the pensions, but the funding must come from either the State, in the situation of the School Employees' Retirement System, and the school districts. This does not come out of the pension fund. So I would say that my amendment does not affect the pensions or the language regarding pensions in the bill. My amendment says that we will fully fund it, and obviously, we are fully mandating it. Thank you.

The SPEAKER. Just for the benefit of the membership and for additional clarification of the record, the Chair would like to restate Title 43 of the Pennsylvania Statutes, section 1407, section 1407, "Except as otherwise provided in subsection (f)(2)"—and the gentleman, Mr. Tigue's point is addressed here—"no amendment"—"no amendment"—it does not say fiscal—"no amendment to any bill concerning any public employee pension or retirement plan shall be considered by either House of the General Assembly until an actuarial note prepared by an enrolled pension actuary has been attached." The Chair just offers that for additional clarification.

On the question recurring,

Will the House sustain the ruling of the Chair?

The following roll call was recorded:

YEAS—179

Acosta	Evans	Lucyk	Santoni
Adolph	Fajt	Lynch	Sather
Allen	Fargo	Maitland	Saurman
Argall	Farmer	Manderino	Saylor
Armstrong	Fee	Markosek	Scheetz
Baker	Fichter	Marsico	Schuler
Barley	Fleagle	Masland	Scrimenti
Battisto	Gannon	Mayernik	Semmel
Bebko-Jones	Geist	McCall	Smith, B.
Belardi	George	McGeehan	Smith, S. H.
Belfanti	Gerlach	McNally	Snyder, D. W.
Birmelin	Gigliotti	Merry	Staback
Bishop	Gladeck	Michlovic	Steighner
Blaum	Godshall	Micozzie	Steil
Boyes	Gordner	Mihalich	Stern
Brown	Gruitza	Miller	Stetler
Bunt	Gruppo	Mundy	Stish
Butkovitz	Haluska	Murphy	Strittmatter
Buxton	Harley	Nailor	Sturla
Caltagirone	Hennessey	Nickol	Surra
Cappabianca	Herman	O'Brien	Tangretti
Carn	Hershey	Olasz	Taylor, J.
Cessar	Hess	Oliver	Thomas
Chadwick	Hughes	Perzel	Tomlinson
Civera	Hutchinson	Pesci	Trello
Clark	Itkin	Petrarca	Trich
Clymer	Jadlowiec	Petrone	True
Cohen, L. I.	James	Pettit	Tulli
Cohen, M.	Jarolin	Phillips	Uliana
Colafella	Josephs	Piccola	Vance
Colaizzo	Kaiser	Pistella	Van Home
Conti	Kasunic	Pitts	Veon
Cornell	Keller	Preston	Washington
Corrigan	Kenney	Raymond	Waugh
Cowell	King	Reber	Williams
Coy	Kirkland	Richardson	Wogan
Curry	Kukovich	Ritter	Wozniak
Daley	LaGrotta	Roberts	Wright, D. R.
DeLuca	Laughlin	Robinson	Wright, M. N.
Dempsey	Lederer	Roebuck	Yandrisevits

Dent	Lee	Rohrer	Yewcic
Dermody	Leh	Rooney	Zug
Donatucci	Lescovitz	Rubley	
Druce	Levdansky	Rudy	DeWeese,
Durham	Lloyd	Ryan	Speaker
Egolf			

NAYS—18

Carone	Gamble	Lawless	Serafini
Cawley	Hanna	Nyce	Steelman
Fairchild	Hasay	O'Donnell	Tigue
Flick	Krebs	Platts	Vitali
Freeman	Laub		

NOT VOTING—2

Melio	Stairs
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EXCUSED—4

Bush	Reinard	Rieger	Taylor, E. Z.
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The majority having voted in the affirmative, the question was determined in the affirmative and the ruling of the Chair was sustained.

Mr. RYAN. Mr. Speaker?

The SPEAKER. Mr. Ryan.

Mr. RYAN. Again I did not notice it, but I am told that the board lit up yellow. That seems to be an appropriate third choice in many cases.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

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

Mr. ADOLPH offered the following amendments No. A4561:

Amend Title, page 1, lines 16 and 17, by striking out "FOR CONTRIBUTIONS AND OTHER PAYMENTS MADE BY EMPLOYERS,"

Amend Sec. 3, page 26, lines 4 through 30; page 27, lines 1 through 30, by striking out all of said lines on said pages

Amend Sec. 4, page 28, line 1, by striking out "4" and inserting

3

Amend Sec. 4, page 28, line 1, by striking out "8329(A),"

Amend Sec. 4 (Sec. 8329), page 30, lines 6 through 30; page 31, lines 1 through 6, by striking out all of said lines on said pages

Amend Sec. 5, page 36, line 12, by striking out "5" and inserting

4

Amend Sec. 6, page 37, line 29, by striking out "6" and inserting

5

Amend Sec. 7, page 57, line 22, by striking out "7" and inserting

6

Amend Sec. 7 (Sec. 8535), page 61, lines 8 through 30; page 62, lines 1 through 11, by striking out all of said lines on said pages

Amend Sec. 8, page 62, line 12, by striking out "8" and inserting

7

Amend Sec. 9, page 64, line 1, by striking out "9" and inserting

8

Amend Sec. 10, page 73, line 15, by striking out "10" and inserting

9

Amend Sec. 11, page 75, line 2, by striking out "11" and inserting

10

Amend Sec. 12, page 99, line 18, by striking out "12" and inserting

11

Amend Sec. 13, page 103, line 28, by striking out "13" and inserting

12

Amend Sec. 14, page 104, line 5, by striking out "14" and inserting

13

Amend Sec. 15, page 104, line 8, by striking out "15" and inserting

14

Amend Sec. 16, page 104, line 15, by striking out "16" and inserting

15

Amend Sec. 17, page 104, lines 21 through 25, by striking out all of said lines

Amend Sec. 18, page 104, line 26, by striking out "18" and inserting

16

Amend Sec. 19, page 104, line 29, by striking out "19" and inserting

17

Amend Sec. 20, page 105, line 26, by striking out "20" and inserting

18

Amend Sec. 21, page 105, line 29, by striking out "21" and inserting

19

Amend Sec. 22, page 106, line 2, by striking out "22" and inserting

20

Amend Sec. 23, page 106, line 4, by striking out "23" and inserting

21

Amend Sec. 23, page 106, line 6, by striking out "25(4)" and inserting

23(4)

Amend Sec. 23, page 106, line 14, by striking out "25" and inserting

23

Amend Sec. 23, page 106, line 19, by striking out "25" and inserting

23

Amend Sec. 24, page 106, line 23, by striking out "24" and inserting

22

Amend Sec. 24, page 106, line 25, by striking out "25(4)" and inserting

23(4)

Amend Sec. 25, page 106, line 26, by striking out "25" and inserting

23

Amend Sec. 25, page 106, lines 26 and 27, by striking out "20, 21 AND 22" and inserting

18, 19 and 20

Amend Sec. 25, page 106, line 28, by striking out "OR ADDITION"

Amend Sec. 25, page 106, lines 29 and 30, by striking out "AND OF 24 P.A.C.S. §§ 8326, 8327, 8329 and 8535"

Amend Sec. 25, page 107, line 6, by striking out "13" and inserting

12

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, Mr. Adolph is recognized.

Mr. ADOLPH. Thank you, Mr. Speaker.

Amendment 4561 to SB 974 reverses the language regarding the State's contribution for Social Security and pension contributions to the current law. Under the current law, the State contributes 50 percent and the school districts contribute 50 percent to the teachers' pension plan as well as their Social Security. Under SB 974 they change it to be based on the aid ratio. In over 200 school districts, they will receive less money from the State than they are now receiving. In some school districts, they are going to have to pay 85 percent of the contribution for both the employer's share of Social Security as well as the pension plan.

I do not believe that Robin Hood economics will work under this SB 974. All we are going to be doing is going to be raising local school taxes that are already escalating out of hand.

I urge my colleagues to vote for this amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Vitali.

Mr. VITALI. I rise in support of the Adolph amendment.

I think those of us from so-called wealthier school districts should realize that to vote against this amendment is to vote against the interests of our constituents. I think what it means to vote against this amendment is to vote for tax increases and to further put behind the eight ball the plight of the senior citizens in our district. This is a seductive amendment in that the fiscal costs will not be immediately apparent, but as years pass and more and more employees come under this, this will be an ever-increasing burden on our overly taxed school districts already.

I strongly urge my colleagues to support Mr. Adolph's amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

Mr. Cowell is recognized.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I urge that we defeat the amendment which is being offered.

The amendment which is being offered would undermine the attempt in this legislation to promote the issue of school finance equity, a task that this legislature began to tackle with the support of almost two-thirds of the members during this past summer's budget fight. The language in the current bill represents a small effort, a very modest effort, to continue us on that track towards school finance equity. It would indeed, as the maker of the amendment suggests, change the way we distribute several hundreds of millions of State dollars to school districts for the purpose of paying a share of the cost for retirement and Social Security.

Mr. Speaker, the current system, frankly, is indefensible if we accept the fact that we are to use our State dollars to level the playing field for kids in all of the 501 school districts. The fact is, under the current system, Mr. Speaker, we send a disproportionate share of those several hundreds of millions of

dollars to the very richest districts in this State. Mr. Speaker, we do currently carry, have the State carry 50 percent of the cost for retirement and Social Security for every employee in every school district. Now, think about it for a minute, Mr. Speaker. What that means is that for those districts that are the very richest, which will tend to have the highest average salaries and also tend to have more employees per student or per hundred students, we send a larger share of State dollars to those kinds of districts than we do to poorer districts that will have more modest salaries and typically fewer employees per hundred students.

The evidence is even more clear, Mr. Speaker, if we simply look at a printout that describes how many State dollars go under the current system to each school district per average daily membership, per child, if you will. Mr. Speaker, the Upper Merion Area School District in Montgomery County, one of the richest districts in the State with an aid ratio of .15, currently gets \$711 per student as we distribute those dollars, \$711; meanwhile the Mount Pleasant School District, one of the poorer school districts in this State with an aid ratio of .6695, gets only \$251. Representative Stairs represents a district that gets one-third of the amount of money for retirement and Social Security per student as do other districts represented by legislators who come out of Montgomery County, for instance.

Mr. Speaker, this is not a partisan issue. This legislature decided this past summer, when we began to deal with the school finance equity question, that we are not separated by Republican and Democratic politics on this issue. We are separated by whether we want to improve a system or perpetuate a system that is indefensible and is driving the school districts of this Commonwealth into court to have our current system declared unconstitutional.

The language in Representative Evans' bill does not completely turn this system around. It simply says that rather than forever perpetuating this problem, this inequity, as Mr. Adolph would have us do, we want to begin to change it, not for all employees but for all new employees who are hired prospectively by the school districts of this State, and so school districts would continue to get the sum that they have received for former employees, but as they hire new people, the retirement and Social Security share carried by the State will be calculated by considering the relative wealth or poverty in that district. The State will continue to spend the same amount of money in terms of the whole pot, but we will begin to use those dollars more equitably.

Mr. Speaker, let me be a little bit more specific in terms of the disparity. If we look at the district that is represented by Representative Adolph, I understand why he would support this amendment. Three of the four school districts in his legislative district have an aid ratio of .15, and those districts get \$577, \$681, and \$483 per WADM (weighted average daily membership) as a State share for retirement and Social Security. And I understand why Mr. Vitali would join in supporting this amendment, because the two districts he represents also have aid ratios of .15, and those districts get

\$485 and \$681 respectively as a State share for retirement and Social Security.

But, Mr. Speaker, if we look at some other districts, for instance, the districts represented by Representative Carone, we will find that her school districts get only \$317, \$329, \$332, \$311, and \$288 per student, while Mr. Adolph's amendment would protect districts that are getting \$711, \$697, \$681, \$647, and so on and so forth.

Now, Mr. Speaker, I could go through the printout and note that many legislators, Republican and Democrat alike, have a great interest in promoting more fairness to this system, more equity to this system. The Republican chair of the Education Committee, who I know shares concerns about school finance equity, represents a set of districts that would get only \$299 or, I should say, currently get only \$299, \$337, \$282, \$346, and \$251. That is Mount Pleasant again, one of the poorest districts in this State.

Representative Lynch, who comes from one of our more rural school districts—

Mr. RYAN. Mr. Speaker?

The SPEAKER. The Chair recognizes the gentleman from Delaware County.

Mr. RYAN. Now, I am not raising this as a point of order; I am calling the attention of the Chair to the fact that the gentleman is now going through a litany of members' names, which this Chair has criticized me for in the past, and I am just letting you know that it is going on so that I am not criticized in the future.

The SPEAKER. The Chair thanks the gentleman.

Mr. COWELL. Mr. Speaker, the legislator who represents the 65th Legislative District, which has school districts that get only \$303, \$282, and \$316 per student, under this amendment is asked to protect the interests of those districts included in the 168th Legislative District, which includes four of the richest school districts in this State, all of which have aid ratios of .15 that get Social Security and retirement figures in excess of \$500 per student.

Mr. Speaker, I will not continue with the list, but let me emphasize to members that if you represent, in whole or in part, school districts that have an aid ratio of .50 or higher, you have a direct and immediate interest in making this system work more fairly.

Mr. Speaker, I would suggest to those of us who represent one or more districts that may in fact be a richer district, we have an interest in solving this problem here in the legislature. If we do not solve it, and we do not need to solve it overnight, but if we do not take this task seriously and begin to address obvious inequities, such as how we distribute \$600 or \$700 million of retirement and Social Security money, we are inviting the court to come in and do it for us, and that case is getting closer and closer. Two hundred of our school districts are now suing this State in Commonwealth Court, and Commonwealth Court is going to begin to take up this issue this coming spring, and if we do not demonstrate a willingness and the courage and the consistency to begin to address these serious problems, we will invite intervention by the court that

will be far more precipitous and far more costly, especially to the richer school districts of this State.

So for those reasons, Mr. Speaker, I urge that we defeat the amendment.

The SPEAKER. Mr. Lynch.

Mr. LYNCH. Thank you, Mr. Speaker.

I had planned on rising and speaking on this bill prior to my colleague, the majority chairman of the Education Committee, bringing my district to the attention of the House, and I want to concur with my colleague, who is the chairman of the Education Committee.

I can appreciate that before I came here a year ago, there had been a lot of work done by the Education Committee to come up with some kind, you know, constantly striving to come up with equity funding for the school districts.

I am going to urge my colleagues to soundly defeat this amendment. We cannot afford to hurt the school districts which can least afford to be hurt, and that is what this thing would do. I do not want my school district to have to help pay for the richest school districts. Okay? I think most of us fall into that category.

Again, I strongly urge everybody to vote against this amendment and get on with the proper pretext with this bill. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Mr. Adolph.

Mr. ADOLPH. Thank you, Mr. Speaker.

I am not going to go through a list of the 200 school districts that will benefit by this, but I just want to remind my colleagues that I am just trying to keep the law the way it is right now, 50-50; 50 for the school districts, 50 percent for the State. We are not trying to take any money from the poorer school districts, but we cannot control the Social Security expense; we cannot control the teachers' pensions.

I would like you to go back to your school districts now, okay? Those schoolteachers that were hired this past fall—and there were thousands of them statewide as a result of the Mellow bill—they fall into this category. Your school districts will now pay 85 percent of their Social Security expense. I just want to remind you that we are now making this retroactive to the schoolteachers that were hired this past fall. I do not believe the way to take care of the poorer school districts is to take away from the other school districts. Thank you, Mr. Speaker.

The SPEAKER. On the amendment, Mr. Evans.

Mr. EVANS. Mr. Speaker, most members may recall, on May 28, 1993, 139 people voted for HB 1596; 37 Republicans voted for HB 1596, which is the exact same language, in HB 1596, which is in the Senate right now. So on May 28, of that 139, 37 were Republicans who voted for HB 1596, and they voted for a concept to begin to deal with the issue of the school finance equity effort, because, Mr. Speaker, basically what we did is held people harmless and gave money to our most needy districts.

So, Mr. Speaker, I would agree with the chairman of the Education Committee and the gentleman on that side of the

aisle who stood up and made it very plain and simple why we need to vote "no" on this particular amendment, because fundamentally, Mr. Speaker, it continues giving money to those districts that do not need it and hurts those districts that do. Thank you, Mr. Speaker.

The SPEAKER. The gentleman from Elk County, Mr. Surra, on the amendment.

Mr. SURRA. Thank you, Mr. Speaker.

Mr. Speaker, we must defeat the Adolph amendment.

I understand why Representative Adolph would like to see his amendment pass and he would like to keep it the way it is now, but, Mr. Speaker, the way the situation is now, we continue to drive more and more dollars to the wealthiest school districts.

We are right now in court by the poorest, mostly rural districts in the State of Pennsylvania, who cannot keep up; the gap continues to widen. This is a step in the direction of starting to do the right thing.

We passed the same thing earlier in this session. The disparities continue to grow, and what we have to do here is not a political thing. This is not about Republicans or Democrats. This is about what is right for the children of Pennsylvania, and I encourage my colleagues to vote "no" on the Adolph amendment. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—61

Adolph	Flick	Maitland	Saylor
Barley	Freeman	Marsico	Scheetz
Birmelin	Gannon	Micozzie	Schuler
Boyes	Gerlach	Miller	Semmel
Bunt	Gladeck	Nailor	Serafini
Cessar	Godshall	Pettit	Snyder, D. W.
Civera	Gruppo	Piccola	Steil
Clymer	Harley	Pitts	Strittmatter
Cohen, L. I.	Hennessey	Platts	Tomlinson
Conti	Herman	Raymond	True
Cornell	Hershey	Rohrer	Uliana
Druce	Kaiser	Rooney	Vance
Durham	Laub	Rubley	Vitali
Fajt	Lawless	Ryan	Wright, M. N.
Farmer	Leh	Saurman	Yandrisevits
Fichter			

NAYS—137

Acosta	Fairchild	Lucyk	Santoni
Allen	Fargo	Lynch	Sather
Argall	Fee	Manderino	Scrimenti
Armstrong	Fleagle	Markosek	Smith, B.
Baker	Gamble	Masland	Smith, S. H.
Bebko-Jones	Geist	Mayernik	Staback
Belardi	George	McCall	Stairs
Belfanti	Gigliotti	McGeehan	Steelman
Bishop	Gordner	McNally	Steighner
Blaum	Gruitza	Melio	Stern
Brown	Haluska	Merry	Stetler
Butkovitz	Hanna	Michlovic	Stish
Buxton	Hasay	Mihalich	Sturla
Caltagirone	Hess	Mundy	Surra
Cappabianca	Hughes	Murphy	Tangretti

Carn	Hutchinson	Nickol	Taylor, J.
Carone	Itkin	Nyce	Thomas
Cawley	Jadlowiec	O'Brien	Tigue
Chadwick	James	O'Donnell	Trello
Clark	Jarolin	Olasz	Trich
Cohen, M.	Josephs	Oliver	Tulli
Colafella	Kasunic	Perzel	Van Home
Colaizzo	Keller	Pesci	Veon
Corrigan	Kenney	Petrarca	Washington
Cowell	King	Petrone	Waugh
Coy	Kirkland	Phillips	Williams
Curry	Krebs	Pistella	Wogan
Daley	Kukovich	Preston	Wozniak
DeLuca	LaGrotta	Reber	Wright, D. R.
Dempsey	Laughlin	Richardson	Yewcic
Dent	Lederer	Ritter	Zug
Dermody	Lee	Roberts	
Donatucci	Lescovitz	Robinson	DeWeese,
Egolf	Levdansky	Roebuck	Speaker
Evans	Lloyd	Rudy	

NOT VOTING—1

Battisto

EXCUSED—4

Bush Reinard Rieger Taylor, E. Z.

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?

Does the gentleman, Mr. Nickol, seek recognition on the final passage of the bill?

Mr. NICKOL. Yes, I do, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. NICKOL. I reluctantly stand here to give my reasons for voting against SB 974. I would like to focus on two points. Number one, election year financing. I have already addressed those remarks earlier today. It is just plain irresponsible.

Number two, I would like to focus on the poorly structured COLA in this bill. Under SB 974, annuitants who retired before July 1, 1989, will receive a 7.9-percent COLA for the first \$3,000 in their monthly annuity.

We needed to add longevity as a factor in determining the COLA to help our older annuitants. Representative Stairs tried to correct this with his amendment, and I had an amendment clocked in too late.

The loss of purchasing power for annuitants was studied in a recent report to the Public School Employees' Retirement System. Among observations of the report was that the greater the number of years in retirement, the greater the loss in purchasing power for the annuitant.

This can be easily seen when comparing the current average monthly pension check for an annuitant retiring with

40 years of service in several different years. It is \$1,174 for someone who retired in 1974, \$1,270 for someone retiring in 1979, \$1,597 for someone retiring in 1984, and \$2,152 for someone retiring in 1989.

The loss of purchasing power for the annuitants who retired in 1974 was 58 percent, 49 percent for the annuitants who retired in 1979, 27 percent for the annuitants who retired in 1984, and 18 percent for the annuitants who retired in 1989, yet SB 974 would deliver a flat 7.9-percent COLA, translating into a \$170 COLA to the retiree from 1989 and only a \$93 COLA to the retiree from 1974. We are ignoring the plight of our oldest, neediest retirees with the way this COLA is structured.

I hope the Senate can correct these errors, but that might be an awful big wish even at Christmastime. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Does Mr. Lawless seek recognition on final passage? The gentleman may proceed.

Mr. LAWLESS. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose this bill.

To extend the Mellow bill back to May 15, 1992, is fiscally irresponsible. These folks affected by this change knowingly and willingly made the decision to retire based on the amount of pension they would receive at that time. To go back at this time and change that pension to give them a bonus to retire is absolutely ludicrous. Thank you.

The SPEAKER. Does Mr. Coy seek recognition on final passage?

Mr. COY. Mr. Speaker, for the record, I had an amendment prepared, but because it lacked an actuarial note, I was forced not to offer the amendment, but I will be offering it in the form of legislation at a later time. Thank you.

The SPEAKER. The Chair thanks the gentleman for his remarks.

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—164

Acosta	Fairchild	Lucy	Sather
Adolph	Fajt	Lynch	Scheetz
Allen	Fargo	Manderino	Schuler
Argall	Farmer	Markosek	Scrimenti
Armstrong	Fee	Marsico	Semmel
Baker	Fichter	Masland	Serafini
Barley	Fleagle	Mayernik	Smith, B.
Battisto	Freeman	McCall	Smith, S. H.
Bebko-Jones	Gamble	McGeehan	Snyder, D. W.
Belardi	Gannon	McNally	Staback
Belfanti	George	Melio	Stairs
Bishop	Gigliotti	Merry	Steelman
Blaum	Gordner	Michlovic	Steighner
Boyes	Gruitza	Micozzie	Stern
Brown	Gruppo	Mihalich	Stetler
Bunt	Haluska	Mundy	Stish
Butkovitz	Hanna	Murphy	Strittmatter
Buxton	Hasay	O'Brien	Sturla
Caltagirone	Herman	O'Donnell	Surra

Cappabianca	Hess	Olasz	Tangretti
Carn	Hughes	Oliver	Taylor, J.
Carone	Hutchinson	Perzel	Thomas
Cawley	Itkin	Pesci	Tigue
Cessar	Jadlowiec	Petrarca	Trello
Chadwick	James	Petrone	Trich
Civera	Jarolin	Pettit	True
Clark	Josephs	Phillips	Tulli
Cohen, M.	Kaiser	Piccola	Uliana
Colafiglia	Kasunic	Pistella	Van Horne
Colaizzo	Keller	Preston	Veon
Cornell	Kenney	Raymond	Washington
Corrigan	King	Reber	Williams
Cowell	Kirkland	Richardson	Wogan
Coy	Krebs	Ritter	Wozniak
Curry	Kukovich	Roberts	Wright, D. R.
Daley	LaGrotta	Robinson	Yandrisevits
DeLuca	Laughlin	Roebuck	Yewcic
Dempsey	Lederer	Rooney	Zug
Dent	Lee	Rudy	
Dermody	Lescovitz	Ryan	DeWeese,
Donatucci	Levdansky	Santoni	Speaker
Evans	Lloyd		

NAYS—34

Birmelin	Gladeck	Miller	Saurman
Clymer	Godshall	Nailor	Saylor
Cohen, L. I.	Harley	Nickol	Steil
Conti	Hennessey	Nyce	Tomlinson
Druce	Hershey	Pitts	Vance
Durham	Laub	Platts	Vitali
Egolf	Lawless	Rohrer	Waugh
Flick	Leh	Rubley	Wright, M. N.
Gerlach	Maitland		

NOT VOTING—1

Geist

EXCUSED—4

Bush	Reinard	Rieger	Taylor, E. Z.
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk 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

Mr. GEIST. Mr. Speaker?

The SPEAKER. The gentleman, Mr. Geist, rises. For what purpose?

Mr. GEIST. Mr. Speaker, I am here at the microphone and on the floor, but my switch—these great new switches—failed to record my vote on SB 974. I would like to be recorded in the affirmative.

The SPEAKER. The Chair thanks the gentleman, and the gentleman should be aware as the membership should be aware that the Chair has asked technicians to overview our dilemma and possibly take action to clarify some of the difficulties with the switches.

Mr. Battisto.

Mr. BATTISTO. Mr. Speaker, to correct the record also.

I had the same problem with my switch. First of all, on amendment A4561 to SB 974, my vote did not record. I wish to be recorded in the negative.

On final passage, I am told, my vote did not record also. I would like to be recorded in the positive. Thank you very much.

The SPEAKER. The Chair thanks the gentleman from Monroe, and his remarks will be spread across the record.

Would the majority leader please approach the Speaker's rostrum?

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 1745, PN 2020 By Rep. RICHARDSON

An Act amending the act of December 29, 1972 (P.L.1701, No.364), known as the Health Maintenance Organization Act, establishing minimum requirements to be satisfied by health maintenance organizations in providing certain drug and alcohol services.

HEALTH AND WELFARE.

REMARKS AND CITATION SUBMITTED FOR THE RECORD

The SPEAKER. The gentleman from Philadelphia, George Kenney, is recognized. For what purpose does the gentleman rise?

Mr. KENNEY. Thank you, Mr. Speaker.

Request for unanimous consent to submit written remarks for the record.

The SPEAKER. The gentleman is in order and should submit the remarks to the clerk.

Mr. KENNEY submitted the following remarks and citation for the Legislative Journal:

I rise today to pay tribute to Stephen Dmytryk, an officer of the Philadelphia Police Department, who was killed in the line of duty on November 17. Officer Dmytryk was a distinguished and decorated veteran of the police department and a loving father and husband. He is survived by his wife, Mary Ann, and his children, Stephen and Stacy Ann.

Officer Dmytryk is a sterling example of the pride, duty, sacrifice, and citizenship that are the hallmarks of all of our fine law enforcement men and women in the city of Philadelphia and throughout the Commonwealth. The 46-year-old police officer was shot and killed during a holdup in which he jeopardized his own safety to preserve the life of another.

Officer Dmytryk resided in the 170th Legislative District. He was a member of the 9th police district and F.O.P. Lodge #5.

We must never forget that the first priority of government must be the safety and well-being of its citizens. The sacrifice of Officer Dmytryk serves as a harsh reminder of that duty. Today we pay tribute to Stephen Dmytryk and all the fine men and women in all the law enforcement agencies throughout Pennsylvania.

I would like to enter into the official House record a condolence citation for the family of Officer Dmytryk. Thank you, Mr. Speaker.

COMMONWEALTH OF PENNSYLVANIA THE HOUSE OF REPRESENTATIVES

CITATION

WHEREAS, Officer Stephen Dmytryk, in the finest tradition of public service, made the ultimate sacrifice for his fellowman when he valiantly gave his life in the line of duty; and

WHEREAS, A distinguished and decorated veteran of the City of Philadelphia Police Department, Officer Dmytryk was a sterling example of pride, duty, sacrifice and citizenship. Shot and killed during a hold-up, he jeopardized his own safety to preserve the life of another. His intrepid and unflinching response to a crime committed in his presence reflects most highly on himself, his community and this state; and

WHEREAS, Through his indomitable courage, exemplary record of service and enduring spirit, Officer Dmytryk will serve as a fitting role model for others to emulate.

NOW THEREFORE, The House of Representatives of the Commonwealth of Pennsylvania pays a respectful tribute to the late Stephen Dmytryk for his lasting contributions to law enforcement and the City of Philadelphia; notes with pride and profound appreciation his commitment to serve, protect and preserve the health, safety and welfare of his fellowman;

AND DIRECTS That a copy of this citation, sponsored by the Honorable George T. Kenney, Jr. on December 1, 1993, be transmitted to the Family of Stephen Dmytryk, 12025 Tyrone Road, Philadelphia, Pennsylvania 19154.

George T. Kenney, Jr.
Sponsor

H. William DeWeese
Speaker of the
House of Representatives

ATTEST:
John J. Zubeck
Chief Clerk of the
House of Representatives

HOUSE SCHEDULE

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

Mr. CALTAGIRONE. Mr. Speaker, I would like to make an inquiry of the majority leader concerning legislation on the calendar.

The SPEAKER. The gentleman is in order. The majority leader is at the podium, and the Chair recognizes the gentleman from Allegheny County, Mr. Itkin.

Mr. ITKIN. Mr. Speaker, we are trying to determine a future schedule for this week. I wanted to deal with the Crime Commission bill this afternoon, but now it is already this evening and we have not commenced debating it. There are several amendments, and I am sure the bill is going to also engender a lot of debate on final passage.

So it is my feeling that we should basically recess or adjourn the House at this time, but if we do so, I want to make clear to you that tomorrow is going to be a long day.

Mr. Speaker?

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

The House will please come to order. The gentleman has an announcement regarding our schedule.

Mr. ITKIN. I am going to exercise what I believe would be the appropriate and the proper judgment to take in this kind of

a matter. I am afraid that if we start on the next bill, we will be here through half the night, and I am afraid I am going to lose members and we are not going to get the type of attention we need on a major piece of legislation.

Consequently, we will come in tomorrow at 11 a.m. and be prepared to work. There are three principal issues that we will address tomorrow. That is this Crime Commission, HB 185, the gun control legislation; and manufactured housing, so be prepared.

DEMOCRATIC CAUCUS

Mr. ITKIN. Now, I understand from talking to the leadership on the other side of the aisle that they are prepared for an early morning caucus. We on this side of the aisle will go into caucus at 10:30, complete our caucus deliberations, and be prepared at 11 o'clock to begin our business of the day.

At this point, I would now yield the floor to the minority caucus chairman, Mr. Geist.

The SPEAKER. The Chair thanks the gentleman from Allegheny County.

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes Mr. Geist from Blair County.

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

The Republican members will caucus promptly at 10 a.m. tomorrow morning. I will repeat that so that everybody hears it so we can get out: We are going to caucus at 10 a.m. and be prepared to vote those bills at 11 a.m. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

STATEMENT BY MR. BUNT

The SPEAKER. Mr. Bunt.

Mr. BUNT. Mr. Speaker, thank you.

Could we have the attention of the remaining members?

The SPEAKER. For what purpose does the gentleman rise?

Mr. BUNT. Personal privilege.

The SPEAKER. The gentleman is recognized.

Mr. BUNT. Mr. Speaker, in our anticipation of solving the ills of the Commonwealth, we have been somewhat remiss today.

Fifty-two years ago a President reminded this Nation that this day would be living in infamy, and it would be remiss of this chamber if we did not let the moment be reflected on today's calendar. So, some recognition from the Speaker's podium would be appropriate.

The SPEAKER. The Chair thanks the gentleman.

As you know, relative to my own involvement on the swearing-in day, the Color Guard and other members of the military were here, and as all of the membership is certain, we do appreciate the military service and the martial successes of the Second World War. Pearl Harbor was a day that does live in infamy, and your intercession today at the conclusion of our

session is eminently appropriate. I would like to think that the men and women of our parents' generation who were successful in that conflict have been immeasurably responsible for the successes that we share today.

So on behalf of the House and this chamber, Mr. Bunt, I thank you for bringing it to our attention, and I would assert that all members of the Pennsylvania General Assembly, and the House in particular, are gratified and sustained by the courage and heroism that was displayed when Tora, Tora, Tora attacked Oahu in Pearl Harbor.

REQUEST TO CALL UP HB 2091

Mr. CALTAGIRONE. Mr. Speaker?

The SPEAKER. There are 75 people standing. It is rather difficult to discern—

Mr. CALTAGIRONE. Well, I am right here. Caltagirone from Berks County, sir.

The SPEAKER. Speaking of World War II—

Mr. CALTAGIRONE. You have got it on your hands, baby.

The SPEAKER. The campaign in Sicily.

The gentleman, Mr. Caltagirone, is recognized.

Mr. CALTAGIRONE. Yes, let us fight that battle right here and right now. I am sick and tired of the delays. I think everybody in this chamber knows how they are going to go on the Crime Commission. It is either up or down. I have acceded three different times now to these delays. Everybody knows what the ramifications are. If we continue to delay it, the Senate is going to go home; the Crime Commission will be history. That will please some in this body, but not everybody.

I want to see the votes go up on the board as to whether or not we are going to deal with this issue tonight, right here and now, and I would like to make a motion to call up HB 2091.

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

The House will come to order. The fluidity of our circumstance and specifically our schedule will be elaborated upon by the gentleman.

Mr. ITKIN. Mr. Speaker, we just learned that the Senate, which was not scheduled to be in tomorrow, will be in tomorrow. Consequently, we would like to get legislation over to them this evening, what we can get over. Therefore, I am reversing my original suggestion that we go home now, but deal with the Crime Commission bill so we can send it to the Senate so they can receive it and act on it tomorrow.

The Crime Commission bill, as you know, needs to be dealt with timely by the General Assembly, and so I apologize for any inconvenience. We are back to work. Thank you.

Mr. LLOYD. Mr. Speaker? Mr. Speaker?

The SPEAKER. The gentleman from Somerset County, Mr. Lloyd. For what purpose does the gentleman rise?

Mr. LLOYD. If we are going to be here for 3 or 4 hours tonight, Mr. Speaker, I suggest that we take an hour, have dinner, and come back prepared to do business.

The SPEAKER. The Chair would like to suggest that as the gentleman, Mr. Caltagirone, averred, most all of us have a predisposition regarding the Crime Commission. I would think

that 1 hour of debate would be satisfactory. Our brothers and sisters in the Congress do it with great regularity. We should abbreviate some of our enthusiasm and keep it to 1 hour.

Mr. BELFANTI. Mr. Speaker? Mr. Speaker?

The SPEAKER. Mr. Belfanti.

Mr. BELFANTI. Personal privilege.

The SPEAKER. The gentleman may proceed.

Mr. BELFANTI. I think given the upcoming debate, it might be a good idea for the Chief Clerk to order some Sicilian pizza for the chamber?

The SPEAKER. The Chair will make a tactical command decision at approximately 7 o'clock regarding our victuals.

PARLIAMENTARY INQUIRY

The SPEAKER. Mr. Gannon is recognized. For what purpose does the gentleman rise?

Mr. GANNON. Mr. Speaker, a point of parliamentary inquiry.

The SPEAKER. The gentleman will please state his point.

Mr. GANNON. You made an excellent suggestion a moment ago, Mr. Speaker. Is there any way procedurally under our rules that we could limit the debate to 1 hour?

The SPEAKER. Only a motion to suspend the rules and adopt a temporary rule. Depending upon the next few minutes, an effort to limit debate to 2 minutes would obviously also be appropriate. The third option would be one that we always consider very, very strongly before we do it, and that would be the previous question. But I would think that if the debate seems as if it is lingering, the 2-minute rule that has been invoked many times during Mr. Gannon's involvement and my own involvement would be appropriately considered at that time.

Mr. GANNON. Mr. Speaker, I am not interested in limiting a member's time to speak. Some may need more time than others to articulate their point. However, I would like to make a motion to suspend the rules with the intent to limit debate to 1 hour.

The SPEAKER. That is within the purview of the gentleman.

RULES SUSPENDED

The SPEAKER. Does the gentleman move to suspend the rules for the purpose of offering a temporary rule that would limit debate to 1 hour on this bill?

Mr. GANNON. Yes, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Gannon, moves that we temporarily suspend our rules in order to adopt a temporary rule which would allow for 1 hour of debate on HB 2091, PN 2731.

On the motion to suspend the rules to adopt a temporary rule—this is not debatable; this is not debatable—the members will proceed to vote. An "aye" vote will be to temporarily suspend.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—155

Acosta	Fargo	Manderino	Saurman
Adolph	Fee	Markosek	Scheetz
Allen	Fichter	McCall	Schuler
Argall	Flick	McGeehan	Semmel
Armstrong	Gamble	McNally	Serafini
Baker	Geist	Melio	Smith, B.
Barley	George	Merry	Smith, S. H.
Battisto	Gerlach	Michlovic	Snyder, D. W.
Bebko-Jones	Gigliotti	Micozzie	Staback
Belardi	Gladeck	Mihalich	Stairs
Belfanti	Godshall	Miller	Strittmatter
Bishop	Gruitza	Mundy	Steil
Blaum	Gruppo	Murphy	Stern
Boyes	Haluska	Nailor	Stetler
Brown	Harley	Nickol	Stish
Bunt	Hasay	Nyce	Strittmatter
Butkovitz	Hennessey	O'Brien	Sturla
Cappabianca	Herman	O'Donnell	Surra
Carn	Hershey	Olasz	Tangretti
Cessar	Hess	Oliver	Taylor, J.
Civera	Hughes	Perzel	Tomlinson
Clark	Jadlowiec	Petrarca	Trello
Clymer	James	Petrone	Trich
Cohen, M.	Josephs	Pettit	True
Colafella	Kaiser	Phillips	Uliana
Colaizzo	Kasunic	Pitts	Vance
Conti	Keller	Preston	Veon
Cornell	Kenney	Raymond	Vitali
Corrigan	King	Reber	Washington
Cowell	Kirkland	Richardson	Waugh
Curry	LaGrotta	Ritter	Williams
Daley	Laub	Roberts	Wogan
Dempsey	Laughlin	Robinson	Wozniak
Dermody	Lederer	Roobuck	Wright, M. N.
Donatucci	Leh	Rohrer	Yewcic
Druce	Lescovitz	Rubley	Zug
Durham	Lucyk	Rudy	
Egolf	Lynch	Santoni	DeWoese,
Evans	Maitland	Sather	Speaker
Fajt			

NAYS—38

Birmelin	Fleagle	Levdansky	Rooney
Buxton	Freeman	Lloyd	Ryan
Carone	Gordner	Marsico	Saylor
Cawley	Hanna	Masland	Scrimanti
Chadwick	Hutchinson	Mayernik	Steelman
Cohen, L. I.	Jarolin	Pesci	Tigue
Coy	Krebs	Piccola	Tulli
DeLuca	Kukovich	Pistella	Wright, D. R.
Dent	Lawless	Platts	Yandrisevits
Fairchild	Lee		

NOT VOTING—6

Caltagirone	Gannon	Thomas	Van Horne
Farmer	Itkin		

EXCUSED—4

Bush Reinard Rieger Taylor, F. Z.

A majority of the members elected to the House having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

The SPEAKER. On final passage of the suspension of the rules, 155 yeas and 38 nays, and the rules are temporarily suspended in order to embrace a temporary rule which will terminate debate at 21 minutes after 7.

MOTION FOR TEMPORARY RULE

Mr. GANNON. Mr. Speaker, does a followup motion have to be made to actually—

The SPEAKER. The gentleman is correct and should proceed.

Mr. GANNON. I would like to make a motion to adopt a temporary rule on HB 2091 to limit debate to 1 hour from the time the Speaker marks.

The SPEAKER. The gentleman is in order.

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

The SPEAKER. The Chair recognizes the gentleman from Cambria, Mr. Wozniak.

Mr. WOZNIAK. Can we invoke a 2-minute rule within the 1-hour rule so that one person does not take up the whole hour and that everybody gets their opportunity to speak? I make that in the form of a motion to say that we invoke a 2-minute rule within the 1-hour parameter and amending Representative Gannon's motion. I do not want to belabor it, but that seems to be the quickest and fairest way to move this.

The SPEAKER. The Parliamentarian indicates that Mr. Gannon's motion is not amendable.

Mr. Fargo.

Mr. FARGO. Just a matter of a question.

Can you tell me what happens at the end of the hour if we have two amendments to go? Do we just stop and we vote, or do we not vote if we are not finished with the amendments?

The SPEAKER. The Chair reluctantly admits that the substantial knowledge of the Parliamentarian does not embrace enough information to answer that question.

Representative King is recognized. For what purpose does the gentleman rise?

Mr. KING. Is this debatable? Can we speak to this motion?

The SPEAKER. The gentleman is in order to debate.

Mr. KING. Thank you, sir.

I would like to speak against this motion to limit debate. Certainly, in this grand chamber, we should not limit our discussion of any important issue to a set time that would deny those who wish to come forward with their arguments for or against this from being shut out of the debate. Anytime that we find any issue important enough to put up on that board, I

think our constituents are asking us to freely discuss it in their behalf.

Therefore, I am asking for a "no" vote on the limitations of debate. Thank you.

The SPEAKER. The Chair thanks the gentleman, Mr. King. Mr. Blaum from Luzerne is recognized.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, I also rise in opposition to this motion for a temporary rule.

I favor the majority leader's original ruling, and that is that we take up this issue tomorrow, but if the decision is that we take it up tonight, we are talking about the elimination, the transfer of powers, from the Pennsylvania Crime Commission to the Pennsylvania State Police. I do not believe that on such a serious issue there should be this kind of limit on debate. I would much prefer to come back bright and early tomorrow morning and take up this issue, but if we are going to do it tonight, I think it is absolutely wrong to limit the words of the members of this House of Representatives.

The SPEAKER. The Chair thanks the gentleman.

Does the gentleman, Mr. Kaiser, seek recognition?

Mr. KAISER. Mr. Speaker, I would like to just make a comment.

The motion was to debate this for only an hour, and we have spent 20 minutes already on debating the motion. That is all I want to say, Mr. Speaker.

The SPEAKER. The gentleman's remarks are in order.

The gentleman, Mr. Jarolin, is recognized. For what purpose does the gentleman rise?

Mr. JAROLIN. Thank you, Mr. Speaker.

On some of the comments that had been made previous to this about the hour and the amendments—

The SPEAKER. The gentleman is in order only to talk on the motion.

Mr. JAROLIN. Well, that is exactly what I am talking on, Mr. Speaker.

The SPEAKER. Thank you.

Mr. JAROLIN. You know, everything else can be going haywire, but this is a situation where I am trying to get a little bit of coolness here, because we are halfway through the hour already. We can always come back tomorrow after the hour is up. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—67

Acosta	Geist	McNally	Smith, S. H.
Allen	George	Michlovic	Steil
Argall	Gladeck	Mihalich	Stern
Armstrong	Gruitza	Miller	Stish
Battisto	Haluska	Murphy	Surra
Birmelin	Hasay	Nyce	Tangretti
Bishop	Hershey	O'Donnell	Taylor, J.
Boyes	Hughes	Oliver	Trello
Butkovitz	James	Perzel	Trich

Carn	Josephs	Petrone	True
Civera	Keller	Pettit	Uliana
Corrigan	Kirkland	Pitts	Van Home
Daley	LaGrotta	Roebuck	Williams
Dermody	Lucyk	Rudy	Wozniak
Druce	Lynch	Santoni	Yewcic
Fee	Markosek	Sather	Zug
Gannon	McGeehan	Serafini	

NAYS—123

Adolph	Fairchild	Lee	Rooney
Baker	Fajt	Leh	Rubley
Barley	Fargo	Lescovitz	Ryan
Bebko-Jones	Farmer	Lloyd	Saylor
Belardi	Fichter	Maitland	Scheetz
Belfanti	Fleagle	Manderino	Schuler
Blaum	Flick	Marsico	Scrimenti
Brown	Freeman	Masland	Semmel
Bunt	Gerlach	Mayernik	Smith, B.
Buxton	Gigliotti	McCall	Snyder, D. W.
Cappabianca	Godshall	Melio	Staback
Carone	Gordner	Merry	Stairs
Cawley	Gruppo	Micozzie	Steelman
Cessar	Hanna	Mundy	Steighner
Chadwick	Hennessey	Nailor	Stetler
Clark	Herman	Nickol	Strittmatter
Clymer	Hess	O'Brien	Sturla
Cohen, L. I.	Hutchinson	Pesci	Thomas
Cohen, M.	Ikin	Petrarca	Tigue
Colafella	Jadlowiec	Phillips	Tomlinson
Colaizzo	Jarolin	Piccola	Tulli
Conti	Kaiser	Pistella	Vance
Cornell	Kasunic	Platts	Veon
Coy	Kenney	Preston	Waugh
Curry	King	Raymond	Wogan
DeLuca	Krebs	Reber	Wright, D. R.
Dempsey	Kukovich	Richardson	Wright, M. N.
Dent	Laub	Ritter	Yandrisevits
Donatucci	Laughlin	Roberts	
Durham	Lawless	Robinson	DeWeese,
Egolf	Lederer	Rohrer	Speaker
Evans			

NOT VOTING—9

Caltagirone	Harley	Olasz	Vitali
Cowell	Levdansky	Saurman	Washington
Gamble			

EXCUSED—4

Bush	Reinard	Rieger	Taylor, E. Z.
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The question was determined in the negative, and the motion was not agreed to.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 2091, PN 2731**, entitled:

An Act amending the act of October 4, 1978 (P. L. 876, No. 169), known as the Pennsylvania Crime Commission Act, eliminating the annual report requirement; providing for certain reports to the Judiciary Committee of the Senate and the Judiciary Committee of the House of Representatives; and making an appropriation.

On the question,
Will the House agree to the bill on third consideration?
Mr. VEON offered the following amendments No. A4693:

Amend Title, page 1, lines 3 through 6, by striking out "eliminating the annual" in line 3, all of lines 4 and 5, and "of the House of Representatives" in line 6 and inserting
abolishing the act; further providing for the powers and duties of the Pennsylvania Crime Commission; providing for transition

Amend Bill, page 1, lines 9 through 11, by striking out all of said lines and inserting

Section 1. Sections 1 and 2 of the act of October 4, 1978 (P.L.876, No.169), known as the Pennsylvania Crime Commission Act, are amended to read:

[Section 1. Short title.

This act shall be known and may be cited as the "Pennsylvania Crime Commission Act."

Section 2. Definitions.

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

"Commission." The Pennsylvania Crime Commission.

"Court." The Commonwealth Court.

"Immunity order." An order issued pursuant to this act by the Commonwealth Court directing a witness to testify or produce other information over a claim of privilege against self incrimination.

"Organized crime." The unlawful activity of an association trafficking in illegal goods or services, including but not limited to gambling, prostitution, loan sharking, controlled substances, labor racketeering or other unlawful activities or any continuing criminal conspiracy or other unlawful practice which has as its objective large economic gain through fraudulent or coercive practices or improper governmental influence.

"Public corruption." The unlawful activity of any public official or public employee under color of or in connection with any public office or employment or any candidate for public office of the agent of any candidate for public office under color of or in connection with any public office or employment.]

Section 2. Section 3 of the act, repealed in part October 5, 1980 (P.L.693, No.142), and amended April 30, 1986 (P.L.132, No.40), is amended to read:

Section 3. Creation of commission; membership; compensation; vacancies; removal.

(a) The Pennsylvania Crime Commission shall consist of [five] six members to be known as commissioners.

(b) One member of the commission shall be appointed by the Governor, one by the President pro tempore of the Senate, one by the Speaker of the House of Representatives, one by the Minority Leader of the Senate and one by the Minority Leader of the House of Representatives. The chairperson of the commission shall be the Commissioner of the Pennsylvania State Police.

(c) Of the original members, the member appointed by the Governor shall serve for an initial term of one year, the two members appointed by the Speaker of the House of Representatives and the Minority Leader of the House of Representatives respectively shall serve for an initial term of two years and the two members appointed by the President pro tempore of the Senate and the Minority Leader of the Senate respectively shall serve for an initial term of three years. Thereafter each appointment provided for by this act shall be for a term of three years and such appointments shall be made in the same manner as the original appointments. Not more than three commissioners shall be members of the same political party.

(d) Commissioners shall receive \$50 a day compensation for their services. Expenses incurred by the executive director or other employees shall be allowed and paid on the presentation of itemized vouchers therefor and approved by the commission. This subsection shall not apply to the chairperson of the commission.

(e) All vacancies shall be filled, for the remainder of the unexpired term in the same manner as original appointments. Any

commissioner, upon the expiration of his term, shall continue to hold office until his successor has been duly appointed and qualified according to law, but in no event longer than six months after the expiration of the commissioner's appointed term.

(f) Except as authorized pursuant to this subsection, no commissioner may be removed from office during his term. The Governor may, upon a clear and convincing evidence of misfeasance or malfeasance in office or neglect of duty, remove a commissioner prior to the expiration of his term. The Governor shall provide the commissioner so removed with a detailed written statement of the reasons for his removal. A commissioner so removed may petition the Court for reinstatement. The court shall hold an expedited hearing and render a decision within 30 days after said hearing or as soon thereafter as may be practicable. Any decision of the Court adverse to a commissioner so removed shall create a vacancy which shall be filled pursuant to subsection (e). This subsection shall not apply to the chairperson of the commission.

(g) This section shall expire June 30, 1994.

Section 3. Section 4 of the act, amended April 30, 1986 (P.L.132, No.40), is amended to read:

Amend Sec. 1 (Sec. 4), page 1, line 13, by inserting before "The"

(a)

Amend Sec. 1 (Sec. 4), page 2, lines 9 through 13, by striking out "[]" in line 9, all of lines 10 through 12, and "commission during the preceding calendar quarter." in line 13

Amend Sec. 1 (Sec. 4), page 2, line 19, by inserting a bracket after "reports."

Amend Bill, page 3, by inserting between lines 27 and 28

(b) This section shall expire June 30, 1994.

Section 4. Section 5 of the act is amended to read:

[Section 5. Limitations on activities by commission members and employees.

(a) A commissioner shall not hold any elective public office.

(b) A commissioner or any employee of the commission shall not engage in any partisan activity, other than voting and making, but not soliciting contributions to candidates for office.]

Section 5. Section 5.1 of the act, added April 30, 1986, P.L.132, No.40), is amended to read:

[Section 5.1. Weapons.

(a) The commission shall publish and promulgate regulations and procedures for the use or possession of firearms by any commission employee, including:

(1) The type of weapon permitted.

(2) The job title or classification of employee to be permitted to possess or use a firearm.

(3) The specific circumstances in which an employee would be permitted to possess or use a firearm.

(b) No commission employee may use or possess a firearm in the course of his duties unless he has successfully completed the basic firearm training program approved by the Pennsylvania State Police for its own officers. All costs for such training shall be borne by the commission.]

Section 6. Section 6 of the act is amended to read:

[Section 6. Immunity of witnesses.

(a) Immunity orders shall be available under this section in all proceedings before the Pennsylvania Crime Commission.

(b) The commission may request an immunity order from any judge of the Commonwealth Court and said judge shall issue an immunity order when in the judgement of the commission:

(1) the testimony or other information from a witness may be necessary to the public interest, and

(2) a witness has refused or is likely to refuse to testify or provide other information on the basis of his privilege against self-incrimination.

(c) Whenever a witness refuses, on the basis of his privilege against self-incrimination, to testify or provide other information in a proceeding specified in subsection (a), and any commissioner presiding at such proceeding communicates to the witness an immunity order, that witness may not refuse to testify based on his privilege against self-incrimination.

(d) No testimony or other information compelled under an immunity order, or any information directly or indirectly derived from such testimony or other information, may be used against a witness in any criminal case, except that such information may be used:

(1) in a prosecution under 18 Pa.C.S. § 4902 (relating to perjury) or under 18 Pa.C.S. § 4903 (relating to false swearing),

(2) in a contempt proceeding for failure to comply with an immunity order, or

(3) as evidence, where otherwise admissible, in any proceeding where the witness is not a criminal defendant.

(e) Any person who shall fail to comply with an immunity order may be adjudged in civil contempt and committed to a county jail by the issuing judge until such time as said person shall purge himself of contempt by complying with the immunity order. Provided however, if the proceeding or the investigation or report involving any proceeding wherein said person refused to comply with an immunity order has been completed, said person may purge himself of contempt by complying with said order before the commission notwithstanding the completion of said investigation or report.

(f) Prior to seeking an immunity order, the commission shall require the executive director to consult with the Attorney General, the district attorney of any affected county, and the United States Attorney of any affected district in order to prevent any interference with any of their investigations. The results of the consultation shall be reported to the commission before any immunity order is sought pursuant to this section. In addition the commission shall give notice to the Attorney General, the United States Attorney of any affected district and any district attorney of any affected county of any request for an immunity order to be submitted to a judge of the Commonwealth Court. Any such officer may appear as a party and request a reasonable delay or denial of the grant of immunity if an immediate grant would jeopardize an investigation or prosecution. The judge may, in a proceeding under this section, delay or deny the request for immunity if he determines, in the exercise of his discretion that an immunity order will jeopardize an actual or pending investigation or prosecution.]

Section 7. Section 7 of the act, amended April 30, 1986 (P.L.132, No.40), is amended to read:

[Section 7. Enforcement of subpoenas.

(a) Upon the failure of any person who is subpoenaed pursuant to section 4(7) to obey the command of the subpoena or to be sworn or affirmed or to testify, application may be made to the Commonwealth Court for the enforcement of such subpoena.

(b) If any person who has been ordered by the Commonwealth Court to comply with a subpoena issued pursuant to section 4(7) fails to obey the command of such order, application may be made to the Commonwealth Court for the attachment of said person who is to be brought before the court which is authorized to proceed against said person for civil contempt of court.]

Section 8. Sections 8, 9, 10, 12 and 13 of the act are amended to read:

[Section 8. Disclosure of executive session testimony and investigative records.

No testimony taken in executive session, any part thereof, or any summary thereof and no investigative record, any part thereof, or any summary thereof, shall be released or disclosed to any person either orally or in writing by any commissioner or employee of the commission without the authorization of the commission.]

Section 9. Privileged statements and reports.

(a) Any statement or disclosure of information made by a commissioner or an employee of the commission during the course of any [commission] hearing [or official proceeding and any report issued by the commission] before the General Assembly shall be absolutely privileged and such privilege shall be an absolute defense to any action for invasion of privacy, defamation or other civil or criminal action.

(b) This section shall expire June 30, 1994.

[Section 10. Disclosure of financial interests.

(a) Each commissioner, as of the date of appointment to the commission and on or before March 15th of each following year, shall file with the Governor, the Secretary of the Senate and the Chief Clerk of the House of Representatives for the preceding calendar year a sworn statement of financial interests. The financial statement shall contain the information required pursuant to subsection (e). Once an economic interest statement has been filed under this act, such statement shall be updated annually by filing a supplemental statement thereto. The financial interests of a spouse or child, under 18 years of age, of a commissioner shall be deemed a financial interest of a commissioner.

(b) The Governor, the Secretary of the Senate and the Chief Clerk of the House of Representatives shall maintain all disclosure statements filed by commissioners as public records which shall be open for public examination and copying, at cost, at all reasonable times. Such disclosure statements shall remain on file for five years from the initial date of filing.

(c) The commission shall promulgate, by regulation, to be published in the Pennsylvania Bulletin, financial disclosure requirements for employees of the commission.

(d) In addition to any other penalties imposed by law for false swearing, neglect or refusal of any commissioner or employee to file a complete and accurate financial statement pursuant to the requirements of this section or the willful filing of an inaccurate statement shall, in the case of commissioners, constitute misfeasance in office, and shall, in the case of employees, constitute grounds for dismissal.

(e) The sworn financial disclosure statement shall contain:

(1) The identity, by name, of all offices and directorships.

(2) An identifying description of all real estate in the Commonwealth in which he or a member of his household has any interest, direct or indirect, including an option to buy, provided a commissioner's primary place of residence shall not be included.

(3) The name of each creditor to whom he or a member of his household owes moneys in excess of \$5,000, the category of the amount owed, and the interest rate, provided further that loans or credit extended between members of the immediate family and any mortgage upon the commissioner's primary place of residence shall not be included.

(4) The name of each business, insurance policy, or trust in which he or a member of his household has a financial interest, and the nature and category of the amount of such interest.

(5) The source, by name, and category of the amounts of any income in excess of \$1,000, including capital gains, whether or not taxable, received by him or a member of his household during the preceding year.

(6) A list of businesses with which a commissioner is associated that do business with or are regulated by the State and a description of the nature of such business or regulation.

(7) Any salary, fee, commission or other income, listed in dollar amount or value, received by a commissioner from any political subdivision of the Commonwealth or any agency of the Commonwealth, other than the commission, including the name of such political subdivision or agency or from any entity which maintains a person required to be registered as a lobbyist under any law requiring such registration.

(f) Where an amount is required to be reported by category the individual shall report whether the amount is less than \$5,000, at least \$5,000 but less than \$10,000, at least \$10,000 but less than \$25,000, or \$25,000 or more. An amount of stock may be reported by number of shares instead of by category of dollar value. No provision of this act shall be interpreted to prevent any person from filing more information or more detailed information than required.

Section 12. Repeals.

Sections 469 and 923, act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929," are repealed.

Section 13. Effective date.

This act shall take effect in 60 days.]

Section 9. The Pennsylvania Crime Commission shall not begin any new investigation. It shall also prepare to transfer all ongoing investigations to the Pennsylvania State Police and Federal law enforcement officials by June 30, 1994.

The Commissioner of the Pennsylvania State Police, or a designee, shall review the records of the Pennsylvania Crime Commission and determine which records should remain with the Pennsylvania State Police and which should be transferred to Federal law enforcement authorities.

Section 10. The Commissioner of the Pennsylvania State Police shall determine which employees of the Pennsylvania Crime Commission shall be transferred to the Bureau of Criminal Investigation of the Pennsylvania State Police by June 30, 1994.

Section 11. By November 30, 1994, the Commissioner of the Pennsylvania State Police shall make a report to the General Assembly on the disposition of employees, property, cases and records of the Pennsylvania Crime Commission.

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

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Amend Sec. 3, page 4, line 2, by striking out all of said line and inserting

Section 13. This act shall take effect as follows:

(1) Section 12 of this act shall take effect January 1, 1994.

(2) The amendment of sections 1, 2, 5, 5.1, 6, 7, 8, 10, 12 and 13 of the act shall take effect June 30, 1994.

(3) The remainder of this act shall take effect immediately.

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, the gentleman from Beaver is recognized.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, we will try to make this to the point and as quick as possible.

Mr. Speaker, the amendment makes a statement that the Crime Commission is an organization whose time has truly come and gone. My amendment does seven things, and let me enumerate them quickly.

Number one, it eliminates both verbal and written reports of the Crime Commission.

Number two, it transfers the Crime Commission to the Pennsylvania State Police as of June 30, 1994.

Number three, it designates the Commissioner of the Pennsylvania State Police as chairman of the Crime Commission through June 30 of 1994.

Number four, it eliminates the absolute privilege for commissioners or staff except during the course of hearings before this General Assembly.

Number five, it prohibits the Crime Commission from beginning any new investigations.

Number six, all ongoing investigations are transferred to the Pennsylvania State Police Bureau of Criminal Investigation.

Number seven, the Pennsylvania State Police Commissioner is required to report to this General Assembly by November 30

of 1994 on the status of the transfer of employees, property, cases, and records.

Mr. Speaker, I think this is an amendment that was drafted with a lot of care, over a considerable amount of time, with a tremendous amount of help from Representative Piccola in a truly bipartisan fashion for a truly bipartisan amendment. In my opinion, it is time to get this over with. We have had a significant debate, sometimes privately, sometimes in the press, over the last 5, 6, or 7 months. Let us eliminate this continual debate; let us eliminate this controversy. Let us eliminate this Crime Commission, and let us do it the right way. I encourage you to vote for this bipartisan amendment.

Mr. Speaker, lastly I do want to thank the chairman of the Judiciary Committee, the gentleman, Mr. Caltagirone, for, I know, fighting strongly for his convictions on an issue that he believes strongly in, and I appreciate the way he has handled this issue. The gentleman, Mr. Caltagirone, and I agree on 99 percent of the issues. This is one where we strongly disagree, but I want to mention publicly and appreciate the way that he has handled this issue in allowing it to come to the floor for this debate and, I hope, a vote to eliminate the Crime Commission today. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman from Berks County, Mr. Caltagirone, is recognized.

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

I want to also commend the honorable way that Representative Veon has worked on his issue, on his beliefs, and I just want to say to the members, please vote your conscience. I think this issue has already been decided in your minds. I do not think we need a lot of debate.

I am asking you respectfully to vote "no" on this amendment and the other amendments and to vote "yes" on the bill to retain the Crime Commission. Thank you, Mr. Speaker.

The SPEAKER. Does Raphael Acosta seek recognition on the Veon amendment?

Mr. ACOSTA. Yes, Mr. Speaker, on the Veon amendment.

The SPEAKER. The gentleman is recognized.

Mr. ACOSTA. I want to tell this Assembly here today that—and I want to go on record saying it—that the only people in my district—I do not know about anybody else's district—in my district the only individuals that I call for help is the Crime Commission. When I call the State Police for help, they are always hiding; they are always going someplace else; they do not want to show up there. When I call the city police department, they are short of manpower.

I am going to vote against Veon's amendment, and this is not a personal thing. I never get up and I never say too much here on the floor of the House, but the Crime Commission is the only commission within my district that I could always call and depend on. Thank you.

The SPEAKER. The Chair thanks the gentleman for his remarks.

The gentleman, Mr. James, from Philadelphia is recognized.

Mr. JAMES. Thank you, Mr. Speaker.

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

As a retired police officer of 22 years, I want to say that, number one, if it is not broke, do not fix it. However, I would submit to you that it is broken and we need to fix it, and we need to fix it by not getting rid of it but by making the necessary changes to make it work for us, as we as a legislative body bore the Crime Commission. It is our investigative tool. It is our investigative arm, and we should not give up that investigative arm. We need to keep it, but we need to make some changes.

We should not turn it over to the State Police. We should not turn it over to the Attorney General. As a law enforcement officer, you want to keep the investigative unit. What happens when you turn it over to the Attorney General or the State Police? We as the legislators do not know how they may decide what they want to do for whatever political reasons. But we as the legislature have control and oversight of the Crime Commission, and we should keep that.

Now, we may want to call it something else. We may want to have it change its mission. But do not give up the fact that we have an investigative body borne of the legislature that is something similar to maybe a youth in college, that we need to rein it in, to bring it back home to make some changes necessary so it can go back to school and finish what it needs to do for us as the legislature and as our child, so to speak.

So I would urge you to vote against the Veon amendment.

The SPEAKER. The gentleman, Mr. O'Brien, is recognized. For what purpose does the gentleman rise?

Mr. O'BRIEN. Will the gentleman, Mr. Veon, stand for a brief interrogation?

The SPEAKER. The gentleman, Mr. Veon, indicates that he will stand for interrogation. Mr. O'Brien may proceed.

Mr. O'BRIEN. Mr. Speaker, the courts have interpreted sovereign immunity as to protect public officials and their employees from defamation under certain circumstances. The language in this amendment, would that strip the Crime Commission of their sovereign immunity or just immunity provided under the Crime Commission Act as it stands?

Mr. VEON. If the gentleman would give me 1 minute to confer, please.

The SPEAKER. The House will stand at ease for 1 minute.

Mr. VEON. Mr. Speaker, what my amendment attempts to do, it does not attempt to address the privilege that any other State employee currently has. It does attempt to remove the absolute privilege of the Pennsylvania Crime Commission except when appearing before a hearing of the General Assembly.

Mr. O'BRIEN. Mr. Speaker, my question, I guess, very succinctly is, if the Crime Commission chooses to issue a report, would they be covered under the sovereign immunity statute?

Mr. VEON. If this amendment were to pass, they would be prohibited from issuing any reports. However, the amendment would not prohibit the Crime Commission from appearing before some body of the General Assembly, and in the course of that hearing or the course of that communication to some

body of the General Assembly, they would still have that privilege.

Mr. O'BRIEN. Mr. Speaker, does this or does this not take away their protection under sovereign immunity, or is their protection limited solely to, as it states here in the bill, when they issue a report or testify before the General Assembly?

Mr. VEON. That is correct; it does not.

Mr. O'BRIEN. It does not take away their sovereign immunity?

Mr. VEON. That is correct; it does not.

Mr. O'BRIEN. No further questions.

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

Mr. RYAN. Yes, Mr. Speaker.

The SPEAKER. On the amendment?

Mr. RYAN. Yes, Mr. Speaker.

The SPEAKER. Thank you.

Mr. RYAN. Mr. Speaker, the part of the amendment that I, of course, object to is the portion that effectively does away with the Crime Commission. In June it buries it. Today it would play its death march and transfer all of its duties, assuming it became law today, of course.

The Crime Commission, I think, is a very, very worthwhile agency. Let me talk for a minute about what it is, because I suspect that there are many here who really do not know what it is. It is really not a whole lot different than the Budget and Finance Committee, except it deals with crime, Local Government Commission, Joint State Government Commission, Legislative Data, Joint State Government. It is a legislative commission. This is not something that is a product of the executive. This is a legislative commission, and the gentleman would transfer it to the executive department, to the State Police. This is a creature of the legislature.

We, many years ago—some 25 years ago, I am guessing, although I am sure it is in here somewhere—we, some 25 years ago, created this as an arm of the legislature, and what we did when we created this Crime Commission, we charged them with certain responsibilities, and I ask you, what is wrong with this? We said to them, we want you to look into organized crime—it is right on the bill, HB 2091—we want you to look into organized crime; we want you to look into public corruption. Do you want to go out there now and say, we are doing away with one of our legislative agencies that we charged with looking into public corruption and looking into organized crime?

We charged them to make written reports to us, account to the Governor, and all these other wonderful things dealing with taking attendance and issuing subpoenas and the like. But the heart of the Crime Commission that we the General Assembly, our predecessors—although at the time I happened to be a member of it—what we did, your predecessors and those of you who were here at the time, we said, look into organized crime activity, and let us know what is going on; look into public corruption and the activities of persons engaged in and associated with public corruption, and report back to us, the legislature, as well as the Auditor General and a few others.

That is what they have done over the years, and that is what you would be voting to do away with.

You are about to vote, if you vote in favor of this amendment, you are about to vote the downfall and the doing away with the only arm we have to investigate public corruption and organized crime, the only arm, the only instrument that we in the legislature have, and it is something that we created ourselves.

Now, if there is a problem with the Crime Commission, if there is a problem with the Crime Commission, and I am not suggesting for a minute that it is without fault, but if there is a problem with it and if there is a problem with the way it is run, do you know whose fault it is? It is my fault; it is Bill DeWeese's fault; it is Senator Mellow's fault; it is Senator Loeper's fault, perhaps, or Senator Jubelirer's fault, because we appoint the commission itself. That commission is run by Speaker DeWeese's appointee, my appointee, a former United States attorney, United States Deputy Attorney General. A former prosecutor happens to be my appointee. I do not know the other gentlemen. If they are making mistakes, then that fault, under a theory of law called respondeat superior, I suppose, should come back and rest on the shoulders of me, of Speaker DeWeese, of Senator Mellow or Senators Jubelirer or Loeper, depending on who made that particular appointment, and the Governor's Office, I think, has the fifth appointment.

So if there is something wrong, then you should come to us. You should come to the Speaker, you should come to me and say, this is what is wrong; why do you not get your appointees straightened out, get them to do something about whatever the problem is. But to do away with the only investigative arm we have into public corruption and organized crime is a mistake, and I urge you not to do it, because it is something that is going to snap back and hit you in the eye.

The SPEAKER. The Chair thanks the gentleman from Delaware and recognizes the gentleman from Montgomery, George Saurman. For what purpose does George Saurman rise?

Mr. SAURMAN. To comment on the amendment.

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

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, Representative Ryan has told us why this organization was created, but I think we need to recognize the difference between an enforcement agency and investigative agency, and what this amendment would do is to transfer the investigative arm into an enforcement agency. The ability of this investigative body to subpoena and to look into situations is far different than what an enforcement agency would have to do. In order to get the kind of subpoenas, it would have to be able to almost prove its case before it could get there.

This information is shared by all of our police departments. I remember as mayor that our police chief looked forward to getting this report so that he would have a handle on what was happening and if any of these things were located in our area so that he would be alerted to it. It is an informative body that provides information not only for us here in the General Assembly but for our law enforcement agencies, to give them

direction and to provide them with some information which they would not otherwise be able to get.

I certainly agree with the minority leader that at a time when if we look around the country—and we do not have to look too far—the corruption in public office is a matter of great disgrace, and we should be actually increasing all opportunities to remove it and to clean up our act, and we do not do it by taking away the agency that is supposed to look into it.

I would ask for a “no” vote. Thank you.

The SPEAKER. The gentleman from Dauphin County, Mr. Piccola, is recognized on the amendment.

Mr. PICCOLA. Thank you, Mr. Speaker.

I rise in support of the Veon amendment.

I have been a member of this House Judiciary Committee for 15 years, and I believe that is probably the longest service of current members of the committee, of anyone now presently on the committee, and for 15 years I have had the opportunity to attend and receive the reports of the Pennsylvania Crime Commission, as one of their duties is to report to the General Assembly through a joint meeting of the House and the Senate Judiciary Committees. I have to tell you that at the beginning of my service in this House and on that committee, I was a very strong proponent and advocate of the Pennsylvania Crime Commission. I felt that they had a mission to fulfill and that at that time they were fulfilling that mission. But over the years something has occurred. The mission of the Pennsylvania Crime Commission has not changed, but the method by which they have fulfilled that mission, in my opinion, has deteriorated. In fact, it has deteriorated to the point that the anxiousness to attend the meetings to receive the report of the Crime Commission has dissipated, and they have become almost superfluous for members of our committee.

Now, one of the requirements or one of the mandates of the Pennsylvania Crime Commission, as the minority leader has so ably pointed out, is to make legislative recommendations for legislative changes, public policy changes, in our criminal law, and the chairman of the Judiciary Committee, Mr. Caltagirone, I believe, has circulated amongst you a copy, and I do not really know where it came from, although it is entitled “Pennsylvania Crime Commission: 25 Years of Dedicated Service To the Citizens of Pennsylvania,” and I presume that the Crime Commission, since they are listed on the back, published this document, and if you would turn—The pages are not numbered, but there is a section toward the end that says, “Legislative Recommendations,” and in that section, presumably if the Crime Commission prepared this, they point out some alleged legislative recommendations that they made to us that presumably were followed through on by this General Assembly, and I would point specifically to several of them, and I will quote the paragraph that I am referring to, and this is from the pamphlet: “The Crime Commission’s recommendations concerning forfeiture laws and electronic surveillance were made in 1986. In 1989, the Commission recommended measures to control organized crime infiltration into the solid waste business. In 1992, the Commission suggested changes to the state’s charitable gaming

statutes to deter racketeers who would defraud the state’s charities.”

Mr. Speaker, I was on the Judiciary Committee in 1986, in 1989, in 1992, and the Crime Commission simply did not do the things that they are claiming they did in this pamphlet. For example, the electronic surveillance statute that they claim they recommended in 1986, that came about not as a result of recommendations from the Crime Commission, and I am not suggesting that they did not endorse changes in the law, but the original suggestions for changes in that law came from our Attorney General’s Office, under the first elected Attorney General, LeRoy Zimmerman, and in the 1986 changes, they were made as a result of changes that were made by the United States Congress, suggesting that the States make changes in our electronic surveillance, our wiretap statutes.

On the forfeiture law, our committee worked on those forfeiture laws. That did not come from the Pennsylvania Crime Commission—now, perhaps they endorsed the concept—but that came from the District Attorneys Association and from our Attorney General, who recommended that we adopt forfeiture laws for drug forfeiture. Certainly, the work did not come from the Pennsylvania Crime Commission. We came to that issue by another route, and the House Judiciary Committee, when it comes to criminal justice issues in recent years, has come to those issues by a whole variety of sources, and for anyone to suggest that we are dependent upon the Pennsylvania Crime Commission as a legislative body for recommendations on criminal justice issues, we would be woefully shortchanged if we were. We rely on a whole variety of sources for recommendations, and not only recommendations but the hard-and-fast drafting requirements that are necessary to craft legislation, which is what we are about. We get absolutely no guidance from the Crime Commission when it comes to the crafting of legislation.

Their recommendation on organized crime infiltration on the solid waste business has come from the National Association of Attorneys General, not from the Pennsylvania Crime Commission.

As I said in the beginning of my remarks, Mr. Speaker, the original intent of the Crime Commission, its original mission and the way it carried it out were good, but somewhere along the line they have lost sight of what that mission is. It is not entirely their fault. Things have changed since 1968 when the Pennsylvania Crime Commission was created. We did not have as professional and as dedicated and as high a level of performance State Police organization as we have today, and those of you who are students of history will know that in the 1960’s and in the 1970’s, our Pennsylvania State Police were the targets of a whole lot of innuendo and rumor about their political activities or their lack of activity in certain areas. That is not the case today. The Pennsylvania State Police are above reproach when it comes to the investigation and prosecution of crime, whether it be organized crime or official corruption.

Representative Veon’s staff and I and my staff had the opportunity to go out and meet with the organized crime unit of the Pennsylvania State Police, and I have to tell you, I was

extremely impressed with the operation that the Pennsylvania State Police has in this field. It by far surpasses anything that the Pennsylvania Crime Commission has or ever will have under its present structure, staffing, and organization.

This amendment will transfer the bulk of the operation of the Pennsylvania Crime Commission to the Pennsylvania State Police. We have oversight, both through our committees and as a General Assembly as a whole through the appropriations process and a whole variety of other processes, we have oversight over all agencies of State government, including the Pennsylvania State Police, including the Attorney General, and in fact, we have some influence with the local district attorneys.

The Crime Commission simply no longer serves the purpose for which it was created. A transfer of its employees, its records, its duties and responsibilities to the State Police is in order, and we will not be shortchanging ourselves as a General Assembly, because we have relied on other sources for many, many years other than the Pennsylvania Crime Commission.

We do not need that kind of an investigative arm running around there subpoenaing witnesses and doing all kinds of things outside the purview and the direct oversight of the General Assembly. When we want to get into an investigation, we have the power to do that, and I point specifically to the resolution that this House passed several weeks ago authorizing the Judiciary Committee to begin a process of investigation of a Supreme Court Justice. This body decided we were going to act in that regard, and we acted, and we have the capability of doing that when we want to, and to say that by eliminating the Crime Commission we are eliminating that possibility and that capability is simply not true. We have the power to subpoena and command witnesses and to obtain documents, and we do not need a Crime Commission running around doing whatever they do and reporting to us annually in a manner that is, in my view, not particularly professional and kind of slipshod.

I urge that we adopt the Veon amendment and that we bring the Crime Commission to a dignified and final conclusion. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Just for the information of the membership, the next Representative to take the microphone would be Representative Ritter, then Mr. Blaum, Mr. Thomas, Mr. James for the second time, Mr. Veon for the second time, Mr. DeLuca for the first time, and Mr. Wright.

The gentelady from the Lehigh Valley, Ms. Ritter, is recognized on the Veon amendment.

Ms. RITTER. Thank you, Mr. Speaker.

I promise not to take as long as the gentleman, Mr. Gannon, took to decide how long we should be here.

I rise to support the Veon amendment.

It has been suggested by a previous speaker that we need to keep the Crime Commission and we maybe need to call it something else. I would suggest that a name that might be appropriate is the Keystone Cops, except that I think someone may have already used that name.

The Pennsylvania Crime Commission is not a criminal investigative agency. In fact, they interfere with legitimate law enforcement efforts and with legitimate criminal investigations. They issue reports filled with innuendos and rumors and names of people who have been dead for over 20 years. These reports have ruined reputations of individuals who have never been arrested, let alone convicted.

The last straw, as far as I am concerned, was a public hearing that we had with the joint Judiciary Committees of the House and Senate recently. Now, this request for a public meeting did not come, as far as I know, from the Crime Commission. It came from the chairs of the committees except for Chairman Caltagirone. The problem I had with the Crime Commission agreeing to appear at a public meeting is that they were theoretically in the middle of a criminal investigation. I have spoken to other criminal investigators and I do not think that any legitimate criminal investigative agency would have willingly agreed to come to a public meeting and discuss an investigation that was ongoing. Their response should have been, if you want us to come and talk to you in public, you are going to have to get a subpoena because we are not going to come and discuss these issues in public. They came to the meeting because they are responsible to us, because their jobs depend on whether or not we want to keep them. They came to the hearing to protect their own skins.

This organization, as it currently operates, is really— There was a discussion about the fact that we need to investigate and prosecute public corruption, and I agree with that very strongly. This organization, however, as it currently is structured, is incapable of effectively doing these investigations because they are more concerned about their own jobs and because they need to report to the General Assembly.

Now, I am not sure how you have a completely independent investigative body to look into public corruption and these other issues, but having public officials create an entity that is responsible to us for their jobs does not seem to make sense and certainly does not make for an independent agency. This commission, in my opinion, is so broken that the only way to fix it is to eliminate it and to completely start over.

So I would ask the members' support for the Veon amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady and recognizes Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, as early as the mid-, early mid-1980's, I have been a very strong supporter of the Pennsylvania Crime Commission. Perhaps as much as no one but maybe two or three other members of this House has been more supportive over the last decade of this commission than myself, but my support for the Pennsylvania Crime Commission has diminished in direct proportion to the erosion of the professionalism of that organization.

I have a great deal of respect for the gentleman, Mr. Ryan, perhaps more than anybody else in this chamber, and when he talks, I listen, but on this matter, he is wrong. We are not

abolishing the Pennsylvania Crime Commission's or any entity in Pennsylvania's ability, their charge, to investigate organized crime, to investigate public corruption in Pennsylvania. In fact, Jeff Piccola and Denny O'Brien and myself and an awful lot of other people would not be for this amendment if it did away with any organization's charge to investigate public corruption, organized crime, and other crimes in Pennsylvania. I would oppose the amendment if that is what it did. What this amendment does is, it takes those powers and those responsibilities away from the amateurs and gives it to the professionals. It takes it away from the Pennsylvania Crime Commission and gives it to the Pennsylvania State Police.

One thing we have to ask ourselves, this amendment and this effort and this debate has been going on for several months. It has been in the newspapers; it received a great deal of attention throughout the Commonwealth of Pennsylvania. We have not heard from the U.S. attorneys of Pennsylvania, please save the Pennsylvania Crime Commission. We have not heard from our local police departments; we have not heard from the District Attorneys Associations; we have not heard from the Pennsylvania State Police; we have not heard from the actual law enforcement agencies across Pennsylvania. The legitimate law enforcement agencies across Pennsylvania, their silence has been deafening; their silence has been deafening when it comes to saving the Pennsylvania Crime Commission, because I think they have reached the same conclusion that Jeff Piccola, Mike Veon, Denny O'Brien, myself, and an awful lot of other people have. There is a better way to investigate public corruption in Pennsylvania, and that is to give it to the pros. There is a better way to investigate organized crime in Pennsylvania, and that is to give it to the professionals.

Mr. Speaker, I ask for your support for the Veon amendment. I think it strengthens law enforcement in Pennsylvania; it attacks public corruption; it attacks organized crime in a much more efficient, organized, and strong way, and I ask that we all approve the Mike Veon amendment. Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman from Luzerne and recognizes the gentleman from Philadelphia, Curtis Thomas, on the Veon amendment.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to the Veon amendment, and I would like to interrogate the maker of the amendment prior to making comments. Will the maker stand for interrogation?

The SPEAKER. The gentleman, Mr. Veon, indicates he will stand for interrogation. Mr. Thomas may proceed.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, you have indicated that the Crime Commission has reached a point where it no longer needs to exist. My first question is whether or not you individually or in conjunction with the oversight committee of this House, that being the Judiciary Committee, ever attempted to exercise oversight authority and bring the Crime Commission to a point where it would satisfy your desires in that commission meeting

its statutory authority? Has there ever been any effort to exercise oversight and change the direction of the commission?

Mr. VEON. Mr. Speaker, I personally have never had any particular responsibility for oversight over the Pennsylvania Crime Commission, and therefore, I truthfully never have exercised any oversight, at least in the way that I believe you are using that term here today, over the Pennsylvania Crime Commission.

Mr. THOMAS. But procedurally, the Judiciary Committee has oversight authority and through that committee it can look into the activities of the Crime Commission, but outside of the Judiciary Committee, individual members of this House at any time can introduce a resolution calling for an investigation or a review of a creature of the General Assembly. So procedurally, I wanted to know whether you at any time have attempted to introduce a resolution calling for a review and/or an examination of the Crime Commission.

PARLIAMENTARY INQUIRY

Mr. VEON. Mr. Speaker, point of parliamentary inquiry, please.

The SPEAKER. The gentleman will state his point.

Mr. VEON. Mr. Speaker, the gentleman, Mr. Piccola— I would like to let the gentleman, Mr. Thomas, know that the gentleman, Mr. Piccola, who has served a number of years on the Judiciary Committee and has been intimately involved in the drafting of this amendment, might be helpful in answering some of the questions. I would be glad to try to continue to answer the gentleman's questions. I served on the Judiciary Committee for a brief period of time, but the gentleman, Mr. Piccola, has served for a longer period of time and perhaps may be able to better answer the inquiries, whichever the gentleman, Mr. Thomas, would prefer. Is that proper? My question is, would it be appropriate to yield to the gentleman, Mr. Piccola?

The SPEAKER. The gentleman's inquiry should be answered that if the gentleman, Mr. Thomas, wishes to elicit answers from the gentleman, Mr. Piccola, that would certainly be proper. Does the gentleman, Mr. Thomas, wish for the gentleman, Mr. Piccola, to respond to some of the inquiries?

Mr. THOMAS. I will accept a response only if the gentleman, Mr. Piccola, is receptive to responding to questions that I have specifically for him as a coauthor of this amendment.

The SPEAKER. The gentleman indicates by a nod that he will, and the gentleman, Mr. Thomas, should be aware that Mr. Piccola is the recordholder for the tenure on the Judiciary Committee.

Mr. THOMAS. Thank you, Mr. Speaker.

So to Mr. Piccola and to Mr. Veon, if you have an answer to that question of whether or not you have ever introduced a resolution directing the Judiciary Committee to look into the activities of the Pennsylvania Crime Commission. And my second question, since you are now a part of the interrogation, my second question would run to whether or not you have in

your possession or Mr. Veon has in his possession any documented or any testimonial evidence from the law enforcement community as it relates to its relationship or nonrelationship with the Pennsylvania Crime Commission.

Mr. PICCOLA. Mr. Speaker, to answer what I believe was your very first question concerning committee oversight, if I could answer that one first and then get to your second more formal question, let me respond by saying two things. First of all, the commission has appeared before us formally, as a joint committee of the House and the Senate, with a report every year, I guess, since 1968, certainly every year since I have been on the committee. I know for a fact that on frequent occasions during the appearance of the commission when they have made their report to the members of the committee, I and other members of the committee have asked the commission, do you have a draft of a proposed bill or a piece of legislation or corrective language that we should be introducing into the General Assembly to correct or solve the problems that you are bringing to us in that report? That happened on numerous occasions over the 15 years that I have been on the committee.

Secondly, as recently as this last summer, I had a meeting with some members of the staff of the Pennsylvania Crime Commission, and I outlined to the members of the staff and I said to them what the problems, what the criticisms are of the Pennsylvania Crime Commission. I said, you know what they are; you know what mine are; you know what Mr. Veon's are; you know they are in the public press. You guys come back to us, show us how you can change, how you can change your operation to meet the criticisms that are being leveled at you by various parties around the Commonwealth; you show us how we can change your method of operation, and I told them, get back to me—this was this summer when we were in legislative recess—and I said, come back to us and help us change you so that you can be a productive agency of State government, and their response was—I have not gotten a response. They never got back to me, so I presume they have no response.

Now, the only response technically that I had—and I think I communicated that with the members of this House—they were going around visiting various members and they were misrepresenting my position, with respect to their agency, to certain members of the House, and I am not going to get into names, but I think the members know what I am talking about because I communicated with the commission and told them to cease and desist. That is the way they operate, Mr. Speaker.

Now, with respect to your question about a formal resolution, I am not aware of any. There are oversight hearings, however, all the time. I am sure if we go back to the legislative debate during a sunset hearing and reconstitution process back when we had sunset, there might be something on the record there. I have nothing in my possession now concerning that.

With respect to your question about documents from law enforcement agencies, I have, as Mr. Blaum indicated, I have nothing that shows me that law enforcement in this State, whether it be State, national, Federal, or local, will suffer in

any way. Nobody has called me and said, do not get rid of that Crime Commission; we have got to have them. The fact of the matter is, law enforcement will take information from wherever they can get it. But the fact of the matter is, from my experience, most of what the Crime Commission has developed is already in the possession of local and State and Federal law enforcement. So I do not think they are anxious one way or the other.

Mr. THOMAS. Thank you, Mr. Speaker.

I think that you have adequately answered my two questions; one, and that is that there has never been a resolution introduced to affirmatively look at the activities of the Pennsylvania Crime Commission and reach some determination as to the substance of those activities and make some recommendations for corrective action. That has not taken place. You have answered that question.

In response to the second question, an earlier speaker indicated that the law enforcement community was not jumping up and down about retention of the Pennsylvania Crime Commission. It is true that the law enforcement community is not jumping up and down about retention, but it is also true that the law enforcement community is not jumping up and down about the abolition of the Pennsylvania Crime Commission. So it is arguable that its silence could go for retention as well as it can go for abolition of the commission.

So, Mr. Speaker, I would like to urge the members of this House to vote against the Veon amendment. As the minority leader has adequately pointed out, while there might be a consensus that there exists a problem, the remedy that we have proposed is defective. The remedy for changing, if we have a problem with a creature of this body, the remedy for change is not dissolution, not abolition of the commission. There is an appropriate remedy for bringing about changes with the Pennsylvania Crime Commission, and that remedy exists with the House Judiciary Committee and the chairman of the Judiciary Committee taking affirmative steps to bring about changes or any one of 203 members at all times having the capacity, by way of resolution or by way of a bill, to bring about changes in the way the Pennsylvania Crime Commission operates. So while there is a consensus on the problem, the remedy which has been proposed is defective.

I urge a "no" vote on the Veon amendment, and I urge that on the consensus that there is a problem with the commission, that we take immediate steps. I would not mind coming in tomorrow, introducing a resolution that directs the Judiciary Committee to begin taking affirmative steps to examine the activities of the commission, and through the Judiciary Committee and the other members of this House, provide some clear and concise corrective steps that can be taken to insure that this commission is truly a legitimate investigative arm of this Pennsylvania General Assembly. I think that that is the process and the path that we should take to remedy some of those problems that members might have with the Pennsylvania Crime Commission. I think that it is extremely dangerous, extremely dangerous, to move down a path which says in effect that if I do not like a particular commission or

I do not like a creature which this body created, then the only solution for solving the problem is to get rid of the agency or get rid of the board or get rid of the commission. Getting rid of things is not a solution to change nor is it a solution or a way to bring about progress. So I urge a "no" vote on the Veon amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman and recognizes Mr. DeLuca from Allegheny County.

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the Veon amendment.

Since 1985 we have spent approximately \$20 million to compile reports, to make suggestions to this body. I have been here for 6 terms, 12 years. I have seen every one of them and reviewed every one of those reports, and all I find is a rehash that the local cop on the beat in those districts probably could compile that information himself and probably knows what is going on in those districts and whom he can identify as an organized crime figure.

You know, if we are going to combat crime today, that money would be better utilized to put maybe 50 State troopers out there to find out where this crime and corruption is. A body that duplicates other law enforcement agencies' jobs certainly does not need to be here in this body.

Let me also say that the Federal Government is looking at consolidating law enforcement agencies to save money, not because they are looking to have more crime and corruption out there but because of the duplication that they have. I think in government too many times we are spending more and more for studies and not getting anything done. This agency might have served its purpose in 1969, but this is 1993 now.

You know, 2 weeks ago we passed a resolution looking into one of our judges on the Supreme Court, yet we had this Crime Commission come out and identify our chief law enforcement agency and make some innuendos without any proof because they have immunity. Whether it is true or not, he has not been convicted, no evidence has come out, but yet that is in the mind of the public out there that he has done something wrong. That is a disgrace in our society today. It is also a disgrace when we have 39 individuals in this State that we call supercops for over 11 million people to supersede some of the best law enforcement agencies we have — the State Police, our local governments, our district attorneys. It is time that this body be abolished. Not only that, the editorials have come out supporting doing away with the Pennsylvania Crime Commission.

I ask my colleagues here today to vote to support the Veon amendment. Thank you.

The SPEAKER. The gentleman, Mr. Wright, David Wright, from Clarion County is recognized, followed by Representative Trello; and then Representative O'Brien for the second time; Representative James for the second time.

Mr. D. R. WRIGHT. Mr. Speaker, I do not know that there is anybody in this House who is more sensitive to the issue of assassination by investigation than I am, but it is interesting to me that we are focusing our attention tonight on the Crime Commission.

I agree with almost everything that the gentleman, Mr. Ryan, has said. He expressed most of my views, and I do believe that the Crime Commission is the only resource that this General Assembly has. I am sensitive to the issue of the personal harm, such as the Representative, Mr. DeLuca, has mentioned, with regard to those investigations. I think something ought to be done about that, but it seems to me a little strange that we take away from the Crime Commission right now an ongoing investigation, an investigation that probably certain appointed officials and agencies may have no interest to continue.

While we are looking at the Crime Commission, perhaps we should take a look at the Inspector General's Office in the Governor's Office. Nobody has really talked about the abuse that has resulted from that office with raw data, unsubstantiated documentation causing a report to be released that was circulated at football games. We ought to be looking at that agency and see what procedures and what standards it uses for its investigation and for its reporting.

While we are looking at our laws about assassination by investigation, perhaps we ought not to overlook what we do to our prosecutors. We have allowed, by our laws, to allow prosecutors to use their investigatory powers of their office for purely political purposes.

I do not approve of everything the Crime Commission has done, but I do not want to give to the executive branches of this government, the executive offices of this government, more power than they already have to intimidate, to assassinate through investigation.

The SPEAKER. The Chair thanks the gentleman and recognizes Representative Trello.

Mr. TRELLO. Mr. Speaker, I rise to support the Veon amendment.

There is some dialogue here today that we should not abolish a commission because we like or dislike. I believe the men and women that serve on the Crime Commission are honorable people and good people. It is not a question of whether you like or dislike the commission.

You know, about 15 years ago, a former member and myself served on the Appropriations Committee, a lady by the name of Carmel Sirianni, God rest her soul. Before the Appropriations Committee, they tried to justify their budget for the following year and they came out with their Crime Commission report. Carmel was sitting right next to me, and she said, "My God, these names have been in this report for the last 10 years. If these guys are so bad, why aren't they in jail?" And several of them were from her district. I agreed with her that I was sick and tired of seeing the same names year after year and nobody has been convicted of any crime. Introducing a bill to eliminate the Crime Commission is not new, because Carmel and I cosponsored a bill about 14 or 15 years ago to do the same thing simply because of character assassination.

The purpose of the Crime Commission is to report to the General Assembly. I remember about a year ago when the first talk was floating around about eliminating the Crime

Commission, that they exhausted their usefulness. All of a sudden the Crime Commission held a press conference in the rotunda and they talked about sinister forces in the General Assembly, casting aspersions that somebody in this General Assembly was part of a sinister force. When the news media questioned them, who those sinister forces were, they said, we are not at liberty to disclose that, and a member of the news media said, then what the heck are you having the press conference for? That is exactly why I am going to support Veon's amendment.

I think the men and women there mean well. I think they try to do their job. I think we have men and women in the State Police and other law enforcement agencies that can do it better, and that is what we are here for, to make things better, and I urge everybody to support the Veon amendment. Thank you.

The SPEAKER. Does the gentleman, Mr. Pistella, seek recognition? The gentleman is recognized on the Veon amendment.

Mr. PISTELLA. Thank you, Mr. Speaker.

I was wondering if the prime sponsor would stand for a question, please?

Thank you, Mr. Speaker.

Mr. Speaker, I would like to direct your attention to the first page of your amendment under the section of definitions. There are two definitions, one for "organized crime" and one for "public corruption." Those would be the last two full paragraphs on page 1. As I understand your amendment, by definition you are removing those two categories from the statute that covers the Pennsylvania Crime Commission. Is that correct?

Mr. VEON. One second, Mr. Speaker.

Mr. Speaker, the intention of the drafting of that amendment is to, and I believe it does this, to keep both of those definitions intact for the life of the commission. The commission, of course, under my amendment would terminate June 30 of 1994.

Mr. PISTELLA. Okay. Thank you.

The second question I have is, in the explanation you had given for your amendment, you made reference to the employees being transferred over to the State Police. Do you happen to know how many employees that would cover?

Mr. VEON. Mr. Speaker, I believe that the number of employees at the Pennsylvania Crime Commission presently is somewhere in the neighborhood of 35 to 40.

Mr. PISTELLA. Thank you very much.

I have concluded my interrogation and would like to make a comment if I could on the bill.

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

Mr. PISTELLA. Thank you.

Mr. Speaker, I did not want to take the floor to debate this issue, but I feel it is important that I stand and explain why I intend to cast the vote I do.

I am going to vote against the Veon amendment, and it is not a decision that I have made lightly. I agree with much of

what was said by Representative Ryan when he spoke about the Crime Commission earlier. I have served in the legislature for over 14 years. I have read a number of the reports the Crime Commission has issued. I have agreed with some of it, I have disagreed with parts of it, and I have taken umbrage to the fact that for a long period of time, including now, oftentimes the names that were included in that report were those of Italian-Americans or those of Italian-American descent. But I must say this in defense of the Crime Commission: When I served on the Appropriations Committee, as Representative Trello alluded to his serving earlier, when I was critical of the Crime Commission for the fact that they seemed to focus on this particular ethnic group, they went out and proceeded to investigate crime in the Latin American community. They also investigated reports of crime and drug dealing on the part of organized biker-bandit outlaw groups in Pennsylvania. And I appreciated very much the fact that they undertook that. They felt that their mission was to root out crime, to report it, and as others have said before, light is a wonderful disinfectant.

But we are still engaged in a war against crime, whether it is in our streets, whether it wears a white collar, a blue collar, or no collar. The fact of the matter is, if we are sincere about fighting crime in Pennsylvania, we need every tool possible. Well, you say, why do we need every tool possible and why does the Crime Commission classify as one of those tools? Because I would like to read this to the members: "(1) organized crime is a highly sophisticated, diversified, and widespread phenomenon which annually drains billions of dollars from the national economy by various patterns of unlawful conduct including the illegal use of force, fraud, and corruption;

"(2) organized crime exists on a large scale within the Commonwealth of Pennsylvania, engaging in the same patterns of unlawful conduct which characterize its activities nationally;

"(3) the vast amounts of money and power accumulated by organized crime are increasingly used to infiltrate and corrupt legitimate businesses operating within the Commonwealth, together with all of the techniques of violence, intimidation, and other forms of unlawful conduct through which such money and power are derived;..."

Those are not my words, Mr. Speaker. Those are the words of the Pennsylvania General Assembly as adopted in chapter 9, section 911, "Corrupt organizations" in the Crimes Code, Title 18. If this legislature itself has seen fit to characterize organized crime in Pennsylvania in those terms, then I as one stand to say we need every tool possible to fight organized crime in Pennsylvania.

The Pennsylvania Crime Commission happens to be, as Representative Ryan has pointed out, our tool. We may not agree with everything that is said or done by the Crime Commission; we may have a political friend or two who should take umbrage at what has been said by the Crime Commission; and yes, we are probably right that they deserve to have their day in court, but until such time as organized

crime and public corruption is weeded out and stamped out in this State, we need to have the Crime Commission.

Representative Veon, I think, is trying very hard to see to it that we fight crime in Pennsylvania, but if you notice the two paragraphs I pointed out, there is no corresponding language that exists in the Crimes Code, Title 18, in Pennsylvania to give the State Police or any other organization the authority with which to operate the same way we do the Crime Commission. They will have no opportunity to investigate public corruption, corruption which is "The unlawful activity of any public official or public employee under color of or in connection with any public office or employment or any candidate for public office of the agent of any candidate for public office under color of or in connection with any public office or employment." They will not have that responsibility, as Representative Veon himself has admitted, after June 30 of 1994.

I think that there is crime in our street. I think there is white-collar crime; I think there is organized crime, and there is unorganized crime. We need to have every tool possible to fight that crime. It is not for ourselves — for our constituents, for their children, and for our future. It is for that reason I stand in opposition to the efforts that Representative Veon has undertaken. With a heavy heart I suggest we vote against the Veon amendment.

If we want to boost the force of the State Police by 35 members, let us appropriate the money to do that in the General Fund budget the way we should do it and let us not engage in this sleight of hand because some of our friends might have been hurt or have taken umbrage or been slighted politically. Thank you.

The SPEAKER. The gentleman from Westmoreland County, as he is affectionately known, Guiseppe Petrarca, is recognized.

Mr. PETRARCA. I stand to support the Veon-Piccola amendment.

For years now, 25 years, we have watched the Crime Commission. We saw their voluminous 3-inch report, now down to a quarter inch; the same people, the same dead people. They attacked our financial chairman when he was trying to find out a way to raise funds, you know; they referred to him as a cynical force.

Now, this commission was supposed to be abolished December 31, 1993. Veon came to us and said, I want to extend the life 6 months; I want to give them a chance to be replaced, slotted in other jobs, and we said, okay, we will be a nice guy. We stepped back and we said, 6 months life. Now they want to continue this report.

It was said that the most un-American activity organization in the United States is your Crime Commission. I do not have an appointment to the commission, but let me tell you, some of those guys they put on there, they let you wonder.

Now, when Amos Hutchinson was here, we had some people that got favors from the LCB (Liquor Control Board), and other legislators, the majority of us, did not. So I said, how can we change that, Amos? He said, turn them over to the

State Police; no one will get a break, and that is what we did. We should do the same thing here. We have got 67 D.A.'s (district attorneys) in the State of Pennsylvania who do the same thing. All this work is redundant. Four point two million dollars was thrown away. When you had the Allegheny County crime lab that needed \$1.2 million, they had to come to Westmoreland.

I am not voting for a budget that has got this kind of fat in it. If you want to put the Crime Commission back in, I will vote against the budget.

The SPEAKER. The Chair thanks the gentleman.

Mr. Belfanti is recognized on the Veon amendment.

Mr. BELFANTI. Thank you, Mr. Speaker.

I also rise in support of the Veon amendment, and I would like to point out that one of the previous speakers, Representative Pistella, pointed out two sections of the law which he said the State Police would not have the statutory ability to investigate, and one was public corruption and the other was organized crime. But, Mr. Speaker, what was not said is that there are already two investigative bodies in place that have that statutory ability. The Pennsylvania Ethics Commission is the branch of government that has been designated to investigate public corruption and has been doing a somewhat effective job at it. Also, the Pennsylvania State Police has an Organized Crime Division which not only name-drops with dated material but goes after hardened organized crime figures, prosecutes them, and puts them in jail.

At best, the Crime Commission has been noted for printing this annual dated name-dropping report. At worst, it has shown a pension for utilizing ethnic McCarthyism. One of the findings in the 1989 report of the Crime Commission was something to the effect that as the Asian population has increased in our urban centers, so has Asian-related crime in racketeering and prostitution and narcotics. Well, it does not take any rocket scientist to figure something like that out, Mr. Speaker. We do not need to spend \$4.2 million to have some agency tell us that when one ethnic group or another grows in a metropolitan area, that the level of crime coming out of that particular ethnic group likewise increases. We do not need to spend \$4.2 million on that report. We ought to be putting that \$4.2 million into effective enforcement agencies such as the State Police, such as the Ethics Commission, such as the county district attorneys, and all of the other enforcement agencies that do something a little more than name-drop, a little more than rehashing for 25 years the names of people who have been dead for 15 years. Put that money on the streets where it is needed, and let us adopt the Veon amendment and get on with the business of effective law enforcement in this State. Thank you.

The SPEAKER. The Chair thanks the gentleman from Mount Carmel and recognizes the gentleman from Philadelphia, Mr. O'Brien.

Mr. O'BRIEN. Thank you, Mr. Speaker.

Mr. Speaker, the Crime Commission has been in existence for over a quarter of a century. What has it done? In other words, Mr. Speaker, where is the beef?

In my experience, the Crime Commission has been all sizzle and no steak. Unfortunately, the commission's sizzle has smeared the reputations of people across this Commonwealth.

I rise to ask you to support the Veon-Piccola amendment and revoke the commission's license to defame. Thank you.

The SPEAKER. Does the gentlelady, Mrs. True, seek recognition? On the Veon amendment, Mrs. True is recognized.

Mrs. TRUE. Thank you, Mr. Speaker.

I rise in support of the Veon amendment.

I suppose as a freshman Republican I do not have all the history that a lot of you have in this body, but I do know I have been working on the drug issue since the early seventies, and part of that issue, of course, is organized crime.

I would certainly have welcomed, since 1968, support from a commission designed to investigate the drug issue. I have never seen them, I have never heard from them, and I certainly never got any help from them.

I do not know if anybody is paying attention or not, but anyway—

I come from a pretty conservative district, and a lot of our areas are rural areas. Money is tight, jobs are leaving—

The SPEAKER. The House will please be in order. Mrs. True is a first-term Representative. She would appreciate and the Chair would also appreciate the attention of the membership. Please come to order. This debate should not last all that much longer.

Mrs. TRUE. Thank you, Mr. Speaker.

Just to wrap up what I have to say, my area is suburban-rural. A lot of the jobs have left the Manheim area and money is very tight. I see a lot of money going for absolutely nothing.

Please support the Veon amendment. Thank you.

The SPEAKER. The gentleman from Bucks, Mr. Melio.

Mr. MELIO. Mr. Speaker, Representative O'Brien reminded me of another similar situation. We are like in a late show now, and there is another late show on TV that usually uses 10 questions to give you reasons why they do things. I think Representative Veon's 10 reasons why we should abolish the Crime Commission are right on target, and I recommend to my colleagues that they look them over and vote for the Veon amendment. Thank you.

The SPEAKER. The gentleman, Mr. Acosta, for the second time on the Veon amendment.

Mr. ACOSTA. Thank you, Mr. Speaker.

I would like to invite all these legislators that have spoken on behalf of the State Police, I would like to ask them to come down to my district with the State Police and to help me clear and clean the mess that I have down there. That is why I am voting against the Veon amendment.

The SPEAKER. The gentleman from Dauphin, Mr. Piccola.

Mr. PICCOLA. Thank you, Mr. Speaker.

I was not going to speak for a second time, but I have to respond to the inaccuracies of Representative Pistella's comments concerning the ability to prosecute official corruption.

I believe from the remarks of the gentleman, Mr. Pistella, he seemed to imply that if we abolish the Crime Commission and allow it to go out of existence, that we are eliminating the possibility of investigating official corruption. That is simply not true, legally or otherwise. Section 911 of the Crimes Code, commonly known as RICO (Racketeer Influenced and Corrupt Organizations), gives the State Police and other investigatory agencies not only the power to investigate official corruption and organized crime but the power to prosecute it, and in response to the gentleman, Mr. Acosta, I have great sympathy for the problems that he has in his district, but they are not going to be solved by the Crime Commission. The Crime Commission can come down there and investigate up one side and down the other, but they cannot put one person in jail or take one drug dealer off the street. That has to be legitimate law enforcement. And there may be a failing there, but it is not because the Crime Commission is on duty. The Crime Commission cannot do a darn thing about it.

Mr. Speaker, let us put this small amount of money that we are talking about into the Pennsylvania State Police so that organized crime and official corruption can not only be investigated properly, it can be prosecuted and these individuals convicted and taken off the street.

Let us support the Veon amendment. Thank you, Mr. Speaker.

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

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

I will try to make this as quick as possible.

First of all, there has been some misinformation and disinformation that has been portrayed on the floor of this House as to the budget. Anybody that is on that Appropriations Committee or if you have a budget in front of you concerning the Crime Commission, it is \$2.4 million for the whole year. We gave them \$1.2 million for half a year. The State Police has over \$300 million with over 5,000 employees. The Attorney General's Office has \$66 million with over 300-plus employees. Think about the amount of crime that we have been dealing with in this State and the amount of money, and in my timeframe with that Attorney General's Office, we went from \$20 million to \$66 million and they still do not have a handle on the amount of crime or any idea how to stop it. If you look at the drug war, we are losing it. Make no mistake about it. Go down to Ralph Acosta's district, go to any urban area in this State, and ask yourself, what are the State Police doing to eliminate that problem? They are going to come in and ask for more money this year, more manpower.

One other piece. It was alluded to that none of the police agencies are in favor of retaining the Crime Commission. I daresay, open up your booklet: Col. George Murphy, superintendent of police, Scranton; Frank Anselmi, captain of the State Police; Richard Bratner, chief of the Martinsburg Borough Police; Robert Steinberg, district attorney, Lehigh County; Michael Barrassé, district attorney, Lackawanna County. That is just to name a few.

I think you know what the issue is. I think it is absolutely imperative that we defeat the Veon amendment and go on to support the legislation which eliminates the annual report and hones in on focusing the direction, whether it is going to be gang violence, other types of violence that we can focus in on as a General Assembly, and give that direction to the Crime Commission. For that paltry amount of money, there is more money spent on insect control in this State than we spend on the Crime Commission.

I urge you, respectfully, to defeat the Veon amendment.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. The gentleman, Mr. Melio, for the first time.

Mr. MELIO. Mr. Speaker, I just thought everyone had received a copy of these 10 questions. I will just make it a part of the record.

The SPEAKER. The Chair thanks the gentleman, and the remarks that he is forwarding will be included in today's Journal.

Mr. MELIO submitted the following remarks for the Legislative Journal:

WHY WE SHOULD ABOLISH THE CRIME COMMISSION

1. If we are going to be tough on crime we must put our money where we will have the ability to arrest, prosecute, and convict.
2. We must focus on the crime issues of today's Pennsylvania.
3. The Commission does little to make our communities safer.
4. Commission's record of recommendations.
5. Since 1985, we have spent over \$19 Million on the Crime Commission. We need more than casual "suggestions."
6. Compared to commissions in other States, Pennsylvania's does little to eradicate crime off our streets.
7. The Crime Commission reports have become nothing more than a government-funded "National Enquirer."
8. The Commission has turned into a bureaucratic entity more concerned with its own survival than providing useful information.
9. It is preferable to have 50 state police officers out on the streets fighting crime than 43 legislative staffers producing cosmetic reports.
10. If the Commission is so critical to our Commonwealth's crime fighting efforts, why aren't we flooded with calls of support for its survival?

I. WE MUST BE TOUGH ON CRIME

- * If we are going to be tough on crime we must put our money where we will have the ability to arrest, prosecute, and convict.
- * We cannot afford to waste another dollar on a commission that can do little to solve crime problems in our community.
- * We need to have the means to eradicate these problems, not just a commission that will restate some of our crime problems, year after year.
- * Instead we need more police on the streets.
- * We need police who are better trained and equipped to handle our day-to-day crimefighting efforts.

II. WE MUST FOCUS ON THE REAL CRIME IN TODAY'S PENNSYLVANIA

- * When the Crime Commission was formed in 1968 its primary objective was to search out and unveil organized crime activities in the Commonwealth of Pennsylvania.
- * By 1980, the Commission had brought to light many of the criminals that became household names throughout the State.
- * The face of crime in 1993 is significantly different than 1968. This is why the legislative has been taking extraordinary efforts to find solutions to today's crime problems. One example is the PAVE initiative.
- * In 1992, the Commission spent \$2 Million to write a report that focused primarily on organized crime's influence on Solid Waste and Bingo.
- * This report virtually excluded any efforts to identify and eliminate today's crime problems that strike fear in the hearts of Pennsylvania citizens:
 - Carjackings
 - Street Crime
 - Gangs
 - Violence in our schools
- * Our problem with the current Crime Commission is that it has become antiquated. For the last twelve (12) years they have continued to focus on organized crime, as if the Scarfos of the world were our greatest problem.

III. THE COMMISSION DOES LITTLE TO MAKE OUR STREETS SAFER

- * On November 30, Mike Reilly, Chairman of the Crime Commission, by his own admission, said the Commission is a valuable source of information like the Kefauver and Nunn Commissions.
- * However, much like the Kefauver Commission and others like it, the Crime Commission has outlived its initial purpose. Commissions like Kefauver only endured long enough to accomplish its goals.
- * The Crime Commission has gone on and on. It is time that we refocus our energies and resources.
- * Reilly also claims that the Commission provides a valuable source of legislative recommendations that are intended to fight crime in the Commonwealth.
- * In the last 12 years the Crime Commission has issued 39 legislative recommendations. However, 29 of these recommendations merely reiterated previous suggestions; and moreover, in five of these years this Crime Commission did not submit a single recommendation to the legislature.
- * This Commission cannot fight crime with the same tired recommendations year after year.

IV. THE COMMISSION'S RECORD OF RECOMMENDATIONS

- * Some of the Recommendations put forth by the Crime Commission over the last 12 years:
 - The U.S. Immigration and Naturalization Service must be restructured so that it can work more vigorously and effectively.
 - The U.S. Department of Labor should conduct periodic and random audits of union health and welfare pensions.
 - We recommend that the U.S. Attorneys/Federal Strike Forces consider use of the Federal RICO statute where possible.
 - The Crime Commission should hold more frequent public hearings. [They already have the ability to do this].

Sample of a Commission Finding:

- * 1989, "Asian Organized Crime in Philadelphia."
"As populations have increased in the Asian communities of most large cities, so has law enforcement's concern for such criminal activities as gambling, prostitution, narcotics, and extortion."

V. WASTE OF MONEY

- * Since 1985, we have spent over \$19 Million on the Crime Commission.
- * We should expect to receive in return well thought-out reports. The Commission's legislative recommendations and investigative conclusions should be complete with full documentation.

Legislative Recommendations:

- * The recommendations this legislature has been presented with are merely "suggestions," without any explanation of its purpose, evidence of its feasibility, or probability of success.
- * A good example of the Commission's useless recommendations are clearly evident in their constant call for coordination and cooperation among criminal justice and law enforcement agencies.
 - Every report advocates "the development of close relationships between the local police agencies, the 67 Pa. D.A.'s and the Commonwealth's prosecution, investigation, regulation, and enforcement agencies."
 - If this recommendation is as critical as they state, why hasn't the Commission taken one step to outline the process in accomplishing such a daunting task?

Investigative Conclusions:

- * Moreover, the Commission's investigations into organized crime activity yield "conclusions" which provide little, if any, new or useful information.
- * Year after year the Commission concludes their investigations by saying that if nothing is done about these problems, the situation will get worse. Yet no workable solutions are carefully presented.

Wasteful Contracting:

- * In 1991 the Commission contracted out a report that was written by a college professor dealing with a subject matter that they should have had extensive expertise.

VI. COMPARISON TO OTHER STATES

Compared to commissions in other states, Pennsylvania's Crime Commission can hang out more dirty laundry. However, compared other states, it does little to eradicate crime from our streets.

- * Pennsylvania is the only state that not only extends "Absolute Privilege" protection against libel and slander in civil actions, but to criminal actions as well.
- * It is the only Commission that can conduct investigations without direction or request from any other Governing body. [i.e. the Governor, the State Legislature or the head of a State Department or Agency].
- * It is the only agency which can issue public reports identifying people by name, before indictment.
- * With the exception of New Jersey, it is the only Crime Commission not incorporated into the State Criminal Justice System.

VII. THE CRIME COMMISSION
"SCANDAL SHEET"

- * The Crime Commission's annual report has become nothing more than a government-funded "National Enquirer."
- * Can we really afford to continue to pay millions so we may publish a "Who's Who" of possible organized crime figures?
- * What is even more disturbing is that most of the information deals in innuendo not fact.
- * Can we really afford to publish the names of these people based on questionable "evidence?" For example:
 - The Commission used evidence to connect Northeastern Pennsylvania crime boss Russell Bufalino to New York trash hauler John Francis because "Bufalino was best man at Francis' wedding." (1992 Annual Report, p. 1).

- * Worst of all, the reports have become a favorite of the very people they have targeted. There have been many stories of the Commission's report being found in the possession of those mentioned in it because they are amused to read what has been written about them. To the underworld, the Commission has been an object of ridicule.

VIII. COMMISSION FIGHTING FOR SURVIVAL

The Commission has turned into a bureaucratic entity more concerned with its own survival than providing useful information.

- * The Commission reports are replete with page after page of pats on the back. Many times it says, in effect, that without the Crime Commission organized crime would destroy the Commonwealth.
- * A few examples of how the Commission attempts to perpetuate itself by recommending more powers for Commission:
 - All State agencies with investigative, enforcement or regulatory functions effective against organized crime should be coordinated or assisted by one agency—the Pennsylvania Crime Commission will endeavor to perform such coordination.
 - In 1984, one-third of the Commission's report, 14 pages, are devoted to praising the work of the Commission.

IX. SPEND MONEY ON MORE POLICE

- * Since 1985, more than \$19 Million on the Crime Commission when this money could have been better used for 50 more state police officers out on the street fighting crime.

X. WHERE IS THE SUPPORT?

Why haven't we heard from:

1. Fraternal Order of Police.
2. Pennsylvania Bar Association.
3. Federal Bureau of Investigation.
4. Pennsylvania District Attorneys Association.
5. Trial Lawyers Association of Pennsylvania.

But we have heard from:

1. The New Jersey Crime Commission, at the request of Michael Reilly, Chairman of the Pennsylvania Crime Commission.

The SPEAKER. The gentleman, Mr. Harold James, of Philadelphia for the second time. Mr. James on the Veon amendment.

Mr. JAMES. Thank you, Mr. Speaker.

Mr. Speaker, I just want to make a few brief comments in regard to some of the responses that I have heard.

Organized crime is alive and well and has spread out into our communities, and in terms of violence has spread in our communities, and we are talking about here eliminating a Crime Commission that is going to investigate organized crime. Law enforcement agencies, they do not like to be shown up, and "shown up" means when another law enforcement agency or investigative agency finds out some information and then comes in and investigates or comes in and makes some arrests. They do not like that. So the Crime Commission should not be put under the State Police; they should be able to give that kind of information to either a prosecutor or to law enforcement.

Just for the members' information, 10 years ago law enforcement agencies did not cooperate. The only time they

started cooperating together, Mr. Speaker, and for your members, and me being in law enforcement, was when the drugs had risen to such an impact as it has done so since about 1985. That is when law enforcement - State, Federal, and local police agencies - started cooperating together as it relates to drug enforcement. Before that, they were not doing that.

That was asked at a hearing that the Judiciary Committee had with the State Police Commissioner testifying. I asked the State Police Commissioner, does he support the Crime Commission. He said yes. I asked him, was it a good tool in terms of resource and information. He said yes. I also asked then at that time Police Commissioner Willie Williams, now Police Commissioner Richard Neal, Police Chief Clark from Chester, do they support the Crime Commission and do they find them to be valuable information, and they all agreed.

I mentioned earlier that we should change the name or something; I do not care what you call them, and somebody said call them Keystone Cops. I would submit to you that there are police officers that maybe should be called Keystone Cops. Ninety-five percent of police officers are good police officers and work hard, but they do not like to talk about the bad police officers, and that is the sad part of it.

So, Mr. Speaker, I just say that the Crime Commission, or if we do not want to call it the Crime Commission, let us keep that concept as our legislative body. We need to keep a resource on where we can have our own investigative body. We should not at this time be talking about eliminating it.

I think that if we want to strengthen law enforcement, the way you strengthen law enforcement is to provide the kind of information that they need, and then the Crime Commission, that concept, does not get caught up in making numbers of arrests or making quotas of arrests, does not get caught up as when district attorneys get caught up in how many prosecutions they are successful with. The Crime Commission can give this information to any law enforcement or any prosecution agency, and we should keep that in our legislative body.

I would again urge the members, do not give up our only resource to have our own investigative concept, and I would urge you to oppose the Veon amendment. Thank you.

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

The following roll call was recorded:

YEAS-120

Adolph	Fajt	Marsico	Scheetz
Argall	Farmer	Masland	Scrimenti
Armstrong	Fleagle	Mayernik	Semmel
Baker	Gamble	McGeohan	Serafini
Barley	Gannon	Melio	Smith, B.
Bebko-Jones	Geist	Merry	Smith, S. H.
Belardi	George	Micozzie	Stairs
Belfanti	Gigliotti	Miller	Steelman
Blaum	Gladeck	Mundy	Steighner
Boyes	Godshall	Murphy	Steil
Buxton	Gordner	Nailor	Stern
Cappabianca	Gruppo	Nickol	Stetter

Carn	Hanna	Nyce	Surra
Carone	Harley	O'Brien	Tangretti
Cessar	Hasay	Perzel	Taylor, J.
Chadwick	Herman	Pesci	Tigue
Civera	Hess	Petrarca	Tomlinson
Clark	Hughes	Petrone	Trello
Cohen, L. I.	Hutchinson	Pettit	True
Cohen, M.	Itkin	Phillips	Tulli
Conti	Jadlowiec	Piccola	Uliana
Cowell	Kasunic	Platts	Vance
Coy	Kenney	Raymond	Van Horne
DeLuca	King	Ritter	Veon
Dempsey	Laughlin	Roberts	Vitali
Dermody	Lee	Roebuck	Waugh
Donatucci	Leh	Rohrer	Wozniak
Druce	Lynch	Rubley	Wright, M. N.
Durham	Maitland	Sather	Yewcic
Egolf	Markosek	Saylor	Zug

NAYS-79

Acosta	Fee	Lederer	Rudy
Allen	Fichter	Lescovitz	Ryan
Battisto	Flick	Levdansky	Santoni
Birmelin	Freeman	Lloyd	Saurman
Bishop	Gerlach	Lucyk	Schuler
Brown	Gruitza	Manderino	Snyder, D. W.
Bunt	Haluska	McCall	Staback
Butkovitz	Hennessey	McNally	Stish
Caltagirone	Hershey	Michlovic	Strittmatter
Cawley	James	Mihalich	Sturla
Clymer	Jarolin	O'Donnell	Thomas
Colafella	Josephs	Olasz	Trich
Colaizzo	Kaiser	Oliver	Washington
Cornell	Keller	Pistella	Williams
Corrigan	Kirkland	Pitts	Wogan
Curry	Krebs	Preston	Wright, D. R.
Daley	Kukovich	Reber	Yandrisevits
Dent	LaGrotta	Richardson	
Evans	Laub	Robinson	DeWeese, Speaker
Fairchild	Lawless	Rooney	
Fargo			

NOT VOTING-0

EXCUSED-4

Bush	Reinard	Rieger	Taylor, E. Z.
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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. 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-166

Adolph	Fajt	Lescovitz	Santoni
Allen	Fargo	Lloyd	Sather
Argall	Farmer	Lynch	Saurman
Armstrong	Fleagle	Maitland	Saylor
Baker	Flick	Markosek	Scheetz

Barley	Freeman	Marsico	Schuler
Battisto	Gamble	Masland	Scrimenti
Belardi	Gannon	Mayernik	Semmel
Belfanti	Geist	McCall	Serafini
Birmelin	George	McGeehan	Smith, B.
Blaum	Gerlach	Melio	Smith, S. H.
Boyes	Gigliotti	Merry	Snyder, D. W.
Brown	Gladeck	Micozzie	Staback
Butkovitz	Godshall	Mihalich	Stairs
Buxton	Gordner	Miller	Steelman
Caltagirone	Gruitza	Mundy	Steighner
Cam	Gruppo	Murphy	Steil
Carone	Haluska	Nailor	Stern
Cessar	Hanna	Nickol	Stetler
Chadwick	Harley	Nyce	Strittmatter
Civera	Hasay	O'Brien	Sturla
Clark	Hennessey	O'Donnell	Surra
Clymer	Herman	Olasz	Tangretti
Cohen, L. I.	Hershey	Oliver	Taylor, J.
Cohen, M.	Hess	Perzel	Tomlinson
Colafella	Hughes	Pesci	Trello
Colaizzo	Hutchinson	Petrarca	True
Conti	Itkin	Petrone	Tulli
Cornell	Jadlowiec	Pettit	Uliana
Cowell	Jarolin	Phillips	Vance
Coy	Kasunic	Piccola	Van Home
Curry	Keller	Pitts	Veon
DeLuca	Kenney	Platts	Vitali
Dempsey	King	Raymond	Waugh
Dent	Krebs	Reber	Wogan
Dermody	LaGrotta	Ritter	Wozniak
Donatucci	Laub	Roberts	Wright, M. N.
Druce	Laughlin	Roebuck	Yewcic
Durham	Lawless	Rohrer	Zug
Egolf	Lederer	Rublely	
Evans	Lee	Rudy	DeWeese,
Fairchild	Leh	Ryan	Speaker

NAYS—33

Acosta	Fichter	Manderino	Stish
Bebko-Jones	James	McNally	Thomas
Bishop	Josephs	Michlovic	Tigue
Bunt	Kaiser	Pistella	Trich
Cappabianca	Kirkland	Preston	Washington
Cawley	Kukovich	Richardson	Williams
Corrigan	Levdansky	Robinson	Wright, D. R.
Daley	Lucyk	Rooney	Yandrisevits

NOT VOTING—0

EXCUSED—4

Bush	Reinard	Rieger	Taylor, E. Z.
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

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

DEMOCRATIC CAUCUS

The SPEAKER. The gentleman, Mr. Coy, is recognized for an announcement.

The Chair would suggest that we only have a few moments to linger and scheduling announcements will be forthcoming. The gentleman, Mr. Coy, is recognized.

Mr. COY. Mr. Speaker, for the attention of the Democratic members, a brief change in time for tomorrow. We will caucus beginning at 10 o'clock, not 10:30, 10 a.m., and the principal issues will be the ones that the majority leader mentioned earlier. Democratic caucus tomorrow morning at 10 o'clock. The SPEAKER. The Chair thanks the gentleman.

REPUBLICAN CAUCUS

The SPEAKER. Mr. Geist is recognized.

Mr. GEIST. Thank you, Mr. Speaker.

There will be no change. The Republicans will caucus tomorrow morning promptly at 10 a.m.

We understand that there will probably be snow in the west tomorrow, so you will want to get us out of here early.

The SPEAKER. The Chair thanks the gentleman.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The gentleman, Mr. Battisto, from Monroe County is recognized.

Mr. BATTISTO. Thank you, Mr. Speaker.

I would like to announce a meeting.

There will be an immediate meeting of the Appropriations Committee now in the majority caucus room. Thank you very much. Right now.

The SPEAKER. Would the gentleman repeat that announcement?

Mr. BATTISTO. There will be an immediate meeting of the Appropriations Committee in the majority caucus room.

The SPEAKER. An immediate meeting of the House Appropriations Committee. The members of the Appropriations Committee will meet right now, immediately, in the House majority caucus room.

Members should retain their amendments for tomorrow. Members should retain their amendments for tomorrow.

VOTE CORRECTION

The SPEAKER. Mrs. Harley is recognized. For what purpose does the lady rise?

Mrs. HARLEY. Thank you, Mr. Speaker.

I would like to be voted in the negative on the Veon amendment to HB 2091.

The SPEAKER. The Chair thanks the lady, and her remarks will be spread across the record.

**HOUSE BILLS
INTRODUCED AND REFERRED**

No. 2316 By Representatives LYNCH, KING, BROWN, SCHULER, BAKER, HERSHEY, JAROLIN, CALTAGIRONE, LAUB, PISTELLA, SAYLOR, PETTIT,

LAUGHLIN, TRELLO, ULIANA, L. I. COHEN, BUNT, MAITLAND, TOMLINSON and MERRY

An Act designating Kane, Pennsylvania, as the "Black Cherry Capital" of this Commonwealth.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, December 7, 1993.

No. 2317 By Representatives LYNCH, FARGO, GORDNER, SCHULER, BARLEY, MASLAND, BAKER, PHILLIPS, CAWLEY, ARMSTRONG, HERSHEY, JAROLIN, FLEAGLE, TIGUE, DeLUCA, FICHTER, CLYMER, HENNESSEY, GEIST, B. SMITH, STERN, LEH, DRUCE, SAYLOR, SAURMAN, PETTTT, HESS, BROWN, LAUGHLIN, ROHRER, TRELLO, KING, CLARK, ROBERTS, HASAY, OLASZ, SATHER, HUTCHINSON, MAITLAND, TOMLINSON, DONATUCCI, ADOLPH and MERRY

An Act providing for the observance of the first Thursday in May of each year as "Commonwealth Day of Prayer."

Referred to Committee on STATE GOVERNMENT, December 7, 1993.

No. 2318 By Representatives LYNCH, WAUGH, TIGUE, LEE, SAYLOR, RAYMOND and TOMLINSON

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, providing for regulation of public service announcements.

Referred to Committee on STATE GOVERNMENT, December 7, 1993.

No. 2319 By Representatives LYNCH, ROBERTS, PHILLIPS, FAIRCHILD, LEE, STERN, SEMMEL, BUNT, EGOLF, SATHER, HUTCHINSON and STEIL

An Act providing deadlines and voting requirements for budgetary actions by the General Assembly; providing for negotiation sessions; and imposing certain sanctions.

Referred to Committee on APPROPRIATIONS, December 7, 1993.

No. 2320 By Representatives E. Z. TAYLOR, RICHARDSON, VANCE, KAISER, ACOSTA, SAURMAN, RITTER, CLYMER, TIGUE, FLEAGLE, WASHINGTON, KING, WAUGH, PLATTS, GRUPPO, RUBLEY, GERLACH, HERSHEY, HENNESSEY, PITTS, CESSAR, NAILOR, CLARK, SATHER, TRELLO, FLICK and COY

An Act requiring administrators of certain residential care facilities to require applicants for employment to submit criminal history record information.

Referred to Committee on JUDICIARY, December 7, 1993.

No. 2321 By Representatives JAROLIN, DALEY, RUDY, SCHULER, BAKER, SURRA, LAUB, ROONEY,

LYNCH, GERLACH, FICHTER, COY, VEON, KELLER and KIRKLAND

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, authorizing members of the Pennsylvania State Police to purchase certain municipal police service time as creditable nonstate service.

Referred to Committee on STATE GOVERNMENT, December 7, 1993.

No. 2323 By Representatives ARGALL, FARGO, PETTTT, TIGUE, BROWN, BARLEY, HERMAN, TRUE, STABACK, LEH, HESS, SEMMEL, COY, DEMPSEY, B. SMITH, SATHER, E. Z. TAYLOR, GEIST, DeLUCA, ALLEN, GERLACH, RUBLEY, MERRY and PETRARCA

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for obstructing emergency services.

Referred to Committee on JUDICIARY, December 7, 1993.

No. 2324 By Representatives ROBERTS, COY, SATHER, STABACK, FARGO, BELFANTI, KIRKLAND, TOMLINSON and MERRY

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for liability for damage caused by operator.

Referred to Committee on GAME AND FISHERIES, December 7, 1993.

No. 2325 By Representatives ROBERTS, TULLI, HERSHEY, DeLUCA, TRELLO, FAJT, CIVERA and STABACK

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for erection of traffic-control devices in construction or maintenance areas.

Referred to Committee on TRANSPORTATION, December 7, 1993.

No. 2326 By Representatives ROBERTS, GEIST, ZUG, CARONE, D. W. SNYDER, SCHULER, DeLUCA, PETTTT, WAUGH, LYNCH, DALEY, TRELLO, GIGLIOTTI, CIVERA, CAWLEY, O'BRIEN, BUNT, WOZNIAC, MILLER and LAUGHLIN

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for replacement of deteriorated registration plates.

Referred to Committee on TRANSPORTATION, December 7, 1993.

No. 2327 By Representatives HANNA, VAN HORNE, ARMSTRONG, MIHALICH, BAKER, WOZNIAC, KREBS, DENT, GORDNER, DALEY, SCHULER, PISTELLA, MELIO, CURRY, CLARK, BELFANTI, McCALL, STERN, TRICH, GERLACH, KIRKLAND,

PLATTS, CARONE, WILLIAMS, RUBLEY,
TOMLINSON, LEVDANSKY, BATTISTO and FREEMAN

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for delegation of taxing power.

Referred to Committee on LOCAL GOVERNMENT,
December 7, 1993.

No. 2328 By Representatives GIGLIOTTI, PETRONE,
PRESTON, PISTELLA, MURPHY, ITKIN and TRELLO

An Act amending the act of June 1, 1945 (P.L.1242, No.428), known as the State Highway Law, further providing for construction and maintenance of streets in first and second class cities.

Referred to Committee on TRANSPORTATION, December 7, 1993.

No. 2329 By Representatives GIGLIOTTI, PISTELLA,
PETRONE, PRESTON, MURPHY and TRELLO

An Act amending the act of March 7, 1901 (P.L.20, No.14), referred to as the Second Class City Law, providing for the power of police officers to make arrests.

Referred to Committee on JUDICIARY, December 7, 1993.

No. 2330 By Representatives ROBINSON,
McNALLY, PRESTON, MURPHY, PISTELLA,
GIGLIOTTI, PETRONE, ITKIN, TRELLO and
VAN HORNE

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, further providing for redevelopment assistance capital projects.

Referred to Committee on BUSINESS AND ECONOMIC
DEVELOPMENT, December 7, 1993.

No. 2331 By Representatives FLICK, GERLACH,
FAIRCHILD, HESS, E. Z. TAYLOR, HERSHEY, KING,
MELIO, TRELLO, HENNESSEY, TOMLINSON and
EGOLF

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, further providing for the purposes for which a certain tax may be used.

Referred to Committee on LOCAL GOVERNMENT,
December 7, 1993.

No. 2332 By Representatives FLICK, MERRY,
FICHTER, GERLACH, FAIRCHILD, HESS,
E. Z. TAYLOR, HERSHEY, HUTCHINSON, L. I. COHEN,
KING, WAUGH, MELIO, TRELLO, HENNESSEY,
TOMLINSON and EGOLF

An Act amending the act of June 11, 1968 (P.L.149, No.84), known as the Volunteer Firemen's Relief Association Act, further providing for the purposes for which funds may be expended; and making an editorial change.

Referred to Committee on LOCAL GOVERNMENT,
December 7, 1993.

No. 2333 By Representative STRITTMATTER

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, deleting a provision relating to pool and billiard rooms.

Referred to Committee on JUDICIARY, December 7, 1993.

No. 2334 By Representative STRITTMATTER

An Act amending the act of May 13, 1915 (P.L.286, No.177), known as the Child Labor Law, further providing for employment of minors in poolrooms or billiard rooms.

Referred to Committee on LABOR RELATIONS, December 7, 1993.

No. 2335 By Representatives STRITTMATTER,
BARLEY, MARKOSEK, SCHULER, TIGUE,
ARMSTRONG, SAURMAN, STERN, L. I. COHEN,
FARGO, KREBS, LAUB, FICHTER, HENNESSEY,
BAKER, ROBERTS, PLATTS, TULLI, ROHRER,
WAUGH, GERLACH, KING, HASAY, STEIL, FLICK,
SATHER, ALLEN, M. N. WRIGHT, CIVERA, STAIRS,
CAWLEY, ADOLPH, GEIST, MERRY, MILLER, LEH and
E. Z. TAYLOR

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for the New Jobs Creation Tax Credit.

Referred to Committee on FINANCE, December 7, 1993.

No. 2336 By Representatives D. W. SNYDER,
BATTISTO, BELFANTI, CARN, CLARK, COWELL,
DeLUCA, FAIRCHILD, FARGO, FARMER, FICHTER,
FREEMAN, GERLACH, HENNESSEY, MANDERINO,
MERRY, MILLER, MUNDY, PESCI, RUBLEY,
SANTONI, SATHIER, SAURMAN, STABACK,
STEELMAN, STERN, TIGUE, TOMLINSON, TRELLO
and WAUGH

An Act amending the act of October 28, 1966 (1st Sp.Sess., P.L.55, No.7), known as the Goods and Services Installment Sales Act, providing for service charge limits.

Referred to Committee on BUSINESS AND ECONOMIC
DEVELOPMENT, December 7, 1993.

No. 2337 By Representatives ROONEY, ULIANA,
DENT, TRELLO, WOZNIAC, FREEMAN, PETRONE,
GEIST, BELFANTI, MERRY, KIRKLAND, STURLA,
RITTER, BUXTON, SANTONI, COLAIZZO, SURRA,
CAPPABIANCA, STEIGHNER, VEON, HANNA, TIGUE,
LAUGHLIN, VAN HORNE, LEVDANSKY, SCRIMENTI,
MICHLOVIC, KUKOVICH, OLASZ, ROBERTS,
JADLOWIEC, HENNESSEY, BROWN, KREBS,
HUTCHINSON, ALLEN, PHILLIPS and TANGRETTI

An Act amending the act of July 15, 1957 (P.L.901, No.399), known as the Optional Third Class City Charter Law, further providing for form of government.

Referred to Committee on URBAN AFFAIRS, December 7, 1993.

No. 2338 By Representatives LESCOVITZ, COLAIZZO, TRICH and DALEY

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for compensation of election officers.

Referred to Committee on STATE GOVERNMENT, December 7, 1993.

No. 2347 By Representatives BUXTON, DeWEESE, EVANS, COY, CESSAR, LaGROTTA, LEDERER, MAYERNIK, TRELLO, LAUGHLIN, COLAFELLA, COWELL, GORDNER, MIHALICH, STABACK, BEBKO-JONES, SCRIMENTI, MICHLOVIC, RIEGER, OLASZ, CORRIGAN, CALTAGIRONE, JADLOWIEC, BARLEY, HUTCHINSON, NAILOR, TOMLINSON, CLYMER, DeLUCA, FARGO, CORNELL, TANGRETTI, GRUITZA and PERZEL.

An Act providing for the regulation of preneed funeral and burial contracts; providing for powers and duties of the Office of Attorney General, Bureau of Consumer Protection; creating funds; imposing penalties; and making repeals.

Referred to Committee on CONSUMER AFFAIRS, December 7, 1993.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 215 By Representatives LYNCH, FARGO, NAILOR, DEMPSEY, MIHALICH, BAKER, HERSHEY, JAROLIN, SAYLOR, LAUB, PISTELLA, FICHTER, CLYMER, GEIST, STERN, BROWN, SAURMAN, PETTTT, GERLACH, HESS, LAUGHLIN, TRELLO, L. I. COHEN, BUNT, HARLEY and DONATUCCI

A Resolution proclaiming Kane, Pennsylvania, as the "Black Cherry Capital of the World."

Referred to Committee on RULES, December 7, 1993.

No. 216 By Representatives GORDNER, ROONEY, VEON, COY, FLICK, KING, STABACK, LAUGHLIN, BELARDI, PESCI, PHILLIPS, MILLER, HENNESSEY, FICHTER, VAN HORNE, BAKER, DeLUCA, RUBLEY, TRELLO, L. I. COHEN, GIGLIOTTI, HERMAN, CIVERA and KIRKLAND

A Resolution endorsing "Canine Good Citizen" programs.

Referred to Committee on RULES, December 7, 1993.

SENATE BILL FOR CONCURRENCE

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

SB 1096, PN 1252

Referred to Committee on TRANSPORTATION, December 7, 1993.

VOTE CORRECTION

The SPEAKER. Mrs. Lederer from Philadelphia is recognized.

Mrs. LEDERER. Mr. Speaker, on final passage of HB 2091, my button did not operate. I want to be recorded in the negative.

The SPEAKER. The Chair thanks the lady, and her remarks will be spread across the record.

BILL REPORTED AND REREFERRED TO COMMITTEE ON BUSINESS AND ECONOMIC DEVELOPMENT

HB 2288, PN 2847

By Rep. PISTELLA

An Act establishing local development districts for the regional coordination and delivery of economic, infrastructure, planning, social and community development programs and other services in this Commonwealth.

LOCAL GOVERNMENT.

BILLS REREPORTED FROM COMMITTEE

HB 398, PN 916

By Rep. EVANS

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for adoption of school district budgets.

APPROPRIATIONS.

HB 490, PN 2708

By Rep. EVANS

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, prohibiting the use of gill nets on Lake Erie.

APPROPRIATIONS.

HB 619, PN 2138

By Rep. EVANS

An Act amending the act of December 22, 1983 (P.L.306, No.84), known as the Board of Vehicles Act, providing for warranty and presale information.

APPROPRIATIONS.

HB 672, PN 2919 (Amended)

By Rep. EVANS

An Act amending the act of April 6, 1921 (P.L.95, No.58), referred to as the Bee Law, increasing criminal penalties; further providing for civil penalties and injunctive relief; and providing for the registration of apiaries.

APPROPRIATIONS.

HB 908, PN 2920 (Amended)

By Rep. EVANS

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for certain costs and fees and the collection and disposition thereof; and further providing for judicial salaries.

APPROPRIATIONS.

HB 1472, PN 2921 (Amended)

By Rep. EVANS

An Act amending the act of September 1, 1965 (P.L.436, No.221), known as the Pennsylvania Commercial Feed Law of 1966, further providing for definitions, licensing, fees, adulteration, inspection, and penalties; and making a repeal.

APPROPRIATIONS.

HB 1856, PN 2922 (Amended)

By Rep. EVANS

An Act amending the act of May 17, 1921 (P.L.789, No.285), known as The Insurance Department Act of 1921, further providing for penalties for acting without certificate of authority; providing for the licensing of insurance administrators; and further providing for issuance of certificate of qualification and for certain penalties.

APPROPRIATIONS.

HB 1914, PN 2923 (Amended)

By Rep. EVANS

An Act amending the act of November 26, 1978 (P.L.1309, No.317), referred to as the Public Works Contract Regulation Law, further providing for prompt payment schedules.

APPROPRIATIONS.

HB 1933, PN 2402

By Rep. EVANS

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, extending contempt of court powers to district justices and judges of the Traffic Court of Philadelphia and clarifying their subpoena powers.

APPROPRIATIONS.

SB 683, PN 1780 (Amended)

By Rep. EVANS

An Act establishing parole procedures; providing for the powers and duties of the Department of Corrections, the Pennsylvania Board of Probation and Parole and the Pennsylvania Commission on Sentencing; creating the Office of Victim Advocate; providing for work time and earned time; and amending the act of August 6, 1941 (P. L. 861, No. 323), entitled, as amended, "An act to create a uniform and exclusive system for the administration of parole in this Commonwealth; providing state probation services; establishing the Pennsylvania Board of Probation and Parole"; conferring and defining its jurisdiction, duties, powers and functions; including the supervision of persons placed upon probation and parole in certain designated cases; providing for the method of appointment of its members; regulating the appointment, removal and discharge of its officers, clerks and employees; dividing the Commonwealth into administrative districts for purposes of probation and parole; fixing the salaries of members of the board and of certain other officers and employees thereof; making violations of certain provisions of this act misdemeanors; providing penalties therefor; and for other

cognate purposes, and making an appropriation," further providing for sentencing; and making repeals.

APPROPRIATIONS.

SB 684, PN 1781 (Amended)

By Rep. EVANS

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for composition of the Pennsylvania Commission on Sentencing; providing for guidelines for high-risk dangerous offenders; and further providing for sentencing, for presentence reports, for appellate review of sentences and for confinement.

APPROPRIATIONS.

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 398, PN 916; HB 490, PN 2708; HB 619, PN 2138; HB 672, PN 2919; HB 908, PN 2920; HB 1472, PN 2921; HB 1856, PN 2922; HB 1914, PN 2923; HB 1933, PN 2402; SB 683, PN 1780; and SB 684, PN 1781.

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER. The Chair recognizes the gentleman, Mr. Roberts, of Fayette County.

Mr. ROBERTS. Mr. Speaker, I move that this House do now adjourn until Wednesday, December 8, 1993, at 11 a.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 8:03 p.m., e.s.t., the House adjourned.