

Legislative Journal

WEDNESDAY, DECEMBER 14, 1983

SESSION OF 1983

167TH OF THE GENERAL ASSEMBLY

No. 99

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (K. LEROY IRVIS)  
IN THE CHAIR

PRAYER

REV. DR. DAVID R. HOOVER, chaplain of the House of Representatives, from McConnellsburg, Pennsylvania, offered the following prayer:

O God, our loving Father and glorious king, we come before Thee in this happy and joyous season of the year. Our hearts are filled with the blessed peace and goodwill which each of us needs to impart to our fellow men. We humbly pray that this kindred spirit which fills our world may permeate the feelings of each one of us throughout the year, and it is our hope that this same good cheer may be evident in all of the deeds we bring to maturity.

Blessed Lord, impart to all of us the abundance of Thy love, fill us with the happy and joyous expressions of life, and use us and our gracious fulfillments of Thy truth in our day-to-day achievements in Thy name. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal of Tuesday, December 13, 1983, will be postponed until printed. The Chair hears no objection.

HOUSE BILLS  
INTRODUCED AND REFERRED

**No. 1804** By Representatives ITKIN, J. L. WRIGHT, KUKOVICH, JOHNSON, POTT, CIMINI, PISTELLA, PRATT, LASHINGER, TRELLO, ARTY, PRESTON, MARKOSEK, GLADECK, WACHOB, MACKOWSKI, HERMAN, GAMBLE, COLE, SEMMEL, REBER, HALUSKA, DAWIDA, COY, DEAL, E. Z. TAYLOR, WESTON, VAN HORNE, FATTAH, COSLETT, COHEN, MICOZZIE, CIVERA,

MICHLOVIC, KOSINSKI, CESSAR, MAYERNIK, ZWIKL, DeLUCA, BALDWIN, STEIGHNER, FISCHER, B. SMITH, BURD, GANNON and WIGGINS

An Act establishing a program entitled the Pennsylvania Silver-Haired Legislature; creating a Legislative Advisory Council on the Pennsylvania Silver-Haired Legislature; making an appropriation; and making a repeal.

Referred to Committee on STATE GOVERNMENT, December 14, 1983.

**No. 1805** By Representatives POTT, TRELLO, MAYERNIK, SEVENTY, GAMBLE, DUFFY, MRKONIC, BURD, BOOK, MILLER, CESSAR, A. C. FOSTER, JR. and WILSON

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for costs of certain traffic-control devices.

Referred to Committee on TRANSPORTATION, December 14, 1983.

**No. 1806** By Representative LASHINGER

An Act amending the act of July 9, 1976 (P. L. 586, No. 142), entitled "An act amending Titles 42 (Judiciary and Judicial Procedure), 15 (Corporations and Unincorporated Associations), 18 (Crimes and Offenses) and 71 (State Government) of the Pennsylvania Consolidated Statutes, adding revised, codified and compiled provisions relating to judiciary and judicial procedure, including certain judicially enforceable rights, duties, immunities and liabilities and separately enacting certain related provisions of law," further providing for fees for public law libraries in counties of the second class A.

Referred to Committee on LOCAL GOVERNMENT, December 14, 1983.

**No. 1807** By Representatives DeLUCA, LAUGHLIN, DOMBROWSKI, CAPPABIANCA, MAYERNIK, LLOYD, KUKOVICH, SCHEETZ; BURNS and DURHAM

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, limiting the expenses a public utility can recoup for rate-case litigation.

Referred to Committee on CONSUMER AFFAIRS, December 14, 1983.

**No. 1808** By Representatives CAWLEY, MISCEVICH, KUKOVICH, RICHARDSON,

LAUGHLIN, VAN HORNE, DUFFY,  
BURNS, KOSINSKI, McMONAGLE,  
WOZNIAK, COHEN, KASUNIC,  
JAROLIN, CAPPABIANCA, PISTELLA,  
DOMBROWSKI, STEWART,  
LETTERMAN, TIGUE, SEVENTY and  
HALUSKA

An Act providing for the licensing, operation and placement of coin-operated gaming machines within this Commonwealth; creating the Gaming Commission; providing for the use of small games of chance; providing powers and duties; providing for enforcement; prohibiting use by minors; providing for local option; providing for distribution of revenues to be used for specified purposes; and providing penalties.

Referred to Committee on BUSINESS AND COMMERCE, December 14, 1983.

**No. 1809** By Representatives GALLAGHER,  
J. L. WRIGHT, BURNS, CLYMER,  
MAYERNIK and PRESTON

An Act amending the "Constable Fee Law," approved July 20, 1917 (P. L. 1158, No. 401), changing the fees of constables; adding duties; and making editorial changes.

Referred to Committee on JUDICIARY, December 14, 1983.

**No. 1810** By Representatives DeWEESE, SEVENTY,  
GALLAGHER, CIMINI, PETRONE,  
BELFANTI, AFFLERBACH, COY,  
BLAUM, TELEK, R. C. WRIGHT,  
MICHLOVIC, PISTELLA, OLASZ,  
KOSINSKI, ZWIKL and FREEMAN

An Act amending the "Pharmaceutical Assistance Contract for the Elderly Act," approved November 4, 1983 (P. L. 217, No. 63), further providing for the implementation of the act.

Referred to Committee on HEALTH AND WELFARE, December 14, 1983.

**No. 1811** By Representatives DeWEESE, SEVENTY,  
GALLAGHER, PETRONE, CIMINI,  
BELFANTI, COY, BLAUM, TELEK,  
B. SMITH, SCHEETZ, BUNT,  
GODSHALL, PISTELLA, OLASZ,  
KOSINSKI, MICHLOVIC, ZWIKL and  
HERMAN

An Act making an appropriation to the Historical and Museum Commission for the restoration and preservation of the Civil War flags presently housed in the glass display cases in the Capitol Rotunda.

Referred to Committee on APPROPRIATIONS, December 14, 1983.

**No. 1812** By Representatives GRUITZA,  
AFFLERBACH, HALUSKA, FEE,  
MAYERNIK, SALOOM, GEORGE,  
SEVENTY, TRELLO, GREENWOOD and  
PRATT

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for suspension of certificates of appointment of official inspection stations.

Referred to Committee on TRANSPORTATION, December 14, 1983.

**No. 1813** By Representatives CESSAR, MAYERNIK,  
MARKOSEK, DeLUCA, PETRONE,  
SEVENTY, MISCEVICH, MICHLOVIC,  
VAN HORNE, DUFFY, TRELLO,  
McVERRY, POTT and BOOK

An Act amending the "Municipal Police Pension Law," approved May 29, 1956 (1955 P. L. 1804, No. 600), further providing for the computation of benefits.

Referred to Committee on LOCAL GOVERNMENT, December 14, 1983.

**No. 1814** By Representatives CESSAR, GALLEN,  
OLIVER, DONATUCCI, McINTYRE,  
RIEGER and COWELL

An Act amending the "Pennsylvania Election Code," approved June 3, 1937 (P. L. 1333, No. 320), providing that the postage shall be prepaid by the county board of election for absentee ballots.

Referred to Committee on STATE GOVERNMENT, December 14, 1983.

**No. 1815** By Representatives BRANDT, HONAMAN,  
MORRIS, ARMSTRONG, DININNI,  
SCHULER, SCHEETZ, MILLER, COLE,  
DAVIES, GODSHALL, POTT, PITTS,  
BROUJOS, GRIECO, STUBAN,  
JACKSON, ANGSTADT, CESSAR,  
B. SMITH, E. Z. TAYLOR, HERSHEY,  
LEHR, DORR, G. M. SNYDER,  
MADIGAN, LASHINGER, WASS,  
BOWSER, MOEHLMANN, GANNON,  
A. C. FOSTER, JR., MICOZZIE,  
PHILLIPS, CIVERA, COY, KUKOVICH,  
FARGO, ROBBINS, MANMILLER and  
PICCOLA

An Act amending the "Supplemental General Appropriation Act for Fiscal Year 1983-1984," approved July 21, 1983 (No. 7A), making an appropriation for damages due to avian influenza.

Referred to Committee on APPROPRIATIONS, December 14, 1983.

### SENATE BILLS FOR CONCURRENCE

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

**SB 972, PN 1582**

Referred to Committee on STATE GOVERNMENT, December 14, 1983.

**SB 1044, PN 1561**

Referred to Committee on APPROPRIATIONS, December 14, 1983.

**SB 1079, PN 1480**

Referred to Committee on JUDICIARY, December 14, 1983.

**SB 1080, PN 1369**

Referred to Committee on BUSINESS AND COMMERCE, December 14, 1983.

**SB 1134, PN 1487**

Referred to Committee on PROFESSIONAL LICENSURE, December 14, 1983.

**LEAVES OF ABSENCE**

The SPEAKER. The Chair now turns to leaves of absence.

Does the gentleman from Philadelphia, Mr. Pievsky, have any leaves to ask? He indicates at this point he has none.

Does the minority whip, Mr. Hayes, have any leaves for today's session? The gentleman indicates he has no requests.

The Chair thanks both gentlemen.

**PARLIAMENTARY INQUIRY**

The SPEAKER. For what purpose does the gentleman from Berks, Mr. Davies, rise?

Mr. DAVIES. Is a parliamentary inquiry in order before the roll call?

The SPEAKER. Certainly. The gentleman will state his point.

Mr. DAVIES. Mr. Speaker, the inquiry is in regards to the safety of the individual members as well as myself personally. In the execution yesterday of the dismissal at the time and from the confusion that probably exists without having the information firsthand, but getting it on the way home, and being somewhat held up to ridicule as a chicken or chickens that we left before that other body, what is there in the rules of the House or the conduct of the House that would allow us to remain here for a period of 2 hours when there could be jeopardy in that interim, considering what happened in the U.S. yesterday with the same sort of thing where two public buildings, as I understand, were bombed yesterday? It just gives me great concern, and I would like at least, if not now, to have some sort of an answer to my concerns about the safety of both Houses, the Governor, and the employees of this building.

The SPEAKER. If the gentleman will defer his question until we have a fuller attendance, the Chair will explain the sequence of events as they occurred yesterday, although the Chair would not pretend to be able to give you a solution to the problem. But the Chair would prefer that there be more members here. If the gentleman will rise to a point of parliamentary inquiry after the master roll call has been taken, then the Chair will try to address it.

Mr. DAVIES. Thank you, Mr. Speaker.

**MASTER ROLL CALL RECORDED**

The SPEAKER. The Chair is about to take the master roll call. The members will proceed to vote.

The following roll call was recorded:

**PRESENT—200**

Afflerbach	Evans	Lloyd	Ryan
Alderette	Fargo	Lucyk	Rybak
Angstadt	Fattah	McCall	Saloom
Armstrong	Fee	McClatchy	Salvatore
Arty	Fischer	McHale	Saurman
Baldwin	Flick	McIntyre	Scheetz
Barber	Foster, W. W.	McMonagle	Schuler
Battisto	Foster, Jr., A.	McVerry	Semmel
Belardi	Freeman	Mackowski	Serafini
Belfanti	Freind	Madigan	Seventy
Beloff	Fryer	Maiale	Showers
Blaum	Gallagher	Manderino	Sirianni
Book	Gallen	Manmiller	Smith, B.
Bowser	Gamble	Markosek	Smith, L. E.
Boyes	Gannon	Mayernik	Snyder, D. W.
Brandt	Geist	Merry	Snyder, G. M.
Broujos	George	Michlovic	Spencer
Bunt	Gladeck	Micozzie	Spitz
Burd	Godshall	Miller	Stairs
Burns	Greenwood	Miscevich	Steighner
Caltagirone	Grieco	Moehlmann	Stevens
Cappabianca	Gruitza	Morris	Stewart
Carn	Gruppo	Mowery	Stuban
Cawley	Hagarty	Mrkonic	Sweet
Cessar	Haluska	Murphy	Swift
Cimini	Harper	Nahill	Taylor, E. Z.
Civera	Hasay	Noye	Taylor, F. E.
Clark	Hayes	O'Brien	Telek
Clymer	Herman	O'Donnell	Tigue
Cohen	Hershey	Oliver	Trello
Colafella	Hoefel	Perzel	Truman
Cole	Honaman	Peterson	Van Horne
Cordisco	Hutchinson	Petrarca	Vroon
Cornell	Itkin	Petrone	Wachob
Coslett	Jackson	Phillips	Wambach
Cowell	Jarolin	Piccola	Wargo
Coy	Kasunic	Pievsky	Wass
Deluca	Kennedy	Pistella	Weston
DeVerter	Klingaman	Pitts	Wiggins
DeWeese	Kosinski	Pott	Williams
Daley	Kowalshyn	Pratt	Wilson
Davies	Kukovich	Preston	Wogan
Dawida	Lashinger	Punt	Wozniak
Deal	Laughlin	Rappaport	Wright, D. R.
Dietz	Lehr	Reber	Wright, J. L.
Dininni	Lescovitz	Reinard	Wright, R. C.
Dombrowski	Letterman	Richardson	Zwilk
Donatucci	Levi	Rieger	
Dorr	Levin	Robbins	Irvis,
Duffy	Linton	Rudy	Speaker
Durham	Livengood		

**ADDITIONS—0**

**NOT VOTING—0**

**EXCUSED—3**

Johnson	Marmion	Olasz
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### PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Davies.

Mr. DAVIES. Mr. Speaker, I would like to interject another parliamentary inquiry.

The SPEAKER. The gentleman may proceed.

Mr. DAVIES. This may be in a lighter vein. Was your quite complicated mathematical computation of minutes yesterday of debate and the caution that you offered on free and open debate based on probability or past experience or was that an idealistic projection?

The SPEAKER. That was purely idealistic.

Mr. DAVIES. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Davies, made an inquiry of the Chair. If the gentleman will look around him at the confusion that the Chair sees on this floor, the gentleman is partly answered by the body of the House.

Yesterday the Chief Clerk came up to the Speaker during the debate on the reconsideration motions on the no-fault insurance bill. The Chief Clerk related to the Speaker that there had been a bomb threat intercepted by the State Police and that that threat was to the Governor and to the Senate. Within 3 minutes the Chair placed the House at ease and called both leaders to the podium to confer as to what collectively we thought we ought to do. The decision was made by the three of us that it would be unwise to assume that the threat was ridiculous or insincere.

I think that decision was a wise one. We did not know at the time, nor did the Chair know until he heard it on the news at 11 o'clock last night, that the actual threat had taken place 2 hours before the Chair was notified. The Chair did not know, nor was the Chair notified by the Senate, that the Senate had been aware of the threat 2 hours prior and that the Senate had acted to encircle itself with protection from the State Police. That was not told to the Chair and the Chair was unaware of it.

*There is nothing in the rules, currently, which would state that the Chair or anyone else would be required to stay on the floor of this House in the face of an actual threat. The problem arises as to the judgment as to what is an actual threat.*

The Chair has lived now for 63 years and regrets very much that our society, which for most of those 63 years has been an open society, is now being threatened. We are, in the words of one of the members, being driven back into the caves by terrorism. Our Nation's Capitol is now being blockaded, the White House has ground-to-air missiles surrounding it, and other blockades are being currently erected in the Federal buildings. We have not had to resort to that protection yet here, but the Chair intends to talk to the officials in charge of this building, and the Chair, of course, will have with him the minority and majority leaders to see what steps may be recommended.

The Chair wishes to assure all members that a threat to blow up anyone is taken seriously by this Speaker. This

Speaker has had his own life threatened on a number of occasions for votes that he has taken or speeches he has made on the floor. In prior years the Speaker has paid little attention, although the State Police have, but that is not the atmosphere in which we live today.

We could not know when we made the decision yesterday but that some idiot with access to a bomb might be seriously trying to implant one, and the Chair and the two leaders decided that we would not put your lives at risk. The danger of miscalculation was too great.

The reason the Chair called up Mr. Murphy, Mr. Gallen, and Mr. DeVerter was because the Chair was sensitive to the fact that those three gentlemen, in the heat of argument, might very well conclude that this was merely a device to cut them off. It was not. The Chair has said to Mr. Murphy, and the Chair says to all of you publicly, that if this individual who stands here today were to conclude that he had been corrupted by the power of this Chair, he would step down rather than allow that corruption to continue. The decision was made in all seriousness, and the Chair thinks it was a wise one.

The fact that we are here safely today indicates that the threat was not serious or at least not carried out, but we could not know that when we made that decision.

### STATEMENT BY MR. DAVIES

The SPEAKER. Now, if the gentleman, Mr. Davies, wishes to further inquire, the Chair will attempt to answer the question.

Mr. DAVIES. No, Mr. Speaker. I would just like to make a statement with unanimous consent.

The SPEAKER. The Chair hears no objection.

Mr. DAVIES. Mr. Speaker, I want to commend the leadership for the decision that they made. I do want to rather cautiously, because I do not know the tenor of the threat, but I am a little bit concerned about the fact that the lapse of the 2 hours was allowed to occur even though some other official received that. I think that someplace in your considerations by the leadership, however you approach it, whether it be with that other body or not, have some sort of binding agreement in which there can be no such latitude allowed with that type of threat and that there be immediate notification made between either chamber—and I include the administrative branch of government as well and the judicial branch in the event that they do have headquarters in this building and other buildings in the complex—that it be somewhat a unified consideration.

For many years—I do not want to go back the number of years—I have bugged the Chief Clerk about the security of this building, because I have always thought we are lacking even before the bomb threat started or any other threats about the security of this building, because many of the things in it are irreplaceable, and human life, no matter whether it is just an injury or a matter of life, is something that cannot be replaced at any cost or by any stretch of the imagination.

My other concern is that one of the commentators on the radio made it appear that we were chicken in the fact that we left when we did and that the stalwart Senate remained for a longer period of time for decision. If that be their foolhardy choice, whether it be by their leadership or their own design, then let that be the choice. My concern again is for the safety of the individuals and this building. Thank you, sir.

The SPEAKER. The Chair thanks the gentleman.

#### STATEMENT BY MRS. DURHAM

The SPEAKER. The Chair recognizes the lady from Delaware, Mrs. Durham.

Mrs. DURHAM. Mr. Speaker, I am dismayed that the issue of the bomb threat weaved its way into our debate yesterday, and in my opinion, it has clouded the issue.

I just wanted to go on public record to say that I am absolutely appalled that anyone in this building received this phone call and never made any attempt to notify every person in this building. I think that that behavior is absolutely inexcusable, and they, whoever they are, should apologize to each and every person who was in this building yesterday, because no one has the right to choose whether or not there was a threat on my life or anyone else's life. This is extremely serious.

I am very pleased to hear that you are already taking steps to rectify this problem. I sincerely hope that the Governor's Office will be cooperative with the rest of the people who work in this building, because this should never ever happen again. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

#### STATEMENT BY MR. MOEHLMANN

The SPEAKER. The Chair recognizes the gentleman from Lebanon, Mr. Moehlmann.

Mr. MOEHLMANN. Mr. Speaker, I would very briefly like to reiterate that sentiment. This chamber should demand to know whose judgment was so faulty as not to inform this chamber of a threat to the building in which this chamber sits. I am sure that that has occurred to the Speaker. I simply want it on the record.

The SPEAKER. The gentleman is correct. The Chair agrees with both the lady and the gentleman. The inquiry will be made, and you may be assured that we shall have an answer.

#### STATEMENT BY MR. DEAL

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Deal.

Mr. DEAL. Mr. Speaker, I walked off the floor, and I am sure that some previous member of this House has already said what I would like to say.

Mr. Speaker, I want to commend you for the action you took yesterday. I think that you did what a leader of an organization should do, what a captain of a ship should do. Immediately upon your being the recipient of information that

there was a possibility, you immediately did what should have been done and what we have always done where there is a question of a threat of life, especially by bomb.

I just want to commend you, Mr. Speaker, and tell you that it is an honor to have been a member of this House under your leadership and have been a part of helping to select one with the kind of courage, the kind of vision, and the kind of leadership. Again, thank you for your commitment and dedication and leadership.

The SPEAKER. The Chair thanks the gentleman.

#### STATEMENT BY MR. FISCHER

The SPEAKER. The Chair recognizes the gentleman from Washington, Mr. Fischer.

Mr. FISCHER. Mr. Speaker, I, too, like many others here, am concerned about the events of yesterday, but I am even more concerned about the future and the steps that we take from this point on.

As a person who has had some experience with security matters in the military, let me only say that this building and many of the Capitol Complex buildings, in my estimation, certainly need to have their security upgraded. I, like you, Mr. Speaker, wish that we lived in an open society where we could come and go freely and help each other and support each other. It appears that that is not going to be the situation of our future.

I hope that we will begin to take measures to upgrade the security of this building. I think that you should convene a group of responsible people in the House and the Senate and the Governor's Office and so forth, and begin to address this question very rapidly.

An incident occurred the day after the Capitol bombing at the U.S. Capitol. Most of you noticed that they placed additional security at each of the entrances of the Capitol. I understand that that security was dropped after they received many complaints from people about inconvenience in entering the building. I am concerned about that, and I think it is time that we now took positive steps to insure the safety of this building, which has great historic treasure, and most importantly, the lives and the welfare of all of our members and all of our employees. I think it is essential that we begin that right today and right now. Thank you.

The SPEAKER. The Chair thanks the gentleman.

#### WELCOMES

The SPEAKER. The Chair welcomes a group of students from the Shippensburg Area Junior High School. They are here with their teachers and their group leader, Mr. Hartz. They are the guests of Representatives Coy and Noye.

And seated to the left of the Chair is Jennifer Sue Crowley. She is the daughter of Representative Lynn B. Herman's secretary. She is here as the guest of Representative Herman.

Joe Ross from the Kensington Emergency Team is here as the guest of Representative McIntyre.

### ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair has one other thing to say about yesterday's session. The Chair did not know at the time it placed the vote on the second vote of the Murphy amendment that the gentleman, Mr. Murphy, was on his feet seeking recognition. Not until Mr. Murphy told the Chair that this morning did the Chair know it. Part of the reason the Chair did not know that is the confusion on the floor of the House. With 20 members jumping up and down and roaming around in the aisles, it becomes nearly impossible for the Chair to recognize who wishes to speak and who is merely wandering around.

The Chair asks you that even in the heat of argument you please attempt to remain near your seat and those who wish to be recognized be the only ones standing so that the Chair will not be in a position of ignoring anyone who wishes to speak on the floor of this House. The Chair will endeavor to be more alert, but the Chair tells you, frankly, that it is impossible for us to recognize up here who wants to speak and who is merely standing around talking. For that reason, Mr. Murphy was not recognized at a time when he certainly should have been and would have been by this Speaker had the Speaker known that he was on his feet and seeking recognition.

### STATEMENT BY MR. PITTS

The SPEAKER. The Chair now recognizes the gentleman from Chester, Mr. Pitts, who wishes to make an announcement.

Mr. PITTS. Thank you, Mr. Speaker.

Briefly, on a major piece of legislation being introduced today, in case members would like to cosponsor, as indeed many on both sides of the aisle already have. During the past several months, hazardous substance disclosure, or right-to-know legislation, as we all know it, has been a major focus of the House Labor Relations Committee. Business, labor, and community groups have approached us to tell us what is being done in the area and what needs to be done in the area to protect employees in their handling of hazardous chemical substances, and indeed some of the pressure for this right-to-know legislation came because of the absence of a Federal standard.

As probably many of you know, on Friday, November 25, 1983, OSHA (Occupational Safety and Health Administration) formally adopted a comprehensive, final standard on hazard communication. Now we in the General Assembly are faced with this fundamental question: Given the adoption of a Federal standard, given the preemption by that standard of any Pennsylvania legislation within the scope of that standard, is there a need for a Pennsylvania right-to-know?

We have listened carefully to over 50 individuals in public hearings across the State; we have read any number of well-reasoned letters on the issue; we have discussed in detail this issue with labor leaders, governmental officials, so that we can fully understand the issue and all the perspectives. As a response, today we are introducing a comprehensive and bal-

anced proposal for right-to-know in the Commonwealth of Pennsylvania.

The Federal Government, by adoption of their standard, asserts primacy and preempts in the area which it covers. That standard covers within its scope the manufacturing sector of our economy. While acknowledging Federal primacy and using language similar to the Federal standard, this bill that we are introducing requires a hazard communication program for all employers, with specifically tailored requirements for the nonmanufacturing sector of our business community.

The Federal standard is hazard communication, and concerns have been voiced about the right and need for employees to know all the chemicals with which they work. Requirements have been included in this legislation to clearly provide employees with the right to know the identity of all chemical substances with which they work without mandating excessive labeling requirements, because excessive labeling requirements actually create an unsafe environment through information overload, which is exactly the opposite environment we are trying to create.

Because the Federal standard does not address concerns of the community about the public's health and safety, this legislation includes community right-to-know provisions. It requires employers to directly inform public health and safety officials about hazardous substances in workplaces within their communities. It requires the Department of Environmental Resources to implement a public information program on the availability of hazardous substance and environmental information under existing laws and to assist the public in obtaining this information.

And finally, we have addressed the important substantive concerns in an administratively efficient and fiscally responsible manner. The primary focus of this bill administratively is on enforcement, and consequently, State costs have been kept to a minimum without—and I stress “without”—the loss of effectiveness. So I urge the members to join in cosponsoring this legislation.

For those of you interested in more detailed information or discussion of the major issues involved with right-to-know or analysis of the legislation, my office can provide you with additional information. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

### CALENDAR

#### BILLS AGREED TO 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 1203, PN 1397; and HB 1611, PN 2321.**

\* \* \*

The House proceeded to second consideration of **HB 1711, PN 2186**, entitled:

An Act designating the entire portion of Interstate Route 81 in Pennsylvania as the American Legion Memorial Highway.

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

**BILL RECOMMENDED**

The SPEAKER. The Chair recognizes the majority leader.  
Mr. MANDERINO. Mr. Speaker, I move that HB 1711, PN 2186, be recommitted to the Committee on Appropriations for a fiscal note.

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

**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **SB 547, PN 1559**, entitled:

An Act authorizing the indebtedness, with the approval of the electors, of \$90,000,000 for the repair, rehabilitation, development and acquisition of land and facilities for community services, public recreational purposes and public zoos.

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

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

The question is, shall the bill pass finally?

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

**YEAS—194**

- |             |                 |           |               |
|-------------|-----------------|-----------|---------------|
| Afflerbach  | Evans           | Lucyk     | Rybak         |
| Alderette   | Fargo           | McCall    | Saloom        |
| Angstadt    | Fattah          | McClatchy | Salvatore     |
| Armstrong   | Fee             | McHale    | Saurman       |
| Arty        | Fischer         | McIntyre  | Scheetz       |
| Baldwin     | Foster, W. W.   | McMonagle | Schuler       |
| Barber      | Foster, Jr., A. | McVerry   | Semmel        |
| Battisto    | Freeman         | Mackowski | Serafini      |
| Belardi     | Fryer           | Madigan   | Seventy       |
| Belfanti    | Gallagher       | Maiale    | Showers       |
| Beloff      | Gallen          | Manderino | Sirianni      |
| Blaum       | Gamble          | Manmiller | Smith, B.     |
| Book        | Geist           | Markosek  | Smith, L. E.  |
| Bowser      | George          | Mayernik  | Snyder, D. W. |
| Boyes       | Gladeck         | Merry     | Snyder, G. M. |
| Brandt      | Godshall        | Michlovic | Spencer       |
| Broujos     | Greenwood       | Miller    | Spitz         |
| Bunt        | Gricco          | Miscevich | Stairs        |
| Burd        | Gruitza         | Moehlmann | Steighner     |
| Burns       | Gruppo          | Morris    | Stevens       |
| Caltagirone | Hagarty         | Mowery    | Stewart       |
| Cappabianca | Haluska         | Mrkonie   | Stuban        |
| Carn        | Harper          | Murphy    | Sweet         |
| Cawley      | Hasay           | Nahill    | Swift         |
| Cessar      | Hayes           | Noye      | Taylor, E. Z. |
| Cimini      | Herman          | O'Brien   | Taylor, F. E. |
| Clark       | Hershey         | O'Donnell | Telek         |
| Clymer      | Hoefel          | Oliver    | Tigue         |
| Cohen       | Honaman         | Perzel    | Trello        |
| Colafrella  | Hutchinson      | Peterson  | Truman        |
| Cole        | Itkin           | Petrarca  | Van Horne     |
| Cordisco    | Jackson         | Petrone   | Vroon         |

- |            |            |            |               |
|------------|------------|------------|---------------|
| Cornell    | Jarolin    | Phillips   | Wachob        |
| Coslett    | Kasunic    | Piccola    | Wambach       |
| Cowell     | Kennedy    | Pievsky    | Wargo         |
| Coy        | Klingaman  | Pistella   | Wass          |
| DeLuca     | Kosinski   | Pitts      | Weston        |
| DeVerter   | Kowalshyn  | Pott       | Wiggins       |
| DeWeese    | Kukovich   | Pratt      | Williams      |
| Daley      | Lashingner | Preston    | Wilson        |
| Davies     | Laughlin   | Punt       | Wogan         |
| Dawida     | Lehr       | Rappaport  | Wozniak       |
| Deal       | Lescovitz  | Reber      | Wright, D. R. |
| Dietz      | Letterman  | Reinard    | Wright, J. L. |
| Dininni    | Levi       | Richardson | Wright, R. C. |
| Dombrowski | Levin      | Rieger     | Zwikl         |
| Donatucci  | Linton     | Robbins    |               |
| Dorr       | Livengood  | Rudy       | Irvis,        |
| Duffy      | Lloyd      | Ryan       | Speaker       |

**NAYS—0**

**NOT VOTING—6**

- |        |        |        |          |
|--------|--------|--------|----------|
| Civera | Flick  | Gannon | Micozzie |
| Durham | Freind |        |          |

**EXCUSED—3**

- |         |         |       |
|---------|---------|-------|
| Johnson | Marmion | Olasz |
|---------|---------|-------|

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

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 780, PN 1081**, entitled:

An Act amending the act of June 3, 1937 (P. L. 1225, No. 316), entitled "The Game Law," providing for the release of the mailing list for the Pennsylvania Game News.

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

Mr. SALOOM offered the following amendments No. A4647:

Amend Title, page 1, line 4, by striking out "providing for" and inserting  
prohibiting

Amend Sec. 1 (Sec. 309.1), page 2, lines 27 through 30; page 3, lines 1 through 17, by striking out all of said lines on said pages and inserting

(d) (1) The commission shall not release the mailing list of subscribers to the Pennsylvania Game News magazine.

(2) Any person who violates this subsection commits a summary offense and shall be sentenced to pay a fine of one hundred dollars (\$100) for each name and address unlawfully released.

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

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

Mr. SALOOM. Mr. Speaker, I understand that the amendment has been agreed to and the restrictions on it have been lifted by the Pennsylvania Federation of Sportsmen. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.  
The Chair recognizes the gentleman from Centre, Mr. Letterman.

Mr. LETTERMAN. Mr. Speaker, the statement Mr. Saloom has made is correct. They have lifted their restrictions on it, so it is agreed to now.

The SPEAKER. The Chair thanks the gentleman.  
The Chair recognizes the gentleman from Mercer, Mr. Gruitza.

Mr. GRUITZA. Mr. Speaker, I am glad that they have lifted their restrictions, but would the gentleman inform the House what the amendment does?

Mr. DeVERTER. That would be nice.  
The SPEAKER. The Chair recognizes the gentleman, Mr. Saloom.

Mr. SALOOM. Mr. Speaker, SB 780 would have given the right to the publishers of the Pennsylvania Game News to sell the names, the list of names, of those subscribers. In order to protect the right of privacy for the subscribers, the amendment will prohibit the publishers of the Game News from selling the list of subscribers.

The SPEAKER. The Chair thanks the gentleman.  
The Chair recognizes the gentleman from Perry, Mr. Noye.  
Mr. NOYE. Thank you, Mr. Speaker.

I rise to support the Saloom amendment. I think the bill itself is a good bill, but the amendment strengthens the penalty provisions. I think it is needed to make the bill workable, and I ask everybody's support.

The SPEAKER. The Chair thanks the gentleman.  
On the question recurring,  
Will the House agree to the amendments?

The following roll call was recorded:

YEAS—196

Afflerbach	Evans	Lucyk	Rybak
Alderette	Fargo	McCall	Saloom
Angstadt	Fattah	McClatchy	Salvatore
Armstrong	Fee	McHale	Saurman
Arty	Fischer	McIntyre	Scheetz
Baldwin	Flick	McMonagle	Schuler
Barber	Foster, W. W.	McVerry	Semmel
Battisto	Foster, Jr., A.	Mackowski	Serafini
Belardi	Freeman	Madigan	Seventy
Belfanti	Fryer	Maiale	Showers
Beloff	Gallagher	Manderino	Sirianni
Blaum	Gallen	Manmiller	Smith, B.
Book	Gamble	Markosek	Smith, L. E.
Bowser	Geist	Mayernik	Snyder, D. W.
Boyes	George	Merry	Snyder, G. M.
Brandt	Gladeck	Michlovic	Spencer
Broujos	Godshall	Miller	Spitz
Bunt	Greenwood	Miscevich	Stairs
Burd	Grieco	Moehlmann	Steighner
Burns	Gruitza	Morris	Stevens
Caltagirone	Gruppo	Mowery	Stewart
Cappabianca	Hagarty	Mrkonic	Stuban
Carn	Haluska	Murphy	Sweet
Cawley	Harper	Nahill	Swift
Cessar	Hasay	Noye	Taylor, E. Z.
Cimini	Hayes	O'Brien	Taylor, F. E.
Clark	Herman	O'Donnell	Telek
Clymer	Hershey	Oliver	Tigue
Cohen	Hoeffel	Perzel	Trello
Colafella	Honaman	Peterson	Truman
Cole	Hutchinson	Petrarca	Van Horne

Cordisco	Itkin	Petrone	Vroon
Cornell	Jackson	Phillips	Wachob
Coslett	Jarolin	Piccola	Wambach
Cowell	Kasunic	Pievsky	Wargo
Coy	Kennedy	Pistella	Wass
Deluca	Klingaman	Pitts	Weston
DeVerter	Kosinski	Pott	Wiggins
DeWeese	Kowalshyn	Pratt	Williams
Daley	Kukovich	Preston	Wilson
Davies	Lashingner	Punt	Wogan
Dawida	Laughlin	Rappaport	Wozniak
Deal	Lehr	Reber	Wright, D. R.
Dietz	Lescovitz	Reinard	Wright, J. L.
Dininni	Letterman	Richardson	Wright, R. C.
Dombrowski	Levi	Rieger	Zwikl
Donatucci	Levin	Robbins	
Dorr	Linton	Rudy	Irvis,
Duffy	Livengood	Ryan	Speaker
Durham	Lloyd		

NAYS—0

NOT VOTING—4

Civera	Freind	Gannon	Micozzie
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EXCUSED—3

Johnson	Marmion	Olasz
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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?

Mr. LETTERMAN offered the following amendment No. A4558:

Amend Sec. 1 (Sec. 309.1), page 2, line 22, by striking out “or (b)” and inserting  
, (b) or (d)

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

The SPEAKER. The Chair recognizes the gentleman from Centre, Mr. Letterman.

Mr. LETTERMAN. Mr. Speaker, what we found is, in the bill the way it is written, it would only be a \$20 fine per list. What we want is \$100 per name for anybody releasing this list, and that is exactly what my amendment does. It makes the penalty \$100 per name of the list that is sent out.

The SPEAKER. Is the gentleman addressing himself to amendment A4558?

Mr. LETTERMAN. Yes, sir. By changing “or (b)” and inserting “, (b) or (d)”. You have to insert the other section, and that is what it does.

The SPEAKER. The gentleman then wishes to refer to a more severe penalty by inserting “(b).” Is that correct?

Mr. LETTERMAN. Yes, sir.

The SPEAKER. The Chair now understands the amendment.

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

The following roll call was recorded:

YEAS—186

Afflerbach	Fargo	McCall	Saloom
Alderette	Fattah	McClatchy	Salvatore
Angstadt	Fee	McHale	Scheetz
Armstrong	Fischer	McIntyre	Schuler
Arty	Flick	McMonagle	Semmel
Baldwin	Foster, W. W.	McVerry	Serafini
Barber	Foster, Jr., A.	Mackowski	Seventy
Battisto	Freeman	Madigan	Showers
Belardi	Fryer	Maiale	Sirianni
Belfanti	Gallagher	Manderino	Smith, B.
Beloff	Gallen	Manmiller	Smith, L. E.
Blaum	Gamble	Markosek	Snyder, D. W.
Book	Geist	Mayernik	Snyder, G. M.
Bowser	George	Merry	Spencer
Brandt	Gladeck	Michlovic	Spitz
Broujos	Godshall	Miller	Stairs
Burd	Greenwood	Miscevich	Steighner
Burns	Grieco	Morris	Stevens
Caltagirone	Gruitza	Mowery	Stewart
Cappabianca	Gruppo	Murphy	Stuban
Carn	Hagarty	Nahill	Sweet
Cawley	Harper	Noye	Swift
Cessar	Hasay	O'Brien	Taylor, E. Z.
Cimini	Hayes	O'Donnell	Taylor, F. E.
Clark	Herman	Oliver	Telek
Clymer	Hershey	Perzel	Tigue
Colafella	Hoeffel	Peterson	Trello
Cole	Honaman	Petrarca	Truman
Cordisco	Hutchinson	Petrone	Van Horne
Cornell	Jackson	Phillips	Vroon
Coslett	Jarolin	Piccola	Wachob
Cowell	Kasunic	Pievsky	Wambach
Coy	Kennedy	Pistella	Wargo
Deluca	Kosinski	Pitts	Wass
DeVerter	Kowalyszyn	Pott	Weston
DeWeese	Kukovich	Pratt	Wiggins
Daley	Lashinger	Preston	Williams
Davies	Laughlin	Punt	Wilson
Dawida	Lehr	Rappaport	Wogan
Deal	Lescovitz	Reber	Wozniak
Dietz	Letterman	Reinard	Wright, D. R.
Dininni	Levi	Richardson	Wright, J. L.
Dombrowski	Levin	Rieger	Wright, R. C.
Donatucci	Linton	Robbins	Zwikel
Dorr	Livengood	Rudy	
Durham	Lloyd	Ryan	Irvis,
Evans	Lucyk	Rybak	Speaker

NAYS—10

Boyes	Duffy	Klingaman	Mrkonic
Bunt	Haluska	Moehlmann	Saurman
Cohen	Itkin		

NOT VOTING—4

Civera	Freind	Gannon	Micozzie
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EXCUSED—3

Johnson	Marmion	Olasz
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The question was determined in the affirmative, and the amendment was agreed to.

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—194

Alderette	Evans	Livengood	Ryan
Angstadt	Fargo	Lloyd	Rybak
Armstrong	Fattah	Lucyk	Saloom
Arty	Fee	McCall	Salvatore
Baldwin	Fischer	McClatchy	Saurman
Barber	Flick	McHale	Scheetz
Battisto	Foster, W. W.	McIntyre	Schuler
Belardi	Foster, Jr., A.	McMonagle	Semmel
Belfanti	Freeman	McVerry	Serafini
Beloff	Freind	Mackowski	Seventy
Blaum	Fryer	Madigan	Showers
Book	Gallagher	Maiale	Sirianni
Bowser	Gallen	Manderino	Smith, B.
Boyes	Gamble	Manmiller	Smith, L. E.
Brandt	Geist	Markosek	Snyder, D. W.
Broujos	George	Mayernik	Snyder, G. M.
Bunt	Gladeck	Merry	Spencer
Burd	Godshall	Michlovic	Spitz
Burns	Greenwood	Miller	Stairs
Caltagirone	Grieco	Miscevich	Steighner
Cappabianca	Gruitza	Morris	Stevens
Carn	Gruppo	Mowery	Stewart
Cawley	Hagarty	Mrkonic	Stuban
Cessar	Haluska	Murphy	Sweet.
Cimini	Harper	Nahill	Swift
Civera	Hasay	Noye	Taylor, E. Z.
Clark	Hayes	O'Brien	Taylor, F. E.
Clymer	Herman	O'Donnell	Telek
Colafella	Hershey	Oliver	Tigue
Cole	Hoeffel	Perzel	Trello
Cordisco	Honaman	Peterson	Truman
Cornell	Hutchinson	Petrarca	Van Horne
Coslett	Itkin	Petrone	Wachob
Cowell	Jackson	Phillips	Wambach
Coy	Jarolin	Piccola	Wargo
Deluca	Kasunic	Pievsky	Wass
DeVerter	Kennedy	Pistella	Weston
DeWeese	Klingaman	Pitts	Wiggins
Daley	Kosinski	Pott	Williams
Davies	Kowalyszyn	Pratt	Wilson
Dawida	Kukovich	Preston	Wogan
Deal	Lashinger	Punt	Wozniak
Dietz	Laughlin	Rappaport	Wright, D. R.
Dininni	Lehr	Reber	Wright, J. L.
Dombrowski	Lescovitz	Reinard	Wright, R. C.
Donatucci	Letterman	Richardson	Zwikel
Dorr	Levi	Rieger	
Duffy	Levin	Robbins	Irvis,
Durham	Linton	Rudy	Speaker

NAYS—4

Afflerbach	Cohen	Moehlmann	Vroon
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NOT VOTING—2

Gannon	Micozzie
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EXCUSED—3

Johnson	Marmion	Olasz
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

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.

**WELCOME**

The SPEAKER. The Chair welcomes Mr. Ahmad Shu'ib to the floor of the House. He is the founder and president of Traffic Safety Assistance, Incorporated, and he is the guest of Representative Richardson and Representative Linton.

**SPECIAL ORDER OF BUSINESS**

The SPEAKER. The Chair now moves under a special order of business, without objection, to page 8. The Chair hears no objection. We are going to try and get on with the no-fault bill which tied us up so long yesterday.

**BILL ON THIRD  
CONSIDERATION POSTPONED**

The House proceeded to **SB 942, PN 1593**, on third consideration postponed, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for financial responsibility; providing for motor vehicle insurance first party benefits; providing for uninsured and underinsured motorist coverage; providing for an Assigned Risk Plan and Assigned Claims Plan; providing for a Catastrophic Loss Trust Fund; providing for insurance premiums; providing for fraud reporting immunity; providing for judicial arbitration limits; and making repeals.

On the question recurring,

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

The SPEAKER. We have taken the amendments, and now we are under reconsideration motions.

The gentleman, Mr. Manderino, had offered a reconsideration motion on the Wilson amendment when we were interrupted in our discussion yesterday. We were discussing whether or not the Wilson amendment should be passed the second time.

On the question recurring,

Will the House agree to the amendments?

The clerk read the following amendments No. A4665:

Amend Sec. 3 (Sec. 1793), page 41, line 30, by inserting after "POLICY"

caused an accident within any five-year period,

Amend Sec. 3 (Sec. 1793), page 42, line 1, by inserting a period after "THEREON"

Amend Sec. 3 (Sec. 1793), page 42, lines 1 and 2, by striking out "UNLESS IT IS DETERMINED THAT THE INSURED WAS AT" in line 1, all of line 2 and inserting

If within any five-year period an insured has caused more than one accident and has received payment on all claims arising out of the accidents, the insurer may increase the premium rate if the Insurance Department approves the increase.

Amend Sec. 3 (Sec. 1793), page 42, lines 28 through 30, by striking out "RULES AND REGULATIONS ESTABLISHING GUIDELINES AND" in line 28, all of line 29 and "OF SUBSECTION (A) AND" in line 30

On the question recurring,

Will the House agree to the amendments?

The SPEAKER. Would the gentleman, Mr. Wilson, like to refresh the memory of the House as to what the amendment accomplishes?

The Chair recognizes the gentleman from Bucks, Mr. Wilson.

Mr. WILSON. Yes. Mr. Speaker, we inserted the amendment, A4665, yesterday. This amendment, as I see it and I read it, is simply reinforcing basically what is now being done in the industry. We are simply saying that if you purchase an insurance policy on your automobile and you have an accident in which you are at fault more than once every 5 years—every 5 years—then the insurance company can surcharge you as a higher risk because you have had more frequency of an accident at fault, more than every 5 years.

As I understand it, currently in the high risk program, in the high risk, assigned risk program, the industry now uses the criteria of one at-fault accident in 3 years—in 3 years—so we are not doing anything here that is abnormal, unusual, or any burden, as I see it. In addition, as I understand the law currently by regulation and otherwise, this is basically what is done, only on a less frequent nature.

I am suggesting that when you purchase an insurance policy, when you pay your money for that premium, you are betting that you are not going to have an accident. You are saying to the insurance company, I put my dollar on the line, and if I lose and I am more frequently a faulty driver, more than one accident in 5 years, then yes, you can charge me a surcharge; you can charge me a higher rate. I think that is fair. I think it is a good shake for the insurance company, the insured, and everybody who is involved, and I ask your support.

The SPEAKER. The Chair recognizes, on the question, the gentleman from Delaware, Mr. Gannon.

Mr. GANNON. Will the gentleman, Mr. Wilson, stand for interrogation?

The SPEAKER. The gentleman, Mr. Wilson, indicates he will so stand. The gentleman, Mr. Gannon, is in order and he may proceed.

Mr. GANNON. If your amendment was adopted and a 24-year-old drunk driver was involved in an accident on the expressway causing thousands of dollars' worth of property damage as well as some bodily injury, serious bodily injury, but it was the only accident he ever had in a 5-year period, would he be subject to a surcharge?

Mr. WILSON. It would depend on who was at fault. Because he was drunk does not make him at fault.

Mr. GANNON. Let us assume he was at fault. He is drunk and he is at fault and he does some really serious damage.

Mr. WILSON. If he does, yes, and if you had an accident and you had 100 dollars' worth of damage and you made a claim, you would still have that same prerogative in 5 years.

Mr. GANNON. Let me rephrase my question or let me ask, if your amendment was adopted, would that person be subject to a surcharge?

Mr. WILSON. He could be, but he would not be under this amendment.

Mr. GANNON. Okay. Then he would not be subject to a surcharge under this amendment?

Mr. WILSON. As I read it, that is the way the law is enacted now. That is the way they do it currently.

Mr. GANNON. Pardon me?

Mr. WILSON. Under the high risk program, which I think somebody under 24 would be under that high premium at the moment anyhow, that is the way they do it now, currently. A 24-year-old pays a higher premium to start with.

Mr. GANNON. Well, we took care of that yesterday.

Okay. So if I understand you correctly, if your amendment was adopted, that person would not be subject to a surcharge.

Mr. WILSON. Are you asking me again?

Mr. GANNON. Yes. Is that correct?

Mr. WILSON. You are quite correct. Only after he has made claim and has received payment.

Mr. GANNON. But if that was his only accident in 5 years, he still would not be subject to a surcharge.

Mr. WILSON. At the point that he has made claim for that accident and has received payment, you are correct.

Mr. GANNON. Thank you, Mr. Speaker.

May I speak on the amendment?

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

Mr. GANNON. Mr. Speaker, for the past several years in Pennsylvania, physical damage premiums have been leveling off. In fact, one company is prepared to ask for a 5-percent decrease in physical damage coverage. One of the primary reasons for that is because of the surcharge. Approximately 15 percent of the book of the business of the insurance companies in Pennsylvania is subject to the surcharge. What Mr. Wilson is asking us to do is to vote for an amendment which would take away that surcharge and guarantee that everybody's premium would go up to cover those losses.

Perhaps the better way to address this issue is not to eliminate the surcharge but to increase the kick-in of the surcharge. Right now it is about \$300 to \$500 of property damage when the surcharge is kicked in on a policyholder. But rather than let everybody pay that bill, all the insureds in the State, perhaps it would be better to look at it from a different approach, and that is to change the amount where companies can bring the surcharge into play.

I for one want to keep premiums as low as possible for the good drivers whom I represent, and I am sure that the other members of the House feel the same way. As stated earlier in the interrogation, we could have an automobile accident where the person who caused that accident could be at fault, cause extensive property damage, perhaps some bodily injury, serious bodily injury, and yet, if the Wilson amendment was adopted, that person would not be subject to any type of a surcharge by his insurance company to help pay for that loss. That loss would be spread out even further among all the good drivers of the State. Mr. Speaker, because of that, I ask for a "no" vote on the Wilson amendment.

The SPEAKER. The Chair thanks the gentleman.

## WELCOME

The SPEAKER. The Chair is delighted to welcome to the hall of the House Mr. and Mrs. Walter Phillips. Mr. Phillips has currently announced that he intends to run as a Democratic candidate for Attorney General of the Commonwealth of Pennsylvania. They are the guests of Mr. O'Donnell and Mr. DeWeese. Welcome.

## CONSIDERATION OF SB 942 CONTINUED

The SPEAKER. On the Wilson amendment, the Chair recognizes the gentleman from Lehigh, Mr. Afflerbach.

Mr. AFFLERBACH. Thank you, Mr. Speaker.

I have several problems with the Wilson amendment, although I believe I understand what Mr. Wilson is attempting to get at, particularly in terms of determining fault through comparative negligence. Nevertheless, I have several problems with his amendment. I am sure the gentleman does not intend it this way, but as I read the amendment and fit it into the bill, it would be a godsend for the reckless driver.

Essentially, the amendment states that the insurance may be increased for the individual who has more than one accident in a 5-year period only if that individual case is appealed to the Insurance Department. Frankly, from a pragmatic basis of evaluating cases, that would be an impossibility, I would suspect.

Secondly, that insurance can only be increased if that individual has received payment on all claims arising out of the accidents. If he has not received payment on all claims, he could conceivably continue to have accident after accident after accident and never have his insurance premium increased.

Furthermore, the last part of the amendment deletes from the bill the authority of the Insurance Department to determine fault. Therefore, the Insurance Department would have a very great deal of difficulty, I would suspect, determining whether or not rates should be increased, because it could not any longer determine fault. I suspect the best thing we can do is defeat this amendment soundly.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Bucks, Mr. Wilson.

Mr. WILSON. Mr. Speaker, would the last gentleman, Mr. Afflerbach, consent to interrogation?

The SPEAKER. The gentleman, Mr. Afflerbach, says he will stand for interrogation. The gentleman, Mr. Wilson, is in order and may proceed.

Mr. WILSON. Does the gentleman have a copy of the bill?

Mr. AFFLERBACH. Yes, I do, Mr. Speaker.

Mr. WILSON. On page 41, as I read the proposal currently written, lines 27 through 30 and continued on the next page, am I correct in concluding that the limitation on premium increases or a surcharge, "An insurer shall not increase the premium rate of an owner of a policy of insurance subject to

this chapter solely because one or more of the insureds under the policy made a claim under the policy and was paid thereon....” Is that not the current language? I read it.

Mr. AFFLERBACH. That is correct. However, the sentence continues further under the current language.

Mr. WILSON. That is fine. “...unless it is determined that the insured was at fault in contributing to the accident giving rise to the claim.”

Mr. AFFLERBACH. That is correct.

Mr. WILSON. You stated that the Insurance Department would have to hear this claim. Is that the current law where they hear these claims as proposed, or would they hear these claims as proposed in SB 942?

Mr. AFFLERBACH. I am sorry. Could you repeat that question?

Mr. WILSON. You made the statement that my amendment was faulty, in error, because the Insurance Department would have to hear each and every claim. Is that correct? That was the statement you made, or I am paraphrasing it.

Mr. AFFLERBACH. That is correct.

Mr. WILSON. Then if the current proposal in SB 942 became law without this amendment, the language, I conclude in my interpretation, is basically the same, that the insurance company could not request a premium surcharge or increase until the claim was made and paid thereon. Line 30 on page 41, continuing on to page 42, line 1. And who would determine that, the department, as you suggest?

Mr. AFFLERBACH. No. Under the current language, Mr. Speaker, there is not a requirement that the increased premium be submitted to the department for determination, but under the amendment language, it states very clearly “...the insurer may increase the premium rate if the Insurance Department approves the increase.” I think that is a distinct difference.

Mr. WILSON. I beg to refer to the amendment. It says that if you have more frequent accidents at fault, more than one in 5 years, then under the rate proposal made by the insurance company to the department, the department may, as it currently does, status quo, grant a surcharge rate. All we are insuring here is that the surcharge rate be approved by the department. That is current law, and I understand. My question goes back to the fact that that same procedure would take place now, because in the other part of your proposal, that is what would happen now. Am I correct that the Insurance Department must approve the rate case for an insurance company considering all the aspects of their rate proposal, whether it be surcharge, normal rate, casualty, or whatever? Is that correct?

Mr. AFFLERBACH. It is correct that the Insurance Department must approve all aspects of an insurance company’s general rate proposal.

Mr. WILSON. Including the surcharge?

Mr. AFFLERBACH. Including the surcharge that would be applicable. However, as I understand your amendment, they would have to approve each individual insured’s policy.

Mr. WILSON. I thank the gentleman. That is not the case, but I do thank the gentleman.

Mr. Speaker, if I may speak on the amendment.

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

Mr. WILSON. I am afraid, Mr. Speaker, that the interpretations that are being made are in error, and I would like to correct that error. I can understand in the complexity of this insurance matter that misinterpretations might be made.

What I am saying in this amendment is simply that all rates are going to be made by the Insurance Commission; all rates are going to be approved by them, regardless, whether my amendment passes or not. We are simply saying in this amendment, however, that you cannot make a surcharge if the person who buys that insurance pays his premium, has only one accident at which he is at fault in any period of 5 years. If there is a surcharge to be made, if there is a second accident in that period, then the Insurance Department is going to approve that particular rate for that surcharge with that particular company when they file their claim.

I again must say that I think we are in the best interests here, and I do not see why anybody, anybody who pays a premium and then suddenly has to use that insurance that they purchased, must suddenly be thrown in a surcharge, a superannuation, an extra charge, simply because they had one claim. I do not think that is a correct way to go; that is not a correct way to do business; that is not what we are purchasing. I understand, if you are a frequent violator, if you frequently have to make these claims and you are at fault each and every year and things like that, that I sustain. I would urge a positive vote on this amendment.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—45

Angstadt	Fattah	Laughlin	Pratt
Bowser	Fischer	Letterman	Punt
Bunt	Fryer	Levi	Reinard
Burd	Godshall	McIntyre	Saurman
Burns	Greenwood	McVerry	Stairs
Carn	Grieco	Michlovic	Swift
Cessar	Hasay	O’Brien	Taylor, E. Z.
Cimini	Hershey	Peterson	Telek
Clymer	Hutchinson	Petrarca	Wass
Cohen	Itkin	Pitts	Wilson
Dawida	Klingaman	Pott	Wright, J. L.
Evans			

NAYS—154

Afflerbach	Durham	McCall	Salvatore
Alderette	Fargo	McClatchy	Scheetz
Armstrong	Fee	McHale	Schuler
Arty	Flick	McMonagle	Semmel
Baldwin	Foster, W. W.	Mackowski	Serafini
Barber	Foster, Jr., A.	Madigan	Seventy
Battisto	Freeman	Maiale	Showers
Belardi	Freind	Manderino	Sirianni
Belfanti	Gallagher	Manmiller	Smith, B.
Beloff	Gallen	Markosek	Smith, L. E.
Blaum	Gamble	Mayernik	Snyder, D. W.
Book	Gannon	Merry	Snyder, G. M.

Boyes	Geist	Micozzie	Spencer
Brandt	George	Miller	Spitz
Broujos	Gladeck	Miscevich	Steighner
Caltagirone	Gruitza	Moehlmann	Stevens
Cappabianca	Gruppo	Morris	Stewart
Cawley	Hagarty	Mowery	Stuban
Civera	Haluska	Mrkonic	Sweet
Clark	Harper	Murphy	Taylor, F. E.
Colafella	Hayes	Nahill	Tigue
Cole	Herman	Noye	Trello
Cordisco	Hoeffel	O'Donnell	Truman
Cornell	Honaman	Oliver	Van Horne
Coslett	Jackson	Perzel	Vroon
Cowell	Jarolin	Petrone	Wachob
Coy	Kasunic	Phillips	Wambach
Deluca	Kennedy	Piccola	Wargo
DeVerter	Kosinski	Pievsky	Weston
DeWeese	Kowalshyn	Pistella	Wiggins
Daley	Kukovich	Preston	Williams
Davies	Lashingier	Rappaport	Wogan
Deal	Lehr	Richardson	Wozniak
Dietz	Lescovitz	Rieger	Wright, D. R.
Dininni	Levin	Robbins	Wright, R. C.
Dombrowski	Linton	Rudy	Zwinkl
Donatucci	Livengood	Ryan	
Dorr	Lloyd	Rybak	Irvis,
Duffy	Lucyk	Saloom	Speaker

NOT VOTING—1

Reber

EXCUSED—3

Johnson

Marmion

Olasz

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

**REMARKS ON VOTES**

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Freind. For what purpose does the gentleman rise?

Mr. FREIND. Mr. Speaker, on SB 547 and on the Letterman and Saloom amendments to SB 780, I was not in my seat. Had I been, I would have voted in the affirmative.

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

**CONSIDERATION OF SB 942 CONTINUED**

**MOTION TO RECONSIDER AMENDMENT A4652**

The SPEAKER. The Chair has in its possession a motion by the gentleman, Mr. Manderino, to reconsider the vote by which the Dawida amendment A4652 was passed on December 13.

On the question,

Will the House agree to the motion?

The SPEAKER. On the motion, the Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, will the gentleman, Mr. Dawida, consent to interrogation?

The SPEAKER. The gentleman indicates he will stand for interrogation. The majority leader is in order and may proceed.

Mr. MANDERINO. Mr. Speaker, the amendment that is the subject of my reconsideration motion, it is my understanding that the \$5 that would feed the catastrophic fund by adding \$5 to everyone's registration has been deleted by your amendment—is that correct?—insomuch as it is to be placed upon the registration of all automobiles in the Commonwealth. Is that correct?

Mr. DAWIDA. Mr. Speaker, my amendment does not delete the \$5. All of your constituents are still going to have to pay that. What it does do is put it into the purview of the insurance companies and the Insurance Department.

Mr. MANDERINO. In other words, the \$5 will not be charged on the license registrations as the registrations are sent out to all the motor vehicle owners in the Commonwealth. Is that correct?

Mr. DAWIDA. Yes.

Mr. MANDERINO. The \$5 will be collected by the insurance companies selling insurance policies on automobiles in Pennsylvania. Is that correct?

Mr. DAWIDA. Yes.

Mr. MANDERINO. And then they will transmit it to the fund. Is that correct?

Mr. DAWIDA. That is correct.

**MOTION WITHDRAWN**

Mr. MANDERINO. Mr. Speaker, in light of that, I withdraw my request for reconsideration of the Dawida amendment.

The SPEAKER. The Chair thanks the gentleman.

There will be no reconsideration of the Dawida amendment.

**AMENDMENT A4577 RECONSIDERED**

The SPEAKER. The only reconsideration now before the Chair is one filed by the gentleman from Allegheny, Mr. Seventy, who moves that there be a reconsideration of the vote by which the House defeated the Murphy amendment, A4577, on December 13.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

**YEAS—200**

Afflerbach	Evans	Lloyd	Ryan
Alderette	Fargo	Lucyk	Rybak
Angstadt	Fattah	McCall	Saloom
Armstrong	Fee	McClatchy	Salvatore
Arty	Fischer	McHale	Saurman
Baldwin	Flick	McIntyre	Scheetz
Barber	Foster, W. W.	McMonagle	Schuler
Battisto	Foster, Jr., A.	McVerry	Semmel
Belardi	Freeman	Mackowski	Serafini
Belfanti	Freind	Madigan	Seventy
Beloff	Fryer	Maiale	Showers
Blaum	Gallagher	Manderino	Sirianni
Book	Gallen	Manmiller	Smith, B.
Bowser	Gamble	Markosek	Smith, L. E.
Boyes	Gannon	Mayernik	Snyder, D. W.
Brandt	Geist	Merry	Snyder, G. M.
Broujos	George	Michlovic	Spencer
Bunt	Gladeck	Micozzie	Spitz

Burd	Godshall	Miller	Stairs
Burns	Greenwood	Miscevich	Steighner
Caltagirone	Grieco	Moehlmann	Stevens
Cappabianca	Gruitza	Morris	Stewart
Carn	Gruppo	Mowery	Stuban
Cawley	Hagarty	Mrkonic	Sweet
Cessar	Haluska	Murphy	Swift
Cimini	Harper	Nahill	Taylor, E. Z.
Civera	Hasay	Noye	Taylor, F. E.
Clark	Hayes	O'Brien	Telek
Clymer	Herman	O'Donnell	Tigue
Cohen	Hershey	Oliver	Trello
Colafella	Hoeffel	Perzel	Truman
Cole	Honaman	Peterson	Van Horne
Cordisco	Hutchinson	Petrarca	Vroon
Cornell	Itkin	Petrone	Wachob
Coslett	Jackson	Phillips	Wambach
Cowell	Jarolin	Piccola	Wargo
Coy	Kasunic	Pievsky	Wass
Deluca	Kennedy	Pistella	Weston
DeVerter	Klingaman	Pitts	Wiggins
DeWeese	Kosinski	Pott	Williams
Daley	Kowalyszyn	Pratt	Wilson
Davies	Kukovich	Preston	Wogan
Dawida	Lashinger	Punt	Wozniak
Deal	Laughlin	Rappaport	Wright, D. R.
Dietz	Lehr	Reber	Wright, J. L.
Dininni	Lescovitz	Reinard	Wright, R. C.
Dombrowski	Letterman	Richardson	Zwilk
Donatucci	Levi	Rieger	
Dorr	Levin	Robbins	Irvis,
Duffy	Linton	Rudy	Speaker
Durham	Livengood		

NAYS—0

NOT VOTING—0

EXCUSED—3

Johnson Marmion Olasz

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. A4577:

Amend Title, page 1, lines 10 through 18, by striking out all of said lines and inserting

Amending the act of July 19, 1974 (P.L.489, No.176), entitled "An act providing for a compensation system for persons injured in motor vehicle accidents; requiring insurance for all motor vehicles required to be registered in Pennsylvania; defining compensable damage in motor vehicle accident cases; establishing an assigned claims plan; providing for arbitration; imposing powers and duties on courts, the Department of Transportation and the Insurance Commissioner; prohibiting certain discrimination; and providing penalties," redefining and adding terms; further providing for motor vehicle insurance, proof of security at vehicle inspection, the financial responsibility of owners, temporary suspension of coverage and availability of insurance; providing for settlement agreements and payment of claims and for assigned claims plans; further providing for rates, motor vehicles in interstate travel, rights and duties of obligors, basic loss and collateral benefits, work loss and net loss, additional coverage options and ineligible claimants; increasing the threshold; further providing for examinations; providing for immunity from liability for release of information; further providing for operation of a vehicle without security; providing for surrender of registration on suspension, for a penalty relating to fraudulent claims and for rates; and making a repeal.

Amend Bill, pages 2 through 48, by striking out all of said lines on said pages and inserting

Section 1. The definitions of "added loss benefits," "allowable expense," "injury," "insured," "medical and vocational rehabilitation services," "motor vehicle," "obligor," "replacement services loss," "state," "survivor," "survivor's loss" and "work loss" in section 103 of the act of July 19, 1974 (P.L.489, No.176), known as the Pennsylvania No-fault Motor Vehicle Insurance Act, are amended and a definition is added to read:

§ 103. Definitions.

As used in this act:

"Added loss benefits" means benefits provided by added loss insurance in accordance with section 207 of this act. Added loss benefits shall not include benefits for net loss sustained by an operator or passenger of a motorcycle.

"Allowable expense" means reasonable charges incurred for, or the reasonable value of (where no charges are incurred), reasonably needed and used products, services, and accommodations for:

- (A) professional medical treatment and care;
- (B) emergency health services;
- (C) medical and vocational rehabilitation services;

and

- (D) expenses directly related to the funeral, burial, cremation, or other form of disposition of the remains of a deceased victim, not to exceed one thousand five hundred dollars (\$1,500); and].

The term does not include that portion of a charge for a room in a hospital, clinic, convalescent, or nursing home, or any other institution engaged in providing nursing care and related services, in excess of a reasonable and customary charge for semiprivate accommodations, unless more intensive care is medically required; or any amount includable in work loss, replacement services loss, or survivor's loss.

\*\*\*

"Injury" means accidentally sustained bodily harm to an individual and that individual's illness, disease, or death resulting therefrom which arises out of the maintenance or use of a motor vehicle.

\*\*\*

"Insured" means:

(A) an individual identified by name as an insured in a contract of basic loss insurance complying with this act; and

(B) a spouse or other relative of a named insured, a minor in the custody of a named insured, and a minor in the custody of a relative of a named insured if:

(i) not identified by name as an insured in any other contract of basic restoration insurance complying with this act; [and]

(ii) in residence in the same household with a named insured[.]; and

(iii) not excluded by name from the contract by specific endorsement at the request of the named insured.

An individual is in residence in the same household if he usually makes his home in the same family unit, even though he temporarily lives elsewhere.

\*\*\*

"Medical and vocational rehabilitation services" means services necessary to reduce disability and to restore the physical, psychological, social, and vocational functioning of a victim. Such services may include, but are not limited to, medical care, diagnostic and evaluation procedures, physical and occupational therapy, other necessary therapies, including but not limited to chiropractic care, speech pathology and audiology, optometric services, nursing care under the supervision of a registered nurse, medical social services, vocational rehabilitation and training ser-

vices, occupational licenses and tools, and transportation where necessary to secure medical and vocational rehabilitation services. A basic loss obligor is not obligated to provide basic loss benefits for allowable expense for medical and vocational rehabilitation services unless the facility in which or through which such services are provided has been accredited by the Department of Health, the equivalent governmental agency responsible for health programs, or the accrediting designee of such department or agency of the state in which such services are provided, as being in accordance with applicable requirements and regulations.

“Motorcycle” means a motor vehicle with a two-wheel frame having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground.

“Motor vehicle” means a vehicle of a kind required to be registered under [the act of April 29, 1959 (P.L.58, No.32), known as The Vehicle Code,] 75 Pa.C.S. (relating to vehicles).

\*\*\*

“Obligor” means an insurer, self-insurer, or obligated government providing no-fault benefits in accordance with this act. The term does not include an insurer or provider of health care benefits for medical or health care or work loss through a program, group, contract or other arrangement when such insurer or other provider of such benefits or work loss is elected by the insured to be the primary source of no-fault benefits pursuant to the provisions of section 203.

\*\*\*

“Replacement services loss” means expenses reasonably incurred in obtaining ordinary and necessary services in lieu of those the victim would have performed, not for income, but for the benefit of himself or his family, if he had not been injured. Replacement services loss does not include expenses incurred for services performed following death of a victim.

\*\*\*

“State” means a state of the United States, the District of Columbia, Guam, [and] the Virgin Islands, and Puerto Rico.

\*\*\*

“Survivor” means:

- (A) spouse; or
- (B) child, adopted child, ward, child under guardianship of the deceased, foster child, parent, brother, sister or relative dependent upon the deceased for [support] his or her support immediately prior to the accident causing death.

“Survivor’s loss” means the[

(A) loss of income of a deceased victim which would probably have been contributed to a survivor or survivors, if such victim had not sustained the fatal injury; and

(B) expenses reasonably incurred by a survivor or survivors, after a victim’s death resulting from injury, in obtaining ordinary and necessary services in lieu of those which the victim would have performed, not for income, but for their benefit, if he had not sustained the fatal injury,

reduced by expenses which the survivor or survivors would probably have incurred but avoided by reason of the victim’s death resulting from injury.

\*\*\*

“Work loss” means:

(A) loss of gross income of a victim earned during his lifetime, as calculated pursuant to the provisions of section 205 of this act; and

(B) reasonable expenses of a victim incurred during his lifetime for hiring a substitute to perform self-employment services, thereby mitigating loss of income, or for hiring special help, thereby enabling a victim to work and mitigate loss of income earned during his lifetime.

Work loss does not include (i) loss of expected income for any period following the death of a victim, or (ii) expenses incurred for services performed following the death of a victim.

Section 2. Sections 104 and 106 of the act are amended to read:

§ 104. Required motor vehicle insurance.

(a) Security covering a motor vehicle.—Every owner of a motor vehicle which is registered or which is operated in this Commonwealth by the owner or with his permission, shall continuously provide security covering such motor vehicle while such vehicle is either present or registered in the Commonwealth. Security shall be provided for the payment of basic loss benefits, and for the payment of sums up to a total limit of thirty thousand dollars (\$30,000) which the owner or any person operating the vehicle with the express or implied permission of the owner may become liable to pay as damages because of bodily injury or death arising out of any one accident (subject to a sublimit of fifteen thousand dollars (\$15,000) for damages arising out of the bodily injury or death of any one person) and for the payment of damages for injury to or destruction of property in any one accident of amounts up to a total limit of five thousand dollars (\$5,000). The owner or any other person may provide security covering a motor vehicle by a contract of insurance with an insurer or by qualifying as a self-insurer or as an obligated government.

(a.1) Proof of security at registration or renewal of registration.—The owner of a motor vehicle shall provide proof of compliance with the security requirements of this act at the time of registration or renewal of registration of any such motor vehicle through the use of a uniform proof of purchase of insurance identification card specifying such coverage, or such other method of furnishing proof of purchase of insurance or compliance with self-insurance requirements as may be required to the department. The department shall refuse to issue registration of any motor vehicle for which satisfactory proof of compliance is not made.

(b) Self-insurance.—Self-insurance, subject to approval of the commissioner [and department], is effected by filing with the [department] commissioner in satisfactory form:

(1) a continuing undertaking by the owner or other appropriate person to pay basic [restoration] loss benefits and any tort liability required in amounts not less than those required, by subsection (a) of this section, to perform all obligations imposed in accordance with this act, and to elect to pay such added [restoration] loss benefits as are specified in the undertaking;

(2) evidence that appropriate provision exists for prompt and efficient administration of all claims, benefits, and obligations provided in accordance with this act; and

(3) evidence that reliable financial arrangements, deposits, resources, or commitments exist providing assurance substantially equivalent to that afforded by a contract of insurance complying with this act for payment of no-fault benefits, any required tort liability, and performance of all other obligations imposed in accordance with this act.

(c) Obligated government.—A government may provide security with respect to any motor vehicle owned or operated by it by lawfully obligating itself to pay basic [restoration] loss benefits in accordance with this act, and such added [restoration] loss benefits as are specified in the undertaking.

(d) Obligations upon termination of security.—An owner of a motor vehicle who ceases to maintain the security required in accordance with this act shall immediately surrender the registration certificate and license plates for the vehicle to the department and may not operate or permit operation of the vehicle in this Commonwealth until security has again been furnished as required in accordance with this act. A person other than the owner who ceases to maintain such security shall immediately

notify the owner and the department, who may not operate or permit operation of the vehicle until security has again been furnished. An insurer who has issued a contract of insurance and knows or has reason to believe the contract is for the purpose of providing security shall immediately give notice to the department of the termination of the insurance. If the commissioner or department withdraws approval of security provided by a self-insurer or knows that the conditions for self-insurance have ceased to exist, he shall immediately give notice thereof to the department. These requirements may be modified or waived by the department.

(e) Temporary suspension of coverage.—An owner of a motor vehicle, who has provided security in accordance with the provisions of subsection (a) and who has one or more vehicles not in use for periods of time in excess of forty-five consecutive calendar days, may obtain from his insurer an agreement to the policy of insurance suspending temporarily any coverages for the duration of time such vehicle may not be in use: Provided, however, That such owner shall maintain basic loss benefits coverage for at least one of the vehicles during the period of suspension. In all such cases, an owner of such a motor vehicle shall not be required to surrender the registration certificate and license plates to the department as provided in subsection (d). The commissioner shall promulgate reasonable and necessary rules and regulations governing such agreements between an owner and his insurer including provisions for an equitable reduction from the annual policy premium of the insurer.

§ 106. Payment of claims for no-fault benefits.

(a) In general.—

(1) No-fault benefits are payable monthly as loss accrues. Loss accrues not when injury occurs, but as allowable expense, work loss, replacement services loss, or survivor's loss is sustained.

(2) No-fault benefits are overdue if not paid within thirty days after the receipt by the obligor of each submission of reasonable proof of the fact and amount of loss sustained, unless the obligor designates, upon receipt of an initial claim for no-fault benefits, periods not to exceed thirty-one days each for accumulating all such claims received within each such period, in which case such benefits are overdue if not paid within fifteen days after the close of each such period. If reasonable proof is supplied as to only part of a claim, but the part amounts to one hundred dollars (\$100) or more, benefits for such part are overdue if not paid within the time mandated by this paragraph. An obligation for basic loss benefits for an item of allowable expense may be discharged by the obligor by reimbursing the victim or his estate or by making direct payment to the supplier or provider of products, services, or accommodations within the time mandated by this paragraph. Overdue payments bear interest at the rate of eighteen per cent (18%) per annum. However, if an obligor withholds payments and is later found by a court of competent jurisdiction to have had reasonable cause for the withholding of such payments, said payments shall not be overdue but shall bear interest at the rate of twelve per cent (12%) per annum from the date such payments were withheld.

(3) A claim for no-fault benefits shall be paid without deduction for the benefits or advantages which are to be subtracted from loss in calculating net loss if such benefits or advantages have not been paid or provided to such claimant prior to the date the no-fault benefits are overdue or the no-fault benefits claim is paid whichever is later. The obligor is thereupon entitled to recover reimbursement from the person obligated to pay or provide such benefits or advantages or from the claimant who actually receives them. Benefits or advantages that are subtracted and which are reasonably expected in the ordinary course of events shall be deemed to have been provided until receipt by the obligor of written

notice that the amount or the payment thereof is in dispute or that for any other reason the payment may not be promptly made. Benefits subtracted by reason of this provision shall not be overdue if paid within thirty days following receipt of such notice.

(4) An obligor may bring an action to recover reimbursement for no-fault benefits which are paid upon the basis of an intentional misrepresentation of a material fact by a claimant or a supplier or provider of an item of allowable expense, if such obligor reasonably relied upon such misrepresentation. The action may be brought only against such supplier or provider, unless the claimant has intentionally misrepresented the facts or knew of the misrepresentation. An obligor may offset amounts he is entitled to recover from the claimant under this paragraph against any no-fault benefits otherwise due.

(5) An obligor who rejects a claim for basic loss benefits shall give to the claimant written notice of the rejection promptly, but in no event more than thirty days after the receipt of reasonable proof of the loss. Such notice shall specify the reason for such rejection and inform the claimant of the terms and conditions of his right to obtain an attorney. If a claim is rejected for a reason other than that the person is not entitled to basic loss benefits claimed, the written notice shall inform the claimant that he may file his claim with the assigned claims bureau and shall give the name and address of the bureau.

(6) No attorney shall petition any court of this Commonwealth for approval of any contingent fee agreement or contract which provides for such contingent fee to be deducted from or to reduce the no-fault benefits paid or payable to a claimant. Attorney's fees and costs shall be paid in accordance with section 107 with respect to payment of no-fault benefits.

(b) Release or settlement of claim.—

(1) Except as otherwise provided in this subsection, no-fault benefits shall not be denied or terminated because the victim executed a release or other settlement agreement. A claim for no-fault benefits may be discharged by a settlement agreement for an agreed amount payable in installments or in a lump sum, if the reasonably anticipated net loss does not exceed [two thousand five hundred dollars (\$2,500)] five thousand dollars (\$5,000). A claim for survivor's loss, up to the limit of liability thereof, may be discharged by settlement in a lump sum. In all other cases, a claim may be discharged by a settlement to the extent authorized by law and upon a finding, by a court of competent jurisdiction, that the settlement is in the best interest of the claimant and any beneficiaries of the settlement, and that the claimant understands and consents to such settlement, and upon payment by the restoration obligor of the costs of such proceeding including a reasonable attorney's fee (based upon actual time expended) to the attorney selected by or appointed for the claimant. Such costs may not be charged to or deducted from the proceeds of the settlement. Upon approval of the settlement, the court may make appropriate orders concerning the safeguarding and disposing of the proceeds of the settlement and may direct as a condition of the settlement agreement, that the restoration obligor pay the reasonable cost of appropriate future medical and vocational rehabilitation services.

(2) A settlement agreement for an amount payable in installments shall be modified as to amounts to be paid in the future, if it is shown that a material and substantial change of circumstances has occurred or that there is newly-discovered evidence concerning the claimant's physical condition, loss, or rehabilitation which could not have been known previously or discovered in the exercise of reasonable diligence.

(3) A settlement agreement may be set aside if it is procured by fraud or if its terms are unconscionable.

(c) Time limitations on actions to recover benefits.—

(1) If no-fault benefits have not been paid for loss arising otherwise than from death, an action therefor may be commenced not later than two years after the victim suffers the loss and either knows, or in the exercise of reasonable diligence should have known, that the loss was caused by the accident, or not later than four years after the accident, whichever is earlier. If no-fault benefits have been paid for loss arising otherwise than from death, an action for further benefits[, other than survivor's benefits,] on account of such loss, by either the same or another claimant[;], may be commenced not later than two years after the last payment of benefits. Except as this paragraph prescribes a longer period, if the victim dies, an action for loss arising otherwise than from death may be commenced not later than one year after the victim's death.

(2) If no-fault benefits have not been paid [to the deceased victim or his survivor or survivors], for loss arising from death, either for survivor's loss or the funeral expense benefit provided under allowable expense an action for survivor's [benefits] loss or the said funeral expense may be commenced not later than [one year] two years after the death or four years after the accident from which death results, whichever is earlier. If survivor's [benefits have] loss has been paid to any survivor, an action for further survivor's [benefits] loss by either the same or another claimant may be commenced not later than two years after the last payment of benefits. If no-fault benefits have been paid for loss suffered by a victim before his death resulting from the injury, an action for survivor's [benefits] loss or the said funeral expense may be commenced not later than one year after the death or six years after the last payment of benefits, whichever is earlier.

(3) If timely action for basic restoration benefits is commenced against an obligor and benefits are denied because of a determination that the obligor's coverage is not applicable to the claimant under the provisions of section 204 of this act, an action against the applicable obligor or the obligor to whom a claim is assigned under an assigned claims plan may be commenced not later than sixty days after the determination becomes final or the last date on which the action could otherwise have been commenced, whichever is later.

(4) Except as paragraph (1), (2), or (3) prescribes a longer period, an action by a claimant on an assigned claim which has been timely presented in accordance with the provisions of section 108(c) or section 108.1(c) of this act, which ever shall be applicable to the claim, may not be commenced more than sixty days after the claimant receives written notice of rejection of the claim by the [restoration obligor] entity to which it was assigned.

(5) If a person entitled to no-fault benefits is under a legal disability when the right to bring an action for the benefits first accrues, the period of his disability is not a part of the time limited for commencement of the action.

(d) Assignment of benefits.—An assignment of or an agreement to assign any right in accordance with this act for loss accruing in the future is unenforceable except as to benefits for:

(1) work loss to secure payment of alimony, maintenance, or child support; or

(2) allowable expense to the extent the benefits are for the cost of products, services, or accommodations provided or to be provided by the assignee.

(e) Deduction and setoff.—Except as otherwise provided in this act, basic loss benefits shall be paid without deduction or setoff.

(f) Exemption of benefits.—

(1) No-fault benefits for allowable expense are exempt from garnishment, attachment, execution, and any other process or claim, except upon the claim of a creditor who has provided products, services, or accommodations to the extent benefits are for allowable expense for those products, services, or accommodations.

(2) Basic loss benefits other than those for allowable expense are exempt from garnishment, attachment, execution, and any other process or claim for benefits attributable to loss sustained within the first sixty days following the accident resulting in injury. Other basic loss benefits (except for items of allowable expense) are exempt to the extent that wages or earnings are exempt under any applicable law exempting wages or earnings from such process or claims.

Section 3. Section 108 of the act is repealed.

Section 4. The act is amended by adding a section to read:

§ 108.1. Assigned claims plan.

(a) Organization.—Obligors other than self-insurers and governments providing basic loss insurance in this Commonwealth shall organize and maintain, subject to approval and regulation by the commissioner, an assigned claims bureau and an assigned claims plan and adopt rules for their operation and for assessment of costs on a fair and equitable basis consistent with this act. If such bureau and plan are not organized and maintained in a manner considered by the commissioner to be consistent with this act, he shall organize and maintain an assigned claims bureau and an assigned claims plan. Each obligor insurer providing basic loss insurance in the Commonwealth shall participate in the assigned claims bureau and the assigned claims plan. Costs incurred shall be allocated fairly and equitably among the obligors.

(b) Basic loss benefits.—

(1) If this act is in effect on the date when the accident resulting in injury occurs, a victim or the survivor or survivors of a deceased victim may obtain basic benefits through the assigned claims plan established pursuant to subsection (a), if:

(A) basic loss insurance applicable to the injury cannot be identified;

(B) basic loss insurance applicable to the injury is inadequate to provide the contracted for benefits because of financial inability of an obligor to fulfill its obligations; or

(C) benefits are refused by an obligor for a reason other than that the individual is not entitled in accordance with this act to the basic loss benefits claimed.

(2) If a claim qualifies for assignment under subparagraph (A), (B) or (C) of paragraph (1), the assigned claims bureau or any entity to whom the claim is assigned is subrogated to all rights of the claimant against the obligor legally obligated to provide basic benefits to the claimant or against any successor in interest to or substitute for such obligor for such benefits as are provided by the assignee.

(3) If an individual receives basic loss benefits through the assigned claims plan, all benefits or advantages that such individual receives or is entitled to receive as a result of such injury, other than life insurance benefits or benefits by way of succession at death or in discharge of familial obligations of support, shall be subtracted from loss in calculating net loss.

(4) The assigned claims bureau shall promptly assign each claim for no-fault benefits to an assignee so as to minimize inconvenience to claimants and shall notify the claimant of the identity and address of such assignee. Subject to the terms and limitations of this section, the assignee thereafter has rights and obligations as if it had issued a policy of basic loss benefits insurance complying with this act, but not in excess of the basic loss benefits insurance or self-insurance contract, if any, in substitution for which the claim is assigned.

(c) Time limitations on filing claims.—

(1) Except as provided in paragraph (2), an individual authorized to obtain basic loss benefits through the assigned claims plan shall notify the assigned claims bureau of his claim within the time that would have been allowed pursuant to section 106(c) for commencing an action for basic loss benefits against any obligor, other than an assigned claims bureau.

(2) If timely action for basic loss benefits is commenced against an obligor who is unable to fulfill its obligations because of financial inability, an individual authorized to obtain basic loss benefits through the assigned claims plan shall notify the bureau of his claim within six months after his discovery of such financial inability.

(d) Ineligible claimants.—An individual, whether resident of this Commonwealth or not, who does not comply with the requirement of providing security for the payment of basic loss benefits, if he is injured while occupying a motor vehicle for which there is no security in force applicable to his injury or loss, or an individual as to whom the security is invalidated because of his fraud or willful misconduct, shall not be entitled to receive benefits under the assigned claims plan. An individual, whether resident of this Commonwealth or not, who operates a motor vehicle with knowledge that security required by this act is not in effect with respect to such operation shall not be entitled to receive benefits under the assigned claims plan if injured in the course of such operation.

(e) Limitation on benefits.—An individual, whether resident of this Commonwealth or not, who qualifies for payment of basic loss benefits under the assigned claims plan is entitled to claim basic loss benefits only and shall not be afforded the benefit of any other mandated or optional insurance or security coverages required under this act or any other law.

Section 5. Sections 110 and 111 of the act are amended to read:

§ 110. Motor vehicles in interstate travel.

(a) General.—An owner of a motor vehicle who has complied with the requirements of security covering a motor vehicle in this Commonwealth shall be deemed to have complied with the requirements for such security in any state in which such vehicle is operating.

(b) Conforming coverage.—

(1) An obligor providing security for the payment of basic loss benefits shall be obligated to provide, and each contract of insurance for the payment of basic loss benefits shall be construed to contain, coverage sufficient to satisfy the requirements for security covering a motor vehicle in any state in which any victim who is a claimant or whose survivors are claimants is domiciled or is injured.

(2) An obligor providing security for the payment of basic loss benefits shall include in each contract of insurance for the payment of basic loss benefits, coverage to protect the owner or operator of a motor vehicle from tort liability to which he is exposed through application of the law of any state in which the motor vehicle may be operated and arising out of the ownership, maintenance or use of a motor vehicle.

[(c) Applicable law.—

(1) The basic loss benefits available to any victim or to any survivor of a deceased victim shall be determined pursuant to the provisions of the state no-fault plan for motor vehicle insurance in effect in the state of domicile of the victim on the date when the motor vehicle accident resulting in injury occurs. If there is no such state no-fault plan in effect or if the victim is not domiciled in any state, then basic loss benefits available to any victim shall be determined pursuant to the provisions of the state no-fault plan for motor vehicle insurance, if any, in effect in the state in which the accident resulting in injury occurs.

(2) The right of a victim or of a survivor of a deceased victim to sue in tort shall be determined by the law of the state of domicile of such victim. If a victim is not domiciled in a state, such right to sue shall be determined by the law of the state in which the accident resulting in injury or damage to property occurs.]

(c) Nonduplication of economic detriment benefits.—

(1) The basic loss benefits available to a victim or to the survivor of a deceased victim who is domiciled in this Commonwealth and who shall be injured in a motor vehicle accident in any other state shall be determined pursuant to the provisions of this act. Obligors providing security to the owner or operator of a motor vehicle who is domiciled in another state for the payment of basic loss benefits and coverage to protect the owner or operator of a motor vehicle from tort liability to which he is exposed through the application of the law of any state in which the motor vehicle may be operated shall provide in the contract of insurance issued by said obligor for payment of basic loss benefits determined pursuant to the provisions of this act while such vehicle is being operated in this Commonwealth.

(2) When a victim or a survivor of a deceased victim domiciled in this Commonwealth and injured in another state as the result of a motor vehicle accident has a cause of action in such other state for recovery of economic detriment suffered as a consequence of such injury, an obligor providing basic loss benefits has and may contract for a right of subrogation or reimbursement for basic loss benefits paid, but only to the nature and extent of basic loss benefits paid to or on behalf of the victim or the survivor of a deceased victim which the victim or survivor may recover in any such action. An obligor's right of subrogation shall be subordinated to the victim's or survivor's right of action to recover economic detriment suffered in excess of any economic detriment not recoverable by the victim or survivor from the obligor because of any limitation in the payment of basic loss benefits in accordance with section 202(a), (b), (c) or (d) and the victim's or survivor's right of action to recover damages for noneconomic detriment.

§ 111. Rights and duties of obligors.

(a) Reimbursement and subrogation.—

(1) Except as provided in paragraphs (2) and (3) of this subsection and section 110, an obligor:

(A) does not have and may not contract, directly or indirectly, in whole or in part, for a right of reimbursement from or subrogation to the proceeds of a victim's claim for relief or to a victim's cause of action for noneconomic detriment; and

(B) may not directly or indirectly contract for any right of reimbursement based upon a determination of fault from any other obligor not acting as a reinsurer for no-fault benefits which it has paid or is obligated to pay as a result of injury to a victim.

[(2) Whenever an individual who receives or is entitled to receive no-fault benefits for an injury has a claim or cause of action against any other person causing the injury as based upon a determination of fault, the obligor is subrogated to the rights of the claimant only for:

(A) elements of damage compensated for by security for the payment of no-fault benefits in excess of the minimum basic loss benefits required under this act are recoverable; and

(B) the obligor has paid or become obligated to pay accrued or future no-fault benefits in excess of the minimum basic loss benefits required under this act.]

(2) Whenever an individual who receives or is entitled to receive no-fault benefits for an injury has a claim or cause of action for the same elements of economic detriment against

any other person causing the injury based upon a determination of fault, the obligor is subrogated to the rights of the claimant only for the same elements of economic detriment compensated for by security for the payment of no-fault benefits the obligor has paid or has become obligated to pay for accrued or future benefits in excess of basic loss benefits required under this act except that said obligor does not have nor may not contract for a right of subrogation to recover any economic detriment recovered by the victim or survivor not compensated for because of any limitation in applicable security in accordance with section 202(a), (b), (c) or (d).

(3) Nothing in this subsection shall preclude any person supplying or providing products, services, or accommodations from contracting or otherwise providing for a right of reimbursement to any basic [restoration] loss benefits for allowable expense.

[(4) In no event shall any entity providing benefits other than no-fault benefits to an individual as described in section 203 of this act, have any right of subrogation with respect to said benefits.]

(b) Duty to pay basic loss benefits.—An obligor providing security for the payment of basic loss benefits shall pay or otherwise provide such benefits without regard to fault to each individual entitled thereto, pursuant to the terms and conditions of this act.

(c) Indemnity.—An obligor has a right of indemnity against an individual who has converted a motor vehicle involved in an accident, or against an individual who has intentionally injured himself or another individual, for no-fault benefits paid for:

- (1) the loss caused by the conduct of that individual;
- (2) the cost of processing the claims for such benefits;

[and]

(3) payments under the assigned claims plan to an individual who does not comply with the requirement of providing security for the payment of basic loss benefits or whose security has been invalidated because of fraud or willful misconduct; and

[(3)] (4) the cost of enforcing this right of indemnity, including reasonable attorney's fees.

(d) Referral for rehabilitation services.—The obligor shall promptly refer each victim to whom basic loss benefits are expected to be payable for more than two months to the State vocational rehabilitation agency.

(e) Nonduplication of benefits under uninsured motorist coverage.—Every victim or survivor of a deceased victim making claim under the uninsured motorist coverage prescribed by the act of August 14, 1963 (P.L.909, No.433), entitled "An act requiring, with limitations, that insurance policies insuring against loss occurring in connection with motor vehicles provide protection against certain uninsured motorists," or under any other form of uninsured or underinsured motorist coverage that may be hereafter provided or required to be offered or provided shall be entitled to make claim for noneconomic detriment and economic detriment only to the extent that said claim for economic detriment is for elements of economic detriment not compensated for by security for the payment of no-fault benefits or because of limitations in applicable security in accordance with section 202(a), (b), (c) or (d). No obligor shall make any payment under any uninsured motorist coverage for any element of economic detriment for which the victim or survivor of a deceased victim has been compensated for or for which the obligor has paid or has become obligated to pay for accrued or future benefits by security for the payment of no-fault benefits.

(f) Tort payment without regard for rights of obligor having reimbursement interest.—An obligor with a right of subrogation or reimbursement interest who shall suffer loss from inability to collect such reimbursement out of a payment received by a claimant upon a tort claim is entitled to indemnity from one who,

having notice of the obligor's interest, made such a payment to the claimant without making the claimant and the insurer joint payees as their respective interests may appear, or without obtaining the obligor's consent to a different method of payment.

Section 6. Sections 202, 203, 204 heading, 205(c), 206(a), 207, 208(a)(1), 301(a)(4) and (5) and 401 of the act are amended, paragraphs are added to section 301(a) and a subsection is added to section 301 to read:

§ 202. Basic loss benefits.

(a) Allowable expense limits.—Allowable expense, as defined in section 103 of this act shall be provided for an amount not less than the sum of one million dollars (\$1,000,000) or the equivalent in the form of a contract to provide for services required. Insureds may obtain lower limits of allowable expense coverage in appropriate increments to an amount not less than one hundred thousand dollars.

(b) Work loss limits.—Work loss, as defined in section 103 shall be provided:

(1) up to a monthly maximum of:

(A) one thousand dollars (\$1,000) multiplied by a fraction whose numerator is the average per capita income in this Commonwealth and whose denominator is the average per capita income in the United States, according to the latest available United States Department of Commerce figures; or

(B) the disclosed amount, in the case of a named insured who, prior to the accident resulting in injury, voluntarily discloses his actual monthly earnings to his obligor and agrees in writing with such obligor that such sum shall measure work loss; and

(2) up to a total amount of [fifteen thousand dollars (\$15,000)] twenty thousand dollars (\$20,000).

(c) Replacement services losses.—Replacement services loss, as defined in section 103 shall be provided up to a daily maximum of twenty-five dollars (\$25) for an aggregate period of one year.

[(d) Survivors losses.—Survivors loss, as defined in section 103 shall be provided in an amount not to exceed five thousand dollars (\$5,000).

(e) (d) Deductibles; waiting period.—Allowable expense, work loss and replacement services loss may include provisions to provide:

(1) a deductible not to exceed [one hundred dollars (\$100)] five hundred dollars (\$500) for each individual and one thousand five hundred dollars (\$1,500) in the aggregate for three or more individuals arising out of any one accident; or

(2) with respect to work loss or replacement services only, a waiting period not to exceed [one week] four weeks. Such deductible or waiting period shall be elected in writing upon a form approved by the Insurance Commissioner and, if elected, shall be effective only as against the named insured and his or her immediate family.

(e) Stacking of basic loss benefits prohibited.—Unless an insurer expressly provides otherwise, basic loss benefits and uninsured and underinsured motorists coverage shall not be increased by stacking the limits of coverage of multiple motor vehicles covered by the same policy or multiple policies covering the individual for the same loss.

§ 203. Collateral benefits.

[(a) If benefits other than no-fault benefits are provided to an individual through a program, group, contract or other arrangement for which some other person pays in whole or in part that would inure to the benefit of a victim or the survivor of a deceased victim injured as a result of an accident in the absence of no-fault benefits, then any reduction or savings in the direct or indirect cost to such person of such benefits resulting from the existence of no-fault benefits shall be returned to such individual or utilized for his benefit.

(b) The owner or operator of a motor vehicle may elect to provide for security in whole or in part for the payment of basic loss benefits through a program, group, contract or other arrangement that would pay to or on behalf of the victim or members of his family residing with him or the survivor of a deceased victim, allowable expense, loss of income, work loss, replacement services loss and survivors loss. In all such instances, each contract of insurance issued by an insurer shall be construed to contain a provision that all basic loss benefits provided therein shall be in excess of any valid and collectible benefits otherwise provided through such program, group, contract or other arrangement as designated at the election of the owner or operator which shall be primary.

(c) An insurer providing basic loss benefits and tort liability in accordance with the provisions of subsection (b) above shall reduce the cost of such contract of insurance to reflect the anticipated reduction in basic loss benefits payable by the insurer by reason of the election of the owner or operator to provide substitute security.]

(a) Election by named insured.—Every obligor providing security covering a motor vehicle shall offer options to the named insured to elect to provide security, in whole or in part, for the payment of basic loss benefits through a program, group, contract or other arrangement that would pay to, or on behalf of, the victim or members of his family residing with him or to or on behalf of the survivor of a deceased victim, allowable expense, loss of income, work loss, replacement services loss, or survivors loss. In all such instances in which the named insured exercises such an election, each contract of insurance issued by an insurer shall be construed to contain a provision that all basic loss benefits provided therein shall be in excess of any valid and collectible benefits otherwise provided through such program, group, contract or other arrangement which as designated at the election of the owner or operator shall be primary. If no such election is made, then any group program, group contract or similar group arrangement shall be construed, with respect to any claim arising from any accident occurring fourteen months or more after the effective date of this amendatory act, to contain a provision that the coverage thereunder shall be in excess of, and not in duplication of, any valid and collectible allowable expense contained in any security covering a motor vehicle which, because of the absence of such election, shall be primary. Notwithstanding the foregoing, if any group program, group contract or similar group arrangement is provided pursuant to a collective bargaining agreement in effect on the effective date of this amendatory act and the then current term of which does not expire within fourteen months thereafter, then the foregoing automatic elimination of duplicate allowable expense shall not apply until the current term of said collective bargaining agreement has expired or until thirty-six months after the effective date of this amendatory act, whichever is shorter.

(b) Return of savings.—If benefits other than no-fault benefits are provided to an individual through a program, group, contract or other arrangement for which the individual's employer or some other person pays in whole or in part that would inure to the benefit of a victim or the survivor of a deceased victim injured as the result of an accident in the absence of no-fault benefits, then any reduction or savings in the direct or indirect cost to such employer or other person of such benefits resulting from the existence of no-fault benefits shall be utilized for his benefit by the employer or other person providing such other benefits. The requirements of these provisions shall be satisfied by a reduction in premium or an increase in benefits in any program, group, contract or other arrangement that is attributable to good experience resulting from the existence of no-fault benefits.

(c) Reduction of cost.—An insurer providing basic loss benefits and tort liability in accordance with the provisions of subsection (a) shall reduce the cost of such contract of insurance to

reflect the anticipated reduction in basic loss benefits payable by the insurer by reason of the election of the owner or operator to provide substitute security.

(d) Information program.—The commissioner shall formulate a program and promulgate rules and regulations to provide for dissemination of information to the public of the options available pursuant to subsection (a) which reduce the cost of maintaining security covering a motor vehicle. Every insurer or agent of an insurer offering security under the provisions of this act shall affirmatively inform the insured in writing of the right of the insured to elect to provide security through a program, group, contract or other arrangement of medical benefits, and shall further specify the anticipated savings in no-fault medical benefit premium by percentage or by actual dollars of the options and savings in accordance with the rules and regulations promulgated.

(e) Certification by insured of other security.—Basic loss insurers may require policyholders to certify as to the existence of other security and such other reasonable information as to such security as may be required.

(f) Construction of section.—This section shall not be construed to effect, limit or impair section 106(d).

(g) Definitions.—As used in this section "program, group, contract or other arrangement" shall include, but not be limited to, benefits payable by a hospital plan corporation subject to 40 Pa.C.S. § 6101 (relating to definitions) or a professional health service corporation subject to 40 Pa.C.S. § 6301 (relating to application of chapter).

§ 204. Source of basic [restoration] loss benefits.

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§ 205. Work loss.

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(c) Not employed.—The work loss of a victim who is currently employable but not employed when the accident resulting in injury occurs shall be calculated by:

- (1) determining his probable weekly income by dividing his probable annual income by fifty-two; and
- (2) multiplying that quantity by the number of work weeks, or fraction thereof, if any, the victim would reasonably have been expected to realize income during the accrual period.

For purposes of this subsection, a currently employable victim is one who could reasonably expect to find employment, for which he is fitted by training or experience, within a period of one year and, if employment opportunity were available, could reasonably be expected to accept it.

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§ 206. Net loss.

(a) General.—Except as provided in section [108(a)(3)] 108.1(b)(3) of this act, all benefits or advantages (less reasonably incurred collection costs) that an individual receives or is entitled to receive from social security (except those benefits provided under Title XIX of the Social Security Act and except those medicare benefits to which a person's entitlement depends upon use of his so-called "life-time reserve" of benefit days) workmen's compensation, any State-required temporary, nonoccupational disability insurance, and all other benefits (except the proceeds of life insurance) received by or available to an individual because of the injury from any government, unless the law authorizing or providing for such benefits or advantages makes them excess or secondary to the benefits in accordance with this act, shall be subtracted from loss in calculating net loss.

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§ 207. [Added loss benefits] Additional coverage options.

(a) [Mandatory offering] Availability of coverage.—Obligors other than self-insurers or governments providing security for the payment of basic loss benefits shall [offer or obligate themselves to provide added loss benefits] make available addi-

tional insurance for injury or damage arising out of the ownership, maintenance, or use of a motor vehicle, including:

(1) loss excluded from basic loss benefits by limits on [allowable expense,] work loss, replacement services loss, and survivor's loss;

(2) [benefits] insurance for damage to property;

(3) [benefits] insurance for loss of use of a motor vehicle;

(4) benefits for expense for remedial religious treatment and care;

(5) insurance for physical damage to a motor vehicle, a coverage for all collision and upset damage, subject to an optional deductible and comprehensive material damage coverage, subject to an optional deductible; and

(6) for economic detriment, a coverage for work loss sustained by a victim in excess of limitations on basic loss benefits for work loss.

(7) Survivors loss insurance in the amount of ten thousand dollars (\$10,000).

(b) Additional loss coverage.—Subject to the approval of terms and forms by the commissioner, obligors may offer or obligate themselves to provide other [added loss coverages] coverage options.

The commissioner may adopt rules requiring that insurers providing basic loss insurance offer, in accordance with this act, any other specified added loss coverages and promulgate regulations with respect thereto.

(c) Named insurer required.—The coverage which is offered pursuant to this section shall not be provided, or deemed provided under any provision of this act, except upon the election of a named insured under a policy of motor vehicle insurance issued by an insurer.

§ 208. Ineligible claimants.

(a) Converter.—

(1) [Except as provided for assigned claims, a] A converter of a motor vehicle is ineligible to receive no-fault benefits, including benefits otherwise due him as a survivor, from any source other than a contract of insurance under which he is an insured, for any injury arising out of the maintenance or use of the converted vehicle. If a converter dies from such injuries, his survivor or survivors are not entitled to no-fault benefits for survivor's loss from any source other than a contract of insurance under which the converter is an insured.

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§ 301. Tort liability.

(a) Partial abolition.—Tort liability is abolished with respect to any injury that takes place in this State in accordance with the provisions of this act if such injury arises out of the maintenance or use of a motor vehicle, except that:

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(4) A person remains liable for loss which is not compensated because of any limitation in accordance with section 202 (a), (b), (c) or (d) of this act and nothing in this act shall be construed to have limited or impaired the right to recover at law as heretofore for an element of economic detriment for which there is no applicable security under the provisions of this act. A person is not liable, however, for loss which is not compensated because of limitations in accordance with subsection (e) of section 202 of this act.

(4.1) A person remains liable for loss upon conviction of operating a motor vehicle while under the influence of alcohol or other controlled substance.

(4.2) A person remains liable for loss upon conviction of operating a motor vehicle in wanton disregard for the safety of persons or property.

(5) A person remains liable for damages for non-economic detriment if the injury sustained in the accident results in:

(A) death or serious and permanent injury; or

(B) the reasonable value of reasonable and necessary medical and dental services, including prosthetic devices and necessary ambulance, hospital and professional nursing expenses incurred in the diagnosis, care and recovery of the victim, exclusive of diagnostic x-ray costs and rehabilitation costs in excess of one hundred dollars (\$100) is in excess of [seven hundred fifty dollars (\$750)] two thousand five hundred dollars (\$2,500). For purposes of this subclause, the reasonable value of hospital room and board shall be the amount determined by the Department of Health to be the average daily rate charged for a semi-private hospital room and board computed from such charges by all hospitals in the Commonwealth[.]. Commencing one year following the effective date of this amendatory act, and annually thereafter, the commissioner shall adjust the monetary limits contained in this subclause to reflect the increase or decrease of the health care component of the United State Bureau of Labor Statistics document entitled "Consumer Price Index For All Urban Consumers of the Consumer Price Index Detailed Report" for the preceding twelve months, as it relates to Pennsylvania; or

(C) medically determinable physical or mental impairment which prevents the victim from performing all or substantially all of the material acts and duties which constitute his usual and customary daily activities and which continues for more than sixty consecutive days; or

(D) injury which in whole or in part consists of cosmetic disfigurement which is permanent, irreparable and severe.

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(c) Statute of limitations.—Except as section 106(c)(1), (2) or (3) of this act may otherwise prescribe, any action to recover damages for economic loss or non-economic detriment shall be commenced not later than two years following the date of the occurrence that has given rise to such action.

§ 401. Examination.

Whenever the mental or physical condition of a [person] victim is material to any claim that has been or may be made for past or future basic loss benefits, [a court of competent jurisdiction may order the person to submit to mental or physical examination by a physician or physicians. The order may be made only on the motion for good cause shown and upon notice to the person to be examined and to all other persons having an interest and shall specify the time, place, manner, conditions, and scope of the examination and the person or persons by whom it is to be made.] such victim, upon request of an obligor, shall submit to mental or physical examination by a physician or physicians. The cost of any such examination requested by an obligor shall be borne entirely by the obligor. Any such examination shall be conducted within the city or county of residence of the victim, but if there is no qualified physician to conduct the examination within such city or county of residence of the victim, then such examination shall be conducted in an area of closest proximity to the victim's residence. If the victim shall refuse to submit to any such examination, a court of competent jurisdiction may, upon the motion or petition of the obligor, require the victim to be examined by such physicians selected and paid by the obligor or by a physician or physicians designated by the court and paid by the obligor. The victim shall have at all times the right to have a physician, selected and paid by the victim, participate in any such examination.

Section 7. The act is amended by adding a section to read:

§ 409. Release of information; immunity from liability.

Any person who releases information, whether oral or written, acting in good faith, pursuant to the requirements of sec-

tions 106(a)(5), 109(d), 401, 402 and 408(a), (b) or (d) or pursuant to any proceeding for the release, discovery or production of information under this act is immune from liability, whether civil or criminal, that might otherwise be incurred or imposed.

Section 8. Section 601 of the act is repealed.

Section 9. Section 602 of the act is amended to read:

§ 602. [Excessive charges] Fraudulent claims.

[Any person who charges, demands, receives or collects for hospital or medical products, services or accommodations rendered in the treatment of an injured person or for rehabilitative occupational training or for legal services rendered in connection with a claim for basic loss benefits, any amount in excess of that authorized by this act with awareness that the charge is in excess of that authorized is guilty of a misdemeanor and upon conviction may be fined not less than one hundred dollars (\$100) or more than five hundred dollars (\$500) or may be imprisoned for not more than six months or both.]

Any person who knowingly issues false claims or statements to an insurance company or is employed in any artifice or scheme with the intent to deceive or defraud such company, is guilty of a felony of the third degree and upon conviction thereof shall be sentenced to imprisonment for a period not to exceed seven years, or a fine of not more than fifteen thousand dollars (\$15,000), or both. This section shall apply to the following conduct:

(1) Statements, oral or written, as part of or supporting a claim for payment or benefit pursuant to an insurance policy.

(2) Acts or statements by physicians, osteopaths, chiropractors or other practitioners including specialists, licensed in Pennsylvania, which are directed towards urging or assisting an insured to fraudulently violate these provisions:

(A) This paragraph shall include any practitioner who knowingly or willfully benefits from proceeds resulting from such fraud.

(B) If any State-licensed practitioner is adjudicated guilty of a violation of this section, the appropriate licensing authority shall hold an administrative hearing to consider the imposition of administrative sanctions, as the authority sees fit.

(3) Attorneys who knowingly or willfully assist or urge a claimant to fraudulently violate this section.

(4) All persons who knowingly benefit due to any assistance or urging on the part of the attorney.

(5) Persons, employees, administrators or governmental units licensed to operate a hospital, who knowingly or willfully allow the use of the facilities in a scheme or conspiracy which violates this section. Any adjudication of guilt for a violation of this paragraph shall be grounds for revocation or suspension of the hospital's license, or imposition of a penalty of up to five thousand dollars (\$5,000).

(6) Persons, firms, partnerships, copartnerships or associations, which, for purposes of making motor vehicle tort claims, participate in the solicitation of business in or about any:

(A) hospital;

(B) court; or

(C) public institution, street or highway.

Section 10. The act of August 14, 1963 (P.L. 909, No. 433), entitled "An act requiring, with limitations, that insurance policies insuring against loss occurring in connection with motor vehicles provide protection against certain uninsured motorists," is repealed.

Section 11. This act applies to insurance policies issued or renewed on or after the effective date of this act.

Section 12. This act shall take effect July 1, 1984, or immediately, whichever is later.

On the question recurring,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Murphy.

Mr. MURPHY. Mr. Speaker, I would be willing to withdraw my amendment, for this morning we have met with representatives of the labor movement in Pennsylvania and some representatives of the business community and have reached what I believe is a more reasonable compromise. That amendment is being drafted; it should be down at any moment, and I am willing to withdraw this amendment if I could have the opportunity to introduce this new amendment that I believe will answer some concerns of some of the members.

The SPEAKER. Has the gentleman conferred with the majority leader?

Mr. MURPHY. I will be happy to confer with the majority leader.

The SPEAKER. The House will stand at ease.

Has the gentleman, Mr. Murphy, conferred?

#### BILL PASSED OVER TEMPORARILY

The SPEAKER. The Chair will move temporarily from SB 942, without objection, and the Chair hears no objection.

The reason we are doing this is obvious. We are giving people who have amendments on the no-fault an opportunity to get those amendments in order that we may consider them. So please be patient. We will get back to this as soon as we have the amendments ready.

#### BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **SB 808, PN 1516**, entitled:

An Act amending the act of July 28, 1953 (P. L. 723, No. 230), entitled, as amended, "Second Class County Code," further providing for the definition of "early retirement"; further providing for eligibility for retirement allowances; further providing for survivorship option benefits; and further providing for credit for previous service.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

#### YEAS—200

Afflerbach	Evans	Lloyd	Ryan
Alderette	Fargo	Lucyk	Rybak
Angstadt	Fattah	McCall	Saloom
Armstrong	Fee	McClatchy	Salvatore
Arty	Fischer	McHale	Saurman
Baldwin	Flick	McIntyre	Scheetz
Barber	Foster, W. W.	McMonagle	Schuler
Battisto	Foster, Jr., A.	McVery	Semmel
Belardi	Freeman	Mackowski	Serafini
Belfanti	Freind	Madigan	Seventy

Beloff	Fryer	Maiale	Showers
Blaum	Gallagher	Manderino	Sirianni
Book	Gallen	Manmiller	Smith, B.
Bowser	Gamble	Markosek	Smith, L. E.
Boyes	Gannon	Mayernik	Snyder, D. W.
Brandt	Geist	Merry	Snyder, G. M.
Broujos	George	Michlovic	Spencer
Bunt	Gladeck	Micozzie	Spitz
Burd	Godshall	Miller	Stairs
Burns	Greenwood	Miscevich	Steighner
Caltagirone	Grieco	Moehlmann	Stevens
Cappabianca	Gruitza	Morris	Stewart
Carn	Gruppo	Mowery	Stuban
Cawley	Hagarty	Mrkonc	Sweet
Cessar	Haluska	Murphy	Swift
Cimini	Harper	Nahill	Taylor, E. Z.
Civera	Hasay	Noye	Taylor, F. E.
Clark	Hayes	O'Brien	Telek
Clymer	Herman	O'Donnell	Tigue
Cohen	Hershey	Oliver	Trello
Colafella	Hoeffel	Perzel	Truman
Cole	Honaman	Peterson	Van Horne
Cordisco	Hutchinson	Petrarca	Vroon
Cornell	Itkin	Petrone	Wachob
Coslett	Jackson	Phillips	Wambach
Cowell	Jarolin	Piccola	Wargo
Coy	Kasunic	Pievsky	Wass
Deluca	Kennedy	Pistella	Weston
DeVerter	Klingaman	Pitts	Wiggins
DeWeese	Kosinski	Pott	Williams
Daley	Kowalyszyn	Pratt	Wilson
Davies	Kukovich	Preston	Wogan
Dawida	Lashinger	Punt	Wozniak
Deal	Laughlin	Rappaport	Wright, D. R.
Dietz	Lehr	Reber	Wright, J. L.
Dininni	Lescovitz	Reinard	Wright, R. C.
Dombrowski	Letterman	Richardson	Zwinkl
Donatucci	Levi	Rieger	
Dorr	Levin	Robbins	Irvis,
Duffy	Linton	Rudy	Speaker
Durham	Livengood		

NAYS—0

NOT VOTING—0

EXCUSED—3

Johnson Marmion Olasz

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

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.

FILMING PERMISSION GRANTED

The SPEAKER. The Chair is allowing Jim Murtha of WTAE-TV to begin filming for 10 minutes on the floor of the House, beginning now.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of HB 1398, PN 2141, entitled:

An Act requiring the superintendent of every public school district and principal of every parochial, licensed private, and non-public school to make available, upon request, lists of graduating seniors to armed forces recruiters; and providing a penalty for the misuse of any such lists.

On the question,

Will the House agree to the bill on third consideration?

Mr. BROUJOS offered the following amendments No. A4404:

Amend Sec. 1, page 1, line 14, by inserting after "only" It is further intended that this legislation comply with the Education Amendments of 1974, Public Law 93-380 (88 Stat. 541, 20 U.S.C. § 1232(g)) and the regulations adopted pursuant to 34CFR99 (relating to privacy rights of parents and students).

Amend Sec. 2, page 2, line 10, by inserting after "students" and parents of students under 18 years of age

Amend Sec. 2, page 2, line 11, by inserting after "student" or parent thereof

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Cumberland, Mr. Broujos.

Mr. BROUJOS. Mr. Speaker, this bill is a bill that requires superintendents of public schools and principals of private schools to provide lists of seniors to recruiters when they are requested. Recruiters need these lists to work uninhibited, to work without going to a great deal of trouble in order to obtain these lists, and on the merits of this Mr. DeWeese will speak.

First, with respect to the first amendment, there is a requirement under a Federal act that parents or minors be given notice and given a right to refuse to have their names released to the public, and this amendment, A4404, provides that parents of students under 18 shall be given notice as well as the students themselves.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—198

Afflerbach	Durham	Livengood	Ryan
Alderette	Evans	Lloyd	Rybak
Angstadt	Fargo	Lucyk	Saloom
Armstrong	Fattah	McCall	Salvatore
Arty	Fee	McClatchy	Saurman
Baldwin	Fischer	McHale	Scheetz
Barber	Foster, W. W.	McIntyre	Schuler
Battisto	Foster, Jr., A.	McMonagle	Semmel
Belardi	Freeman	McVerry	Serafini
Belfanti	Freind	Mackowski	Seventy
Beloff	Fryer	Madigan	Showers
Blaum	Gallagher	Maiale	Sirianni
Book	Gallen	Manderino	Smith, B.
Bowser	Gamble	Manmiller	Smith, L. E.
Boyes	Gannon	Markosek	Snyder, D. W.
Brandt	Geist	Mayernik	Snyder, G. M.
Broujos	George	Merry	Spencer
Bunt	Gladeck	Michlovic	Spitz
Burd	Godshall	Micozzie	Stairs
Burns	Greenwood	Miller	Steighner
Caltagirone	Grieco	Miscevich	Stevens
Cappabianca	Gruitza	Moehlmann	Stewart

Carn	Gruppo	Morris	Stuban
Cawley	Hagarty	Mowery	Sweet
Cessar	Haluska	Mrkonic	Swift
Cimini	Harper	Murphy	Taylor, E. Z.
Civera	Hasay	Nahill	Taylor, F. E.
Clark	Hayes	Noye	Telek
Clymer	Herman	O'Brien	Tigue
Cohen	Hershey	O'Donnell	Trello
Colafella	Hoeffel	Oliver	Truman
Cole	Honaman	Perzel	Van Horne
Cordisco	Hutchinson	Peterson	Vroon
Cornell	Itkin	Petrarca	Wachob
Coslett	Jackson	Petrone	Wambach
Cowell	Jarofin	Phillips	Wargo
Coy	Kasunic	Piccola	Wass
Deluca	Kennedy	Pievsky	Weston
DeVerter	Klingaman	Pistella	Wiggins
DeWeese	Kosinski	Pitts	Williams
Daley	Kowalshyn	Pott	Wilson
Davies	Kukovich	Pratt	Wogan
Dawida	Lashingier	Preston	Wozniak
Deal	Laughlin	Punt	Wright, D. R.
Dietz	Lehr	Rappaport	Wright, J. L.
Dininni	Lescovitz	Reinard	Wright, R. C.
Dombrowski	Letterman	Richardson	Zwinkl
Donatucci	Levi	Rieger	
Dorr	Levin	Robbins	Irvis,
Duffy	Linton	Rudy	Speaker

NAYS—2

Flick Reber

NOT VOTING—0

EXCUSED—3

Johnson Marmion Olasz

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. BROUJOS offered the following amendments No. A4631:

Amend Sec. 2, page 2, lines 4 through 6, by striking out "within 45" in line 4, all of line 5 and "EACH SUCCEEDING YEAR" in line 6

Amend Sec. 2, page 2, line 8, by inserting after "graduate" , commencing with the academic year beginning at or about September 1984 and ending at or about June 1985

Amend Sec. 2, page 2, line 14, by inserting after "list" commencing with the junior year ending at or about June 1984

Amend Sec. 3, page 2, line 17, by striking out "or" and inserting and

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Cumberland, Mr. Broujos.

Mr. BROUJOS. Mr. Speaker, since this bill requires that the lists be made available during the senior year, and since it provides that the students be notified in their junior year, prior to their senior year, this amendment provides an effective date for those two situations: first, an effective date commencing June 1984 for the juniors to be notified in their

junior year of the right to refuse release of their name; secondly, a commencing date for release of lists for the school year September 1984 to June of 1985. That is next year.

We ask for an affirmative vote on this prior to action on the bill.

The SPEAKER. The Chair thanks the gentleman.

REMARKS ON VOTES

The SPEAKER. The Chair recognizes the gentleman from Chester, Mr. Flick.

Mr. FLICK. Mr. Speaker, on the previous amendment, Broujos amendment A4404, I inadvertently pushed the wrong button. May I be cast in the affirmative, please?

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

The Chair recognizes the gentleman from Montgomery, Mr. Reber.

Mr. REBER. I just received a copy of the Broujos amendment that was passed prior to this one. Had I had an opportunity to read it, I would have voted in the affirmative. Thank you.

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

CONSIDERATION OF HB 1398 CONTINUED

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—199

Afflerbach	Evans	Livengood	Rudy
Alderette	Fargo	Lloyd	Ryan
Angstadt	Fattah	Lucyk	Rybak
Armstrong	Fee	McCall	Saloom
Arty	Fischer	McClatchy	Salvatore
Baldwin	Flick	McHaie	Saurman
Barber	Foster, W. W.	McIntyre	Scheetz
Battisto	Foster, Jr., A.	McMonagle	Schuler
Belardi	Freeman	McVerry	Semmel
Belfanti	Freind	Mackowski	Serafini
Beloff	Fryer	Madigan	Seventy
Blaum	Gallagher	Maiale	Showers
Book	Gallen	Manderino	Sirianni
Bowser	Gamble	Manmiller	Smith, B.
Boyes	Gannon	Markosek	Smith, L. E.
Brandt	Geist	Mayernik	Snyder, D. W.
Broujos	George	Merry	Snyder, G. M.
Bunt	Gladeck	Michlovic	Spencer
Burd	Godshall	Micozzie	Spitz
Burns	Greenwood	Miller	Stairs
Caltagirone	Grieco	Miscevich	Steighner
Cappabianca	Gruitza	Moehlmann	Stevens
Carn	Gruppo	Morris	Stewart
Cawley	Hagarty	Mowery	Stuban
Cessar	Haluska	Mrkonic	Sweet
Cimini	Harper	Murphy	Swift
Civera	Hasay	Nahill	Taylor, E. Z.
Clark	Hayes	Noye	Taylor, F. E.
Clymer	Herman	O'Brien	Telek
Cohen	Hershey	O'Donnell	Tigue
Coiafella	Hoeffel	Oliver	Truman
Cole	Honaman	Perzel	Van Horne
Cordisco	Hutchinson	Peterson	Vroon
Cornell	Itkin	Petrarca	Wachob

Coslett	Jackson	Petrone	Wambach
Cowell	Jarolin	Phillips	Wargo
Coy	Kasunic	Piccola	Wass
Deluca	Kennedy	Pievsky	Weston
DeVertter	Klingaman	Pistella	Wiggins
DeWeese	Kosinski	Pitts	Williams
Daley	Kowalyshyn	Pott	Wilson
Davies	Kukovich	Pratt	Wogan
Dawida	Lashingner	Preston	Wozniak
Deal	Laughlin	Punt	Wright, D. R.
Dietz	Lehr	Rappaport	Wright, J. L.
Dininni	Lescovitz	Reber	Wright, R. C.
Dombrowski	Letterman	Reinard	Zwikl
Donatucci	Levi	Richardson	
Dorr	Levin	Rieger	Irvis,
Duffy	Linton	Robbins	Speaker
Durham			

NAYS—0

NOT VOTING—1

Trello

EXCUSED—3

Johnson Marmion Olasz

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

On the question recurring,

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

Mr. COWELL offered the following amendments No. A4678:

Amend Title, page 1, lines 1 through 3, by striking out "AND" in line 1, all of line 2, and "SCHOOL" in line 3

Amend Bill, page 1, lines 8 through 18; page 2, lines 1 through 4, by striking out all of lines 8 through 18, page 1; all of lines 1 through 3 and "from the school system." in line 4, page 2 and inserting

Section 1. Access to certain student records.

If a board of public school directors or the superintendent of a public school district provides persons or groups which seek to make senior students aware of occupational or educational opportunities with lists of the names and addresses of senior students, they then shall provide official recruiting representatives of the military forces of the Commonwealth or the United States with the same lists of the names and addresses of senior students, both male and female, for the purpose of informing pupils of the career and educational opportunities which are available in the military service. The provisions of this act shall not apply to any nonpublic school.

Amend Sec. 2, page 2, line 9, by striking out all of said line and inserting

Section 2. Notification.

Each school required to provide names and addresses of senior students shall notify the

Amend Sec. 2, page 2, line 11, by striking out "subsection (a)" and inserting

section 1

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, this amendment, A4678, proposes two changes to the legislation currently before us. First of all, the

legislation as it is before us would be applicable to all public as well as nonpublic schools in the Commonwealth. The first change that would result from the amendment I am offering is to exclude nonpublic schools from the provisions of this particular legislation. I think we need to do it. We ought to do it. In fact, if we do not do it here, that change will be imposed ultimately by some court decision. There are plenty of court cases around the country that have already concluded that nonpublic schools, and certainly some of our religious schools, cannot have imposed upon them certain kinds of regulations and restrictions and requirements akin or similar to what is being proposed today.

The second change that would result is rather than to require the provision of these lists from all school districts, the language of the amendment proposes that only school districts that are currently providing lists to individuals and organizations who want to send information to students about educational and career opportunities, only those school districts that are already doing that or might choose to do it in the future would also be required to provide those lists to military recruiters. Those are the two changes - to exclude the nonpublic schools and effectively to make this optional for school districts, limiting the requirement only to those districts that choose to provide the lists to many different groups.

The SPEAKER. The Chair thanks the gentleman.

#### REQUEST TO DIVIDE AMENDMENTS

The SPEAKER. The Chair recognizes the gentleman from Greene, Mr. DeWeese.

Mr. DeWEESE. Mr. Speaker, would the gentleman, Mr. Cowell, agree to divide the amendments so that the area dealing with nonpublic schools and the area dealing with if a school already gives out lists to you book salesmen, they will continue to give it out to recruiters, could be divided in two?

The SPEAKER. Where would the gentleman suggest a division? Will the gentleman look at the amendment and suggest to the Chair where he would like to divide? Then the Chair will advise him whether it may be divided.

The Chair recognizes the gentleman from Allegheny, Mr. Cowell.

Mr. COWELL. I would suggest that the amendment cannot be divided along the lines that the gentleman, Mr. DeWeese, would suggest. I think he wants to split the paragraph—

The SPEAKER. The Chair is not in receipt of the gentleman's suggestion yet.

#### PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman from Greene, Mr. DeWeese.

Mr. DeWEESE. I would like to know if the Chair—and this is a parliamentary inquiry—would divide the amendment between the word "service" and the word "The" at the bottom of the major paragraph of the amendment.

The SPEAKER. In the opinion of the Chair, it may not be so divided, because that would leave dangling, with no refer-

ence point, the words "The provisions of this act shall not apply to any nonpublic school."

Does the gentleman, Mr. DeWeese, wish to speak on the amendment?

Mr. DeWEESE. Yes, sir.

The SPEAKER. The gentleman is so recognized.

Mr. DeWEESE. Mr. Speaker, we have at this time, due to the Broujos amendment, watered down this measure. Parents of high school juniors will now be notified relative to the lists being promulgated. We have made certain that juniors this year, 1984, this year coming up, will be notified. We have also postponed the effective date until September of 1984.

What we are doing with the Cowell amendment is gutting the bill. We are either going to make a stand in Pennsylvania such as has been made in other States and give military recruiters a list of high school seniors, a list that will only include names of young men and young women who agree to keep their name on the list, a list which will include only young men and women whose parents have been notified. I think that the Cowell amendment guts the bill. To allow for high school ring salesmen and high school yearbook salesmen to receive these lists and allowing that to be the criterion for the lists to be given to recruiters does not make sense to me. It also does not make sense to me that nonpublic schools be excluded. I would ask that the Cowell amendment be rejected because I believe that the essence of this measure will be eliminated by the Cowell amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the Cowell amendment, the Chair recognizes the gentleman from Cumberland, Mr. Broujos.

Mr. BROUJOS. Mr. Speaker, I would like to add to Mr. DeWeese's remarks by saying that the State does have the right to regulate private schools. They have the right to determine curriculum; they have the right to provide for certification, graduation, and school conditions. So the State does have a right.

I can think of no obligation more fundamental than the duty of people to make themselves available and the schools to make names of students available for recruiters for potential public service. I must argue to some extent on the merits of the bill in answering Mr. Cowell's amendment, and that is this: Those who do not want students' names to be released make it more difficult for recruiters to obtain lists and to recruit. Now, if people are against the draft and are for the volunteer Army, then they are inhibiting a means by which recruiters can recruit for the voluntary Army. In other words, the present policy in the United States providing for an all-volunteer force is much aided and assisted by this act. The obligation of students to serve and to be available for service does not change because a person is in a private school.

Finally, I want to point out that the advantages of the service to individuals are so great that it should be made available without difficulty to recruiters. Those advantages are the advantages of having good training, good meals, clothing, medical attention, discipline, and experience of serving with others in teamwork and growing into manhood

in a good, clean, wholesome environment. That should not be denied to those who attend private schools.

Finally, Mr. Speaker, recruiters are going to get these lists one way or the other, and they are going to beg, borrow, cajole, buy, or do anything to get those lists. We should make it easy for them no matter where they go, and private schools should be included. Thank you. We ask for the defeat of the Cowell amendment.

The SPEAKER. On the Cowell amendment, the Chair recognizes the gentleman from Dauphin, Mr. Piccola.

Mr. PICCOLA. Thank you, Mr. Speaker.

I think an unintended result of the Cowell amendment would be to eliminate private, nonpublic military academies from the provisions of this act. It seems to me that it is exactly that kind of graduate who should have access to that information. I think this amendment should be defeated, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Greene, Mr. DeWeese, for the second time on the amendment.

Mr. DeWEESE. Thank you, sir.

If anyone in this chamber is profoundly discomposd by the idea of private schools being included, they can defeat the Cowell amendment and still support the Honaman amendment. I would not necessarily favor that series of events, but nevertheless, that would help some people with their current dilemma.

My final statement on the Cowell amendment, and I do not mean to necessarily carry the sacred flame, but we have not reached quotas in years past. Right now, with American service personnel on the rim of the Mediterranean and in the Caribbean, quotas are being reached. But this is an oscillating factor in our American military recruiting circumstance, and I would like to suggest that the Cowell amendment will seriously deter our military recruiting efforts in the years ahead. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the Cowell amendment, the Chair recognizes the majority whip.

Mr. O'DONNELL. Mr. Speaker, I would urge the House to adopt the Cowell amendment.

I think that one of the most difficult things we have to do when we come here is to abandon what is one of the great pleasures of citizenship, which is that when you come across a problem, you say, there ought to be a law. That is how we are going to solve this problem. We are going to pass a law and make everybody do what we think they ought to do. And what happens if they break the law? Well, we will throw them in jail. The criminal law is frequently referred to here as the way we are going to get people to obey the law. We have to leave behind that very, very pleasurable aspect of citizenship when we come here, because we have to recognize when we come here that the best way to solve problems is not always to pass a law, and that when you pass a law to solve a problem, you may be creating bigger problems than you anticipated.

The problem we are dealing with here is that military recruiters need access and fair access to the names of prospective recruits, which obviously are those kids coming out of high school. I think there is nobody in this House who would disagree with any effective method of doing that. Does that mean—and not to unfairly paraphrase the previous speaker—we will do anything to get the list? I think the answer to that should be no. There are many things that we should not do; one of them is to invade fundamental rights.

There was a previous speaker who made reference to the fundamental need for the Army or the military to get access to these names. We already have in this country a concept of fundamental rights, that you may not deprive any person of life, liberty, or property without due process of law. Whose property is that information? Children who go to Catholic or other private schools and are part of lists and other information, collections in those nonpublic schools, whose property is that information? It is the property of the student and it is the property of the school. Should that property be taken away from them for a military purpose? That property should not be taken away from them without due process of law, and any principal who stands up and seeks to defend that private property right will now, under this bill, be thrown in jail.

The Cowell amendment is an attempt to provide what may well be the only currently available, rational, legal, and just way of dealing with this problem. I would urge its support.

The SPEAKER. The Chair thanks the gentleman.

On the Cowell amendment, the Chair recognizes the lady from Delaware, Mrs. Durham.

Mrs. DURHAM. Thank you, Mr. Speaker.

Will Mr. DeWeese stand for interrogation?

The SPEAKER. The gentleman, Mr. DeWeese, indicates he will so stand. The lady is in order and may proceed.

Mrs. DURHAM. Mr. Speaker, if I were a high school senior and I did not want my name released to a recruiter, under the bill as proposed, what would be the procedure?

Mr. DeWEESE. Number one, you would be notified as a junior, your parents would be notified as a junior, and a list would be sent around to your homeroom and you would check your name off the list.

I think that Mr. O'Donnell's comments are extreme. I think it is as easy as falling off a log. No young man or no young woman in a private school or a public school has to have their name promulgated. You check your name off. We are talking about 5 dollars' worth of Xerox for every high school in this Commonwealth. It is not any major usurpation of rights; it is only a checkoff.

Mrs. DURHAM. Mr. Speaker, at the present time, if I were a recruiter and I went to a school to obtain the names, who has the determining factor as to whether or not my request is honored? Does it stop with the superintendent?

Mr. DeWEESE. Currently, I am under the firm impression that it stops with the superintendent. I cannot give an ultimate statement on that. I am under the firm impression the superintendent is in charge.

Mrs. DURHAM. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

On the Cowell amendment, the Chair recognizes the gentleman from Westmoreland, Mr. Petrarca.

Mr. PETRARCA. Thank you, Mr. Speaker.

The same bill came up last year, and all it boils down to—let us get pragmatical about it—you either want a mandatory draft, which I think nobody in this hall wants, or a volunteer standing Army. So let us help the recruiters get all the names to expose the farm youths and the young factory workers to an opportunity to talk to them and tell them you have X number of years in school, which will help them. We will have a volunteer standing Army—

The SPEAKER. Will the gentleman yield.

The gentleman is on the major bill. We have not reached that yet. We are still on the Cowell amendment.

Mr. PETRARCA. Well, I also oppose the Cowell amendment.

The SPEAKER. You are opposing it?

Mr. PETRARCA. Yes, I am.

The SPEAKER. The gentleman is recognized to speak on the Cowell amendment, if he wishes.

Mr. PETRARCA. Well, seeing that the Cowell amendment could not be divided, I have to oppose it. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the Cowell amendment, the Chair recognizes the gentleman from Allegheny, Mr. Misceovich.

Mr. MISCEVICH. Mr. Speaker, I, too, support the Cowell amendment. I think if we give these lists out to any one person or any individual, we ought to give them to everybody who requests them. Then it will cost the school boards a lot of money to keep track of whom they are giving these to.

These records per se, the names and addresses and phone numbers, do not belong to the students. I think we are violating the rights of the parents by giving out their private phone numbers and their private addresses. The student as yet has not been a mature individual and come of age where he has his own phone number and his own address.

I had an occasion where somebody mistakenly gave my office phone number to a recruiter, and you cannot believe the number of harassing calls that my office had to contend with for over 2 weeks until we finally got ahold of the Army and told them to stop harassing us with these telephone calls. Now, these people are very persistent. Mr. Cowell's amendment would have ways to stop this from happening to the individuals who are being harassed by these recruiters. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the Cowell amendment, the Chair recognizes the gentleman from Allegheny, Mr. Preston.

Mr. PRESTON. Thank you, Mr. Speaker.

Will the gentleman, Mr. Cowell, stand for interrogation?

Mr. COWELL. Yes.

The SPEAKER. The gentleman, Mr. Cowell, indicates he will so stand. The gentleman, Mr. Preston, is in order and may proceed.

Mr. PRESTON. Mr. Speaker, could you explain to me why, according to your amendment, it is okay for public schools to be able to supply a list, and why, in your opinion, it is not okay, or in other words, why parochial schools should be excluded? What is the difference? Is one better than the other?

Mr. COWELL. Mr. Speaker, a couple of points. One, frankly, I do not think we ought to be imposing an additional requirement of this nature on any schools, and I think a majority of the members of this House have indicated that also in the past when this kind of legislation has been defeated, and that may well be the final disposition of this bill in whatever form. I frankly do not think that it will become the law of the Commonwealth, but if we are going to insist on passing something today, then I have serious question about imposing this kind of requirement on nonpublic schools.

Already in other States around the country, there have been court cases brought to final resolution where the courts have concluded that certain kinds of nonpublic schools, particularly our religious schools, cannot constitutionally have a variety of requirements imposed upon them by State governments, and those court cases have focused on things like curriculum requirements and different kinds of certification requirements. Certainly the courts would rule in a similar vein if this issue came before them. So we ought not to waste the time and the paper that this is printed on by passing things that are clearly unconstitutional.

Secondly, though, if we are going to insist that some schools do it, I think that we have more jurisdiction to insist that the public schools do it in the very limited form that I have proposed; that is, if they are going to give the list to some folks, then they have to make it available to the military recruiters. But if they want to honor the requests of students or parents or community sentiment generally, we will not impose upon that school district this requirement.

I think we address the public schools in that fashion, but, as I said, the principle that I want to apply to the nonpublic schools is we ought not to be imposing this requirement on any of them. I think it will be thrown out by the courts if we do, anyway.

Mr. PRESTON. So, in other words, what you have just said again, Mr. Speaker, is that it is okay for the public schools; it is not okay as far as the nonpublic schools. My question to you then is this: Are you questioning the constitutionality of the amendment or the bill itself?

Mr. COWELL. Mr. Speaker, I did not say that it is okay for some and not okay for others. The courts have said the State governments have the right to impose certain kinds of regulations and requirements on public schools which they do not have a constitutional right to apply to nonpublic schools, or certain nonpublic schools. The courts have said that; that is not something that I thought up this morning.

So in response to your second question, that is, am I questioning the constitutionality of the amendment or the bill, I think the amendment might make more constitutional the bill. Without this amendment, in my opinion, the bill is clearly unconstitutional.

## PARLIAMENTARY INQUIRY

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

The SPEAKER. The gentleman will state the point.

Mr. PRESTON. Is the amendment constitutional?

The SPEAKER. The gentleman may challenge the constitutionality of the amendment.

## CONSTITUTIONAL POINT OF ORDER

Mr. PRESTON. I would like to challenge the constitutionality of the amendment, Mr. Speaker.

The SPEAKER. The gentleman from Allegheny, Mr. Preston, has raised the point, is the amendment offered, A4678, by the gentleman, Mr. Cowell, constitutional? That is a question to be decided by the House.

On the question,

Will the House sustain the constitutionality of the amendments?

The SPEAKER. The motion is debatable.

The question is, is the amendment constitutional? The Chair will place it in the positive. Those who believe the amendment to be constitutional will vote "aye"; those who believe it to be unconstitutional will vote "no."

Is there a member who wishes to debate the constitutionality?

The gentleman, Mr. Cowell, is recognized on the question of constitutionality.

Mr. COWELL. Mr. Speaker, would the gentleman, Mr. Preston, submit to interrogation, please?

The SPEAKER. The gentleman, Mr. Preston, indicates he will stand for interrogation. The gentleman, Mr. Cowell, is in order and may proceed.

Mr. COWELL. Mr. Speaker, in challenging the constitutionality of the amendment, I would ask the gentleman, Mr. Preston, what section of the Constitution he feels this amendment is in violation of.

Mr. PRESTON. I do not know. I do not have a copy of the Constitution. All I know is that right now everybody by law must register for the draft; but yet, in a sense you are saying under the same standard it is not okay for everybody to be recruited.

Mr. COWELL. Mr. Speaker, a further interrogation?

The SPEAKER. The gentleman may proceed.

Mr. COWELL. Mr. Speaker, if I would give the gentleman a copy of the Pennsylvania and the United States Constitutions, would he be able to find the section that he thinks this may be in violation of?

Mr. PRESTON. Mr. Speaker, I thought we were all supposed to be created and treated equal.

Now is the gentleman questioning as far as the U.S. Constitution also? Are we setting a double standard here again? I think that is the 14th amendment, equal protection under the law.

Mr. COWELL. Mr. Speaker, a further interrogation. Do I understand correctly that the constitutionality is being challenged on the basis of the 14th amendment of the United States Constitution? I just want to know what we are debating.

The SPEAKER. The question is directed to Mr. Preston.

Mr. COWELL. Yes, Mr. Speaker.

Mr. PRESTON. Mr. Speaker, I would like to yield to Representative Broujos.

Mr. BROUJOS. Mr. Speaker, the constitutional issue, I think, could be framed for Mr. Preston in this manner, that in accordance with Article V, with respect to due process and with respect to equal rights under the law, the distinction that Mr. Cowell makes is that only some schools will be subject to a requirement of providing a list, while other schools would not, and that is not equal protection of the law. So I would suggest that the issue be framed that it is unconstitutional in violation of Article V of the United States Constitution.

Mr. COWELL. Mr. Speaker?

The SPEAKER. The gentleman has the floor. He may continue.

Mr. COWELL. If I might interrogate Mr. Broujos or Mr. Preston then?

The SPEAKER. Mr. Broujos has said he will stand for Mr. Preston.

Mr. COWELL. Mr. Speaker, are you aware of any other sections of the Pennsylvania School Code or the Administrative Code that apply to school districts or sections of the Administrative Code applying to school districts where, under Pennsylvania law or under regulations or standards of the State Board of Education or the Department of Education, we treat differently public schools and nonpublic schools, or is it your opinion that in all of these cases with all of these laws and all of these regulations and standards, we treat all of those districts and nonpublic schools exactly alike?

Mr. BROUJOS. The answer to that question is that you have to look at each issue separately. The issue we are looking at here now is that for the purposes of national defense, which under the Constitution of the United States in the preamble requires the United States and the Congress to provide for the common defense, there are armed forces, and ancillary to armed forces there is the essential function of recruiting, and it is difficult for me to see how you are going to apply recruiting standards to some people and not to others. So the answer to your question is, if you take it on the merits of the question and not a blanket question, the requirement is to treat everyone equally, and that is Mr. Preston's point and a good point.

Mr. COWELL. Mr. Speaker, further interrogation of Mr. Broujos. Did I understand you to say, sir, that you are invoking the provisions of Article V of the United States Constitution?

Mr. BROUJOS. Article V with respect to due process and with respect to equal protection under the law. In addition, the Pennsylvania Constitution has similar provisions.

Mr. COWELL. Mr. Speaker, I would ask the gentleman to tell me what part of Article V, which is entitled "Constitution: how amended, Proviso," deals with due process?

Mr. BROUJOS. Nor shall anyone "...be compelled...to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law...."

Mr. COWELL. Is the gentleman perhaps speaking of the fifth amendment to the United States Constitution rather than Article V?

Mr. BROUJOS. I suggest that you make your argument. I just made my point.

Mr. COWELL. Mr. Speaker, may I be recognized to speak?

The SPEAKER. The gentleman is recognized. The Chair cautions each member that under the rules of the House, on this particular question, each member is limited to speaking once, not twice.

The Chair recognizes the gentleman, Mr. Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, we do lots of things in a very arbitrary fashion in this House, and that is the nature of this process, and we all live with it and work within it. We may decide by a majority vote that this in fact is unconstitutional. In fact, that is an absurd argument though. This amendment clearly is not unconstitutional. We have lots of provisions throughout Pennsylvania law, throughout the laws of the Federal and State governments all over this country, that treat differently public and nonpublic schools. If anything is unconstitutional, it is the bill rather than the amendment. Nonetheless, we will have an opportunity to speak on the issue collectively when we vote.

I would urge that we not declare this amendment unconstitutional. It clearly is not. No section of the Constitution, State or Federal, has been cited that would be a legitimate basis for challenging its constitutionality. I think we ought to consider the amendment and move on to the legislation itself. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Lycoming, Mr. Cimini.

Mr. CIMINI. Are we on the amendment or the constitutionality, Mr. Speaker?

The SPEAKER. We are still on the question, is the amendment constitutional?

Mr. CIMINI. Would I be allowed to speak on the amendment at this point?

The SPEAKER. No. You may speak only to the constitutionality or unconstitutionality, sir. But if we get to the amendment, the Chair will recognize you at that time.

The Chair states the question: Is the amendment offered by the gentleman, Mr. Cowell, A4678, constitutional? Those who believe it to be constitutional will vote "aye"; those who believe it to be unconstitutional will vote "no."

On the question recurring,

Will the House sustain the constitutionality of the amendments?

The following roll call was recorded:

## YEAS—131

Alderette	Duffy	Laughlin	Rappaport
Angstadt	Fargo	Lehr	Rieger
Baldwin	Fattah	Lescovitz	Rudy
Battisto	Flick	Levi	Saloom
Belfanti	Foster, W. W.	Lloyd	Saurman
Blaum	Foster, Jr., A.	Lucyk	Scheetz
Bowser	Freeman	McCall	Schuler
Boyes	Freind	McIntyre	Serafini
Brandt	Gallagher	McMonagle	Seventy
Burd	Gallen	McVerry	Showers
Cappabianca	Gamble	Mackowski	Sirianni
Cawley	Geist	Madigan	Smith, L. E.
Cessar	George	Maiale	Snyder, D. W.
Cimini	Godshall	Manderino	Snyder, G. M.
Civera	Greenwood	Markosek	Spencer
Clark	Grieco	Mayernik	Spitz
Clymer	Gruitza	Michlovic	Steighner
Cohen	Gruppo	Micozzie	Stevens
Cole	Hagarty	Miscevich	Stewart
Cordisco	Harper	Mowery	Stuban
Cornell	Hasay	Murphy	Sweet
Coslett	Hayes	O'Donnell	Taylor, E. Z.
Cowell	Herman	Peterson	Taylor, F. E.
Coy	Hershey	Petrarca	Telek
Deluca	Hoeffel	Petrone	Tigue
DeVerter	Honaman	Phillips	Wachob
DeWeese	itkin	Piccola	Wambach
Daley	Jackson	Pievsky	Wass
Dawida	Jarolin	Pistella	Weston
Dietz	Kasunic	Pitts	Wozniak
Dininni	Klingaman	Pott	Wright, D. R.
Dombrowski	Kukovich	Pratt	Zwinkl
Donatucci	Lashingier	Punt	

## NAYS—67

Afflerbach	Fischer	Miller	Smith, B.
Arty	Fryer	Moehlmann	Stairs
Barber	Gannon	Morris	Swift
Belardi	Gladeck	Mrkoncic	Trello
Beloff	Haluska	Nahill	Truman
Book	Hutchinson	Noye	Van Horne
Broujos	Kennedy	Oliver	Vroon
Bunt	Kosinski	Perzel	Wargo
Burns	Kowalshyn	Preston	Wiggins
Caltagirone	Letterman	Reber	Williams
Carn	Levin	Reinard	Wilson
Colafella	Linton	Richardson	Wogan
Davies	Livengood	Robbins	Wright, J. L.
Deal	McClatchy	Ryan	Wright, R. C.
Dorr	McHale	Rybak	
Durham	Manmiller	Salvatore	Irvis,
Evans	Merry	Semmel	Speaker
Fee			

## NOT VOTING—2

Armstrong O'Brien

## EXCUSED—3

Johnson Marmion Olasz

The majority having voted in the affirmative, the question was determined in the affirmative and the constitutionality of the amendments was sustained.

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

The SPEAKER. On that question, the Chair recognizes the gentleman from Lycoming, Mr. Cimini.

Mr. CIMINI. Mr. Speaker, on this particular Cowell amendment, this would go against the wishes of the American

Legion, the VFW (Veterans of Foreign Wars), and most organizations of military organizations in our State. The bottom line is freedom applies to everybody in this State and Nation, and therefore, it applies to all schools as well. I urge the defeat of the Cowell amendment.

The SPEAKER. The Chair thanks the gentleman.

For the second time on the Cowell amendment, the Chair recognizes the gentleman from Cumberland, Mr. Broujos.

Mr. BROUJOS. Mr. Speaker, the effect of the Cowell amendment is to recognize the right of school districts to provide lists of seniors to recruiters. He has established that principle and recognized it. Then what he proceeds to do is make it very difficult for the recruiters to get those lists. He does that by saying, well, if you give it to some people for educational training purposes, then give it to others. Well, who are the people who are going to be getting it? There may be colleges; there may be businesses; there will be the people who make up the lists of the seniors for school books and school rings, and gosh knows how many other places they are going to be published. The lists are released. People have access to them.

What the Cowell amendment does is make it more difficult to get them. They are going to be obtained one way or the other. Let us make it easy for them. The recruiters are performing an essential function, and they have testified in a hearing before the Military and Veterans Affairs Committee that in fact they spend an inordinate amount of time trying to get these lists. They get them one way or the other.

Now, the other aspect that I wish to cover is a question raised by Mr. O'Donnell. Mr. O'Donnell raises questions of property rights, interference. This act is going to only do what our Constitution of the United States mandates us to do, and that is to provide for the common defense. It is not an intrusion on a property interest. It does not violate any right. The rights are protected by the right to withdraw. We ask for a defeat of the Cowell amendment.

The SPEAKER. The Chair thanks the gentleman.

On the Cowell amendment, the Chair recognizes the gentleman from Montgomery, Mr. Bunt.

Mr. BUNT. Mr. Speaker, I, too, rise in objection to the Cowell amendment. I think, Mr. Speaker, there seems to be a little confusion here. I believe that the students would have to indicate an interest as to their interest in being recruited. A list would no doubt be circulated within the classrooms and the students would then indicate, by a checkoff, whether they would be interested in being contacted by a recruiter.

I do not feel that the Cowell amendment would be a healthy addition to HB 1398. I would like to see it defeated. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the Cowell amendment, the Chair recognizes the gentleman from Allegheny, Mr. Book.

Mr. BOOK. Thank you, Mr. Speaker.

I rise to oppose the Cowell amendment. I cannot understand why he would not give the nonpublic schools the opportunity to have their names put on a list for the recruiters. I do

not think it is a problem. I feel that all the students should have the opportunity, and of course, his amendment would change this and delete it. So I just rise to oppose the Cowell amendment.

The SPEAKER. The Chair thanks the gentleman.

On the Cowell amendment, the Chair recognizes the gentleman from York, Mr. Foster.

Mr. A. C. FOSTER. Thank you, Mr. Speaker.

I rise to oppose the Cowell amendment, and I think I speak for a number of other members in the chamber who voted to sustain the constitutionality of the Cowell amendment. Just because something is wrong does not mean that it is unconstitutional. So like many others who voted to sustain the constitutionality of the Cowell amendment, I now rise to call for its defeat.

The SPEAKER. The Chair thanks the gentleman.

On the Cowell amendment, the Chair recognizes the gentleman from Northumberland, Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

Like Mr. Foster, I, too, stand opposed to the Cowell amendment, and I also voted in favor of Mr. Cowell on the constitutionality. I think the issue here is very clear, in light of the previous Broujos amendment, which was adopted, where parents are going to be notified, and also in light of the fact that there will be a checkoff system where students will be able to indicate, for whatever reason, including religious beliefs, that if they do not wish to be contacted by recruiters, they can do so.

Thirdly, every student will have the opportunity and the ability to tell a recruiter who does contact them that they do not wish to discuss the matter. So there are a number of ways that any student, whether they be in a private or a public school, there are a number of ways for that individual to avoid contact with a recruiter of one of the branches of the armed services.

I think the bill is fine the way it is. I think the Broujos amendment with parent notification made it even better and should allay the fears of any individuals whether they have children in nonpublic schools for religious beliefs who may, in effect, be opposed to any type of military conscription. There are a number of ways that that individual will be able to avoid this recruiter, and I ask for a defeat of the Cowell amendment and a vote in favor of the bill. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the Cowell amendment, for the second time, the Chair recognizes the gentleman from Allegheny, Mr. Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

I would like to briefly respond to a couple of points that were made. A couple of speakers spoke about certain schools being denied the opportunity to provide lists. Those individuals apparently have not read the bill or not read the amendment. The amendment would not deny the opportunity to anyone to submit lists. The amendment only eliminates the requirement that certain school districts provide the lists. If any nonpublic school wants to provide the lists, they can already, and they will be able to in the future. If a military

academy wants to provide a list, they can already; they would under this bill; they would be able to do so under the bill even with the amendment. The amendment in no way denies any school, public or nonpublic, the opportunity to provide lists if that is what they want to do. It only deals with the requirement, this additional mandate from the State, that they do it.

Secondly, we heard a couple proponents of the bill as it currently stands speak about the military recruiting task. On the one hand, we heard folks say this bill was desperately necessary if we were going to help military recruiters, and on the other hand, the reality is today quotas are being met; in fact, they are being exceeded. And one of the proponents of the current legislation said the military recruiters are getting the lists and they are going to continue to get them one way or the other anyhow. With that in mind, the real question is not the validity of military recruiting, not the benefits of military service; the question is, should we impose another mandate on all school districts and all nonpublic schools in the Commonwealth of Pennsylvania? I believe we should not. This amendment suggests that we should not.

It is amazing that we are spending more time discussing this mandate for schools today than we have spent discussing any other public school issue during this current session, as I recall. We have not spent this kind of time talking about requiring our schools to upgrade curriculum or upgrade graduation requirements. Instead, we are spending time, an awful lot of time, discussing a proposal to require school districts at some additional cost and certainly inconvenience to provide lists to military recruiters, something that really has nothing to do with the education process.

I think this amendment will improve the bill. I know that some people are inclined to vote against this because they want to kill the bill, but I would urge people to consider this amendment on its own merit. I think this will improve the bill. It will take an extra burden off some public school districts, take it off nonpublic schools, and, I think, leave us with a situation that will be constitutional and fair. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Berks, Mr. Davies.

Mr. DAVIES. Mr. Speaker, would the maker of the amendment stand for just one question of interrogation?

The SPEAKER. The gentleman, Mr. Cowell, indicates he will stand for interrogation. The gentleman, Mr. Davies, is in order and may proceed.

Mr. DAVIES. Mr. Speaker, while I share some of your concerns about the fact of the amount of time that we have not spent on public education in this body, my question to you is, in the past have not many of the schools that you are exempting received money from the Federal Government under the National Defense Education Act? In fact, in some instances, have those moneys received not exceeded some of the moneys received by public schools?

Mr. COWELL. I do not know.

Mr. DAVIES. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—34

Battisto	George	Kukovich	Rieger
Boyes	Godshall	Lashingier	Rudy
Cappabianca	Greenwood	Lloyd	Saloom
Cohen	Hagarty	Maiale	Seventy
Cornell	Hasay	Murphy	Sweet
Cowell	Hershey	O'Donnell	Taylor, E. Z.
Dombrowski	Hoeffel	Pitts	Wachob
Fattah	Honaman	Pott	Wright, D. R.
Freeman	Itkin		

NAYS—161

Afflerbach	Duffy	McIntyre	Scheetz
Alderette	Durham	McMonagle	Schuler
Angstadt	Evans	McVerry	Semmel
Armstrong	Fargo	Mackowski	Serafini
Arty	Fee	Madigan	Showers
Baldwin	Fischer	Manderino	Sirianni
Barber	Flick	Manmiller	Smith, B.
Belardi	Foster, W. W.	Markosek	Smith, L. E.
Belfanti	Foster, Jr., A.	Mayernik	Snyder, D. W.
Beloff	Freind	Merry	Snyder, G. M.
Blaum	Fryer	Michlovic	Spencer
Book	Gallen	Micozzie	Spitz
Bowser	Gamble	Miller	Stairs
Brandt	Gannon	Miscevich	Steighner
Broujos	Geist	Moehlmann	Stevens
Bunt	Gladeck	Morris	Stewart
Burd	Grieco	Mowery	Stuban
Burns	Gruitza	Mrkonic	Swift
Caltagirone	Gruppo	Nahill	Taylor, F. E.
Carn	Haluska	Noye	Telek
Cawley	Harper	O'Brien	Tigue
Cessar	Hayes	Oliver	Trello
Cimini	Herman	Perzel	Truman
Civera	Jackson	Peterson	Van Horne
Clymer	Jarolin	Petrone	Vroon
Colafella	Kasunic	Phillips	Wambach
Cole	Kennedy	Piccola	Wargo
Cordisco	Klingaman	Pievsky	Wass
Coslett	Kosinski	Pistella	Weston
Coy	Kowalyshyn	Pratt	Wiggins
Deluca	Laughlin	Preston	Williams
DeVerter	Lehr	Punt	Wilson
DeWeese	Lescovitz	Rappaport	Wogan
Daley	Letterman	Reber	Wozniak
Davies	Levi	Reinard	Wright, J. L.
Dawida	Levin	Richardson	Wright, R. C.
Deal	Livengood	Robbins	Zwinkl
Dietz	Lucyk	Ryan	
Dininni	McCall	Rybak	Irvis,
Donatucci	McClatchy	Salvatore	Speaker
Dorr	McHale	Saurman	

NOT VOTING—5

Clark	Hutchinson	Linton	Petrarca
Gallagher			

EXCUSED—3

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

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Book. For what purpose does the gentleman rise?

Mr. BOOK. Mr. Speaker, on the constitutionality of amendment A4678 to HB 1398, I meant to vote in the affirmative on that.

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

CONSIDERATION OF HB 1398 CONTINUED

On the question recurring,

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

Mrs. HONAMAN offered the following amendments No. A4420:

Amend Title, page 1, line 2, by striking out "EVERY" and inserting  
certain

Amend Sec. 2, page 2, line 1, by inserting after "SCHOOL", except a school that determines that the compiling of such a list would be against the religious convictions of a majority of its senior students,

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the lady from Lancaster, Mrs. Honaman.

Mrs. HONAMAN. Thank you, Mr. Speaker.

This amendment deals only with those schools which are definitely religious-oriented schools. I will tell you there are not too many of these in Pennsylvania. I can tell you that there are nine Mennonite schools in Pennsylvania of which the enrollment is close to 2,000. These people have a strong religious conviction that they cannot bear arms. I will say now that many of these people have served overseas in hospitals and in kitchens and wherever they could, but it is definitely against their religion to bear arms, and I am sure that these people would not want to send any list to the military. I ask for your affirmative vote on this amendment.

The SPEAKER. The Chair thanks the lady.

On the Honaman amendment, the Chair recognizes the gentleman from Philadelphia, Mr. Rappaport.

Mr. RAPPAPORT. Would the lady consent to inter-rogation?

Mrs. HONAMAN. Yes, sir.

The SPEAKER. The lady has said she will stand for inter-rogation. The gentleman is in order and may proceed.

Mr. RAPPAPORT. Mr. Speaker, would the lady inform us whether this amendment would apply to all schools sponsored by recognized religious groups that are, as a tenet of their religious faith, conscientious objectors?

Mrs. HONAMAN. No; only those where a majority of the students are of the same faith and are conscientious objectors.

Mr. RAPPAPORT. I am referring to the Quaker schools in Philadelphia. Will they be exempt under your amendment?

Mrs. HONAMAN. If in the senior class over half the members were Quakers, yes.

Mr. RAPPAPORT. But it would refer only to those who would qualify as conscientious objectors in the situation of the Draft Act. Am I correct in that?

Mrs. HONAMAN. Exactly.

Mr. RAPPAPORT. One of my friends requested that I ask about Catholic schools. Would the same rule apply there as well?

Mrs. HONAMAN. Mr. Speaker, not being a Catholic, I do not know the answer to that question.

Mr. RAPPAPORT. Mr. Speaker, in the sense that the majority of the class would have to be people who would be recognized as conscientious objectors under current law.

Mrs. HONAMAN. That is right.

Mr. RAPPAPORT. Thank you, Mr. Speaker. I thank the lady.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Bucks, Mr. Wright.

Mr. J. L. WRIGHT. Mr. Speaker, I just wanted to emphasize the point that this amendment will include those Quaker schools in the Commonwealth. Some of us, particularly in the eastern part of the Commonwealth, have Quaker schools in our districts. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Cumberland, Mr. Broujos.

Mr. BROUJOS. Mr. Speaker, I want to bring to the attention of the House that this amendment is probably unconstitutional. I will not ask for the question to be raised, but I ask you to consider this in your vote. The use of the term "compiling of a list would be against convictions" is vague and unenforceable. The act that they are complaining of is compiling, and it is a conviction of a majority of the senior students. Not only is it vague and unenforceable because of the language used but also because there is no mechanism by which you determine a majority of students taking a vote on compiling of a list. Finally, the best way to take that vote is to tell the students that they do not have to be on that recruiter list; then they can cast their vote.

There are Quakers such as Paul Douglas, who enlisted in the Marine Corps at age 52 in World War II. There are plenty of people in schools who may have convictions against war but nevertheless will serve, and they certainly should be given the right to make that decision. If our country stands for anything, it is, as so well pronounced by Mr. O'Donnell and others, that we should have that right to make a decision and place that in the hands of the students when that list comes by. We ask for the defeat of this amendment.

The SPEAKER. The Chair thanks the gentleman.

On the Honaman amendment, the Chair recognizes the gentleman from Greene, Mr. DeWeese.

Mr. DEWEESE. With parental notification in the bill, with the option that each youngster will have their name eliminated from any list, I respectfully ask for the defeat of the Honaman amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia, Mr. Richardson, on the Honaman amendment.

Mr. RICHARDSON. Mr. Speaker, I would like to interrogate the prime sponsor of the amendment.

The SPEAKER. The lady, Mrs. Honaman, indicates she will stand for interrogation. The gentleman, Mr. Richardson, is in order and he may proceed.

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

Mr. Speaker, I would just like to know whether or not you can explain the difference between the majority of students in the senior class versus why minority students were not included. For an example, if in fact the Mennonite problem is the question that you are getting after and also Quaker students, what if there is a minority of students in that senior class who fall into this category? Would we not want to also exclude them, and why would we just say that senior class, if you are just going after the senior class? Is there a specific difference between majority students and not minority students?

Mrs. HONAMAN. Mr. Speaker, the schools that I am concerned about are really almost 100 percent religiously objecting, and I suppose I use the majority because the majority rules in most cases.

Mr. RICHARDSON. What if, for an example, you have a Mennonite student who may not attend a Mennonite school or a Quaker student who may not attend a Quaker school but happens to be a part of in fact a senior class but has now become a minority because there is not a majority of those students. Would not in fact that be against what you are trying to do, because what you are trying to do is protect the religious right of the individual and not necessarily the class.

Mrs. HONAMAN. That is correct. I am trying to protect the religious rights of the majority of those students.

Mr. RICHARDSON. I would respectfully request that if that is the case, then perhaps maybe what you want to do is maybe word the language so that it will then in fact get at all of those students and not necessarily make a differential between the majority of students of a class when you may find that you have some students who have that as their conviction not to in fact take up arms. I think that is what you are going after, and I am just trying to aid in making sure that this amendment does not get struck out later on as being unconstitutional.

Mrs. HONAMAN. Are you questioning the constitutionality of it?

Mr. RICHARDSON. No; I said I was sharing information with you. I said I did not want you to later on have to find out, if this amendment were to pass on this floor, that it passed and then it was struck out of the bill because it was unconstitutional. I was trying to give some assistance in terms of the way it was worded.

The SPEAKER. Does the lady, Mrs. Honaman, request recognition for the second time?

Mrs. HONAMAN. Yes, sir.

The SPEAKER. For the second time then, the lady is recognized and may speak.

Mrs. HONAMAN. Mr. Speaker, these schools that I am concerned about, the administration, the leadership, the teachers, and most of the students, in fact I believe practically all of the students, fall within this religious classification.

Somebody earlier referred to constitutionality. I would like to speak to the point that this bill compels a superintendent to send in these lists with a penalty if he does not do so. If you turn to the Declaration of Rights in the Constitution, "All men have a natural and indefeasible right to worship Almighty God...no man can of right be compelled to attend, erect or support any place of worship or to maintain any ministry against his consent;"—and here is the vital sentence—"no human authority can, in any case whatever, control or interfere with the rights of conscience...." Mr. Speaker, without this amendment I think we are doing just that. Thank you.

The SPEAKER. The Chair thanks the lady.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—117

Alderette	Fryer	Manmiller	Salvatore
Angstadt	Gallen	Merry	Saurman
Armstrong	Gannon	Michlovic	Scheetz
Arty	Geist	Micozzie	Schuler
Battisto	George	Miller	Semmel
Bowser	Gladeck	Miscevich	Seventy
Boyes	Godshall	Morris	Showers
Brandt	Greenwood	Mowery	Sirianni
Burd	Grieco	Noye	Smith, B.
Cappabianca	Gruppo	O'Brien	Smith, L. E.
Cessar	Hagarty	O'Donnell	Snyder, D. W.
Cimini	Hasay	Perzel	Snyder, G. M.
Civera	Hayes	Peterson	Spencer
Clymer	Herman	Petrone	Spitz
Cohen	Hershey	Phillips	Steighner
Cornell	Hoeffel	Piccola	Stevens
Coslett	Honaman	Pitts	Stewart
Cowell	Itkin	Pott	Stuban
Coy	Klingaman	Pratt	Taylor, E. Z.
DeVerter	Kowalyshyn	Punt	Trello
Davies	Kukovich	Rappaport	Vroon
Dietz	Lashinger	Reber	Wambach
Dininni	Laughlin	Reinard	Wass
Dorr	Lehr	Richardson	Weston
Durham	Levi	Robbins	Wogan
Fargo	Lloyd	Rudy	Wozniak
Flick	McClatchy	Ryan	Wright, D. R.
Foster, W. W.	Mackowski	Rybak	Wright, J. L.
Foster, Jr., A.	Madigan	Saloom	Zwikl
Freind			

NAYS—79

Afflerbach	Deal	Letterman	Preston
Baldwin	Dombrowski	Linton	Rieger
Barber	Donatucci	Livengood	Serafini
Belardi	Duffy	Lucyk	Stairs
Belfanti	Evans	McCall	Sweet
Beloff	Fattah	McHale	Swift
Blaum	Fee	McIntyre	Taylor, F. E.
Book	Fischer	McMonagle	Telek
Broujos	Freeman	Maiale	Tigue
Bunt	Gallagher	Manderino	Truman
Burns	Gruitza	Markosek	Van Horne
Caltagirone	Haluska	Mayernik	Wachob
Carn	Harper	Moehlmann	Wargo
Cawley	Hutchinson	Mrkonic	Wiggins

Clark	Jackson	Murphy	Williams
Colafella	Jarolin	Nahill	Wilson
Cole	Kasunic	Oliver	Wright, R. C.
Deluca	Kennedy	Petrarca	
DeWeese	Kosinski	Pievsky	Irvis,
Daley	Lescovitz	Pistella	Speaker
Dawida			

NOT VOTING—4

Cordisco	Gamble	Levin	McVerry
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EXCUSED—3

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

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Michlovic.

Mr. MICHLOVIC. Mr. Speaker, on the Cowell amendment A4678 to HB 1398, I was erroneously recorded in the negative. I would like the record to show that I wished to vote in the affirmative. Thank you.

The SPEAKER. The gentleman's remarks will be spread upon the record. The Chair thanks the gentleman.

CONSIDERATION OF HB 1398 CONTINUED

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?

On final passage, the Chair recognizes the majority whip.

Mr. O'DONNELL. Would the sponsor submit to interrogation, please?

The SPEAKER. The gentleman, Mr. DeWeese, indicates he will stand for interrogation, or is it the gentleman, Mr. Broujos? Which one?

Mr. O'DONNELL. Either sponsor is fine, Mr. Speaker.

The SPEAKER. The gentleman, Mr. DeWeese, indicates he will stand for interrogation. The gentleman, Mr. O'Donnell, may proceed.

Mr. O'DONNELL. Mr. Speaker, I only really have two questions. I want to be very brief. First of all, is there right now under the Selective Service Act a requirement that every-one who is 18 years of age register for the draft?

Mr. DeWEESE. Yes.

Mr. O'DONNELL. Is that list in the hands of the Selective Service System available to recruiters?

Mr. DeWEESE. I do not know. I would assume so.

Mr. O'DONNELL. So there is an existing list at the Federal level available for recruiters of everybody who is 18 who complies with that law.

Mr. DeWEESE. I do not know. I assume so.

Mr. O'DONNELL. Thank you.

One more question: Mr. Speaker, there is a difference in law between public and nonpublic schools, but I would like to explore both of those alternatives in terms of what happens to the lists of people who sent in and said that they did not want their child's name submitted to the recruiter. I am interested in what happens to that list. In terms of the nonpublic schools, is there or could there be access to that list?

Mr. DeWEESE. I think you can answer that question as well as I can. Neither one of us knows.

Mr. O'DONNELL. Let us try an easier one. Is the negative list—the list of people who do not want their children to receive recruiting information from the military, those parents of the public schools—is that list public information?

Mr. DeWEESE. I would think—and again I preface my remark by saying “I would think”—that the superintendent of schools would use his professionalism, his discretion, and that list would not exist. Besides, the parents are not going to be signing any lists; they are going to be notified. They are going to be notified. We are anticipating that these young high school seniors, 18 years of age, are going to make their own decision relative to whether to sign up for recruiting information or not, just like they decide whether to go to the service, get married, sign a contract, or take a drink of booze in New York State.

Mr. O'DONNELL. Thank you.

Mr. Speaker, on the bill.

The SPEAKER. The gentleman, Mr. O'Donnell, is in order and may proceed.

Mr. O'DONNELL. Mr. Speaker, I am going to be very brief.

I urge the members to defeat this bill. It is obvious that anyone who takes advantage of the option that is offered under this bill and takes the option and goes ahead and contacts the public school system and probably also the nonpublic school system, but certainly the public school system, there are going to be two lists in those public schools - the list of people who are available and the list of people who are not available. The list of people who are not available is also going to be highly public information, and that is the beginning of the kind of listmaking that I do not think we want. The more fundamental issue is, is there a way for military recruiters to have access to a good list for their purposes, and the answer is yes, the Selective Service System list. If there is any doubt about that, the United States Congress in their patriotic fervor, I am sure, would have no hesitation in brushing aside any kind of regulatory difficulties in getting access to that list. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the final passage of the bill, the Chair recognizes the gentleman from Philadelphia, Mr. Deal.

Mr. DEAL. Mr. Speaker, I rise to speak against HB 1398.

Mr. Speaker, prior to speaking I would just like to say that I recognize the sincerity of the prime sponsor of the bill, and I hope my remarks are not misinterpreted, because I do enjoy a great deal of respect for the prime sponsor.

Mr. Speaker, I speak against HB 1398. I do so for several reasons. One reason is that I believe the bill is not necessary. I believe we already have in place a Selective Service Act, and I believe if the government is about the serious business of recruiting, that list is available to their employees, and their employees are the recruiters. Therefore, I feel that the list is not necessary.

Mr. Speaker, another serious point is that when I read reports about the educational system in the United States and in Pennsylvania, it appears to me that we ought to be about the serious business of spending this kind of time upgrading the educational system, especially where Pennsylvania stands.

Mr. Speaker, I believe that this bill will be so divisive. It will cause many schools to want to run to court; it will send parents into court. It will be the kind of divisiveness that we just do not need.

Mr. Speaker, I believe educators are about the business of educating, and in our system we certainly need more education for our young people. I think now to make the educators in our school system now become recruiters for the Federal Government when they already have people who are prepared to do that job, I do not think we need that kind of duplication.

Mr. Speaker, I also think this bill will cause some of our educators, who have sworn to uphold the law and set a good example of obeying the law for our young people, I tend to believe that there are some educators who will feel so strongly against this recruiting until they will challenge this law and may challenge it by violating the law. I do not believe that we as legislators, understanding the feelings of people in the Commonwealth of Pennsylvania, ought to put our educators and ought to put many of our educational systems in a position that we know full well, as a matter of principle, they will have to violate the law. I think we are wrong if we do that.

Then, Mr. Speaker, I think we ought to also remember that in this great country we certainly guard jealously our freedoms in this Nation and our freedoms and our rights in the Commonwealth of Pennsylvania, and I say to you we ought not to tread—ought not to tread—on those rights here today.

Yes, as I have stated before, we do have a national act. That national act is well in place, and we ought to let that act do what it should be doing with the Federal recruiters and leave education, leave the teaching of our young people, to the teachers and not infringe upon the rights of the recruiters who have a job to do, and let them do their job.

I ask my colleagues here today, defeat HB 1398. Do not let it become an emotional or personal issue, but just do not attempt now to infringe upon those freedoms we have.

I tend to believe when our parents send their young people to school, they would like to believe that those young people are there for education and not there for their young children's names to be given to any particular group in order that they may be circulated. Many of our parents guard their own addresses and phone numbers jealously and would not want them given out to anyone. Do not now take away from the school boards, the school divisions, the right to protect the

children whom we entrust in their care. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the final passage of the bill, the Chair recognizes the gentleman from Cumberland, Mr. Broujos.

Mr. BROUJOS. Mr. Speaker, I think it is extremely important to bring to the House's attention the law with respect to the point Representative O'Donnell raised. He attempted to present the picture of this information being available to anyone for intimidation or anything else. The answer is that that information is not public, the information concerning the action taken by the individual when he submitted his name not to be included on the list. The Family Educational Rights and Privacy Act of 1974, 20 U.S.C. (United States Code) 1232, provides a right of privacy, and it deals with the release of any information with respect to the student, his name and activities, and it says "activities." If in fact we come before you with a requirement that parents and students be given the right to keep their name off because it is private, therefore the list of those who are not on that list is private. It follows logically; it follows legally. You are being misled by Representative O'Donnell when he attempts to tell you that that list is going to be bouncing around the schools. It is not. So let that dispel your question. If he had any question on this question, it is a bill that has been introduced and presented in this House several months; it is a bill that had hearings, and now he comes before you, after we have already researched it, after we have already reviewed the Family Educational Rights and Privacy Act, and seeks to tell you that the act says something that it does not say. So we ask for your support for this bill and not to consider his argument.

The second point, with respect to registration. What was attempted through the Cowell amendment and now through the comments of Mr. O'Donnell with respect to Selective Service is to make it more difficult for recruiters to get the lists they are going to get anyway. The Selective Service Act is probably as tightly bound and protected a list as any Federal document. There is no reason that a recruiter should have to get on his bicycle and go around to get a list of names from anybody but the school. He is going to have to cull through names in registration lists if he does have access to it. There is nothing presented, and the burden is on, Mr. Speaker, the burden is on anyone who says you can go to a Selective Service list to come in here and to tell you Representatives that it is easier than handing a list over from the school, and they have not met that burden.

Finally, we have women in schools. Women are not drafted; they are not required to register. The women who have the opportunity to get these training programs that the services have are going to be deprived of this recruiting effort. So the argument does not hold that you can go to the recruiter.

Finally, there is not any better educational system for a young man coming out of the turmoil of high school, coming out with his questions, coming out with his inexperience, his immaturity, his lack of discipline, than to go to an Armed

Forces boot camp or an Armed Forces school and learn what it is like to know discipline, know what it is like to be a proud American.

We have to aid that effort; we have to do a simple extension of our Federal obligation to provide for the national defense by providing these lists. Those who pose obstacles to it are doing it because they do not understand that basic fundamental duty. You can throw 100 obstacles in the way, and that recruiter is still going to get it, and if he is going to get it, let him get it through a simple governmental process with adequate protection for due process.

We ask for an affirmative vote for this bill.

The SPEAKER. The Chair thanks the gentleman.

On final passage, the Chair recognizes the gentleman from Montgomery, Mr. Saurman.

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, there are just a couple of things—Representative Broujos just spoke to one of them. I think we need to realize that what we are offering is an option and the information about that option to students. Many of our young people will not have the opportunity to receive education, even with the financial aid that we have offered to them. Perhaps many of us in this room received our education through the veterans' bill of rights, which enabled us to go to college and to learn other things. The cost of military equipment today is so great that it requires trained and skilled people. The skills that are required are also very necessary in civilian life, and therefore, they are trained to come back in a manner that makes them productive citizens. They might lose that opportunity. They are not being drafted by allowing their names to be presented; they will be contacted about the opportunities that can be offered.

The other thing is that using the draft as the source means that the individual has already reached the age of 18. Today in our educational system we need to plan before that to determine what we are going to do upon graduation, whether we are going to go to college, whether our young people are going to go on or take additional vocational training. This information, therefore, needs to be in their hands at a time when they can consider it so that they can react to it and determine if that is the direction in which they would like to go. It is not a requirement; it is not a compulsory thing; it is an opportunity to obtain information that can be very vital in the direction in which our young people can go, and therefore, they should have this opportunity. Thank you, Mr. Speaker.

The SPEAKER. For the information of the members who are desperately hungry, the Speaker has ordered the cafeteria to remain open until approximately 6 o'clock. We ought to finish this debate by 6—if we try hard, that is.

On final passage of the bill, the Chair recognizes the gentleman from Lehigh, Mr. Afflerbach.

Mr. AFFLERBACH. Thank you, Mr. Speaker.

I am one of those who is getting desperately hungry as well. I will keep this very short. But first, a clarification.

It has been stated in previous debate that if a student did not wish his name to be included on the list, he need merely

check off his name. There is nothing in this bill that provides for any sort of checkoff system. What the bill does state is that if a student does not wish his name included, he shall be given at least 21 calendar days to request in writing to the superintendent exclusion from the list.

I would suggest to the members that it was only approximately 30 years ago that letters of such content and even lesser content were considered to be subversive activity in this country by the now—thank goodness—defunct House Un-American Activities Committee. And lest any of us think that people who still sympathize with the work of that committee do not exist, I suggest we simply read the mail we receive each week.

I also suggest there are probably no two things more important to our country than our system of electoral government and our military. At the Federal level, the negative checkoff system has been prohibited for terms of election campaign funding. I see no reason to establish a similar system of negative checkoff for military recruitment. I think we should prohibit it there as well. I urge defeat of the bill.

The SPEAKER. The Chair thanks the gentleman.

On final passage, the Chair recognizes the gentleman from Philadelphia, Mr. Fattah.

Mr. FATTAH. Mr. Speaker, I rise to oppose the DeWeese bill, and it seems again that we have come to a point where we want to fix something that is not broken. The prime sponsor stated in his remarks that the recruitment mechanisms for the military in this country have been meeting their goals, and it is clear that because of recent events, some members in this General Assembly may be emotional about this matter, but the military is meeting its goals. Young people are informed about the opportunities to join the service, and more and more of them every day are in fact doing that.

The question here is a broader question of whether we should involve the educational system in that process, and I think again we should use our better judgment, use our wisdom, and say no to that. The military, through last year's appropriations by the Congress, has millions more dollars today for advertisement, for recruitment, and in Philadelphia we have ROTC (Reserve Officers' Training Corps) programs; in the schools we have all kinds of activities to recruit young people. We do not need this additional apparatus, especially in light of the Selective Service mechanism that is in place so the recruiters can get accurate names and accurate addresses through that process, and young people are in fact complying with that act. There is really no necessity for us to add this law to the books of Pennsylvania. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On final passage, the Chair recognizes the gentleman from Allegheny, Mr. Book.

Mr. BOOK. Thank you, Mr. Speaker.

I will be very short. I rise to support HB 1398, and I think all the bill is asking in one context is just that we have the right to a list that I think some of the special groups are getting now, and each student has the right, as we have said before, not to join in or not to participate in any recruiting in the

senior year. So I really hope people will look at it in that way and support HB 1398.

The SPEAKER. The Chair thanks the gentleman.

On final passage, the Chair recognizes the gentleman from Lycoming, Mr. Cimini.

Mr. CIMINI. This will only take a second. Thank you, Mr. Speaker.

Protection is offered both to students and parents simply by saying no. This bill is being supported by veterans' groups made up of men and women who have already served their country. I urge your support of this bill.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Allegheny, Mr. Duffy.

Mr. DUFFY. Thank you, Mr. Speaker.

I urge support for this bill. Just last year my son was in his senior year in high school in the Pittsburgh area, and he went to a parochial school. During the period of time that I was observing the mail, many pieces of mail came out, and in that mail to him from the military were the descriptions of many fine opportunities that if you were in a position of not being able to afford an education, it could possibly provide you with one. It just gave them information that possibly would be something in the future that would be an advantage to them, and it was up to them to say yes or no whether they would go into the service.

I urge support for this measure.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,  
Shall the bill pass finally?

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

YEAS—141

Alderette	Fee	McCall	Salvatore
Armstrong	Fischer	McClatchy	Saurman
Baldwin	Foster, W. W.	McIntyre	Scheetz
Battisto	Foster, Jr., A.	McVerry	Schuler
Belfanti	Freind	Mackowski	Semmel
Beloff	Fryer	Madigan	Serafini
Blaum	Gallagher	Maiale	Showers
Book	Gallen	Manderino	Sirianni
Bowser	Gamble	Manmiller	Smith, B.
Brandt	Geist	Markosek	Smith, L. E.
Broujos	Gladeck	Mayernik	Snyder, G. M.
Bunt	Grieco	Merry	Spencer
Burns	Gruitza	Miller	Spitz
Caltagirone	Gruppo	Moehlmann	Stairs
Cappabianca	Haluska	Morris	Steighner
Cessar	Harper	Mrkonjic	Stevens
Cimini	Hasay	Nahill	Stewart
Clark	Hayes	Noye	Suban
Clymer	Herman	O'Brien	Sweet
Colafella	Hershey	Perzel	Swift
Cole	Honaman	Peterson	Taylor, E. Z.
Cordisco	Hutchinson	Petrarca	Taylor, F. E.
Coslett	Jackson	Petrone	Van Horne
Coy	Jarolin	Phillips	Vroon
DeVerter	Kasunic	Piccola	Wambach
DeWeese	Klingaman	Pievsky	Wargo
Daley	Kosinski	Pistella	Wass
Davies	Kowalyshyn	Pitts	Weston
Dawida	Lashinger	Pratt	Wilson
Dietz	Laughlin	Preston	Wogan
Dininni	Lescovitz	Reinard	Wozniak

Dombrowski	Letterman	Rieger	Wright, D. R.
Dorr	Levi	Robbins	Wright, J. L.
Duffy	Livengood	Ryan	Wright, R. C.
Durham	Lucyk	Rybak	Zwikl
Fargo			

## NAYS—56

Afflerbach	Donatucci	Lloyd	Richardson
Angstadt	Evans	McHale	Rudy
Arty	Fattah	McMonagle	Saloom
Barber	Flick	Michlovic	Seventy
Belardi	Freeman	Micozzie	Snyder, D. W.
Boyes	George	Miscevich	Tigue
Burd	Godshall	Mowery	Trello
Carn	Greenwood	Murphy	Truman
Cawley	Hagarty	O'Donnell	Wachob
Civera	Hoeffel	Oliver	Wiggins
Cohen	Itkin	Pott	Williams
Cornell	Kennedy	Punt	
Cowell	Kukovich	Rappaport	Irvis,
Deluca	Levin	Reber	Speaker
Deal	Linton		

## NOT VOTING—3

Gannon	Lehr	Telek
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## EXCUSED—3

Johnson	Marmion	Olasz
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

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

## HOUSE SCHEDULE

The SPEAKER. The Chair is about to announce a recess of exactly 1 hour. Before you move from your seats, listen. We have before us this afternoon a continuation of the debate on no-fault; welfare will be debated; and mortgage foreclosure will be debated. The Chair will be back here precisely 1 hour from now to begin business. The Chair urges you to be that precise also.

The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, before we declare the recess for 1 hour—I will just take a minute—there are a number of significant bills that are being handled in the Senate that will be coming to us on concurrence with amendments that the Senate may have put into House bills, and Senate bills that we are able to handle today. A number of these bills we are being asked by the administration and the leadership in the Senate to handle before we recess for the holidays. Some of them have significance to the extent that they should be passed before the year's end.

Mr. Speaker, I just want to inform the members of the House that this afternoon will be a long working session. There will probably be a caucus on the matters that must be caucused on that are coming from the Senate. There will probably be a break for our dinner hour, and we will probably be working at 7, 8, or 9 o'clock tonight.

The SPEAKER. The Chair thanks the gentleman.

When the Chair declares a recess, the recess will be until 3 p.m.

## SENATE MESSAGE

AMENDED HOUSE BILLS  
RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned **HB 500, PN 2342; HB 1229, PN 2325; and HB 1454, PN 2344**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

## SENATE MESSAGE

HOUSE AMENDMENTS  
NONCONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has nonconcurred in the amendments made by the House of Representatives to **SB 11, PN 1457**.

## MOTION INSISTING UPON AMENDMENTS

Mr. MANDERINO moved that the House insist upon its amendments nonconcurred in by the Senate to **SB 11, PN 1457**, and that a committee of conference on the part of the House be appointed.

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

APPOINTMENT OF  
COMMITTEE OF CONFERENCE

The SPEAKER. The Chair appoints as a committee of conference on the part of the House on **SB 11, PN 1457**:  
Messrs. TAYLOR, WACHOB and L. E. SMITH.  
Ordered, That the clerk inform the Senate accordingly.

## SENATE MESSAGE

HOUSE AMENDMENTS  
NONCONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has nonconcurred in the amendments made by the House of Representatives to **SB 985, PN 1583**.

## MOTION INSISTING UPON AMENDMENTS

Mr. MANDERINO moved that the House insist upon its amendments nonconcurred in by the Senate to **SB 985, PN 1583**, and that a committee of conference on the part of the House be appointed.

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

APPOINTMENT OF COMMITTEE OF CONFERENCE

The SPEAKER. The Chair appoints as a committee of conference on the part of the House on SB 985, PN 1583: Messrs. PIEVSKY, DeWEESE and McCLATCHY. Ordered, That the clerk inform the Senate accordingly.

RECESS

The SPEAKER. This House stands now in recess until 3 p.m.

AFTER RECESS

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

CALENDAR CONTINUED BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of SB 1049, PN 1333, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," eliminating certain seal requirements on certain nomination petitions.

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

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

The question is, shall the bill pass finally?

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

YEAS—200

Table listing names of members who voted 'YEAS' for the bill, including Afflerbach, Alderette, Angstadt, etc.

Table listing names of members who were present or absent during the proceedings, including Cohen, Colafella, Cole, etc.

NAYS—0

NOT VOTING—0

EXCUSED—3

Table listing names of members who were excused: Johnson, Marmion, Olasz.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

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

RESOLUTION

Mr. GALLAGHER called up HR 138, PN 2140, entitled:

Providing for the appointment of a select committee to review and investigate the Commonwealth's compliance with Act 93 of 1978.

On the question, Will the House adopt the resolution?

The following roll call was recorded:

YEAS—191

Table listing names of members who voted 'YEAS' for the resolution, including Afflerbach, Alderette, Angstadt, etc.

Cimini	Haluska	Murphy	Sweet
Civera	Harper	Nahill	Swift
Clark	Hasay	Noye	Taylor, E. Z.
Clymer	Hayes	O'Brien	Taylor, F. E.
Cohen	Herman	O'Donnell	Telek
Colafella	Hoeffel	Oliver	Tigue
Cole	Honaman	Perzel	Trello
Cordisco	Hutchinson	Peterson	Truman
Cornell	Itkin	Petrarca	Van Horne
Coslett	Jackson	Petrone	Vroon
Cowell	Jarolin	Phillips	Wachob
Coy	Kasunic	Piccola	Wambach
Deluca	Kennedy	Pievsky	Wargo
DeVerter	Klingaman	Pistella	Wass
DeWeese	Kosinski	Pott	Weston
Daley	Kowalshyn	Pratt	Williams
Davies	Kukovich	Preston	Wilson
Dawida	Lashinger	Punt	Wogan
Deal	Laughlin	Rappaport	Wozniak
Dietz	Lehr	Reber	Wright, D. R.
Dininni	Lescovitz	Reinard	Wright, J. L.
Dombrowski	Levi	Richardson	Wright, R. C.
Donatucci	Levin	Rieger	Zwikl
Dorr	Linton	Robbins	
Duffy	Livengood	Rudy	Irvis,
Durham	Lloyd	Ryan	Speaker
Fargo			

NAYS—0

NOT VOTING—9

Barber	Evans	Letterman	Pitts
Belfanti	Hershey	McVerry	Wiggins
Carn			

EXCUSED—3

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

### STATEMENT BY MR. GREENWOOD

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Greenwood.

Mr. GREENWOOD. Thank you, Mr. Speaker.

The members should have received, either yesterday or today, a memo from me concerning a bill that I am going to introduce to amend the anticruelty statutes. Those of you who would like to cosponsor it and have not yet had a chance to, if you would see me at my seat, we can do that before I drop it in. Thank you.

The SPEAKER. The Chair thanks the gentleman.

### CONSIDERATION OF SB 942 RESUMED

#### AMENDMENTS WITHDRAWN

The SPEAKER. Has the gentleman, Mr. Murphy, agreed to withdraw his original amendment?

Mr. MURPHY. Yes, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Murphy, withdraws amendment A4577.

On the question recurring,

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

Mr. MURPHY offered the following amendments No. A4708:

Amend Title, page 1, lines 10 through 18, by striking out all of said lines and inserting

Amending the act of July 19, 1974 (P.L.489, No.176), entitled "An act providing for a compensation system for persons injured in motor vehicle accidents; requiring insurance for all motor vehicles required to be registered in Pennsylvania; defining compensable damage in motor vehicle accident cases; establishing an assigned claims plan; providing for arbitration; imposing powers and duties on courts, the Department of Transportation and the Insurance Commissioner; prohibiting certain discrimination; and providing penalties," redefining and adding terms; further providing for motor vehicle insurance, proof of security at vehicle inspection, the financial responsibility of owners, temporary suspension of coverage and availability of insurance; providing for settlement agreements and payment of claims and for assigned claims plans; further providing for rates, motor vehicles in interstate travel, rights and duties of obligors, basic loss and collateral benefits, work loss and net loss, additional coverage options and ineligible claimants; increasing the threshold; further providing for examinations; providing for immunity from liability for release of information; further providing for operation of a vehicle without security; providing for surrender of registration on suspension, for a penalty relating to fraudulent claims and for rates; and making a repeal.

Amend Bill, pages 2 through 48, by striking out all of said lines on said pages and inserting

Section 1. The definitions of "added loss benefits," "allowable expense," "injury," "insured," "medical and vocational rehabilitation services," "motor vehicle," "obligor," "replacement services loss," "state," "survivor," "survivor's loss" and "work loss" in section 103 of the act of July 19, 1974 (P.L.489, No.176), known as the Pennsylvania No-fault Motor Vehicle Insurance Act, are amended and a definition is added to read:

§ 103. Definitions.

As used in this act:

"Added loss benefits" means benefits provided by added loss insurance in accordance with section 207 of this act. Added loss benefits shall not include benefits for net loss sustained by an operator or passenger of a motorcycle.

"Allowable expense" means reasonable charges incurred for, or the reasonable value of (where no charges are incurred), reasonably needed and used products, services, and accommodations for:

- (A) professional medical treatment and care;
- (B) emergency health services;
- (C) medical and vocational rehabilitation services;

and

(D) expenses directly related to the funeral, burial, cremation, or other form of disposition of the remains of a deceased victim, not to exceed one thousand five hundred dollars (\$1,500); and].

The term does not include that portion of a charge for a room in a hospital, clinic, convalescent, or nursing home, or any other institution engaged in providing nursing care and related services, in excess of a reasonable and customary charge for semiprivate accommodations, unless more intensive care is medically required; or any amount includable in work loss, replacement services loss, or survivor's loss.

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"Injury" means accidentally sustained bodily harm to an individual and that individual's illness, disease, or death resulting therefrom which arises out of the maintenance or use of a motor vehicle.

\* \* \*

“Insured” means:

(A) an individual identified by name as an insured in a contract of basic loss insurance complying with this act; and

(B) a spouse or other relative of a named insured, a minor in the custody of a named insured, and a minor in the custody of a relative of a named insured if:

(i) not identified by name as an insured in any other contract of basic restoration insurance complying with this act; [and]

(ii) in residence in the same household with a named insured[.]; and

(iii) not excluded by name from the contract by specific endorsement at the request of the named insured.

An individual is in residence in the same household if he usually makes his home in the same family unit, even though he temporarily lives elsewhere.

\* \* \*

“Medical and vocational rehabilitation services” means services necessary to reduce disability and to restore the physical, psychological, social, and vocational functioning of a victim. Such services may include, but are not limited to, medical care, diagnostic and evaluation procedures, physical and occupational therapy, other necessary therapies, including but not limited to chiropractic care, speech pathology and audiology, optometric services, nursing care under the supervision of a registered nurse, medical social services, vocational rehabilitation and training services, occupational licenses and tools, and transportation where necessary to secure medical and vocational rehabilitation services. A basic loss obligor is not obligated to provide basic loss benefits for allowable expense for medical and vocational rehabilitation services unless the facility in which or through which such services are provided has been accredited by the Department of Health, the equivalent governmental agency responsible for health programs, or the accrediting designee of such department or agency of the state in which such services are provided, as being in accordance with applicable requirements and regulations.

“Motorcycle” means a motor vehicle with a two-wheel frame having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground.

“Motor vehicle” means a vehicle of a kind required to be registered under [the act of April 29, 1959 (P.L.58, No.32), known as The Vehicle Code,] 75 Pa.C.S. (relating to vehicles).

\* \* \*

“Obligor” means an insurer, self-insurer, or obligated government providing no-fault benefits in accordance with this act. The term does not include an insurer or provider of health care benefits for medical or health care or work loss through a program, group, contract or other arrangement when such insurer or other provider of such benefits or work loss is elected by the insured to be the primary source of no-fault benefits pursuant to the provisions of section 203.

\* \* \*

“Replacement services loss” means expenses reasonably incurred in obtaining ordinary and necessary services in lieu of those the victim would have performed, not for income, but for the benefit of himself or his family, if he had not been injured. Replacement services loss does not include expenses incurred for services performed following death of a victim.

\* \* \*

“State” means a state of the United States, the District of Columbia, Guam, [and] the Virgin Islands, and Puerto Rico.

\* \* \*

“Survivor” means:

(A) spouse; or

(B) child, adopted child, ward, child under guardianship of the deceased, foster child, parent, brother, sister or relative dependent upon the deceased for [support] his or her support immediately prior to the accident causing death.

“Survivor’s loss” means the[:

(A) loss of income of a deceased victim which would probably have been contributed to a survivor or survivors, if such victim had not sustained the fatal injury; and

(B) expenses reasonably incurred by a survivor or survivors, after a victim’s death resulting from injury, in obtaining ordinary and necessary services in lieu of those which the victim would have performed, not for income, but for their benefit, if he had not sustained the fatal injury,

reduced by expenses which the survivor or survivors would probably have incurred but avoided by reason of the victim’s death resulting from injury.

\* \* \*

“Work loss” means:

(A) loss of gross income of a victim earned during his lifetime, as calculated pursuant to the provisions of section 205 of this act; and

(B) reasonable expenses of a victim incurred during his lifetime for hiring a substitute to perform self-employment services, thereby mitigating loss of income, or for hiring special help, thereby enabling a victim to work and mitigate loss of income earned during his lifetime.

Work loss does not include (i) loss of expected income for any period following the death of a victim, or (ii) expenses incurred for services performed following the death of a victim.

Section 2. Sections 104 and 106 of the act are amended to read:

§ 104. Required motor vehicle insurance.

(a) Security covering a motor vehicle.—Every owner of a motor vehicle which is registered or which is operated in this Commonwealth by the owner or with his permission, shall continuously provide security covering such motor vehicle while such vehicle is either present or registered in the Commonwealth. Security shall be provided for the payment of basic loss benefits, and for the payment of sums up to a total limit of thirty thousand dollars (\$30,000) which the owner or any person operating the vehicle with the express or implied permission of the owner may become liable to pay as damages because of bodily injury or death arising out of any one accident (subject to a sublimit of fifteen thousand dollars (\$15,000) for damages arising out of the bodily injury or death of any one person) and for the payment of damages for injury to or destruction of property in any one accident of amounts up to a total limit of five thousand dollars (\$5,000). The owner or any other person may provide security covering a motor vehicle by a contract of insurance with an insurer or by qualifying as a self-insurer or as an obligated government.

(a.1) Proof of security at registration or renewal of registration.—The owner of a motor vehicle shall provide proof of compliance with the security requirements of this act at the time of registration or renewal of registration of any such motor vehicle through the use of a uniform proof of purchase of insurance identification card specifying such coverage, or such other method of furnishing proof of purchase of insurance or compliance with self-insurance requirements as may be required to the department. The department shall refuse to issue registration of any motor vehicle for which satisfactory proof of compliance is not made.

(b) Self-insurance.—Self-insurance, subject to approval of the commissioner [and department], is effected by filing with the [department] commissioner in satisfactory form:

(1) a continuing undertaking by the owner or other appropriate person to pay basic [restoration] loss benefits and any tort liability required in amounts not less than those required, by subsection (a) of this section, to perform all obligations imposed in accordance with this act, and to elect to pay such added [restoration] loss benefits as are specified in the undertaking;

(2) evidence that appropriate provision exists for prompt and efficient administration of all claims, benefits, and obligations provided in accordance with this act; and

(3) evidence that reliable financial arrangements, deposits, resources, or commitments exist providing assurance substantially equivalent to that afforded by a contract of insurance complying with this act for payment of no-fault benefits, any required tort liability, and performance of all other obligations imposed in accordance with this act.

(c) Obligated government.—A government may provide security with respect to any motor vehicle owned or operated by it by lawfully obligating itself to pay basic [restoration] loss benefits in accordance with this act, and such added [restoration] loss benefits as are specified in the undertaking.

(d) Obligations upon termination of security.—An owner of a motor vehicle who ceases to maintain the security required in accordance with this act shall immediately surrender the registration certificate and license plates for the vehicle to the department and may not operate or permit operation of the vehicle in this Commonwealth until security has again been furnished as required in accordance with this act. A person other than the owner who ceases to maintain such security shall immediately notify the owner and the department, who may not operate or permit operation of the vehicle until security has again been furnished. An insurer who has issued a contract of insurance and knows or has reason to believe the contract is for the purpose of providing security shall immediately give notice to the department of the termination of the insurance. If the commissioner or department withdraws approval of security provided by a self-insurer or knows that the conditions for self-insurance have ceased to exist, he shall immediately give notice thereof to the department. These requirements may be modified or waived by the department.

(e) Temporary suspension of coverage.—An owner of a motor vehicle, who has provided security in accordance with the provisions of subsection (a) and who has one or more vehicles not in use for periods of time in excess of forty-five consecutive calendar days, may obtain from his insurer an agreement to the policy of insurance suspending temporarily any coverages for the duration of time such vehicle may not be in use: Provided, however, That such owner shall maintain basic loss benefits coverage for at least one of the vehicles during the period of suspension. In all such cases, an owner of such a motor vehicle shall not be required to surrender the registration certificate and license plates to the department as provided in subsection (d). The commissioner shall promulgate reasonable and necessary rules and regulations governing such agreements between an owner and his insurer including provisions for an equitable reduction from the annual policy premium of the insurer.

§ 106. Payment of claims for no-fault benefits.

(a) In general.—

(1) No-fault benefits are payable monthly as loss accrues. Loss accrues not when injury occurs, but as allowable expense, work loss, replacement services loss, or survivor's loss is sustained.

(2) No-fault benefits are overdue if not paid within thirty days after the receipt by the obligor of each submission of reasonable proof of the fact and amount of loss sustained,

unless the obligor designates, upon receipt of an initial claim for no-fault benefits, periods not to exceed thirty-one days each for accumulating all such claims received within each such period, in which case such benefits are overdue if not paid within fifteen days after the close of each such period. If reasonable proof is supplied as to only part of a claim, but the part amounts to one hundred dollars (\$100) or more, benefits for such part are overdue if not paid within the time mandated by this paragraph. An obligation for basic loss benefits for an item of allowable expense may be discharged by the obligor by reimbursing the victim or his estate or by making direct payment to the supplier or provider of products, services, or accommodations within the time mandated by this paragraph. Overdue payments bear interest at the rate of eighteen per cent (18%) per annum. However, if an obligor withholds payments and is later found by a court of competent jurisdiction to have had reasonable cause for the withholding of such payments, said payments shall not be overdue but shall bear interest at the rate of twelve per cent (12%) per annum from the date such payments were withheld.

(3) A claim for no-fault benefits shall be paid without deduction for the benefits or advantages which are to be subtracted from loss in calculating net loss if such benefits or advantages have not been paid or provided to such claimant prior to the date the no-fault benefits are overdue or the no-fault benefits claim is paid whichever is later. The obligor is thereupon entitled to recover reimbursement from the person obligated to pay or provide such benefits or advantages or from the claimant who actually receives them. Benefits or advantages that are subtracted and which are reasonably expected in the ordinary course of events shall be deemed to have been provided until receipt by the obligor of written notice that the amount or the payment thereof is in dispute or that for any other reason the payment may not be promptly made. Benefits subtracted by reason of this provision shall not be overdue if paid within thirty days following receipt of such notice.

(4) An obligor may bring an action to recover reimbursement for no-fault benefits which are paid upon the basis of an intentional misrepresentation of a material fact by a claimant or a supplier or provider of an item of allowable expense, if such obligor reasonably relied upon such misrepresentation. The action may be brought only against such supplier or provider, unless the claimant has intentionally misrepresented the facts or knew of the misrepresentation. An obligor may offset amounts he is entitled to recover from the claimant under this paragraph against any no-fault benefits otherwise due.

(5) An obligor who rejects a claim for basic loss benefits shall give to the claimant written notice of the rejection promptly, but in no event more than thirty days after the receipt of reasonable proof of the loss. Such notice shall specify the reason for such rejection and inform the claimant of the terms and conditions of his right to obtain an attorney. If a claim is rejected for a reason other than that the person is not entitled to basic loss benefits claimed, the written notice shall inform the claimant that he may file his claim with the assigned claims bureau and shall give the name and address of the bureau.

(6) No attorney shall petition any court of this Commonwealth for approval of any contingent fee agreement or contract which provides for such contingent fee to be deducted from or to reduce the no-fault benefits paid or payable to a claimant. Attorney's fees and costs shall be paid in accordance with section 107 with respect to payment of no-fault benefits.

(b) Release or settlement of claim.—

(1) Except as otherwise provided in this subsection, no-fault benefits shall not be denied or terminated because the victim executed a release or other settlement agreement. A claim for no-fault benefits may be discharged by a settlement agreement for an agreed amount payable in installments or in a lump sum, if the reasonably anticipated net loss does not exceed [two thousand five hundred dollars (\$2,500)] five thousand dollars (\$5,000). A claim for survivor's loss, up to the limit of liability thereof, may be discharged by settlement in a lump sum. In all other cases, a claim may be discharged by a settlement to the extent authorized by law and upon a finding, by a court of competent jurisdiction, that the settlement is in the best interest of the claimant and any beneficiaries of the settlement, and that the claimant understands and consents to such settlement, and upon payment by the restoration obligor of the costs of such proceeding including a reasonable attorney's fee (based upon actual time expended) to the attorney selected by or appointed for the claimant. Such costs may not be charged to or deducted from the proceeds of the settlement. Upon approval of the settlement, the court may make appropriate orders concerning the safeguarding and disposing of the proceeds of the settlement and may direct as a condition of the settlement agreement, that the restoration obligor pay the reasonable cost of appropriate future medical and vocational rehabilitation services.

(2) A settlement agreement for an amount payable in installments shall be modified as to amounts to be paid in the future, if it is shown that a material and substantial change of circumstances has occurred or that there is newly-discovered evidence concerning the claimant's physical condition, loss, or rehabilitation which could not have been known previously or discovered in the exercise of reasonable diligence.

(3) A settlement agreement may be set aside if it is procured by fraud or if its terms are unconscionable.

(c) Time limitations on actions to recover benefits.—

(1) If no-fault benefits have not been paid for loss arising otherwise than from death, an action therefor may be commenced not later than two years after the victim suffers the loss and either knows, or in the exercise of reasonable diligence should have known, that the loss was caused by the accident, or not later than four years after the accident, whichever is earlier. If no-fault benefits have been paid for loss arising otherwise than from death, an action for further benefits[, other than survivor's benefits,] on account of such loss, by either the same or another claimant[;], may be commenced not later than two years after the last payment of benefits. Except as this paragraph prescribes a longer period, if the victim dies, an action for loss arising otherwise than from death may be commenced not later than one year after the victim's death.

(2) If no-fault benefits have not been paid [to the deceased victim or his survivor or survivors], for loss arising from death, either for survivor's loss or the funeral expense benefit provided under allowable expense an action for survivor's [benefits] loss or the said funeral expense may be commenced not later than [one year] two years after the death or four years after the accident from which death results, whichever is earlier. If survivor's [benefits have] loss has been paid to any survivor, an action for further survivor's [benefits] loss by either the same or another claimant may be commenced not later than two years after the last payment of benefits. If no-fault benefits have been paid for loss suffered by a victim before his death resulting from the injury, an action for survivor's [benefits] loss or the said funeral expense may be commenced not later than one year after the death or six years after the last payment of benefits, whichever is earlier.

(3) If timely action for basic restoration benefits is commenced against an obligor and benefits are denied because of

a determination that the obligor's coverage is not applicable to the claimant under the provisions of section 204 of this act, an action against the applicable obligor or the obligor to whom a claim is assigned under an assigned claims plan may be commenced not later than sixty days after the determination becomes final or the last date on which the action could otherwise have been commenced, whichever is later.

(4) Except as paragraph (1), (2), or (3) prescribes a longer period, an action by a claimant on an assigned claim which has been timely presented in accordance with the provisions of section 108(c) or section 108.1(c) of this act, whichever shall be applicable to the claim, may not be commenced more than sixty days after the claimant receives written notice of rejection of the claim by the [restoration obligor] entity to which it was assigned.

(5) If a person entitled to no-fault benefits is under a legal disability when the right to bring an action for the benefits first accrues, the period of his disability is not a part of the time limited for commencement of the action.

(d) Assignment of benefits.—An assignment of or an agreement to assign any right in accordance with this act for loss accruing in the future is unenforceable except as to benefits for:

(1) work loss to secure payment of alimony, maintenance, or child support; or

(2) allowable expense to the extent the benefits are for the cost of products, services, or accommodations provided or to be provided by the assignee.

(e) Deduction and setoff.—Except as otherwise provided in this act, basic loss benefits shall be paid without deduction or setoff.

(f) Exemption of benefits.—

(1) No-fault benefits for allowable expense are exempt from garnishment, attachment, execution, and any other process or claim, except upon the claim of a creditor who has provided products, services, or accommodations to the extent benefits are for allowable expense for those products, services, or accommodations.

(2) Basic loss benefits other than those for allowable expense are exempt from garnishment, attachment, execution, and any other process or claim for benefits attributable to loss sustained within the first sixty days following the accident resulting in injury. Other basic loss benefits (except for items of allowable expense) are exempt to the extent that wages or earnings are exempt under any applicable law exempting wages or earnings from such process or claims.

Section 3. Section 108 of the act is repealed.

Section 4. The act is amended by adding a section to read:

§ 108.1. Assigned claims plan.

(a) Organization.—Obligors other than self-insurers and governments providing basic loss insurance in this Commonwealth shall organize and maintain, subject to approval and regulation by the commissioner, an assigned claims bureau and an assigned claims plan and adopt rules for their operation and for assessment of costs on a fair and equitable basis consistent with this act. If such bureau and plan are not organized and maintained in a manner considered by the commissioner to be consistent with this act, he shall organize and maintain an assigned claims bureau and an assigned claims plan. Each obligor insurer providing basic loss insurance in the Commonwealth shall participate in the assigned claims bureau and the assigned claims plan. Costs incurred shall be allocated fairly and equitably among the obligors.

(b) Basic loss benefits.—

(1) If this act is in effect on the date when the accident resulting in injury occurs, a victim or the survivor or survivors of a deceased victim may obtain basic benefits through the assigned claims plan established pursuant to subsection (a), if:

(A) basic loss insurance applicable to the injury cannot be identified;

(B) basic loss insurance applicable to the injury is inadequate to provide the contracted for benefits because of financial inability of an obligor to fulfill its obligations; or

(C) benefits are refused by an obligor for a reason other than that the individual is not entitled in accordance with this act to the basic loss benefits claimed.

(2) If a claim qualifies for assignment under subparagraph (A), (B) or (C) of paragraph (1), the assigned claims bureau or any entity to whom the claim is assigned is subrogated to all rights of the claimant against the obligor legally obligated to provide basic benefits to the claimant or against any successor in interest to or substitute for such obligor for such benefits as are provided by the assignee.

(3) If an individual receives basic loss benefits through the assigned claims plan, all benefits or advantages that such individual receives or is entitled to receive as a result of such injury, other than life insurance benefits or benefits by way of succession at death or in discharge of familial obligations of support, shall be subtracted from loss in calculating net loss.

(4) The assigned claims bureau shall promptly assign each claim for no-fault benefits to an assignee so as to minimize inconvenience to claimants and shall notify the claimant of the identity and address of such assignee. Subject to the terms and limitations of this section, the assignee thereafter has rights and obligations as if it had issued a policy of basic loss benefits insurance complying with this act, but not in excess of the basic loss benefits insurance or self-insurance contract, if any, in substitution for which the claim is assigned.

(c) Time limitations on filing claims.—

(1) Except as provided in paragraph (2), an individual authorized to obtain basic loss benefits through the assigned claims plan shall notify the assigned claims bureau of his claim within the time that would have been allowed pursuant to section 106(c) for commencing an action for basic loss benefits against any obligor, other than an assigned claims bureau.

(2) If timely action for basic loss benefits is commenced against an obligor who is unable to fulfill its obligations because of financial inability, an individual authorized to obtain basic loss benefits through the assigned claims plan shall notify the bureau of his claim within six months after his discovery of such financial inability.

(d) Ineligible claimants.—An individual, whether resident of this Commonwealth or not, who does not comply with the requirement of providing security for the payment of basic loss benefits, if he is injured while occupying a motor vehicle for which there is no security in force applicable to his injury or loss, or an individual as to whom the security is invalidated because of his fraud or willful misconduct, shall not be entitled to receive benefits under the assigned claims plan. An individual, whether resident of this Commonwealth or not, who operates a motor vehicle with knowledge that security required by this act is not in effect with respect to such operation shall not be entitled to receive benefits under the assigned claims plan if injured in the course of such operation.

(e) Limitation on benefits.—An individual, whether resident of this Commonwealth or not, who qualifies for payment of basic loss benefits under the assigned claims plan is entitled to claim basic loss benefits only and shall not be afforded the benefit of any other mandated or optional insurance or security coverages required under this act or any other law.

Section 5. Sections 110 and 111 of the act are amended to read:

§ 110. Motor vehicles in interstate travel.

(a) General.—An owner of a motor vehicle who has complied with the requirements of security covering a motor vehicle in this Commonwealth shall be deemed to have complied with the requirements for such security in any state in which such vehicle is operating.

(b) Conforming coverage.—

(1) An obligor providing security for the payment of basic loss benefits shall be obligated to provide, and each contract of insurance for the payment of basic loss benefits shall be construed to contain, coverage sufficient to satisfy the requirements for security covering a motor vehicle in any state in which any victim who is a claimant or whose survivors are claimants is domiciled or is injured.

(2) An obligor providing security for the payment of basic loss benefits shall include in each contract of insurance for the payment of basic loss benefits, coverage to protect the owner or operator of a motor vehicle from tort liability to which he is exposed through application of the law of any state in which the motor vehicle may be operated and arising out of the ownership, maintenance or use of a motor vehicle.

[(c) Applicable law.—

(1) The basic loss benefits available to any victim or to any survivor of a deceased victim shall be determined pursuant to the provisions of the state no-fault plan for motor vehicle insurance in effect in the state of domicile of the victim on the date when the motor vehicle accident resulting in injury occurs. If there is no such state no-fault plan in effect or if the victim is not domiciled in any state, then basic loss benefits available to any victim shall be determined pursuant to the provisions of the state no-fault plan for motor vehicle insurance, if any, in effect in the state in which the accident resulting in injury occurs.

(2) The right of a victim or of a survivor of a deceased victim to sue in tort shall be determined by the law of the state of domicile of such victim. If a victim is not domiciled in a state, such right to sue shall be determined by the law of the state in which the accident resulting in injury or damage to property occurs.]

(c) Nonduplication of economic detriment benefits.—

(1) The basic loss benefits available to a victim or to the survivor of a deceased victim who is domiciled in this Commonwealth and who shall be injured in a motor vehicle accident in any other state shall be determined pursuant to the provisions of this act. Obligors providing security to the owner or operator of a motor vehicle who is domiciled in another state for the payment of basic loss benefits and coverage to protect the owner or operator of a motor vehicle from tort liability to which he is exposed through the application of the law of any state in which the motor vehicle may be operated shall provide in the contract of insurance issued by said obligor for payment of basic loss benefits determined pursuant to the provisions of this act while such vehicle is being operated in this Commonwealth.

(2) When a victim or a survivor of a deceased victim domiciled in this Commonwealth and injured in another state as the result of a motor vehicle accident has a cause of action in such other state for recovery of economic detriment suffered as a consequence of such injury, an obligor providing basic loss benefits has and may contract for a right of subrogation or reimbursement for basic loss benefits paid, but only to the nature and extent of basic loss benefits paid to or on behalf of the victim or the survivor of a deceased victim which the victim or survivor may recover in any such action. An obligor's right of subrogation shall be subordinated to the victim's or survivor's right of action to recover economic detriment suffered in excess of any economic detriment not recoverable by the victim or survivor from the obligor because of any limitation in the payment of basic loss benefits in

accordance with section 202(a), (b), (c) or (d) and the victim's or survivor's right of action to recover damages for noneconomic detriment.

§ 111. Rights and duties of obligors.

(a) Reimbursement and subrogation.—

(1) Except as provided in paragraphs (2) and (3) of this subsection and section 110, an obligor:

(A) does not have and may not contract, directly or indirectly, in whole or in part, for a right of reimbursement from or subrogation to the proceeds of a victim's claim for relief or to a victim's cause of action for noneconomic detriment; and

(B) may not directly or indirectly contract for any right of reimbursement based upon a determination of fault from any other obligor not acting as a reinsurer for no-fault benefits which it has paid or is obligated to pay as a result of injury to a victim.

(2) Whenever an individual who receives or is entitled to receive no-fault benefits for an injury has a claim or cause of action against any other person causing the injury as based upon a determination of fault, the obligor is subrogated to the rights of the claimant only for:

(A) elements of damage compensated for by security for the payment of no-fault benefits in excess of the minimum basic loss benefits required under this act are recoverable; and

(B) the obligor has paid or become obligated to pay accrued or future no-fault benefits in excess of the minimum basic loss benefits required under this act.]

(2) Whenever an individual who receives or is entitled to receive no-fault benefits for an injury has a claim or cause of action for the same elements of economic detriment against any other person causing the injury based upon a determination of fault, the obligor is subrogated to the rights of the claimant only for the same elements of economic detriment compensated for by security for the payment of no-fault benefits the obligor has paid or has become obligated to pay for accrued or future benefits in excess of basic loss benefits required under this act except that said obligor does not have nor may not contract for a right of subrogation to recover any economic detriment recovered by the victim or survivor not compensated for because of any limitation in applicable security in accordance with section 202(a), (b), (c) or (d).

(3) Nothing in this subsection shall preclude any person supplying or providing products, services, or accommodations from contracting or otherwise providing for a right of reimbursement to any basic [restoration] loss benefits for allowable expense.

(4) In no event shall any entity providing benefits other than no-fault benefits to an individual as described in section 203 of this act, have any right of subrogation with respect to said benefits.]

(b) Duty to pay basic loss benefits.—An obligor providing security for the payment of basic loss benefits shall pay or otherwise provide such benefits without regard to fault to each individual entitled thereto, pursuant to the terms and conditions of this act.

(c) Indemnity.—An obligor has a right of indemnity against an individual who has converted a motor vehicle involved in an accident, or against an individual who has intentionally injured himself or another individual, for no-fault benefits paid for:

- (1) the loss caused by the conduct of that individual;
- (2) the cost of processing the claims for such benefits;

[and]

(3) payments under the assigned claims plan to an individual who does not comply with the requirement of providing security for the payment of basic loss benefits or whose security has been invalidated because of fraud or willful misconduct; and

[(3)] (4) the cost of enforcing this right of indemnity, including reasonable attorney's fees.

(d) Referral for rehabilitation services.—The obligor shall promptly refer each victim to whom basic loss benefits are expected to be payable for more than two months to the State vocational rehabilitation agency.

(e) Nonduplication of benefits under uninsured motorist coverage.—Every victim or survivor of a deceased victim making claim under the uninsured motorist coverage prescribed by the act of August 14, 1963 (P.L.909, No.433), entitled "An act requiring, with limitations, that insurance policies insuring against loss occurring in connection with motor vehicles provide protection against certain uninsured motorists," or under any other form of uninsured or underinsured motorist coverage that may be hereafter provided or required to be offered or provided shall be entitled to make claim for noneconomic detriment and economic detriment only to the extent that said claim for economic detriment is for elements of economic detriment not compensated for by security for the payment of no-fault benefits or because of limitations in applicable security in accordance with section 202(a), (b), (c) or (d). No obligor shall make any payment under any uninsured motorist coverage for any element of economic detriment for which the victim or survivor of a deceased victim has been compensated for or for which the obligor has paid or has become obligated to pay for accrued or future benefits by security for the payment of no-fault benefits.

(f) Tort payment without regard for rights of obligor having reimbursement interest.—An obligor with a right of subrogation or reimbursement interest who shall suffer loss from inability to collect such reimbursement out of a payment received by a claimant upon a tort claim is entitled to indemnity from one who, having notice of the obligor's interest, made such a payment to the claimant without making the claimant and the insurer joint payees as their respective interests may appear, or without obtaining the obligor's consent to a different method of payment.

Section 6. Sections 202, 203, 204 heading, 205(c), 206(a), 207, 208(a)(1), 301(a)(4) and (5) and 401 of the act are amended, paragraphs are added to section 301(a) and a subsection is added to section 301 to read:

§ 202. Basic loss benefits.

(a) Allowable expense limits.—Allowable expense, as defined in section 103 of this act shall be provided for an amount not less than the sum of one million dollars (\$1,000,000) or the equivalent in the form of a contract to provide for services required. Insureds may obtain lower limits of allowable expense coverage in appropriate increments to an amount not less than one hundred thousand dollars.

(b) Work loss limits.—Work loss, as defined in section 103 shall be provided:

(1) up to a monthly maximum of:

(A) one thousand dollars (\$1,000) multiplied by a fraction whose numerator is the average per capita income in this Commonwealth and whose denominator is the average per capita income in the United States, according to the latest available United States Department of Commerce figures; or

(B) the disclosed amount, in the case of a named insured who, prior to the accident resulting in injury, voluntarily discloses his actual monthly earnings to his obligor and agrees in writing with such obligor that such sum shall measure work loss; and

(2) up to a total amount of [fifteen thousand dollars (\$15,000)] twenty thousand dollars (\$20,000).

(c) Replacement services losses.—Replacement services loss, as defined in section 103 shall be provided up to a daily maximum of twenty-five dollars (\$25) for an aggregate period of one year.

(d) Survivors losses.—Survivors loss, as defined in section 103 shall be provided in an amount not to exceed five thousand dollars (\$5,000).

(e) (d) Deductibles; waiting period.—Allowable expense, work loss and replacement services loss may include provisions to provide:

(1) a deductible not to exceed [one hundred dollars (\$100)] five hundred dollars (\$500) for each individual and one thousand five hundred dollars (\$1,500) in the aggregate for three or more individuals arising out of any one accident; or

(2) with respect to work loss or replacement services only, a waiting period not to exceed [one week] four weeks.

Such deductible or waiting period shall be elected in writing upon a form approved by the Insurance Commissioner and, if elected, shall be effective only as against the named insured and his or her immediate family.

(e) Stacking of basic loss benefits prohibited.—Unless an insurer expressly provides otherwise, basic loss benefits and uninsured and underinsured motorists coverage shall not be increased by stacking the limits of coverage of multiple motor vehicles covered by the same policy or multiple policies covering the individual for the same loss.

§ 203. Collateral benefits.

(a) If benefits other than no-fault benefits are provided to an individual through a program, group, contract or other arrangement for which some other person pays in whole or in part that would inure to the benefit of a victim or the survivor of a deceased victim injured as a result of an accident in the absence of no-fault benefits, then any reduction or savings in the direct or indirect cost to such person of such benefits resulting from the existence of no-fault benefits shall be returned to such individual or utilized for his benefit.

(b) The owner or operator of a motor vehicle may elect to provide for security in whole or in part for the payment of basic loss benefits through a program, group, contract or other arrangement that would pay to or on behalf of the victim or members of his family residing with him or the survivor of a deceased victim, allowable expense, loss of income, work loss, replacement services loss and survivors loss. In all such instances, each contract of insurance issued by an insurer shall be construed to contain a provision that all basic loss benefits provided therein shall be in excess of any valid and collectible benefits otherwise provided through such program, group, contract or other arrangement as designated at the election of the owner or operator which shall be primary.

(c) An insurer providing basic loss benefits and tort liability in accordance with the provisions of subsection (b) above shall reduce the cost of such contract of insurance to reflect the anticipated reduction in basic loss benefits payable by the insurer by reason of the election of the owner or operator to provide substitute security.]

(a) Election by named insured.—Every obligor providing security covering a motor vehicle shall offer options to the named insured to elect to provide security, in whole or in part, for the payment of basic loss benefits through a program, group, contract or other arrangement that would pay to, or on behalf of, the victim or members of his family residing with him or to or on behalf of the survivor of a deceased victim, allowable expense, loss of income, work loss, replacement services loss, or survivors loss: Provided, however, That benefits for medical and vocational rehabilitation services shall be primary, except for worker's compensation to the amount of two thousand five hundred dollars (\$2,500). Commencing one year following the effective date of this amendatory act, an annually thereafter, the commissioner shall adjust the monetary limits contained in this subclause to reflect the increase or decrease of the health care component of the United States Bureau of Labor Statistics document entitled "Consumer Price Index For All Urban Consumers of the Consumer Price Index Detailed Report" for the preceding twelve months, as it relates to Pennsylvania. In all such instances in

which the named insured exercises such an election, each contract of insurance issued by an insurer shall be construed to contain a provision that all basic loss benefits provided therein shall be in excess of any valid and collectible benefits otherwise provided through such program, group, contract or other arrangement which as designated at the election of the owner or operator shall be primary. If no such election is made, then any group program, group contract or similar group arrangement shall be construed, with respect to any claim arising from any accident occurring fourteen months or more after the effective date of this amendatory act, to contain a provision that the coverage thereunder shall be in excess of, and not in duplication of, any valid and collectible allowable expense contained in any security covering a motor vehicle which, because of the absence of such election, shall be primary. Notwithstanding the foregoing, if any group program, group contract or similar group arrangement is provided pursuant to a collective bargaining agreement in effect on the effective date of this amendatory act and the then current term of which does not expire within fourteen months thereafter, then the foregoing automatic elimination of duplicate allowable expense shall not apply until the current term of said collective bargaining agreement has expired or until thirty-six months after the effective date of this amendatory act, whichever is shorter.

(b) Return of savings.—If benefits other than no-fault benefits are provided to an individual through a program, group, contract or other arrangement for which the individual's employer or some other person pays in whole or in part that would inure to the benefit of a victim or the survivor of a deceased victim injured as the result of an accident in the absence of no-fault benefits, then any reduction or savings in the direct or indirect cost to such employer or other person of such benefits resulting from the existence of no-fault benefits shall be utilized for his benefit by the employer or other person providing such other benefits. The requirements of these provisions shall be satisfied by a reduction in premium or an increase in benefits in any program, group, contract or other arrangement that is attributable to good experience resulting from the existence of no-fault benefits.

(c) Reduction of cost.—An insurer providing basic loss benefits and tort liability in accordance with the provisions of subsection (a) shall reduce the cost of such contract of insurance to reflect the anticipated reduction in basic loss benefits payable by the insurer by reason of the election of the owner or operator to provide substitute security.

(d) Information program.—The commissioner shall formulate a program and promulgate rules and regulations to provide for dissemination of information to the public of the options available pursuant to subsection (a) which reduce the cost of maintaining security covering a motor vehicle. Every insurer or agent of an insurer offering security under the provisions of this act shall affirmatively inform the insured in writing of the right of the insured to elect to provide security through a program, group, contract or other arrangement of medical benefits, and shall further specify the anticipated savings in no-fault medical benefit premium by percentage or by actual dollars of the options and savings in accordance with the rules and regulations promulgated.

(e) Certification by insured of other security.—Basic loss insurers may require policyholders to certify as to the existence of other security and such other reasonable information as to such security as may be required.

(f) Construction of section.—This section shall not be construed to effect, limit or impair section 106(d).

(g) Definitions.—As used in this section "program, group, contract or other arrangement" shall include, but not be limited to, benefits payable by a hospital plan corporation subject to 40 Pa.C.S. § 6101 (relating to definitions) or a professional health service corporation subject to 40 Pa.C.S. § 6301 (relating to application of chapter).

§ 204. Source of basic [restoration] loss benefits.

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§ 205. Work loss.

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(c) Not employed.—The work loss of a victim who is currently employable but not employed when the accident resulting in injury occurs shall be calculated by:

- (1) determining his probable weekly income by dividing his probable annual income by fifty-two; and
- (2) multiplying that quantity by the number of work weeks, or fraction thereof, if any, the victim would reasonably have been expected to realize income during the accrual period.

For purposes of this subsection, a currently employable victim is one who could reasonably expect to find employment, for which he is fitted by training or experience, within a period of one year and, if employment opportunity were available, could reasonably be expected to accept it.

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§ 206. Net loss.

(a) General.—Except as provided in section [108(a)(3)] 108.1(b)(3) of this act, all benefits or advantages (less reasonably incurred collection costs) that an individual receives or is entitled to receive from social security (except those benefits provided under Title XIX of the Social Security Act and except those medicare benefits to which a person's entitlement depends upon use of his so-called "life-time reserve" of benefit days) workmen's compensation, any State-required temporary, nonoccupational disability insurance, and all other benefits (except the proceeds of life insurance) received by or available to an individual because of the injury from any government, unless the law authorizing or providing for such benefits or advantages makes them excess or secondary to the benefits in accordance with this act, shall be subtracted from loss in calculating net loss.

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§ 207. [Added loss benefits] Additional coverage options.

(a) [Mandatory offering] Availability of coverage.—Obligors other than self-insurers or governments providing security for the payment of basic loss benefits shall [offer or obligate themselves to provide added loss benefits] make available additional insurance for injury or damage arising out of the ownership, maintenance, or use of a motor vehicle, including:

- (1) loss excluded from basic loss benefits by limits on [allowable expense,] work loss, replacement services loss, and survivor's loss;
- (2) [benefits] insurance for damage to property;
- (3) [benefits] insurance for loss of use of a motor vehicle;
- (4) benefits for expense for remedial religious treatment and care;
- (5) insurance for physical damage to a motor vehicle, a coverage for all collision and upset damage, subject to an optional deductible and comprehensive material damage coverage, subject to an optional deductible; and
- (6) for economic detriment, a coverage for work loss sustained by a victim in excess of limitations on basic loss benefits for work loss.
- (7) Survivors loss insurance in the amount of ten thousand dollars (\$10,000).

(b) Additional loss coverage.—Subject to the approval of terms and forms by the commissioner, obligors may offer or obligate themselves to provide other [added loss coverages] coverage options.

The commissioner may adopt rules requiring that insurers providing basic loss insurance offer, in accordance with this act, any other specified added loss coverages and promulgate regulations with respect thereto.

(c) Named insurer required.—The coverage which is offered pursuant to this section shall not be provided, or deemed pro-

vided under any provision of this act, except upon the election of a named insured under a policy of motor vehicle insurance issued by an insurer.

§ 208. Ineligible claimants.

(a) Converter.—

(1) [Except as provided for assigned claims, a] A converter of a motor vehicle is ineligible to receive no-fault benefits, including benefits otherwise due him as a survivor, from any source other than a contract of insurance under which he is an insured, for any injury arising out of the maintenance or use of the converted vehicle. If a converter dies from such injuries, his survivor or survivors are not entitled to no-fault benefits for survivor's loss from any source other than a contract of insurance under which the converter is an insured.

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§ 301. Tort liability.

(a) Partial abolition.—Tort liability is abolished with respect to any injury that takes place in this State in accordance with the provisions of this act if such injury arises out of the maintenance or use of a motor vehicle, except that:

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(4) A person remains liable for loss which is not compensated because of any limitation in accordance with section 202 (a), (b), (c) or (d) of this act and nothing in this act shall be construed to have limited or impaired the right to recover at law as heretofore for an element of economic detriment for which there is no applicable security under the provisions of this act. A person is not liable, however, for loss which is not compensated because of limitations in accordance with subsection (e) of section 202 of this act.

(4.1) A person remains liable for loss upon conviction of operating a motor vehicle while under the influence of alcohol or other controlled substance.

(4.2) A person remains liable for loss upon conviction of operating a motor vehicle in wanton disregard for the safety of persons or property.

(5) A person remains liable for damages for non-economic detriment if the injury sustained in the accident results in:

- (A) death or serious and permanent injury; or
- (B) the reasonable value of reasonable and necessary medical and dental services, including prosthetic devices and necessary ambulance, hospital and professional nursing expenses incurred in the diagnosis, care and recovery of the victim, exclusive of diagnostic x-ray costs and rehabilitation costs in excess of one hundred dollars (\$100) is in excess of [seven hundred fifty dollars (\$750)] two thousand five hundred dollars (\$2,500). For purposes of this subclause, the reasonable value of hospital room and board shall be the amount determined by the Department of Health to be the average daily rate charged for a semi-private hospital room and board computed from such charges by all hospitals in the Commonwealth[;]. Commencing one year following the effective date of this amendatory act, and annually thereafter, the commissioner shall adjust the monetary limits contained in this subclause to reflect the increase or decrease of the health care component of the United State Bureau of Labor Statistics document entitled "Consumer Price Index For All Urban Consumers of the Consumer Price Index Detailed Report" for the preceding twelve months, as it relates to Pennsylvania; or

(C) medically determinable physical or mental impairment which prevents the victim from performing all or substantially all of the material acts and duties which constitute his usual and customary daily activities and which continues for more than sixty consecutive days; or

(D) injury which in whole or in part consists of cosmetic disfigurement which is permanent, irreparable and severe.

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(c) Statute of limitations.—Except as section 106(c)(1), (2) or (3) of this act may otherwise prescribe, any action to recover damages for economic loss or non-economic detriment shall be commenced not later than two years following the date of the occurrence that has given rise to such action.

§ 401. Examination.

Whenever the mental or physical condition of a [person] victim is material to any claim that has been or may be made for past or future basic loss benefits, [a court of competent jurisdiction may order the person to submit to mental or physical examination by a physician or physicians. The order may be made only on the motion for good cause shown and upon notice to the person to be examined and to all other persons having an interest and shall specify the time, place, manner, conditions, and scope of the examination and the person or persons by whom it is to be made.] such victim, upon request of an obligor, shall submit to mental or physical examination by a physician or physicians. The cost of any such examination requested by an obligor shall be borne entirely by the obligor. Any such examination shall be conducted within the city or county of residence of the victim, but if there is no qualified physician to conduct the examination within such city or county of residence of the victim, then such examination shall be conducted in an area of closest proximity to the victim's residence. If the victim shall refuse to submit to any such examination, a court of competent jurisdiction may, upon the motion or petition of the obligor, require the victim to be examined by such physicians selected and paid by the obligor or by a physician or physicians designated by the court and paid by the obligor. The victim shall have at all times the right to have a physician, selected and paid by the victim, participate in any such examination.

Section 7. The act is amended by adding a section to read:  
§ 409. Release of information; immunity from liability.

Any person who releases information, whether oral or written, acting in good faith, pursuant to the requirements of sections 106(a)(5), 109(d), 401, 402 and 408(a), (b) or (d) or pursuant to any proceeding for the release, discovery or production of information under this act is immune from liability, whether civil or criminal, that might otherwise be incurred or imposed.

Section 8. Section 601 of the act is repealed.

Section 9. Section 602 of the act is amended to read:

§ 602. [Excessive charges] Fraudulent claims.

[Any person who charges, demands, receives or collects for hospital or medical products, services or accommodations rendered in the treatment of an injured person or for rehabilitative occupational training or for legal services rendered in connection with a claim for basic loss benefits, any amount in excess of that authorized by this act with awareness that the charge is in excess of that authorized is guilty of a misdemeanor and upon conviction may be fined not less than one hundred dollars (\$100) or more than five hundred dollars (\$500) or may be imprisoned for not more than six months or both.]

Any person who knowingly issues false claims or statements to an insurance company or is employed in any artifice or scheme with the intent to deceive or defraud such company, is guilty of a felony of the third degree and upon conviction thereof shall be sentenced to imprisonment for a period not to exceed seven years, or a fine of not more than fifteen thousand dollars (\$15,000), or both. This section shall apply to the following conduct:

(1) Statements, oral or written, as part of or supporting a claim for payment or benefit pursuant to an insurance policy.

(2) Acts or statements by physicians, osteopaths, chiropractors or other practitioners including specialists, licensed

in Pennsylvania, which are directed towards urging or assisting an insured to fraudulently violate these provisions:

(A) This paragraph shall include any practitioner who knowingly or willfully benefits from proceeds resulting from such fraud.

(B) If any State-licensed practitioner is adjudicated guilty of a violation of this section, the appropriate licensing authority shall hold an administrative hearing to consider the imposition of administrative sanctions, as the authority sees fit.

(3) Attorneys who knowingly or willfully assist or urge a claimant to fraudulently violate this section.

(4) All persons who knowingly benefit due to any assistance or urging on the part of the attorney.

(5) Persons, employees, administrators or governmental units licensed to operate a hospital, who knowingly or willfully allow the use of the facilities in a scheme or conspiracy which violates this section. Any adjudication of guilt for a violation of this paragraph shall be grounds for revocation or suspension of the hospital's license, or imposition of a penalty of up to five thousand dollars (\$5,000).

(6) Persons, firms, partnerships, copartnerships or associations, which, for purposes of making motor vehicle tort claims, participate in the solicitation of business in or about any:

(A) hospital;

(B) court; or

(C) public institution, street or highway.

Section 10. The act of August 14, 1963 (P.L.909, No.433), entitled "An act requiring, with limitations, that insurance policies insuring against loss occurring in connection with motor vehicles provide protection against certain uninsured motorists," is repealed.

Section 11. This act applies to insurance policies issued or renewed on or after the effective date of this act.

Section 12. This act shall take effect July 1, 1984, or immediately, whichever is later.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Murphy.

Mr. MURPHY. Thank you, Mr. Speaker.

This amendment is similar to the first amendment we voted, except for one section on page 15. What this compromise does is, in the original version of the amendment, the determination of whether an individual would use Blue Cross/Blue Shield or some other insurance policy or the auto as primary was left to be optional. What this amendment does is make the first \$2,500 of medical costs primary on the auto. This is important to many of the corporate individuals, the corporations and businesses in Pennsylvania, because individuals will not be able to shift entirely their injuries related to automobile accidents to their corporation Blue Cross/Blue Shield or other private insurance carrier. May I say that important segments of the business community and the labor movement in Pennsylvania do support this compromise.

Otherwise, the amendment stays the same. It provides an excellent package of benefits to continue to protect your constituents and other people in the Commonwealth of Pennsylvania, while at the same time providing it at a more reasonable cost than is presently available. If you believe that people ought to be protected, should have liability, and should have

some medical coverage at reasonable costs, you will support this amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the Murphy amendment, the Chair recognizes the gentleman from Mifflin, Mr. DeVerter.

Mr. DeVERTER. Thank you, Mr. Speaker.

Mr. Speaker, I would only reiterate what Representative Murphy has said. This is to bring into line that concern that many in the business community have had and are now supportive of this measure as it has been drawn.

We would ask the members for an affirmative vote. In so doing, we would also suggest that once again at least the people will have a choice at that point of whether they choose their own auto or whether they choose their own health care as primary once they have exceeded the \$2,500. If you compare that to the present content of SB 942, you will find that the first \$5,000 and up is mandatory, and there are no provisions for you to do otherwise. All I am saying is that at least this way those folks who want to make the option after \$2,500 have the ability to do so, and we ask for an affirmative vote. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the Murphy amendment, the Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I rise in opposition to the Murphy amendment. The reason that we are attempting to reform the auto insurance compensatory system in Pennsylvania is because anyone who has looked at that system has to conclude that the escalation of costs is such that we cannot allow the present system to continue, and those escalating costs are caused by certain factors. The Murphy amendment continues each one of those factors, each one of the substantial factors that are contributing to the escalation of costs in Pennsylvania, by reenacting all of those features.

There is a \$2,500 threshold in the Murphy amendment. That means that before one can sue in court for his injuries and pain and suffering, the medical bills must be \$2,500. The present system has a threshold of \$750, and that threshold, a monetary threshold, is causing people to attempt to achieve that when their bills are \$500 or \$600 or \$350. It always gets beyond the \$750. Now we will have another target, about three times as high. The target will be \$2,500, and the medical costs in cases that will go to court will all be \$2,500, because you mandated that they be \$2,500 if you adopt the Murphy amendment. So one of the features that is causing the present system to go out of sight in costs is the threshold that one must achieve, and Mr. Murphy knows that that is one of the characteristics of the present system that is causing an escalation in costs.

One of the other features that causes the system to go out of kilter and costs an 875-percent increase in the PIP (personal injury protection) premiums in the last 5 years since no-fault was enacted is the unlimited medical benefits, and Mr. Murphy provides for \$1 million in each case for medical benefits. Insurance executives and insurance companies and the underwriters and the raters will tell you that there is no differ-

ence between the \$1-million limit and the unlimited medical. So we are again enacting a feature into the law that is causing the 18-percent-a-year average rise in costs of the PIP.

Mr. Murphy changed his amendment from yesterday to today, and he took away a substantial benefit that labor thought it had in yesterday's amendment. Labor's argument seems to be that we have already bargained for medical coverage; we have already bargained for Blue Cross/Blue Shield coverage in most cases; and to have an automobile policy that is prime, as the Kowalyshyn-Spencer amendment mandates, that the first-party benefits, the \$5,000 medical coverage, must be prime, labor argued that you are making my members pay twice in their automobile coverage and in their hospital coverage, which we have already bargained for, for the same coverage, and to an extent, that was true. But what Mr. Murphy has done today, what Mr. Murphy has done today, is reduce the primacy or at least taken the Kowalyshyn-Spencer feature of auto being prime on all the coverages purchased for automobile insurance and saying it will only be prime for the first \$2,500, and then the same thing will result.

Mr. Speaker, the difference that a workingman will save is about \$9. Now, that may sound substantial, and I would not like to see any workingman or any workingwoman in this Commonwealth pay that \$9 over and above what they ought to be paying for the same medical coverage, but there is a simple solution to that problem, and labor is aware that there is a simple solution to that problem. The simple solution is, in the next negotiation, the medical benefits that are written into the contract for labor would provide that those laborers who are covered by Blue Cross/Blue Shield may elect, may elect, to have a policy that does not duplicate the first-party benefits that they have purchased in auto. That would be a substantial savings, not only to the business community that Mr. Murphy is talking about, but it would be a substantial savings out of the health and welfare funds of labor and out of the moneys that labor must count as being contributed to their increased emoluments from management when the labor contract is negotiated.

Mr. Speaker, the Murphy amendment continues all the bad features of the present system. The Murphy amendment will cause the PIP premium to double in the next 4 years. There is no cost containment that is going to stop the doubling of the premium in the next 4 years. The Murphy amendment also leaves, as opposed to the Kowalyshyn-Spencer amendment, the Murphy amendment also leaves an individual who has opted not to take the \$1-million coverage that is available but opts to take the lower coverage which that amendment permits of \$100,000, it leaves that individual bare after \$100,000 in coverage. There is no catastrophic fund in the Murphy amendment, and most people, because of the cost of that PIP, will be required to opt for the lower \$100,000 coverage that Mr. Murphy allows in his option.

Mr. Speaker, it has been said here by a number of persons who spoke against the Murphy amendment that there are no free lunches. You cannot get something for nothing. Every benefit you must pay for. Mr. Speaker, I look at the persons

who are advocating the support of the Murphy amendment as persons who like the present system and think that all we have to do is tinker with the present system just a little here and a little there, change the threshold a little bit—not realizing that that is going to be a target for medical bills to go up to, to escalate to—change it here and there, and we can solve our problem. The problem just is not that easy to solve. I would venture to say, Mr. Speaker, that the persons supporting the Murphy amendment are looking at a system—and I will include my friends in organized labor in this—they are looking at a system that pays unlimited medical benefits, they are looking at a system that compensates people at a Rolls Royce level, but they are looking at a system that is going out of sight in cost. They remind me of the union negotiator who is talking with management, and management says, I cannot continue to afford the wage agreement that I have in effect; I am going broke; I cannot afford to continue to pay the benefits that I have been paying; here are my books, look at them, examine them, bring in your accountants, and verify this. And the negotiator stands there and, without looking at the books or without accepting the offer, simply says, there will be no concessions. Well, the stupidity, Mr. Speaker, of that kind of a position I think we would all agree to. Mr. Speaker, I say that when we try to continue a system of no-fault insurance that is bound to escalate at an 18-percent rate each year, if we really want to stop the spiraling costs of insurance, we have got to begin looking at what is causing those spiraling costs, and the Murphy amendment does not look at those; it continues those things.

Mr. Speaker, there are several other features of the Murphy amendment that bear discussion. The Murphy amendment requires every purchaser of automobile insurance in this Commonwealth to purchase at least \$20,000 protection for wage loss. Whether you are working or not, whether you are earning wages or not, whether or not you are 62 years old or 65 years old or 73 years old and have retired, you are still required. It is mandatory that you purchase, that you purchase, the coverage for wage loss mandated by the Murphy amendment, which is \$20,000. As compared to the Spencer and Kowalyshyn amendment, there can be no doubt that this will drive the cost up for the retired citizens of this Commonwealth, those who are not working, and those who are not working because they are younger and unable to find a job, and we have thousands upon hundreds of thousands who are unemployed.

Mr. Speaker, in addition, the mandated medical coverage that the Murphy amendment requires be purchased is about what is required today, as Mr. Murphy describes it. What we have found is, we have priced so many people out of the market that we cannot verify better than some 80 percent of the automobiles in Pennsylvania as being insured, and increasingly, the automobile insurance premiums are going up at a rate that more and more people will be uninsured in Pennsylvania. Of course, the more people that are uninsured in Pennsylvania, under the Murphy amendment especially, the more costs that are going to ultimately be thrown on the

general public in welfare costs, in social costs, in rehabilitation costs, because persons are unable to insure themselves.

Under the Murphy amendment, under the Murphy amendment, if a young person unable to afford insurance, unable to afford insurance, happens to be a passenger in an automobile and happens to be sitting in the back seat, not directing the car, not driving the car, and he is seriously injured in that automobile accident, seriously injured to the point that he suffers greatly, perhaps many broken bones, perhaps disfigurement, but his medical bills do not happen to exceed \$2,500, the Murphy amendment tells that individual you will not be able to recover 10 cents; nothing. The Murphy amendment will not allow that person to sue for his pain and suffering because the threshold has not been achieved. In that same automobile, that same individual, under the Kowalyshyn amendment, under the Spencer amendment, would be able to bring his suit for damages. I am not talking about somebody who is driving a car without insurance; I am talking about someone who owns an automobile and is sitting in the back seat of someone else's car, who does not have insurance and is not at fault.

The prohibiting, the restricting provisions of the Murphy amendment are so onerous it deserves no one's support. We are victimizing every victim of an automobile accident further by the Murphy amendment. We are requiring people to purchase insurance that they cannot afford. We are forcing people to purchase insurance that they do not need. We are forcing people, older people especially, to buy wage coverage when they are not working and they are retired. We are forcing people who are in group insurance policies, covered very substantially for their medical expenses, to purchase extensive medical expenses, not \$5,000 minimum but \$100,000, which will duplicate, in everything except the \$2,500 that he has now made prime, will duplicate the coverage that they already carry.

Mr. Speaker, I cannot believe that we would be here today or that we would have the impetus or we would be called upon by constituencies to reform the automobile insurance compensation measures in Pennsylvania if the present plan were not in trouble. The present plan is in trouble, and the Murphy amendment does little to speak to those problems that the present system has. Yes, the Murphy amendment, as well as the Spencer-Kowalyshyn amendment, corrects some matters that the courts have construed that have made the system something that we did not intend, or at least have construed the words of the legislature in a manner that probably was not the intention of the legislature. But those are corrected both in the Spencer and in the Murphy amendments. But those are not the features that are creating the great escalation of costs. The features creating the great escalation of costs, the greatest two, are the threshold that one aims at—and Mr. Murphy puts it a lot higher for us to aim at it—and the second is the unlimited benefits, and I have indicated that there is no difference between unlimited and the \$1-million coverage that Mr. Murphy provides.

I ask every member to vote in the negative. I know that many members are under heavy pressure, especially on this side of the aisle, from our allies, ordinarily, in the labor movement, but I will say to you that there is no one in this Assembly who has worked as hard—I will not put myself above anyone—who has worked as hard for labor issues and consumer issues as I have worked, and I intend to continue to work, and I honestly believe that that is what I am doing today in asking for a defeat of the Murphy amendment and support for the Kowalshyn-Spencer amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

### WELCOME

The SPEAKER. The House has two very interesting guests here today. These two men are representatives of a German firm. They are here in Pennsylvania to assist the Steelton plant of Bethlehem Steel in the commissioning of a technological innovation, a new type of caster called the Giant Bloom Caster, the first of its kind in the United States. They are here as the guests of Representative Zwinkl. They are to the left of the Speaker, and I ask you to welcome Klaus Pulitzer and Klaus Fisher.

### CONSIDERATION OF SB 942 CONTINUED

The SPEAKER. On the Murphy amendment, the Chair recognizes the gentleman from Philadelphia, Mr. Rappaport.

Mr. RAPPAPORT. Mr. Speaker, will the gentleman from Allegheny, Mr. Murphy, stand for interrogation?

The SPEAKER. The gentleman, Mr. Murphy, indicates he will so stand. The gentleman, Mr. Rappaport, is in order and may proceed.

Mr. RAPPAPORT. Mr. Speaker, the gentleman in his remarks referred to this amendment as a compromise amendment, referring to the business community, et cetera. I wonder if the gentleman can inform us whether the Chamber of Commerce has agreed to his amendment. The Pennsylvania State Chamber of Commerce I am referring to.

Mr. MURPHY. Mr. Speaker, the Pennsylvania Chamber of Commerce, as far as I am concerned, is not supporting my amendment, but members of the Pennsylvania Chamber of Commerce are. This amendment was arrived at at a late date early this morning between members of the business community and members of the labor movement, and it was difficult to communicate to everybody. Certain Chambers of Commerce in Pennsylvania are supporting it. The Pittsburgh Chamber of Commerce, for one, is supporting the amendment.

Mr. RAPPAPORT. Could the gentleman inform us, Mr. Speaker, as to specifically which elements of the business community are supporting this "compromise"?

Mr. MURPHY. Three or four that I have talked to recently who have indicated their support are Harsco, Hershey Foods, and U.S. Steel, as well as Aetna Insurance Company as recently as this morning agreed to support this legislation.

Mr. RAPPAPORT. Mr. Speaker, could the gentleman inform us if there are any other major corporations that have indicated their support?

Mr. MURPHY. Mr. Speaker, I have not talked to all the corporations in Pennsylvania, so I do not know which ones are supporting it.

### POINT OF ORDER

Mr. D. R. WRIGHT. Mr. Speaker?

The SPEAKER. For what purpose does the gentleman from Clarion, Mr. Wright, rise?

Mr. D. R. WRIGHT. Point of order, Mr. Speaker.

The SPEAKER. The gentleman will state his point of order.

Mr. D. R. WRIGHT. Is it within the rules of this House to be interrogated on particular proponents of a specific piece of legislation?

The SPEAKER. If the Speaker understands your question, it certainly is.

Mr. D. R. WRIGHT. It is within the line of inquiry to know what specific groups are supporting or opposing a particular piece of legislation? Does that address the merits of the legislation?

The SPEAKER. Inasmuch as the gentleman, Mr. Murphy, I believe I recall, made the statement that this was a compromise piece, that it was supported by corporations, it would then be proper for the gentleman, Mr. Rappaport, to inquire as to which corporations were in support. I believe if the gentleman, Mr. Murphy, had not raised that issue, then it would probably be incorrect to be interrogated on it. But I think the gentleman did raise the issue and therefore must subject himself to interrogation.

Mr. D. R. WRIGHT. Thank you, Mr. Speaker.

Mr. RAPPAPORT. Mr. Speaker, I have concluded my interrogation of the gentleman and would request to be recognized for some remarks.

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

Mr. RAPPAPORT. Thank you, Mr. Speaker.

This so-called compromise reminds me of perhaps an apocryphal story of many years ago in Philadelphia under the old magistrate system. Two lawyers had a case in front of one of the magistrates, settled it, approached the bench, and said to the judge, "May it please Your Honor, we have settled the case." And the magistrate said, "Well, ain't nobody settled with me." We have here a "compromise" amendment, but it would appear that of all the 150 or so major corporations in Pennsylvania, only 3 of them are part of this compromise. I would suggest that this is not quite a compromise, including the Chamber of Commerce, which I think, particularly under its present leadership, very definitely speaks for the business community in Pennsylvania.

Mr. Speaker, yesterday on one of these amendments, I forget which, I discussed the fact of who is going to pay for all these goodies. This so-called compromise puts the burden of

paying for auto insurance and auto damages back onto health insurance. That means that the medical bills of that reckless, negligent, or drunken driver are going to be paid by all of us. And frankly, Mr. Speaker, I think we should each carry and pay for our own weight in the use of an automobile. It is for that reason that I intend to vote against the Murphy amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman, Mr. Rappaport.

The Chair recognizes the lady from Philadelphia, Mrs. Harper.

Mrs. HARPER. Thank you, Mr. Speaker.

I agree with the Philadelphia Inquirer's editorial. The public would get shafted by auto insurance bills. I totally agree. If we eliminate no-fault insurance, the public will get shafted.

No-fault insurance has worked; it is working. If Michigan has the no-fault insurance that is the best insurance in the country, I do not see why Pennsylvania cannot pattern our insurance after Michigan's. The no-fault insurance should be reformed, I agree. I also agree that we cannot return to the old system which no-fault replaced, and if we pass SB 942, we will return to the old system. We do not need that. We can do better for our people in Pennsylvania.

I am not totally in agreement with the Murphy amendment, and I am certainly not in agreement with the Kowalyszyn amendment, but I see better benefits in the Murphy amendment for the working poor people. I think that all citizens in Pennsylvania should purchase car insurance, but they should also be able to afford car insurance. That was my first bill 7 years ago in the House of Representatives - to force the insurance companies to make insurance available to all citizens, affordable, available insurance to all citizens. And my second bill was to make insurance equalization. I do not think that suburban Philadelphia should pay less insurance than center city, which we pay now. It is unfair.

We need reform in car insurance. Therefore, I am going to vote for the Murphy amendment, because I can see better benefits for working people. I will not go along with the Chamber of Commerce. The Chamber of Commerce is concerned about big business, not the little consumers. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

On the Murphy amendment, the Chair recognizes the gentleman from Allegheny, Mr. Dawida.

Mr. DAWIDA. Thank you, Mr. Speaker.

Mr. Speaker, I must differ with my brilliant and distinguished leader, Mr. Manderino, a counselor-at-law whom I hope in my career I can be as capable as someday, but on this issue, I spent 5 years in the legislature in the Insurance Committee working on different elements of the no-fault bill, and I have to tell you, we are not tinkering with the system here, as he mentioned; we are making a major reform here, and as to the point he made on escalation of costs, this major reform will address that issue.

The escalation of costs has come in a number of ways: one, from court decisions that could never have been foreseen by those in the legislature 9 years ago who passed the no-fault law, court cases that allowed a 2-year-old to receive work loss benefits. I assure you, the members of the legislature did not intend that, and the costs that have been encumbered on the constituents from those court cases are a serious and particularly appalling part of the cost escalation. In this bill, under the Murphy amendment, we eliminate those things, those decisions. We eliminate the duplicate coverage which was driving up costs. We put a cap on overall benefits. We eliminate the uninsured motorists, who have under this law been collecting the same kind of coverages that you do who pay the bill. We eliminate them under this amendment. And as for the issue of the \$2,500 auto primary, I understand that the Kowalyszyn plan is all auto primary.

There are three levels here that we must consider, and in the skillful debate that preceded me, it got confused. The three levels are simply this: You have a current no-fault law; we have a proposal by the gentleman, Mr. Kowalyszyn, embodied in this bill; and we have the Murphy amendment. I suggest to you that the Kowalyszyn amendment is better than the current law, but I suggest to you that the Murphy amendment, on a balancing test of benefits and costs, is the best of those three levels we can get - the best for our constituents, the best for business, the best for labor, for the workingman, the businessman, for every person except one group in Pennsylvania. I speak as a member of the bar, who theoretically is that one group, but I speak in favor of the Murphy amendment because it is the best plan.

When all is said and done, I think the main difference between the Murphy and Kowalyszyn plans is the threshold. One group wants no threshold, and we are suggesting that \$750 and no raise for 9 years is inappropriately low, that it should be \$2,500 and make it a little more difficult to sue unless you have an appropriate case. For those reasons I suggest that all of us in this room should vote for the Murphy amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Mifflin, Mr. DeVerter.

Mr. DeVERTER. Thank you, Mr. Speaker.

I will try to be brief, and I hope the members will bear with me in the little time that I take to try to rebut some of the majority leader's comments as they relate to a number of issues that he raised as well as one that the gentleman, Mr. Rappaport, raised.

First of all, let us discuss the costs. Mr. Dawida has just, I think, pretty well covered all of those situations in which the emasculation of this system has occurred. Most of them have come from court decisions, but this General Assembly, in 1973 and 1974 when it was in the no-fault debate, did in fact create some holes in the law, including the \$750 threshold, which was then a target by the trial lawyers, which the industry said if it were not higher at that time. I do not know how many of you ladies and gentlemen in this House recall back in

that period of time who were here then, but the then Speaker of the House, Speaker Lee, indicated to the staff of this House that he wanted an actuarial study done, and \$100,000 was spent on that study to present the facts to this General Assembly. It was firmly understood then what needed to be done, and while the General Assembly chose to ignore those facts, it did create a system which was out of balance to begin with, and what the Murphy amendment today will do is try to bring that back into balance.

Now, let us discuss another issue that the majority leader raised. One of those is the \$20,000 work loss. If anybody, including the majority leader, takes the time to read the amendment, they will note on page 14 of the amendment that it says up to a total of \$20,000, so that the person does not have to buy \$20,000 if he does not choose to do so. Furthermore, if a senior citizen does not want to buy it, I am sure a company is not going to force it on that senior citizen if he has no work loss to worry about.

Let us cover another area that Mr. Manderino covered. The passenger who was a victim in the back seat with all his broken bones, what does he do under the Kowalyshyn plan? He has to sweat after \$5,000, believe me. He is only going to get \$5,000, and then if he does not have assets or some other form of his own insurance, he is done. Under the Murphy amendment, he will go to the assigned claims plan as he does now, and Mr. Manderino, I think, knows that, and that is bad information to give the members of this House.

Let us look at the Rappaport argument, the Rappaport argument about your turning out and turning loose the drunken and wanton driver on the highway. Again, if you take the time to read the amendment, on page 18 you will clearly see that under the tort liability section, section 4.1 and 4.2, the language clearly says, "A person remains liable for loss upon conviction of operating a motor vehicle while under the influence of alcohol or other controlled substance." And 4.2 says, "A person remains liable for loss upon conviction of operating a motor vehicle in wanton disregard for the safety of persons or property." So we are not giving a carte blanche to those individuals who indeed do drive recklessly and drink recklessly on the highways of this Commonwealth.

I think the members have a decision to make today, and I hope and trust that they will make the proper one. We can make this system work if we do not cater to one special-interest group or the other. I think you, as members of this General Assembly, have a great responsibility in making that decision today, and I just trust that you will make the correct one. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I really, as I sat here, did not intend to make any comments on the Murphy amendment at this time in my thinking that I had made sufficient comments yesterday. Mr. DeVerter, however, said something that really got me up out of my seat when in his closing remarks he said, let us see—or words to this effect—let us see which special-interest group, or something to do with special-interest groups, is going to win.

That is one of the things that really has been bothering me a little bit over these past 2 days. It seems for some reason that the proponents of the Murphy amendment are waving the flag of consumerism against these nasty, nasty trial lawyers and these equally nasty insurance companies. Yet the truth of the matter is that this is really a battle of giants. The proponents of the Murphy amendment are the very fine Insurance Company of North America, now CIGNA; State Farm Insurance Company; Harleysville Insurance Company; and, more recently, the big businesses of U.S. Steel and Hershey Foods. We watched their lobbyists moving around the halls today; I did, as did the rest of you. So this is not really "little Joe" versus big business. Big business is on both ends of this particular issue, as they should be. I met with the president of the Pennsylvania Chamber of Commerce and asked the specific question, where do you stand on this bill? I get mixed vibes from different members of both sides. Without hesitation, without qualification, it was fourscore against the Murphy amendment.

I have listened over the past 2 days to comments about the legal profession, and there are quite a few lawyers in this hall. I am going to guess—and I have never really figured it out—but I would think there are probably some 50 members of the bar who are members of the General Assembly, at least the House—maybe 40, maybe 60; I am not sure; I am going to say 50—and I daresay that the nonlawyers are kind of caught in the position of our constituents many times when they say, well, all these other Representatives are no good but my Representative is okay. I rather think that our colleagues here on the floor think that the rest of the lawyers in Pennsylvania are no good, but, oh, Ryan is not all that bad; Dawida is not all that bad; Spitz is not all that bad; they are pretty good guys. But let me tell you, I have been practicing law just a couple of years longer than I have been here in the General Assembly. In 1974, when this bill was originally passed, no-fault, I was one of the few people who voted against it. I thought it was a bad bill then. I did not speak as a lawyer then, although we were accused of it, those of us who were against it. I spoke, I think, as an average citizen. Many years later, a lawyer baiter, like Senator O'Connell, who was always at that time, in 1974, taking off on us lawyers, said to me one day, he said, you know, Ryan, one of the great regrets I have in my life is the one bad vote I cast, and that was in favor of no-fault.

I do not think those of us who voted against it then were looking out for our own interests. I do not think today that lawyers are looking out for their own interests, in many cases advocating the Kowalyshyn-Spencer plan. There are as many lawyers on the other side of this issue, so do not lay this on the lawyers. And someone said yesterday, and I cannot remember who it was, but it was a member from the other side, the lawyer involved in personal injury litigation is representing your client; he is representing your constituent; he is representing your neighbor, or maybe he is representing your family or you. He is making a living at it; there is no question about that, the same way a social worker makes his or her living doing their social work, the same way U.S. Steel makes

its living by producing steel products. There is nothing to be ashamed of, being a lawyer involved in personal injury litigation. That is what this country is all about, I thought, that if someone is harmed, they have the right to redress, and your constituent who is injured has that same right to be represented and to be reimbursed for his injuries.

I believe on the whole, as we look at the big picture, forgetting the specifics of either side of this issue, we have finally brought to the bargaining table lawyers who I believe represent, first, our constituents. We have brought them kicking and screaming to the bargaining table with the insurance industry, which has also come to that table with its arms being twisted behind its back, because these various interests were unable, up until this time, to come to some agreement as to how no-fault in Pennsylvania should be handled.

I have talked to both sides any number of times, as I am sure most of you have. Neither side is happy with the compromise that was reached. I have heard it from the lawyers; I have heard it from the insurance industry. If they had their druthers, they would change the Kowalyshyn-Spencer bill here or in another place, and that probably is the best evidence of a good compromise you can have. If either side were happy, it would be a terrible compromise.

I believe that what we have before us today is the opportunity to put to rest the dissatisfaction of the people of Pennsylvania with the present no-fault system. I believe we should seize on that opportunity. We should defeat the Murphy amendment, ride with the Kowalyshyn-Spencer bill, and put no-fault to rest in Pennsylvania. Technical amendments - fine tuning - may be necessary at a later date; nothing is perfect, but I believe we have the opportunity today to do the best that we can do and the best that has been offered the people of Pennsylvania since no-fault was enacted some 7 or 8 years ago. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes, for the first time in the debate, the gentleman from Allegheny, Mr. Gamble.

Mr. GAMBLE. Mr. Speaker, I rise in support of the Murphy amendment. Much has been said this week for and against it—probably too much—but in all due respect to the minority leader, Mr. Ryan, the scenario that the trial lawyers and the majority of the insurance companies, that scenario that they are busting their buns for SB 942 for the benefit of the consumers is absolutely ludicrous. That is what they are trying to convince us of—because that is whom we answer to—that their plan, SB 942 as is, is best for the consumer of Pennsylvania. To me that would be a little like the fox trying to convince the farmer that he, the fox, would make a great security guard for the henhouse.

I think the bottom line is simply this, that we must decide what is best for the people of Pennsylvania, and I believe it has been pretty well established—common sense will dictate it—from the extensive lobbying effort, that SB 942, as is, is best for the people of Pennsylvania; that SB 942, as is, is best for the people of Pennsylvania, that being the trial lawyer people and the insurance people. What is best for all of the

rest of the people of Pennsylvania very clearly is the Murphy amendment, and I ask your support.

The SPEAKER. The Chair thanks the gentleman.

For the first time on the Murphy amendment, the Chair recognizes the gentleman from Northampton, Mr. Kowalyshyn.

Mr. KOWALYSHYN. Thank you, Mr. Speaker.

Mr. Speaker, I rise to ask you to vote against the Murphy amendment, and contrary to what Mr. Gamble said, I do it because SB 942 in its present form is the best that can be done for the consumer of Pennsylvania. What do I mean when I say, doing the best for the consumer? There are two important tests, and I wish you would please keep them in mind - availability of insurance and affordability of insurance.

Let me tell you about a State which does not have either one of them. They do not have availability of insurance and they do not have affordability of insurance. Just within the past couple of years, eight insurance companies have pulled out of this State so that you cannot purchase automobile insurance, including Erie Insurance Exchange and the Nationwide Insurance Company. I want to point out as far as affordability goes that contrary to the ordinary arrangement as far as the assigned risk plan goes, this State has 1 1/2 million members in its assigned risk plan. We all know that that is the more expensive plan, and it means that you cannot voluntarily buy the insurance that you want. This State, by the way, has the highest insurance rates for automobile insurance in the country. And what State am I talking about? I am talking about our neighboring State of New Jersey. That is the situation as far as availability goes, as far as affordability goes. Those are the two tests, and I am asking you to please apply these two tests.

Mr. Speaker, I ask you on this double question of availability and affordability, what is the situation here in Pennsylvania? We are now the seventh highest, most expensive State in the Union as far as the cost for automobile insurance is concerned. We have several automobile insurance companies right now in the State of Pennsylvania who are on the verge of bankruptcy.

Let me give you the figures on one company in Pennsylvania which is not on the verge of bankruptcy but finds it necessary to subsidize the automobile insurance in Pennsylvania by other lines of insurance income. Now, they are not going to do that indefinitely, and I am talking about the Erie Insurance Exchange here in Pennsylvania. It costs Erie Insurance Exchange \$206 for each \$100 of premiums received, and that \$206 includes the earnings that they have on insurance underwriting. It does not include the cost of administrative expenses. So we have Erie Insurance requiring 106 percent of money to pay for 100 percent of claims. I say that they are doing this because what they are doing voluntarily up to this time is subsidizing automobile insurance in Pennsylvania with the income they get from other lines of insurance which they sell, and who knows how long this is going to continue.

I want to close by a very simple quotation to you. The one insurance company that is the largest underwriter of insurance in Pennsylvania and the largest underwriter of auto insurance

in the United States is State Farm Insurance out of Bloomington, Illinois. Their general counsel, James F. Perry, appeared at the hearing that the House Insurance Committee held on this issue of automobile insurance on December 1. I have a quotation here from James F. Perry on this whole problem. Quoting from a letter he wrote June 29, 1983, to another State dealing with the same kind of a problem, he said, "At this point, it seems clear that the people...are most likely to achieve the relief they seek through outright repeal of the no-fault law and that minor tinkering can only prolong the agony." That is where we are right now. The Murphy amendment is only tinkering with the no-fault law and it is prolonging the agony.

We do not have to look far when we see that the cost of the PIP premium doubles every 4 years here in Pennsylvania, that insurance companies are going to pull out and those that remain might be of some questionable value as to their solvency and the rates— All I am saying is, we are in a crisis. It is a disaster over in New Jersey. We are on the brink of a disaster here in Pennsylvania, and I suggest that we make the proper choice today on the future insurance program that we have here in Pennsylvania.

This is not a small matter, as I am sure all of us realize. This is a matter of \$2.3 billion of premium money each year here in Pennsylvania. It is a very, very serious matter. We have some 200 insurance companies now in Pennsylvania. They are very, very competitive. I think we should rely on the working of the free-market system as far as the insurance business is concerned. That is what we will have, but we will not have it if we tinker with the no-fault law as you are doing with the Murphy amendment. I urge you to vote against the Murphy amendment.

The SPEAKER. The Chair thanks the gentleman.

On the Murphy amendment, the Chair recognizes the gentleman from Delaware, Mr. Gannon.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, the Murphy amendment is the same package in a different wrapping. It will still require the citizens of the Commonwealth to pay insurance premiums for coverages that they will never collect. Citizens without dependents will be forced to pay for survivor loss benefits. The retired and disabled will still be forced to pay for work loss benefits that they can never collect. And now an additional insult has been added to our older folks, and that is the \$2,500 option, a coverage that will not be available to them. Under existing Federal law, medicare coverage cannot be made primary - a savings that they will never see, Mr. Speaker.

In addition, Mr. Speaker, the courts will continue to rewrite the insurance law of this Commonwealth if the Murphy amendment is adopted. The citizens will once again and continue to be forced to become lawbreakers because they will not be able to afford the insurance premiums. Insurance premiums in Pennsylvania will continue to run triple the rate of inflation and will double in cost in less than 4 years.

Mr. Speaker, the Murphy amendment also contains what I call the \$2500 challenge. The \$2500 challenge, just like a TV

game, is once you reach that \$2500, you have got your case in court. Every bit of available evidence shows that thresholds do not work. The \$750 threshold has proven to be inflationary. It has driven up the cost not only of liability insurance but also of personal injury protection. The threshold is unfair and discriminatory and it is arbitrary, and under the Murphy amendment it is more so.

What about the person with \$2,490 in medical expenses? Ten more dollars and he gets into court, Mr. Speaker. One more doctor visit. One prescription.

Mr. HUTCHINSON. Mr. Speaker?

The SPEAKER. Will the gentleman yield for a moment?

The Chair is sure he hears the clarion voice of his friend, Amos Hutchinson. Why does the gentleman interrupt the debate?

Mr. HUTCHINSON. There are two things in me that are hurting right now; they are this and this. I have heard this for 2 days. I think Mr. Gannon spoke three times yesterday. I do not think he is going to add any more and I do not think anybody else is. Let us get on with the vote.

Mr. GANNON. Should I sing?

The SPEAKER. The gentleman, Mr. Amos Hutchinson, is easily the most iconoclastic member on the floor of the House. I thought that would stop you, Amos. But the gentleman is in error. Mr. Gannon has the right to the floor, and this is not said in any disrespect to the gentleman, but every member has the right to repeat himself almost ad infinitum under our rules. Now, the gentleman is not going to be restricted any more than the other members have been restricted. They have been allowed to debate the bill. The fact is, some of them have debated the exact words which we heard yesterday. But Mr. Gannon is going to be given the same courtesy as the rest of them had extended to them.

Mr. Gannon may proceed.

Mr. WILLIAMS. Mr. Speaker?

The SPEAKER. Mr. Williams, did you rise?

Mr. WILLIAMS. Mr. Speaker, I rise to make a motion.

The SPEAKER. You may not interrupt another member with a motion. That is incorrect, and you are not recognized for that purpose.

The gentleman, Mr. Gannon, has the floor and may continue.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, very briefly, the threshold set forth in the Murphy amendment will only add to the insurance costs of the consumers of Pennsylvania. No-fault has been a cost nightmare to the Pennsylvania insurance consumers. Mr. Speaker, when you offer something, when you offer the people something they cannot afford, it is worthless. We cannot afford the Murphy amendment. It is worthless, and I urge a "no" vote. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Cowell, for the first time on the amendment.

Mr. COWELL. Mr. Speaker, I want to speak to only one issue on this amendment. I think it is the issue that—

The SPEAKER. Will the gentleman yield.

I beg the pardon of the gentleman, Mr. Williams. Does he still wish to make a motion?

Mr. WILLIAMS. Yes, Mr. Speaker.

The SPEAKER. What is the gentleman's motion?

Mr. WILLIAMS. Mr. Speaker, we have a long night tonight here, plus we have a lot of legislation to go over. I would like to make a motion that we limit the debate on the Murphy amendment to 2 minutes per speaker.

The SPEAKER. The Chair would suggest to the gentleman that if he will simply be patient, we have only the gentleman, Mr. Cowell, on the list and the gentleman, Mr. Murphy, for the second time, and the majority leader, and then we shall be finished. I think it will not take that many more minutes.

Mr. MANDERINO. Mr. Speaker, you can take my name off the list. Maybe Mr. Murphy and Mr. Cowell would like to get off, too.

The SPEAKER. The majority leader has canceled out. The gentleman, Mr. Murphy, has canceled out.

We will recognize the gentleman, Mr. Cowell, so if you will be patient, I think we will get through with this.

Mr. COWELL. Mr. Speaker, the issue, briefly, is the one issue which precipitated the discussion of no-fault insurance in this session, and I think it is the one issue that our constituents understand, and that is cost. There has been a lot of debate about legal principles. There has been a lot of debate about who is for the bill, who is against it; who supports the amendment, and who is against it. The critical question, though, is cost for our constituents. While there are no certainties, or very few certainties, I think we can compare the bill as it is before us versus the Murphy amendment. There is one certainty in the bill before us in terms of cost, and that is there is going to be an additional \$5 tax or fee originally collected through PennDOT but now collected through another mechanism by attaching it to the insurance premium, but an additional, special \$5 tax. That is not present in the Murphy amendment.

Secondly, although there is uncertainty about what will happen as a result of this legislation with premiums, the Murphy amendment would still require prior approval for any premium increases. Despite the fact that the Kowalyszyn-Spencer language is intended to respond to the pleas of our constituents for lower insurance rates, it does not guarantee that and in fact it provides, commencing July 1 of 1984, a period of time when insurance premiums could increase without any prior approval. That seems to suggest that there are a whole lot of people who are proponents of this legislation without the Murphy amendment who do not have a lot of confidence that in fact premiums will decrease.

I think that there is more likelihood that the Murphy amendment can reduce costs or at least minimize increased premiums in the future. That is the one thing that got us here, and it is the one thing our constituents are concerned about and understand. I would urge that we adopt the Murphy amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair has been advised that only those members in their seats are to be voted, which is, of course, the rule of the House. And the Chair is going to take enough time to allow anyone who wishes to challenge to issue that challenge.

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

The following roll call was recorded:

YEAS—81

Belardi	Fargo	Klingaman	Robbins
Belfanti	Fee	Laughlin	Scheetz
Book	Fischer	Lehr	Semmel
Bowser	Foster, W. W.	Levi	Seventy
Burd	Foster, Jr., A.	Livengood	Showers
Caltagirone	Freeman	Lloyd	Sirianni
Cappabianca	Fryer	McHale	Smith, B.
Cawley	Gallen	Mackowski	Smith, L. E.
Cessar	Gamble	Madigan	Snyder, G. M.
Cimini	Geist	Markosek	Stewart
Cohen	George	Michlovic	Swift
Colafella	Godshall	Miscevich	Tigue
Cowell	Grieco	Mowery	Trello
Deluca	Haluska	Murphy	Wargo
DeVerter	Harper	Peterson	Wass
DeWeese	Hasay	Petrarca	Wilson
Davies	Hayes	Phillips	Wozniak
Dawida	Herman	Pitts	Wright, D. R.
Dietz	Itkin	Pott	Wright, J. L.
Dombrowski	Kennedy	Pratt	Zwikl
Dorr			

NAYS—117

Afflerbach	Flick	Maiale	Saloom
Alderette	Freind	Manderino	Salvatore
Angstadt	Gallagher	Manmiller	Saurman
Armstrong	Gannon	Mayernik	Schuler
Arty	Gladeck	Merry	Serafini
Baldwin	Greenwood	Micozzie	Snyder, D. W.
Barber	Gruitza	Miller	Spencer
Battisto	Gruppo	Moehlmann	Spitz
Beloff	Hagarty	Morris	Stairs
Blaum	Hershey	Mrkonic	Steighner
Boyes	Hoeffel	Nahill	Stevens
Brandt	Honaman	Noye	Stuban
Broujos	Hutchinson	O'Brien	Sweet
Bunt	Jackson	O'Donnell	Taylor, E. Z.
Burns	Jarolin	Oliver	Taylor, F. E.
Carn	Kasunic	Perzel	Telek
Civera	Kosinski	Petrone	Truman
Clymer	Kowalyszyn	Piccola	Van Horne
Cole	Kukovich	Pievsky	Vroon
Cornell	Lashingier	Pistella	Wachob
Coslett	Lescovitz	Preston	Wambach
Coy	Letterman	Punt	Weston
Daley	Levin	Rappaport	Wiggins
Deal	Linton	Reber	Williamms
Dininni	Lucyk	Reinard	Wogan
Donatucci	McCall	Richardson	Wright, R. C.
Duffy	McClatchy	Rieger	
Durham	McIntyre	Rudy	Irvis,
Evans	McMonagle	Ryan	Speaker
Fattah	McVerry	Rybak	

NOT VOTING—2

Clark Cordisco

EXCUSED—3

Johnson Marmion Olasz

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. KENNEDY offered the following amendment No. A4704:

Amend Sec. 4 (Sec. 1793), page 43, by inserting between lines 1 and 2

(e) Duration of policies.—All policies of motor vehicle insurance offered by insurers in the Commonwealth of Pennsylvania shall be continuous for one year from the effective date of the policy. No rate increase may be charged except upon the renewal date of the policy. All insurers shall make available a system of installment premium payments.

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman from Cumberland, Mr. Kennedy.

Mr. KENNEDY. Thank you, Mr. Speaker.

I was urged by several of my colleagues last night to try to clean up the amendment that I offered yesterday, and I say that it is a very simple amendment. What I am trying to do is not so much to eliminate the uninsured motorist but to make the insurance available to all people at an affordable cost. I am simply asking that each policy be written for 1 year, whereby those who cannot afford to prepay a year could work out payment arrangements during the course of the 12 months. At the same time, it would, for the insured, keep a firm price on their policy for a period of 12 months.

So what I am saying is, the argument yesterday was that those who cannot afford to prepay I would be offending. I believe in this case we would offer the flexibility of amortized payments over the course of 12 months. So that is basically the intent of this amendment.

The SPEAKER. The Chair thanks the gentleman.

On the Kennedy amendment, the Chair recognizes the gentleman from Lebanon, Mr. Moehlmann.

Mr. MOEHLMANN. Mr. Speaker, would the gentleman, Mr. Kennedy, avail himself to interrogation?

The SPEAKER. The gentleman, Mr. Kennedy, indicates he will avail himself to be interrogated. The gentleman, Mr. Moehlmann, is in order and may proceed.

Mr. MOEHLMANN. Mr. Speaker, is the meaning of your amendment that no operator of a motor vehicle could buy insurance in Pennsylvania for a 6-month period?

Mr. KENNEDY. In the contract, that is right; yes.

Mr. MOEHLMANN. That concludes my interrogation. Thank you, sir.

Mr. Speaker, may I make a statement?

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

Mr. MOEHLMANN. Mr. Speaker, I am opposed to this amendment. Those of us who operate motorcycles in Pennsylvania have worked for a long time to try to get insurance companies to sell us insurance for 6-month periods. I think you

can tell by the weather we have been having lately that operating a motorcycle in Pennsylvania during the winter months is not something most of us do. To cut our costs of operation, we have finally been able to talk some of the insurance companies into selling insurance policies that cover just the warm weather months, and this amendment, were it to become law, would preclude that. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the Kennedy amendment, the Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I rise in opposition to the Kennedy amendment. What the Kowalshyn-Spencer reform attempts is to make insurance affordable so that we can have more people insured in Pennsylvania, to take those people who are presently uninsured because insurance is not affordable to them back into the insured column.

Mr. Speaker, the fact that installment payments are mandated tells me nothing. I am sure that the up-front, first payment is going to be so substantial that we will continue to price people out of the market on a year's policy. I would ask, Mr. Speaker, that we defeat the Kennedy amendment, that we allow the bill to pass in its present form without this additional burden to affordability. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the Kennedy amendment, the Chair recognizes the gentleman from Cambria, Mr. Haluska.

Mr. HALUSKA. Mr. Speaker, I rise to oppose this amendment. Currently, we have many senior citizens and a lot of commercial people who use vehicles just on a 6-month basis. They are permitted to insure their vehicles for the 6 months, but they must turn in their license for that other 6-month period. Under this amendment, this would not be permitted, and I think it would be a very difficult thing for those people who just use their vehicles for a 6-month period during the summer weather. I wish everybody would vote against this amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—10

Bowser	Gamble	McVerry	Pitts
Dawida	Hershey	Peterson	Sirianni
Dininni	Kennedy		

NAYS—188

Afflerbach	Evans	Lloyd	Saloom
Alderette	Fargo	Lucyk	Salvatore
Angstadt	Fattah	McCall	Saurman
Armstrong	Fee	McClatchy	Scheetz
Arty	Fischer	McHalé	Schuler
Baldwin	Flick	McIntyre	Semmel
Barber	Foster, W. W.	McMonagle	Serafini
Battisto	Foster, Jr., A.	Mackowski	Seventy
Belardi	Freeman	Madigan	Showers
Belfanti	Freind	Maiale	Smith, B.
Beloff	Fryer	Manderino	Smith, L. E.
Blaum	Gallagher	Manmiller	Snyder, D. W.
Book	Gallen	Markosek	Snyder, G. M.
Boyes	Gannon	Mayernik	Spencer
Brandt	Geist	Merry	Spitz

Broujos	George	Michlovic	Stairs
Bunt	Gladeck	Micozzie	Steighner
Burd	Godshall	Miller	Stevens
Burns	Greenwood	Moehlmann	Stewart
Caltagirone	Grieco	Morris	Stuban
Cappabianca	Gruitza	Mowery	Sweet
Carn	Gruppo	Mrkonic	Swift
Cawley	Hagarty	Nahill	Taylor, E. Z.
Cessar	Haluska	Noye	Taylor, F. E.
Cimini	Harper	O'Brien	Telek
Civera	Hasay	O'Donnell	Tigue
Clark	Hayes	Oliver	Trello
Clymer	Herman	Perzel	Truman
Cohen	Hoefel	Petrarca	Van Horne
Colafella	Honaman	Petrone	Vroon
Cole	Hutchinson	Phillips	Wachob
Cordisco	Itkin	Piccola	Wambach
Cornell	Jackson	Pievsky	Wargo
Coslett	Jarolin	Pistella	Wass
Cowell	Kasunic	Pott	Weston
Coy	Klingaman	Pratt	Wiggins
Deluca	Kosinski	Preston	Williams
DeVerter	Kowalshyn	Punt	Wilson
DeWeese	Kukovich	Rappaport	Wogan
Daley	Lashingner	Reber	Wozniak
Davies	Laughlin	Reinard	Wright, D. R.
Deal	Lehr	Richardson	Wright, J. L.
Dietz	Lescovitz	Rieger	Wright, R. C.
Dombrowski	Letterman	Robbins	Zwinkl
Donatucci	Levi	Rudy	
Dorr	Levin	Ryan	Irvis,
Duffy	Linton	Rybak	Speaker
Durham	Livengood		

NOT VOTING—2

Miscevich      Murphy

EXCUSED—3

Johnson      Marmion      Olasz

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

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Clark. For what purpose does the gentleman rise?

Mr. CLARK. Mr. Speaker, I would just like to offer my remarks on a vote. On the Murphy amendment, A4708, I was out of my seat. Had I been here, I would have voted "no."

The SPEAKER. The Chair thanks the gentleman. His remarks will be spread upon the record.

WELCOME

The SPEAKER. Representative Chris Wogan has here as his guest Mr. Jerry Green of the School District of Philadelphia.

CONSIDERATION OF SB 942 CONTINUED

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—144

Afflerbach	Fattah	Madigan	Rybak
Alderette	Fee	Maiale	Saloom
Angstadt	Flick	Manderino	Salvatore
Armstrong	Foster, W. W.	Manmiller	Saurman
Arty	Freind	Markosek	Scheetz
Barber	Fryer	Mayernik	Schuler
Battisto	Gallagher	Merry	Semmel
Beloff	George	Micozzie	Serafini
Blaum	Gladeck	Miller	Snyder, D. W.
Bowser	Greenwood	Moehlmann	Spencer
Boyes	Gruitza	Morris	Spitz
Brandt	Gruppo	Mowery	Stairs
Broujos	Hagarty	Mrkonic	Steighner
Bunt	Harper	Nahill	Stevens
Burns	Hershey	O'Brien	Stuban
Cappabianca	Hoefel	O'Donnell	Sweet
Cessar	Honaman	Oliver	Swift
Civera	Hutchinson	Perzel	Taylor, E. Z.
Clark	Jackson	Peterson	Taylor, F. E.
Claymer	Jarolin	Petrarca	Telek
Colafella	Kasunic	Petrone	Trello
Cole	Kennedy	Piccola	Truman
Cornell	Kosinski	Pievsky	Van Horne
Coslett	Kowalshyn	Pistella	Vroon
Cowell	Kukovich	Pott	Wachob
Coy	Lashingner	Pratt	Wambach
Deluca	Laughlin	Preston	Weston
Daley	Lescovitz	Punt	Wiggins
Dawida	Letterman	Rappaport	Williams
Dininni	Levin	Reber	Wogan
Dombrowski	Linton	Reinard	Wright, D. R.
Donatucci	Livengood	Richardson	Wright, R. C.
Duffy	Lucyk	Rieger	Zwinkl
Durham	McClatchy	Robbins	
Evans	McIntyre	Rudy	Irvis,
Fargo	McMonagle	Ryan	Speaker
	McVerry		

NAYS—56

Baldwin	Dietz	Herman	Pitts
Belardi	Dorr	Itkin	Seventy
Belfanti	Fischer	Klingaman	Showers
Book	Foster, Jr., A.	Lehr	Sirianni
Burd	Freeman	Levi	Smith, B.
Caltagirone	Gallen	Lloyd	Smith, L. E.
Cawley	Gamble	McCall	Snyder, G. M.
Cimini	Gannon	McHale	Stewart
Cohen	Geist	Mackowski	Tigue
Cordisco	Godshall	Michlovic	Wargo
DeVerter	Grieco	Miscevich	Wass
DeWeese	Haluska	Murphy	Wilson
Davies	Hasay	Noye	Wozniak
Deal	Hayes	Phillips	Wright, J. L.

NOT VOTING—0

EXCUSED—3

Johnson      Marmion      Olasz

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

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.

### REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Gannon. For what purpose does the gentleman rise?

Mr. GANNON. Mr. Speaker, I inadvertently pressed the "no" button and meant to press the "yes" button on that last vote on final passage of SB 942.

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

### BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 1720, PN 2324**, entitled:

An Act amending the "Public Welfare Code", approved June 13, 1967 (P. L. 31, No. 21), further providing for eligibility for benefits; and authorizing additional public assistance payments on account of or on behalf of pregnant women.

On the question,

Will the House agree to the bill on third consideration?

Mr. WACHOB offered the following amendment No. A4715:

Amend Sec. 2 (Sec. 432), page 5, line 18, by inserting after "service"

under honorable conditions

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman from Elk, Mr. Wachob.

Mr. WACHOB. Thank you, Mr. Speaker.

This amendment, A4715, is meant to clarify a section of the bill where we expand the definition and those categories of people who will be eligible under the chronically needy section. There was an omission in the original drafting of the bill and as the bill was reported out of committee. What would have been the problem, the person who would have been dishonorably discharged from the armed services would have still been eligible for welfare benefits under this particular section. That was not the original intent, Mr. Speaker, and this amendment simply states that the person discharged from the military has to be for reasons under honorable conditions.

I would urge an affirmative vote, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the minority whip.

Mr. HAYES. I wonder if the gentleman would consent to brief interrogation?

The SPEAKER. The gentleman, Mr. Wachob, indicates he will stand for interrogation. The minority whip may proceed.

Mr. HAYES. Thank you, Mr. Speaker.

Would the gentleman please tell us whether his amendment means that a person must be honorably discharged in order to receive welfare benefits?

Mr. WACHOB. I believe, Mr. Speaker, that there are other classifications of discharges other than simply a flat-out dishonorable discharge or a flat-out honorable discharge. There are several other sections that do not imply that the person has done anything wrong or had any bad conduct record against him, and it was my understanding, after talking with some of the members on at least this side who have had some experiences in the armed services, that they felt more comfortable with this language.

Mr. HAYES. What are those discharges other than honorable or dishonorable?

Mr. WACHOB. Mr. Speaker, if I may, I would like to allow Mr. Tigue to address that particular issue.

The SPEAKER. The gentleman, Mr. Wachob, yields to the gentleman, Mr. Tigue.

The gentleman from Luzerne, Mr. Tigue, is recognized and may respond.

Mr. TIGUE. Thank you, Mr. Speaker.

The reason why the wording has been changed in this amendment is to solve the problem of people who are dishonorably discharged. The reason it is worded in such a manner, for instance, is that a person who would receive a medical discharge could be discharged for medical reasons under honorable conditions. If the language says only under honorable discharges, this person could be excluded; the same with the person who would receive a general discharge. The current wording in the bill should be changed to prevent people who would receive bad conduct discharges from receiving benefits.

The SPEAKER. Does the gentleman, Mr. Hayes, wish to continue the interrogation?

Mr. HAYES. Would the gentleman, Mr. Wachob, or Mr. Tigue amplify upon what Mr. Tigue just quickly glossed over as far as other types of discharge?

Mr. TIGUE. This amendment would exclude people who would be given bad conduct discharges. Under the current wording in the bill, only those who would receive dishonorable discharges would be excluded from receiving benefits. This language would also exclude those persons who received bad conduct discharges.

Mr. HAYES. Mr. Speaker, would it exclude those persons who have received a discharge and at the time of that discharge it was said that their service was not sufficiently meritorious to warrant an honorable discharge?

Mr. TIGUE. If it was given under honorable conditions, that is correct.

Mr. HAYES. In other words, you are taking a position here, Mr. Speaker, that a person who has been discharged in a way that his service was not sufficiently meritorious to receive an honorable discharge should receive welfare benefits from the taxpayers of Pennsylvania?

Mr. TIGUE. That is partially true.

What I am saying is, if a person is determined not to be fit for military service after having enlisted, that person, under this amendment, will not be denied benefits. I will give you another example. For a person—and I can only base it on experience in the Marine Corps—to receive an honorable dis-

charge, they must receive proficiency-in-conduct marks of a certain average. If that person is given bad, let us say, conduct marks one time and in a final average does not meet the criteria, that person may be given a general discharge under honorable conditions. Under the bill as it stands, he would not be allowed to receive benefits; under this proposal he would be.

### PARLIAMENTARY INQUIRY

Mr. LLOYD. Parliamentary inquiry, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Somerset, Mr. Lloyd. The gentleman will state the parliamentary inquiry.

Mr. LLOYD. Mr. Speaker, Mr. Hayes and Mr. Wachob both have amendments dealing with this subject in a slightly different way which appear to amend the same section of the bill. If I agree with the gentleman, Mr. Hayes, but I also agree that the bill as it is currently structured allows bad conduct and dishonorable discharges to get welfare, if I vote for Mr. Wachob's amendment and it passes, is it then not correct that Mr. Hayes can still offer his amendment and try to restrict the bill even more?

The SPEAKER. That is correct.

Mr. LLOYD. So in other words, a "yes" vote on this amendment would not prevent this House from considering Mr. Hayes' amendment subsequently to narrow this even more. Is that right?

The SPEAKER. That is correct.

Mr. LLOYD. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Hayes, has the floor and may continue.

Mr. HAYES. Thank you, Mr. Speaker.

The gentleman, Mr. Tigue, indicated that there is some cumulative average and that one specific act could detract from a person receiving a general discharge, and I suggest to you that Army regulations and other regulations pertaining to the various military services with regard to the type of discharge that Mr. Wachob is suggesting today does not result, does not result, Mr. Speaker, from one specific action.

Mr. TIGUE. That is not true, Mr. Speaker.

Mr. HAYES. Well, I just talked with the Department of Military Affairs, and I would quote to you Army Regulation 635-200. Now, if you have a quarrel with that, Mr. Speaker, I suggest you get in touch with the Pentagon.

Mr. TIGUE. Well, I do not have a quarrel with the Army regulations, but I am going to tell you something about the Marine Corps, Mr. Speaker.

Under the Marine Corps regulations, I will give you an exact incident that occurred where a Sioux Indian who had been wounded in Vietnam was hospitalized in a naval hospital in Great Lakes, Illinois. It was determined he was an ambulatory patient. He was allowed to go into town; he was told he could not go home to visit his parents. This Indian boy, who spent 24 months in Vietnam, decided he would go home to visit his wife. He was determined by the Navy to be a deserter. He was given a conduct mark of zero. His proficiency-in-

conduct marks when he returned voluntarily determined that he was not entitled to an honorable discharge. He was, however, discharged when he fulfilled his enlistment with a general discharge under honorable conditions. So therefore, Mr. Speaker, it can happen that one incident could destroy or prevent someone from receiving an honorable discharge.

### POINT OF ORDER

Mr. PISTELLA. Mr. Speaker?

The SPEAKER. For what purpose does the gentleman from Allegheny, Mr. Pistella, rise?

Mr. PISTELLA. Mr. Speaker, I rise to a point of order, if I could.

The SPEAKER. What is the gentleman's point of order?

Mr. PISTELLA. The issue before us, as I understand it, Mr. Speaker, is the Wachob amendment. Mr. Hayes has risen to interrogate Representative Tigue. My understanding of interrogation is to answer questions. I am having a difficult time, having sat here the entire afternoon listening to the complex debate regarding no-fault automobile insurance. I have received, as has everyone else in this chamber, a substantial amount of amendments on this issue also. I am very concerned about it. I can understand everyone here feeling compelled to share with us every iota of their expertise on every issue, and some of us are trying very hard to keep up with their expertise. For those members like myself who might be simple but good-hearted souls, I would appeal to you that we have some semblance of order in the chamber and that we follow the rules of the House on issues such as interrogation and explanation. I would appreciate your assistance, Mr. Speaker. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair will endeavor to assist the gentleman.

The gentleman, Mr. Hayes, may continue.

Mr. HAYES. Thank you, Mr. Speaker.

After all the debate on this amendment, I believe that the public policy which this chamber should take is this: that if a person—

The SPEAKER. May I interrupt?

Has the gentleman finished his interrogation of Mr. Tigue?

Mr. HAYES. Yes, Mr. Speaker.

The SPEAKER. Thank you.

The gentleman may proceed.

Mr. HAYES. Thank you, Mr. Speaker.

I believe that the proper public policy that this chamber should adopt with regard to a discharged military person receiving welfare benefits is this: that that person at a minimum should be honorably discharged from the military services of our Nation.

Reference was made to the fact that a person served on active duty, and he was going to respond to questions asked here on the floor of the House. I, too, served in the military on active duty, and I can tell you that it is not all that difficult to properly serve in the uniform of our Nation and still receive an honorable discharge. I do not believe that the taxpayers of

this Commonwealth should expect anything less than their dollars being given only to those persons who flat out—to use Mr. Wachob's words at least in paraphrase—flat out received at least an honorable discharge. The type of discharge that Mr. Wachob is recommending in his amendment would allow a person who, during his or her term of service with the military, did not really perform in a way that would allow that person to receive an honorable discharge.

Recall the words that I quoted earlier. This person would not have sufficiently meritoriously warranted an honorable discharge. There was behavior on the part of that person that detracted from his or her service in the military in a way that that person would be accorded an honorable discharge. There was some behavior on the part of that person that adversely brought bad light upon the military of this Nation, and I do not believe that the taxpayers of this Commonwealth should subsequently subsidize that earlier behavior.

Now, there was a medical condition mentioned in debate here on this amendment. Mr. Speaker, medical conditions already warrant the receipt of public assistance. So if that person is of such medical condition that he or she cannot be gainfully employed and search for work and all those other things which must be done before a person can be declared eligible for welfare, that medical condition will be taken into consideration. If that person is in such a medical state that they cannot be gainfully employed and do all of those things, that person will be eligible for welfare under other provisions of the law and rules and regulations. But as a minimum, Mr. Speaker, I believe that the person should be honorably discharged, without a craftily written amendment that would allow a person who has served less than in a satisfactory and meritorious way in the uniform of our country to get welfare.

I oppose the Wachob amendment and suggest, as Mr. Lloyd has already indicated, I will offer an amendment later so that this House of Representatives can forthrightly and straightforwardly say, the person as a minimum, as a minimum, must be honorably discharged without question. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the Wachob amendment, the Chair recognizes the gentleman from Chester, Mr. Morris.

Mr. MORRIS. Mr. Speaker, I seek enlightenment. I am an old soldier. I got out in 1945-46, 1946 to be precise. They may have changed these rules since then. I would like to ask Mr. Hayes and Mr. Tigue where a section 8 discharge falls under what they are talking about.

The SPEAKER. Does the gentleman, Mr. Hayes, seek to answer or will the gentleman, Mr. Tigue? Which is it? Who is the expert on section 8?

Mr. HAYES. Do we have to talk about those kinds?

The SPEAKER. After the debate we have been going through, the Commonwealth people might say all of us are.

The Chair recognizes the minority whip.

Mr. HAYES. Rather than clutter the record with a lot of unkind expressions, I will just go over the types of discharges which are available to those persons serving in the military.

At the top and uppermost is the honorable discharge. Then you have a general discharge; you have a bad conduct discharge, which the gentleman, Mr. Tigue, made reference to; and you have a dishonorable discharge.

Mr. MORRIS. Well, let me rephrase the question.

The SPEAKER. The gentleman, Mr. Morris, may proceed.

Mr. MORRIS. Mr. Speaker, am I talking about a medical discharge when I say section 8? That is one for mental reasons.

Mr. HAYES. Yes, Mr. Speaker. If that is the thrust of your question, they would already be eligible for welfare under mental and mentally handicapped persons. Yes, Mr. Speaker.

Mr. MORRIS. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Rappaport, on the Wachob amendment.

Mr. RAPPAPORT. Might I interrogate the minority whip for a moment?

The SPEAKER. The gentleman, Mr. Hayes, indicates he will stand for interrogation. The gentleman, Mr. Rappaport, may proceed.

Mr. RAPPAPORT. Mr. Speaker, do I understand this amendment, the Wachob amendment, is it the gentleman's understanding that under honorable conditions it would include an honorable discharge and a general discharge the gentleman referred to, what our friend from Chester County knew as a section 8? Somebody who was discharged under an honorable or a general would get welfare. Somebody who got a bad conduct discharge or dishonorable would not. Is that the gentleman's understanding?

Mr. HAYES. The gentleman would not receive a bad conduct discharge, if that is your question. It would be my understanding he would receive a general discharge.

Mr. RAPPAPORT. And therefore would be eligible for welfare?

Mr. HAYES. For the conditions mentioned by the gentleman from Chester, it is my understanding the answer to your question would be yes.

Mr. RAPPAPORT. How about under the Wachob amendment?

Mr. HAYES. I do not understand your question.

Mr. RAPPAPORT. The Wachob amendment, I believe, says, under honorable conditions. Would it be the gentleman's understanding, Mr. Speaker, that that would include both an honorable discharge and a general discharge?

Mr. HAYES. No, Mr. Speaker. An honorable discharge is exactly that. A general discharge under honorable conditions would be issued under circumstances where the person's service did not satisfactorily warrant a meritorious discharge such as an honorable discharge.

Mr. RAPPAPORT. Therefore, it is the gentleman's understanding, Mr. Speaker, that under the Wachob amendment only those with an honorable discharge will be eligible for welfare. Is that accurate?

Mr. HAYES. No. I do not believe that that is what the gentleman, Mr. Wachob, is trying to achieve. I think that he is trying to establish at least two types of conditions, two types

of discharges whereby a person would be eligible for general assistance. Yes, obviously a person receiving an honorable discharge would be eligible, but so would a person receiving a general discharge. So there would be two types of conditions - the one which I believe should be the policy position of this chamber, that being the honorable discharge, but Mr. Wachob also suggests the lesser discharge as well.

Mr. RAPPAPORT. I understand the gentleman, and I thank him for his enlightenment.

The SPEAKER. On the Wachob amendment, the Chair recognizes the gentleman from Northumberland, Mr. Belfanti.

Mr. BELFANTI. Mr. Speaker, there are five categories of discharges, not four, as the gentleman, Mr. Hayes, mentioned. There is also the undesirable discharge, which is called a UD. There are various degrees of general discharges, one of which is a general under honorable conditions. There is also a general under undesirable conditions, and a separate undesirable discharge in addition to bad conduct and dishonorable. So let us make some differences here. There is an honorable discharge, there is a general discharge under honorable conditions, a general discharge under undesirable conditions, an undesirable discharge, a bad conduct discharge, and a dishonorable discharge.

The SPEAKER. The Chair thanks the gentleman.

On the Wachob amendment, the Chair recognizes the gentleman from Luzerne, Mr. Tigie.

Mr. TIGUE. Thank you, Mr. Speaker.

I think everyone should understand what Mr. Wachob is trying to do with his amendment. In the bill currently, before you adopt this amendment, anyone who would come out of the service would be entitled to welfare benefits. What Mr. Wachob is doing is not liberalizing this; he is restricting it to those people who would receive discharges under honorable conditions. He is not making it a big panacea for everyone who has been drummed out of the military. He is in fact tightening it. So there is a misunderstanding. There are more than four, as Mr. Belfanti said.

If you defeat this amendment, and later on Mr. Hayes is going to offer his amendment one way or the other and if that is defeated, the bill will remain in effect that everyone coming out of the military, regardless of a dishonorable discharge, will in fact receive welfare payments. So based on that, I urge your support of the Wachob amendment to make it a little more tightened, saying under honorable conditions. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the minority whip, for the second time on the Wachob amendment.

Mr. HAYES. Thank you, Mr. Speaker.

I believe that the gentleman, Mr. Tigie's most accurate comment was at the very end. He said the Wachob amendment would make it just a little bit more restrictive, and my belief is, as my amendment will bring to bear in just a few moments, we should make it as restrictive as it should be for the taxpayers of Pennsylvania, and that should be an honorable discharge and nothing less than that.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes, for the second time, the gentleman from Elk, Mr. Wachob.

Mr. WACHOB. Thank you, Mr. Speaker.

I believe the gentleman, Mr. Tigie, was very accurate in his statement. What you will have if you do not adopt this amendment, Mr. Speaker, is that anybody discharged from the armed services will be eligible to receive welfare benefits in Pennsylvania. If you vote for the amendment, it will restrict it to two categories - an honorable discharge and a general discharge under honorable conditions. I believe that that is entirely appropriate, and we should do that at this time. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Mr. HAYES. Could I ask a question of you, Mr. Speaker?

The SPEAKER. The gentleman may ask the question.

Mr. HAYES. Would you restate your intention as to the offerability of my amendment should this amendment be adopted? Will my amendment be in order?

The SPEAKER. Your amendment would be in order and will be read. It would not be out of order for you to offer your amendment.

Mr. HAYES. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—129

Afflerbach	Fee	McIntyre	Smith, L. E.
Alderette	Freeman	McMonagle	Snyder, D. W.
Angstadt	Freind	Maiale	Snyder, G. M.
Arty	Fryer	Manderino	Spencer
Baldwin	Gallagher	Markosek	Spitz
Battisto	Gallen	Michlovic	Steighner
Belardi	Gamble	Micozzie	Stewart
Belfanti	Gannon	Miscevich	Stuban
Beloff	George	Moehlmann	Sweet
Blaum	Greenwood	Morris	Taylor, E. Z.
Broujos	Gruitza	Mowery	Taylor, F. E.
Burns	Gruppo	Mrkonic	Telek
Caltagirone	Haluska	Murphy	Tigie
Cappabianca	Harper	O'Brien	Trello
Carn	Hoeffel	O'Donnell	Truman
Cawley	Hutchinson	Oliver	Van Horne
Civera	Itkin	Perzel	Wachob
Clark	Jackson	Petrarca	Wambach
Cohen	Jarolin	Petrone	Wargo
Colafella	Kasunic	Pievsky	Wass
Cole	Kennedy	Pistella	Weston
Cordisco	Kosinski	Pratt	Wiggins
Cowell	Kowalshyn	Preston	Williams
Deluca	Kukovich	Rappaport	Wogan
DeVerter	Lashinger	Reinard	Wozniak
DeWeese	Laughlin	Richardson	Wright, D. R.
Daley	Lescovitz	Rieger	Wright, J. L.
Dawida	Levin	Rudy	Wright, R. C.
Deal	Livengood	Rybak	Zwinkl
Dombrowski	Lloyd	Salvatore	
Donatucci	Lucyk	Scheetz	Irvis,
Evans	McCall	Seventy	Speaker
Fattah	McHale	Showers	

NAYS—68

Armstrong	Duffy	Klingaman	Pitts
Book	Durham	Lehr	Pott
Bowser	Fargo	Letterman	Punt
Boyes	Fischer	Levi	Reber
Brandt	Flick	McClatchy	Robbins
Bunt	Foster, W. W.	McVerry	Ryan
Burd	Foster, Jr., A.	Mackowski	Saloom
Cessar	Geist	Madigan	Saurman
Cimini	Gladeck	Manmiller	Schuler
Clymer	Godshall	Mayernik	Semmel
Cornell	Grieco	Merry	Sirianni
Coslett	Hagarty	Miller	Smith, B.
Coy	Hasay	Nahill	Stairs
Davies	Hayes	Noye	Stevens
Dietz	Herman	Peterson	Swift
Dininni	Hershey	Phillips	Vroon
Dorr	Honaman	Piccola	Wilson

NOT VOTING—3

Barber	Linton	Serafini
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EXCUSED—3

Johnson	Marmion	Olasz
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The question was determined in the affirmative, and the amendment was agreed to.

On the question,

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

Mr. WACHOB offered the following amendment No. A4616:

Amend Sec. 2 (Sec. 432), page 3, line 25, by inserting after "regulations."

Where appropriate, the department shall refer persons classified as chronically needy on the basis of this section to the office of Vocational Rehabilitation in the Department of Labor for assessment and services to overcome such handicaps. When the handicap to employment can be overcome with educational services, the department shall make efforts to locate appropriate programs and refer chronically needy individuals to such programs. Willful refusal to participate in an appropriate program of rehabilitation or education offered to a person who is chronically needy on the basis of handicap shall result in termination of assistance for that person until he or she agrees to participate in such a program.

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman from Elk, Mr. Wachob.

Mr. WACHOB. Thank you, Mr. Speaker.

Mr. Speaker, on page 3 of the bill in subsection (C), we speak to a person who has a serious disability, and then we delineate several disabilities that would be considered eligible to be placed under the chronically needy section. For those types of disabilities, in order to tighten up this language, Mr. Speaker, we say and we mandate to the Department of Public Welfare that where appropriate, the Department of Welfare, when they determine a recipient or a client to have this sort of a disability, that they be referred to the Bureau of Vocational Rehabilitation within the Department of Labor and Industry for assessment and for appropriate services in order to overcome that disability. I believe that this is very much needed, Mr. Speaker, and urge its affirmative vote.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—196

Afflerbach	Evans	Lucyk	Ryan
Alderette	Fargo	McCall	Rybak
Angstadt	Fattah	McClatchy	Saloom
Armstrong	Fee	McHale	Saurman
Arty	Fischer	McIntyre	Scheetz
Baldwin	Flick	McMonagle	Schuler
Barber	Foster, Jr., A.	McVerry	Semmel
Battisto	Freeman	Mackowski	Serafini
Belardi	Freind	Madigan	Seventy
Belfanti	Fryer	Maiale	Showers
Beloff	Gallagher	Manderino	Sirianni
Blaum	Gallen	Manmiller	Smith, B.
Book	Gamble	Markosek	Smith, L. E.
Bowser	Gannon	Mayernik	Snyder, D. W.
Boyes	Geist	Merry	Snyder, G. M.
Brandt	George	Michlovic	Spencer
Broujos	Gladeck	Micozzie	Spitz
Bunt	Godshall	Miller	Stairs
Burd	Greenwood	Miscevich	Steighner
Burns	Grieco	Moehlmann	Stevens
Caltagirone	Gruitza	Morris	Stewart
Cappabianca	Gruppo	Mowery	Suban
Carn	Hagarty	Mrkonic	Sweet
Cawley	Haluska	Murphy	Swift
Cessar	Harper	Nahill	Taylor, E. Z.
Cimini	Hasay	Noye	Taylor, F. E.
Civera	Hayes	O'Brien	Telek
Clark	Herman	O'Donnell	Tigue
Clymer	Hershey	Oliver	Trello
Cohen	Hoeffel	Perzel	Truman
Cole	Honaman	Peterson	Van Horne
Cordisco	Hutchinson	Petrarca	Vroon
Cornell	Itkin	Petrone	Wachob
Coslett	Jackson	Phillips	Wambach
Cowell	Jarolin	Piccola	Wargo
Coy	Kasunic	Pievsky	Wass
Deluca	Kennedy	Pistella	Weston
DeVerter	Klingaman	Pitts	Wiggins
DeWeese	Kosinski	Pott	Williams
Daley	Kowalyshyn	Pratt	Wilson
Davies	Kukovich	Preston	Wogan
Dawida	Lashingier	Punt	Wozniak
Deal	Laughlin	Rappaport	Wright, D. R.
Dietz	Lehr	Reber	Wright, J. L.
Dininni	Lescovitz	Reinard	Wright, R. C.
Dombrowski	Letterman	Richardson	Zwift
Donatucci	Levi	Rieger	
Dorr	Linton	Robbins	Irvis,
Duffy	Livengood	Rudy	Speaker
Durham	Lloyd		

NAYS—0

NOT VOTING—4

Colafella	Foster, W. W.	Levin	Salvatore
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EXCUSED—3

Johnson	Marmion	Olasz
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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. WACHOB offered the following amendments No. A4619:

Amend Sec. 2 (Sec. 432), page 6, line 6, by striking out “of” and inserting

with  
Amend Sec. 2 (Sec. 432), page 6, line 7, by removing the period after “services” and inserting  
who comply with the family service plan developed by the County Children and Youth Agency.

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

The SPEAKER. The Chair recognizes the gentleman from Elk, Mr. Wachob.

Mr. WACHOB. Thank you, Mr. Speaker.

On page 6 in the expanded definition of types of disabilities or categories where people would be eligible to collect under the chronically needy section, there is a section (P) that talks about parents of children in foster care who are receiving child welfare services. This is another amendment, Mr. Speaker, to tighten up that language and to force foster families and also the natural parents to comply with the family services plan developed by the county children and youth agency. I believe this is very much needed and urge a “yes” vote, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Montgomery, Mr. McClatchy.

Mr. McCLATCHY. We do not have a copy of that amendment. Could we have a copy of it?

The SPEAKER. Is there anyone else who has not had a copy of the amendment delivered?

The Chair recognizes the gentleman, Mr. McClatchy.

Mr. McCLATCHY. Mr. Speaker, I do not quite agree with the amendment. We have a tougher one, but, you know, go ahead.

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

The following roll call was recorded:

YEAS—199

Afflerbach	Evans	Lloyd	Ryan
Alderette	Fargo	Lucyk	Rybak
Angstadt	Fattah	McCall	Saloom
Armstrong	Fee	McClatchy	Salvatore
Arty	Fischer	McHale	Saurman
Baldwin	Flick	McIntyre	Scheetz
Barber	Foster, Jr., A.	McMonagle	Schuler
Battisto	Freeman	McVerry	Semmel
Belardi	Freind	Mackowski	Serafini
Belfanti	Fryer	Madigan	Seventy
Beloff	Gallagher	Maiale	Showers
Blaum	Gallen	Manderino	Sirianni
Book	Gamble	Manmiller	Smith, B.
Bowser	Gannon	Markosek	Smith, L. E.
Boyes	Geist	Mayernik	Snyder, D. W.
Brandt	George	Merry	Snyder, G. M.
Broujos	Gladeck	Michlovic	Spencer
Bunt	Godshall	Micozzie	Spitz
Burd	Greenwood	Miller	Stairs
Burns	Grieco	Miscevich	Steighner
Caltagirone	Gruitza	Moehlmann	Stevens
Cappabianca	Gruppo	Morris	Stewart

Carn	Hagarty	Mowery	Stuban
Cawley	Haluska	Mrkonic	Sweet
Cessar	Harper	Murphy	Swift
Cimini	Hasay	Nahill	Taylor, E. Z.
Civera	Hayes	Noye	Taylor, F. E.
Clark	Herman	O'Brien	Telek
Clymer	Hershey	O'Donnell	Tigue
Cohen	Hoefel	Oliver	Trello
Colafella	Honaman	Perzel	Truman
Cole	Hutchinson	Peterson	Van Horne
Cordisco	Itkin	Petrarca	Vroon
Cornell	Jackson	Petrone	Wachob
Coslett	Jarolin	Phillips	Wambach
Cowell	Kasunic	Piccola	Wargo
Coy	Kennedy	Pievsky	Wass
Deluca	Klingaman	Pistella	Weston
DeVerter	Kosinski	Pitts	Wiggins
DeWeese	Kowalyshyn	Pott	Williams
Daley	Kukovich	Pratt	Wilson
Davies	Lashinger	Preston	Wogan
Dawida	Laughlin	Punt	Wozniak
Deal	Lehr	Rappaport	Wright, D. R.
Dietz	Lescovitz	Reber	Wright, J. L.
Dininni	Letterman	Reinard	Wright, R. C.
Dombrowski	Levi	Richardson	Zwinkl
Donatucci	Levin	Rieger	
Dorr	Linton	Robbins	Irvis,
Duffy	Livengood	Rudy	Speaker
Durham			

NAYS—0

NOT VOTING—1

Foster, W. W.

EXCUSED—3

Johnson Marmion Olasz

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

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Salvatore. For what purpose does the gentleman rise?

Mr. SALVATORE. On amendment A4616 to HB 1720, my switch was inoperative. I would like to be recorded in the affirmative.

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

CONSIDERATION OF HB 1720 CONTINUED

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

Mr. PUNT offered the following amendment No. A4539:

Amend Sec. 2 (Sec. 432), page 3, line 12, by striking out “inability to speak or understand English.”

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

The SPEAKER. The Chair recognizes the gentleman from Franklin, Mr. Punt, on that question.

Mr. PUNT. Thank you, Mr. Speaker.

On page 3 of this legislation, HB 1720, it states that an individual who cannot speak the English language would be classified as chronically needy. This amendment will remove that classification as chronically needy. I believe by having a classification of non-English-speaking individuals as chronically needy is nothing more than an incentive for those individuals to remain on public assistance conceivably for the rest of their lives.

What we are saying by having a classification as chronically needy for those individuals who cannot speak English, we are saying to people from many other States in this country, come here to Pennsylvania and we will take care of you and you will be classified chronically needy with no incentive to learn the language, no inducement to learn, but we will subsidize you, the taxpayers of all the counties in this State who in fact do speak the English language. Look at our rural counties where we have many, many orchards, where we have migrant workers who have great difficulty and very minimal use and knowledge of the English language, how they come into our areas and work in our orchards. What we are saying to these people is, do not go back to Florida, do not go back to South Carolina, or whatever State you came from. Stay here in Pennsylvania and we, the English-speaking taxpayers of this State, will take care of you. Do not worry.

Mr. Speaker, I would ask for an affirmative vote.

The SPEAKER. The Chair thanks the gentleman.

On the Punt amendment, the Chair recognizes the gentleman from Allegheny, Mr. Pistella.

Mr. PISTELLA. Mr. Speaker, as I read the gentleman's amendment, it amends line 12. I believe that the bill number indicates that the language he wishes to amend is on line 11 and that this in fact may be inaccurately drafted.

The SPEAKER. The House will stand at ease. We will check it and see.

Mr. PISTELLA. I apologize. We have the wrong printer's number of the bill in our binder. Mr. Speaker, I have the wrong copy of the bill. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Elk, Mr. Wachob.

Mr. WACHOB. Thank you, Mr. Speaker.

Mr. Speaker, I would be remiss if I allowed Mr. Punt the opportunity to continue without accurately restating what his amendment in fact does. In HB 1720, it gives no automatic right to collect welfare benefits, and Mr. Punt is very well aware of that, and just because a person does not speak English does not give them the automatic right to collect welfare benefits. In subsection (C) on page 3 it says, "A person who has a serious handicap which is a substantial barrier to employment,..." and then it goes on to define several types of disabilities which may be, which may be, counted on by the Department of Public Welfare to present a substantial barrier to employment. Mr. Punt is inaccurate if he leads the members of this House to believe that just because a person does not speak English, he is therefore auto-

matically entitled to welfare benefits. That is not the case and could not be further from the truth.

Also, Mr. Speaker, the House Subcommittee on Welfare last spring was throughout Pennsylvania. We ran into areas around Pennsylvania, in particular the Lehigh Valley area, where we had heard from Spanish-speaking people that they were constantly having a difficult time not only with communicating with the Welfare Department and the caseworkers but also having sizable obstacles placed in front of them as a result of their failure to speak English. So we included that as a possible handicap, Mr. Speaker, and a possible disability that would prevent the person from gaining substantial employment. However, in the amendment that was just unanimously adopted a few minutes ago, we forced those people, those people who do not speak English, those people who may be illiterate, to partake and to participate in a program with the Bureau of Vocational Rehabilitation so that they overcome their handicap and their disability, and if they willfully refuse to participate in such a program, then they will be dismissed from the welfare rolls.

I am in opposition to this amendment, Mr. Speaker, and urge the other members to do likewise.

The SPEAKER. The Chair thanks the gentleman.

Does the gentleman from Montgomery, Mr. McClatchy, wish to be recognized on the amendment?

Mr. McCLATCHY. Mr. Speaker, I rise to support the Punt amendment, which deals with giving people welfare who do not speak English, and I do so for two reasons. One, as an example, we are now creating two classes of people: One, English-speaking citizens of the United States we are denying welfare to, whereas a refugee who is not a citizen, say from Vietnam or from wherever, they get that welfare benefit because they cannot speak English. I do not think that is fair, Mr. Speaker.

Secondly, in New York City, in Philadelphia, in many of our big cities, you will find if you speak English you may not get a job. If you do not speak Puerto Rican, if you do not speak Vietnamese, if you do not speak Chinese, you may not get a job. I am saying, with Mr. Punt's amendment, we are removing discrimination against the ordinary citizens of our country. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the Punt amendment, the Chair recognizes the lady from Delaware, Mrs. Durham.

Mrs. DURHAM. Thank you, Mr. Speaker.

Will the prime sponsor of the bill stand for interrogation?

The SPEAKER. The gentleman, Mr. Wachob, indicates he will stand for interrogation. The lady is in order and may proceed.

Mrs. DURHAM. Mr. Speaker, how do we prove that a person cannot speak English?

Did you understand the question, or should I repeat it? Maybe you would like it in Espanol. I would be very happy to repeat it for you.

Mr. WACHOB. I understand the English question. I am not sure how to answer the question other than to say to the

lady that the Department of Public Welfare, when the person comes in to apply, will have to treat that person just as every other person, and I would imagine that it is entirely within the abilities of the people within the department and the caseworkers to somehow determine that.

Mrs. DURHAM. Thank you, Mr. Speaker.

Mr. Speaker, am I in order to speak on the Punt amendment?

The SPEAKER. You certainly are. You are recognized.

Mrs. DURHAM. Thank you, Mr. Speaker.

I have two problems with this section of the bill. Number one, I think that it is going to be inordinately difficult to prove whether or not a person can speak English. Secondly, I have great difficulty in understanding why this is such an extreme problem.

You know, as I look around this room, I see that many of us have ancestors who were not born in the United States. As a matter of fact, we had people of Ukrainian descent here yesterday. My own grandfather, who emigrated from Italy where he was getting paid 1 penny a day to pick olives, came to the United States and could not speak one word of English. My grandmother also could not speak one word of English, but my grandfather worked every day of his life and raised nine children, and I dare to say that my grandfather is not an exception to the rule and that each and every one of you could cite similar stories. America is a land that everyone hopes to go to if he lives in another country. People think that America is a star when you look at the world, but I also think that we should say to people who want to come to our country for the freedom that it would not hurt them to try to learn the language of our country.

Mr. Speaker, I would gladly cosponsor with Mr. Wachob a bill that would have classes for foreign-born residents of the United States to learn to speak English. As a matter of fact, in our schools today we have bilingual programs to help students learn to speak the American language, but I think that to create a system which is an insult to all of our ancestors and which will be very difficult to prove is not the way to go today. Thank you.

The SPEAKER. The Chair thanks the lady.

On the amendment, the Chair recognizes the gentleman from Philadelphia, Mr. Cohen.

Mr. COHEN. Mr. Speaker, Mrs. Durham just invoked the presence of the Ukrainians who visited us yesterday as the reason why this amendment ought to be supported. Actually though, I had the opportunity to meet with the Ukrainians who were here yesterday, and one reason they came up to Harrisburg was that they need translators at their senior citizens center because most of them do not know English, and this is a very, very serious problem. Not only did most of the people who came here yesterday not understand English and have to have a translator present in order to explain what was said here, but large numbers of immigrants come to this country and they do not know English. Now, their children learn English, but they do not. Apparently, it is very easy for a kid to learn English, but for somebody who comes here in

their thirties or forties or older than that, learning English becomes a very, very difficult project.

That is the reason why this bill is so important. When Mrs. Durham's grandfather was growing up, there were far more small businesses in this country than there are today. There were far more people in this country who then did not know English than who do not know it today. When only a small percentage of the population does not know English, as is the case today, it is much more difficult for that small percentage of the population. Mr. Wachob's bill deals with a very, very serious problem that affects people all over the State. The Punt amendment, which seeks to eliminate these very worthwhile provisions, ought to be defeated. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the Punt amendment, the Chair recognizes the gentleman from Venango, Mr. Peterson.

Mr. PETERSON. Thank you, Mr. Speaker.

I would just like to point out to the House that any person who does not speak English can qualify for any kind of assistance in the same manner that anyone else does, but to give a special exception, a special ability for someone who does not speak English, gives precedence to immigrants over people who have lived in this country and helped build this wonderful country. It also gives an incentive for people to not learn the English language and become a part of their society. I agree with the Punt amendment and urge my colleagues to support it.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Wachob, for the second time on the Punt amendment.

Mr. WACHOB. Thank you, Mr. Speaker.

I just want to point out one item that both Mr. Peterson and Mr. Punt alluded to, that it gives the recipients or the clients the automatic right to collect welfare benefits. It does not do that. It allows the discretion up to the Department of Welfare to make that determination, and I urge a "no" vote on the Punt amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. PUNT. Thank you, Mr. Speaker.

One point that Mr. Wachob failed to mention, he did not mention how the department is going to determine.

Secondly, if an individual who cannot speak English applies for public assistance under Mr. Wachob's bill, he would be classified as chronically needy. Regardless of all the other criteria from Act 75, there is a special section that would state—and I will quote from the bill, beginning on page 2, line 27—“Chronically needy persons are those persons chronically in need who may be eligible for an indeterminate period as a result of medical, social or related circumstances and shall be limited to,…” and if you continue over onto page 3, line 12, a specific section calling for inability to speak or understand English, that classifies that individual in a separate category as chronically needy.

I do not believe the taxpayers of Franklin County, of Adams County, of Somerset County, of Centre County, and many other counties that particularly have tremendous agricultural businesses and particularly orchards, should subsidize and pay for an indeterminate period of time out of their hard-earned dollars for someone who cannot speak English. After all, we do live in America; English is the common language. I would think that most individuals who choose to live in this country should want to learn to speak the language, and I believe very firmly that if we are asking taxpayers to shell out their dollars to subsidize that individual, then that individual should most definitely speak the English language. I would ask for an affirmative vote.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—125

Afflerbach	Duffy	Lehr	Robbins
Alderette	Durham	Lescovitz	Rudy
Angstadt	Fargo	Letterman	Ryan
Armstrong	Fee	Levi	Saloom
Arty	Fischer	Lloyd	Salvatore
Baldwin	Flick	Lucy	Scheetz
Belardi	Foster, W. W.	McClatchy	Schuler
Blaum	Foster, Jr., A.	McHale	Semmel
Book	Freind	McVerry	Serafini
Bowser	Fryer	Mackowski	Showers
Boyes	Gallen	Madigan	Sirianni
Brandt	Gannon	Manmiller	Smith, B.
Broujos	Geist	Markosek	Smith, L. E.
Bunt	George	Merry	Snyder, D. W.
Burd	Gladeck	Micozzie	Snyder, G. M.
Burns	Godshall	Miller	Spencer
Cawley	Greenwood	Moehlmann	Spitz
Cessar	Grieco	Morris	Stairs
Cimini	Gruitza	Mowery	Steighner
Clark	Gruppo	Nahill	Stevens
Clymer	Hagarty	Noye	Swift
Colafella	Hasay	O'Brien	Taylor, E. Z.
Cole	Hayes	Perzel	Telek
Cornell	Herman	Peterson	Tigue
Coslett	Hershey	Phillips	Vroon
Coy	Honaman	Piccola	Wass
DeVerter	Hutchinson	Pitts	Weston
Davies	Jackson	Pott	Wogan
Dietz	Kennedy	Punt	Wozniak
Dininni	Klingaman	Reber	Wright, J. L.
Donatucci	Lashinger	Reinard	Zwinkl
Dorr			

NAYS—69

Barber	Freeman	Michlovic	Stuban
Battisto	Gallagher	Miscevich	Sweet
Belfanti	Haluska	Mrkonic	Taylor, F. E.
Beloff	Harper	Murphy	Trello
Caltagirone	Hoeffel	O'Donnell	Truman
Cappabianca	Itkin	Oliver	Van Horne
Carn	Jarolin	Petrarca	Wachob
Civera	Kasunic	Petrone	Wambach
Cohen	Kosinski	Pievsky	Wargo
Cowell	Kowalshyn	Pistella	Wiggins
Deluca	Kukovich	Pratt	Williams
DeWeese	Laughlin	Preston	Wilson
Daley	Linton	Rappaport	Wright, D. R.
Dawida	Livengood	Richardson	Wright, R. C.
Deal	McCall	Rieger	
Dombrowski	McIntyre	Rybak	Irvis,

Evans	McMonagle	Seventy	Speaker
Fattah	Manderino	Stewart	

NOT VOTING—6

Cordisco	Levin	Mayernik	Saurman
Gamble	Maiale		

EXCUSED—3

Johnson	Marmion	Olasz	
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The question was determined in the affirmative, and the amendment was agreed to.

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

The SPEAKER. The Chair again recognizes the gentleman from Franklin, Mr. Punt, who offers the following amendment. You have no further amendments?

Mr. PUNT. Mr. Speaker, being that my amendment just passed, this amendment is unnecessary, and I would withdraw A4601.

The SPEAKER. Does the gentleman have any other amendment?

Mr. PUNT. I have one other amendment, but I would like to temporarily pass over that, as that is technical and is contingent upon the adoption or rejection of another amendment offered later.

The SPEAKER. Very well. The Chair thanks the gentleman.

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

Mr. PETERSON offered the following amendment No. A4604:

Amend Sec. 2 (Sec. 432), page 5, lines 12 and 13, by striking out “, companion”

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

The SPEAKER. The Chair recognizes the gentleman from Venango, Mr. Peterson.

Mr. PETERSON. Thank you, Mr. Speaker.

On page 5 of HB 1720, it reads: “A person who as a consequence of abuse by spouse, companion or family member, does not have access to financial support,...” and so on. It is a special exception. I want to remove the word “companion,” because that is not part of the family unit. “Spouse or family member” remain. I see no reason for the word “companion” being in there, because we are trying to protect the family with our welfare program and not necessarily friends and companions.

The SPEAKER. The Chair thanks the gentleman.

On the Peterson amendment, the Chair recognizes the gentleman from Elk, Mr. Wachob.

Mr. WACHOB. Could the gentleman, Mr. Peterson, explain, maybe through an example, what type of person or what type of situation may be covered or excluded under this provision?

Mr. PETERSON. Well, I see no reason for the word "companion." I guess I do not understand why the word "companion" was put in there. I understand the words "spouse or family member," you know, for abuse, but the word "companion" I see has no relationship in the family we are trying to protect or help. I just see no need for it. My question would have to be, why is it there? I think it should not be there.

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

Mr. WACHOB. Thank you, Mr. Speaker.

I am not sure of the gentleman's intent, but just on the surface of it, I would have to oppose it, and I do so for this reason, Mr. Speaker: Regardless of the type of living arrangement that a person or a woman is engaged in, I believe that we should be protecting that person, and especially a woman who is in that type of situation, from any abuse in the future. And I, as one legislator, would not want to force a woman who has been the subject of an abuse, abuse of environment or abuse of situation, to be forced to go back into that same living situation and subjected, possibly, to further abuse. So I would oppose the Peterson amendment.

The SPEAKER. Does the gentleman, Mr. Peterson, wish to speak? For the second time, the gentleman is recognized.

Mr. PETERSON. I guess the person we might be referring to is the boyfriend, the live-in. That is not what our system was designed for. I believe we have a duty to protect anyone who has been abused by their spouse or a family member. There are ties there, there are natural ties there, and in a marriage there are natural ties, but a companion is someone whom you are not tied to, whom you do not have to live with, and we should not use that as a reason to provide our very limited resources to that sort of situation. I ask for an affirmative vote on this amendment.

The SPEAKER. The Chair thanks the gentleman.

On the Peterson amendment, the Chair now recognizes the gentleman from Allegheny, Mr. Preston.

Mr. PRESTON. Thank you, Mr. Speaker.

Will the maker of the amendment please stand for interrogation?

The SPEAKER. The gentleman, Mr. Peterson, indicates he will so stand. The gentleman, Mr. Preston, is in order and may proceed.

Mr. PRESTON. Mr. Speaker, as an instance, as we discussed before, would a companion also include two senior citizens living together?

Mr. PETERSON. If they are over 45, it would not matter. We are giving a special exception here in this bill for people who have been abused by their family or their spouse, and to include companion, I do not even know that that person would have to live with them. It could be someone they walk to work with.

Mr. PRESTON. That is not the question I asked, Mr. Speaker. We are asking for a definition of "companion" here. Would a senior citizen be considered a companion?

Mr. PETERSON. I guess two senior citizens living together could be companions, but they would not be affected by this

amendment. It only deals with people from 18 to 45 who are in the transitionally needy category. It has nothing to do with senior citizens.

Mr. PRESTON. If there are two individuals who happen to be 25, and one is blind and one is not, would that be considered a companion?

Mr. PETERSON. Would you repeat that question?

Mr. PRESTON. If I have two people who are 25, and one is blind and one is not, and there is a problem, is that considered to be a companion, and would that person be ineligible then?

Mr. PETERSON. Well, I do not have a definition for "companion" myself. That is why I am removing it from the bill, because the word "companion" I do not see how it even fits in here, and a blind person would be chronically needy, but I do not know— You are asking me for a definition of "companion." I did not put "companion" in the bill. I think we should take it out, because we do not have a good definition, and it is not really relevant to the problem we are trying to solve.

Mr. PRESTON. Thank you, Mr. Speaker.

May I speak on the amendment, please?

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

Mr. PRESTON. Mr. Speaker, I would ask for a negative vote on the Peterson amendment. Once again here, we are going to possibly exclude some people who should be eligible for some very serious treatment. If we take the word "companion" out, we may be excluding an awful lot of people. For an example, if I had someone who was in my house, and they were staying temporarily and they were on some form of public assistance, if they were in a transitional period of trying to find a place, they possibly may be excluded because I would be considered a companion.

Also, I think it behooves us to pay attention to what is actually in the bill. I do not think that we can nitpick any longer and just clearly define, and let the Department of Public Welfare handle the whole situation and declare who is eligible and who is not eligible versus the people here who do not work in the department, who do not really pay attention that much to what is really going on in the department, and let them do the job and the duties that they are assigned to. Thank you, Mr. Speaker. I ask for a negative vote on the amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Montgomery, Mr. Hoefel.

Mr. HOEFFEL. Thank you, Mr. Speaker.

I am opposed to the Peterson amendment, Mr. Speaker. Mr. Peterson and others in the House seem to think that the purpose of the welfare system is to encourage the family relationship and that we should do nothing through the welfare system to discourage the family relationship. My view of the welfare system is that it is to provide financial assistance to those who have a true need.

Now, the key impact of section (K) of the Wachob legislation is to say that someone who is a victim of abuse, who,

because of that abuse, does not have access to financial support because the abuser will no longer support the person or they are separated from the person or the person has lost employment because of the abuse, and if that person who has been abused is receiving assistance from an agency set up for that purpose, so that we know it is a legitimate case, therefore, that person could qualify—could qualify—as chronically needy, and it does not to me make too much difference whether the abuse was by a spouse, by a companion, by a paramour, by a grandfather, by whatever. If a person has a financial need under these circumstances, we are saying that that person should be eligible for, should be considered qualified for, public assistance.

I think we should stop trying to impose our moral views of the family in our Welfare Code. We should treat this code as it is meant to be, and that is an effort by the State to provide financial assistance in particular cases to those who have a true need.

The SPEAKER. The Chair thanks the gentleman, Mr. Hoeffel.

The Chair recognizes the gentleman from Delaware, Mr. Freind.

Mr. FREIND. Thank you, Mr. Speaker.

I rise to support the Peterson amendment. I did not intend to get up and speak on this until I heard the comments of my colleague and close friend, Representative Hoeffel.

It is true that we should not attempt to impose our own moral viewpoints on every issue on other people. It is a different ball game, however, when we are talking about tax dollars. What Mr. Peterson quite frankly wants to do is to save the Commonwealth a little bit of money, but more importantly what he wants to do is to say that this legislature stands for certain principles. We have always had as one of our goals, even during the no-fault divorce debate, the fact that this legislature and, thus, the people of Pennsylvania stand for the concept of marriage and the family. What we do not want to do and what Mr. Peterson is trying to fight is putting a monetary premium on encouraging extracurricular activities. What we are saying is, one of the grounds for getting money on welfare is not the fact that you get beaten up while you are shackled up or in fact while you are having a relationship with someone of the same sex.

I think it is a darn good amendment; I think it makes sense, and I sure as heck hope we pass it. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—125

Alderette	Duffy	Lehr	Reinard
Angstadt	Durham	Lescovitz	Robbins
Armstrong	Fargo	Levi	Rudy
Arty	Fischer	Lloyd	Ryan
Baldwin	Flick	Lucy	Saloom
Battisto	Foster, W. W.	McCall	Salvatore
Belardi	Foster, Jr., A.	McClatchy	Saurman
Belfanti	Freind	McVerry	Scheetz
Blaum	Fryer	Mackowski	Schuler

Book	Gallen	Madigan	Semmel
Bowser	Gamble	Manmiller	Serafini
Boyes	Gannon	Markosek	Showers
Brandt	Geist	Mayernik	Sirianni
Broujos	Gladeck	Merry	Smith, B.
Bunt	Godshall	Micozzie	Smith, L. E.
Burd	Greenwood	Miller	Snyder, D. W.
Burns	Grieco	Moehlmann	Spencer
Cawley	Gruppo	Morris	Spitz
Cessar	Hagarty	Mowery	Stairs
Cimini	Haluska	Mrkonic	Stevens
Civera	Hasay	Nahill	Stuban
Clymer	Hayes	O'Brien	Swift
Colafella	Herman	Perzel	Taylor, E. Z.
Cornell	Hershey	Peterson	Trello
Coslett	Honaman	Petrone	Vroon
Coy	Hutchinson	Phillips	Wass
Deluca	Jackson	Piccola	Weston
DeVerter	Kennedy	Pitts	Wilson
Davies	Klingaman	Pott	Wogan
Dawida	Kosinski	Punt	Wright, D. R.
Dietz	Lashingier	Reber	Wright, J. L.
Dininni			

NAYS—70

Afflerbach	Freeman	McMonagle	Stewart
Barber	Gallagher	Manderino	Sweet
Beloff	George	Michlovic	Taylor, F. E.
Caltagirone	Gruitza	Miscevich	Telek
Cappabianca	Harper	Murphy	Tigue
Carn	Hoeffel	O'Donnell	Truman
Clark	Itkin	Oliver	Van Horne
Cohen	Jarolin	Petrarca	Wachob
Cole	Kasunic	Pievsky	Wambach
Cowell	Kowalyshyn	Pistella	Wargo
DeWeese	Kukovich	Pratt	Wiggins
Daley	Laughlin	Preston	Williams
Deal	Letterman	Rappaport	Wozniak
Dombrowski	Levin	Richardson	Wright, R. C.
Donatucci	Linton	Rieger	Zwikl
Evans	Livengood	Rybak	
Fattah	McHale	Seventy	Irvis,
Fee	McIntyre	Steighner	Speaker

NOT VOTING—5

Cordisco	Maiale	Noye	Snyder, G. M.
Dorr			

EXCUSED—3

Johnson	Marmion	Olasz
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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. PETERSON offered the following amendments No. A4555:

Amend Sec. 1 (Sec. 405.1), page 2, line 10, by striking out "reasonably"

Amend Sec. 1 (Sec. 405.1), page 2, line 11, by striking out "cost of transportation" and inserting "lowest cost of transportation available and reasonably"

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Venango, Mr. Peterson.

Mr. PETERSON. Thank you, Mr. Speaker.

On page 2 of HB 1720, it reads, on lines 10 and 11: "The department shall provide funds to reasonably cover the cost of transportation needed for a recipient or applicant...." I do not feel that the bill, as it is, is fair to the taxpayers of this Commonwealth. I want to strike the word "reasonably" and put in its place "lowest cost of transportation available" and then put the word "reasonably" back in.

I do not feel that the taxpayers of this Commonwealth should pay for taxis, for expensive limousine service, or some expensive type of travel that someone may choose for this. I think they should take public transportation, whatever is available to them, and we should refund them. I do not think a person should have a choice, just like we do not have a choice of flying here for session and having it reimbursed, if we are from the west. We are reimbursed a mileage, which would not cover that. I do not feel that the taxpayers of this Commonwealth can afford it, and our dollars are not that available. I feel that we should have people travel with the most reasonable form of transportation.

The SPEAKER. The Chair thanks the gentleman.

On the Peterson amendment, the Chair recognizes the gentleman from Allegheny, Mr. Preston.

Mr. PRESTON. Thank you, Mr. Speaker.

Would the maker of the amendment please stand for interrogation?

The SPEAKER. The gentleman, Mr. Peterson, indicates he will so stand. The gentleman, Mr. Preston, is in order and may proceed.

Mr. PRESTON. Mr. Speaker, when you talk about the lowest cost of transportation available, could you expand on that a little bit more?

Mr. PETERSON. Well, usually public transportation is the lowest cost available. If there was not public transportation, then whatever was available would be covered, but when there is public transportation that is usually the most affordable, it should be used. But a person should not take an expensive taxicab when they can ride the bus. We do not do it to go to work, and I do not think people should do it in this situation either.

Mr. PRESTON. Would that include if I happen to be in a wheelchair or walking with a cane?

Mr. PETERSON. Would you repeat that question?

Mr. PRESTON. Would that include, therefore, that I should take public transportation if I walk with a cane or am in a wheelchair?

Mr. PETERSON. The word "reasonable" is in there, and I believe the department will take care of those situations. They have in the past.

Mr. PRESTON. So when you say the "lowest cost of transportation available," you are saying, no matter what, if there is public transportation available, they should take that first before all things?

Mr. PETERSON. The word "reasonable" remains. That allows the department to take care of the kinds of problems you are concerned about, and they have.

Mr. PRESTON. Mr. Speaker, may I speak to the amendment, please?

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

Mr. PRESTON. Thank you, Mr. Speaker.

I have to rise and oppose the Peterson amendment. I have an awful lot of senior citizens within my district, and an awful lot of senior citizens from time to time must call someone to take them to a public office, for an example. Sometimes if they had to take the lowest cost available in public transportation, it may involve a walk of 5 to 10 blocks. I am sure in some areas, if you are going into some of the rural areas, there may not be any public transportation available within a mile, and they might have to walk. Depending on who is reasonable and depending on what the office says, I think you are giving a little bit too much latitude. I know personally that within my own district, though, this would not be the most cases and sometimes the most expeditious case.

I would ask for a negative vote on the Peterson amendment. I think that we need to be fair, and I do not think that this would help my senior citizens at all. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Elk, Mr. Wachob.

Mr. WACHOB. Thank you, Mr. Speaker.

I understand the gentleman, Mr. Preston's concerns, and much of this was gone over in the Health and Welfare Committee meeting. In this regard though, I believe the Peterson amendment is proper and really does not do a whole lot different than what is already contained in the bill. Contained in the bill presently is similar language that we adopted on this floor a couple of months ago in regard to senior citizens' public transportation, where we gave the department the authority to reasonably cover the costs of transportation for senior citizens through expenditures of the lottery program. Of course, everybody, including members of the legislature and the public and the taxpayers at large, agree that we should provide those people with some sort of transportation, and certainly at the lowest cost.

I have no problem with Mr. Peterson's amendment and urge an affirmative vote.

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

The following roll call was recorded:

YEAS—166

Afflerbach	Fischer	Livengood	Ryan
Angstadt	Flick	Lloyd	Rybak
Armstrong	Foster, W. W.	Lucyk	Saloom
Arty	Foster, Jr., A.	McClatchy	Salvatore
Baldwin	Freeman	McHale	Saurman
Battisto	Freind	McVerry	Scheetz
Belardi	Fryer	Mackowski	Schuler
Belfanti	Gallagher	Madigan	Semmel
Blaum	Gallen	Manderino	Serafini
Book	Gamble	Manmiller	Seventy
Bowser	Gannon	Markosek	Showers
Boyes	Geist	Mayernik	Sirianni
Brandt	Gladeck	Merry	Smith, B.

Broujos	Godshall	Micozzie	Smith, L. E.
Bunt	Greenwood	Miller	Snyder, D. W.
Burd	Grieco	Miscevich	Snyder, G. M.
Burns	Gruitza	Moehlmann	Spencer
Cawley	Gruppo	Morris	Spitz
Cessar	Hagarty	Mowery	Stairs
Cimini	Haluska	Mrkonic	Steighner
Civera	Harper	Murphy	Stevens
Clark	Hasay	Nahill	Stewart
Clymer	Hayes	Noye	Sweet
Colafella	Herman	O'Brien	Swift
Cole	Hershey	O'Donnell	Taylor, E. Z.
Cornell	Hoefel	Perzel	Taylor, F. E.
Coslett	Honaman	Peterson	Telek
Cowell	Hutchinson	Petrarca	Tigue
Coy	Itkin	Petrone	Trello
Deluca	Jackson	Phillips	Vroon
DeVerter	Jarolin	Piccola	Wachob
Daley	Kasunic	Pievsky	Wambach
Davies	Kennedy	Pistella	Wargo
Dietz	Klingaman	Pitts	Wass
Dininni	Kosinski	Pott	Weston
Dombrowski	Kowalyshyn	Pratt	Wilson
Donatucci	Kukovich	Punt	Wogan
Dorr	Lashingier	Reber	Wozniak
Duffy	Lehr	Reinard	Wright, D. R.
Durham	Lescovitz	Robbins	Wright, J. L.
Fargo	Letterman	Rudy	Zwinkl
Fattah	Levi		

NAYS—31

Alderette	Dawida	McIntyre	Truman
Barber	Deal	McMonagle	Van Horne
Beloff	Evans	Michlovic	Wiggins
Caltagirone	Fee	Oliver	Williams
Cappabianca	George	Preston	Wright, R. C.
Carn	Laughlin	Rappaport	
Cohen	Levin	Richardson	Irvis,
Cordisco	McCall	Rieger	Speaker
DeWeese			

NOT VOTING—3

Linton	Maiale	Stuban
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EXCUSED—3

Johnson	Marmion	Olasz
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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?

Mr. PETERSON offered the following amendments No. A4590:

Amend Sec. 2, page 2, line 13, by striking out "Section 432(3)" and inserting

Sections 432(3) and 432.12(c)

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

are

Amend Bill, page 6, by inserting between lines 24 and 25

Section 432.12. Determination of Need.—\* \* \*

(c) In establishing financial eligibility and the amount of the assistance payment in both the aid to families with dependent children program and the general assistance program, the department may consider the income of certain individuals as if it were actually available to other household members notwithstanding the fact that the income may not be actually available to other household members. Income of a nonlegally responsible individual who is not receiving SSI, SBP or Social Security retirement or

disability benefits and who is cohabiting with a client shall also be computed as income available to the client. Income of stepparents living in a household shall be considered available to the household by the department. The department may choose to consider income on either a prospective or retrospective basis in determining eligibility and the amount of the assistance payment. The applicant or recipient shall as a necessary condition of eligibility:

(1) provide all information necessary to income determination; and

(2) take all actions necessary to obtain unconditionally available income including applying for unemployment compensation to the extent permitted by Federal law. Income shall be considered unconditionally available if the applicant or recipient has only to claim or accept such income, including any type of governmental benefits, social insurance, private pension or benefits plan, or offers of private contributions, including contributions from relatives not in the nature of disaster relief.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Venango, Mr. Peterson.

Mr. PETERSON. Thank you, Mr. Speaker.

This amendment is very similar to the amendment that I offered several weeks ago to HB 969. There is a significant difference though. There were many questions raised on the floor about people living with their grandparents or living with a friend. This amendment has been redrafted using the word "cohabitant." This amendment uses the word "cohabit" rather than "live together" or "live-in, and the word "cohabit" means to live together as man and wife.

I believe that our system should preserve family life. In fact, I would like to share with you a few words from the Welfare Code. Legislative intent of the public welfare law in the Commonwealth says, "with due regard for the preservation of family life." That is one of the goals of our Welfare Code. I do not know that the live-in situation is the kind of family life that we want to preserve and support financially, and especially in the case where oftentimes the cohabitant is someone with a normal income, sometimes even an above-average income, and yet we support them with tax dollars that are very scarce. We take tax dollars away from people who need them and give them to people who really do not need them. I ask my colleagues to support this amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Wachob, on the Peterson amendment.

Mr. WACHOB. Thank you, Mr. Speaker.

Would the gentleman, Mr. Peterson, stand for brief questioning?

The SPEAKER. The gentleman, Mr. Peterson, indicates he will stand for interrogation. The gentleman, Mr. Wachob, is in order and he may proceed.

Mr. WACHOB. Mr. Speaker, would the effect of this amendment be to preclude two single individuals who both are unemployed, provided they are not married, and regardless of whether they are male or female or whatever, from receiving any benefits?

Mr. PETERSON. No.

Mr. WACHOB. Why not, Mr. Speaker?

Mr. PETERSON. It says that the income of both has to be computed and established in the grant.

Mr. WACHOB. And if they have no income?

Mr. PETERSON. Then they are eligible.

Mr. WACHOB. Mr. Speaker, may I make a statement?

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

Mr. WACHOB. Thank you, Mr. Speaker.

Mr. Speaker, first of all, I object to this amendment because we have already dealt with this in a previous piece of legislation, and I do not believe that this chamber should continually be haggling over and having to vote on issues over and over again. That issue was debated at length in this House, was adopted in this House, and is already part of another piece of legislation, and I would prefer that that piece of legislation either move or not move based on its own merits.

But in regard to the specifics of the issue, Mr. Speaker, I object as well. I think the effect of this legislation and this particular amendment will be that if you have two individuals, two males or two females or a male and a female who happen to be living together, on one hand, the gentleman, Mr. Peterson—and I believe it is accurate to say people like the gentleman, Mr. Punt—are trying to encourage single individuals to team up together in some cases, if you will, and share expenses, and on the other hand, we are creating a disincentive for them to do that. I think the Peterson amendment does that, and I would hope that the members would see fit to vote against it. Thank you, Mr. Speaker.

The SPEAKER. On the Peterson amendment, the Chair recognizes the gentleman from Westmoreland, Mr. Kukovich.

Mr. KUKOVICH. Mr. Speaker, would the maker of the amendment answer a few questions, please?

The SPEAKER. The gentleman, Mr. Peterson, indicates he will stand for interrogation. The gentleman, Mr. Kukovich, is in order and may proceed.

Mr. KUKOVICH. Mr. Speaker, this amendment, as Mr. Peterson said, is somewhat different from the one he had introduced before. He puts in the term "cohabiting." What does that mean in terms of individuals who are living as spouses, as husband and wife, in a common-law setting?

Mr. PETERSON. The word "cohabit" in Webster's Dictionary means living together as man and wife, and that is how I meant it.

Mr. KUKOVICH. And how would you suggest that be proved, pursuant to this bill?

Mr. PETERSON. I am not saying that it will always be difficult. When it is not proved, it will not have an effect, but when it is proved—And many times, you know as well as I know that it is blatant. It is a blatant abuse of the system. When someone may have an above-average income and lives with someone else to whom they are not married and who is receiving our welfare dollars, and that money is not needed to support that home, I think that is an abuse of the taxpayers of

the Commonwealth, and I think it should be stopped whenever the department can prove it.

Mr. KUKOVICH. Well, I am not sure that is responsive to the question. I will ask one more. In one thing that the subcommittee learned as they conducted their hearings earlier this year—and I will pose this as a hypothetical question, Mr. Speaker—what happens if you have an individual, keeping in mind that they are only receiving \$172 a month for a 3-month period—not exactly an easy way to live—and they are forced to move into a dwelling with a number of other people? It is the only way to exist. I would assume that they would fall under your provision in this amendment. Is that true?

Mr. PETERSON. No.

Mr. KUKOVICH. They would not.

Mr. PETERSON. They would have to be blatantly living together as husband and wife. The proper term, I guess, is a live-in or a shack-up, where you are living together but you just did not get married.

Mr. KUKOVICH. Thank you, Mr. Speaker.

If I may make a brief comment?

The SPEAKER. The gentleman may proceed.

Mr. KUKOVICH. From the response to the hypothetical question in particular, this amendment is virtually unmanageable and very impractical. There is absolutely no way, unless we have a new bureau of secret police within DPW (Department of Public Welfare), to actually monitor this. I would also suggest that we have letters from DPW, we have a court case, a U.S. Supreme Court case, *Smith v. King*, which makes it very clear in terms of AFDC (aid to families with dependent children) that income cannot be considered available from a person in the house who has no legal duty to support. Well, that means one of two things. If this amendment goes in as it pertains to AFDC, it is either going to be thrown out by the courts as it pertains to that section, or secondly, we will be held in noncompliance by the Federal Government of their regulations and be cut back in Federal funds. Now, that is simply an inappropriate way to go. Mr. Peterson has a bill; he has another vehicle. Let us try to use that and not mess this legislation up.

Secondly, legally it could apply to general assistance. This amendment might be better drafted if it were drafted that way, but even if it were, I think that would be inappropriate. We are talking about, for the most part, single individuals, 20 percent of whom have children, and if some caseworker or somebody from the government decides that there is some sort of cohabiting, whether that is by department regulation, Webster's Dictionary, or Mr. Peterson's own definition, you are going to have that person denied the \$172 a month, maybe, because I do not know how you are going to enforce that. There is no way you can cut them back anymore. Will you throw them off entirely? Will they never again be allowed to apply? I do not know. This amendment does not address it, and I think we are getting into an area that is unfair and will only be used, probably, in the most arbitrary ways. I would suggest the decent thing to do is to vote "no" on this amendment.

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

The following roll call was recorded:

YEAS—126

Alderette	Flick	Lucyk	Robbins
Angstadt	Foster, W. W.	McCall	Rudy
Armstrong	Foster, Jr., A.	McClatchy	Ryan
Arty	Freeman	McHale	Salvatore
Baldwin	Freind	McMonagle	Saurman
Belardi	Fryer	McVerry	Scheetz
Belfanti	Gallen	Mackowski	Schuler
Book	Gamble	Madigan	Semmel
Bowser	Gannon	Manmiller	Serafini
Boyes	Geist	Markosek	Showers
Brandt	Gladeck	Mayernik	Sirianni
Broujos	Godshall	Merry	Smith, B.
Bunt	Greenwood	Micozzie	Smith, L. E.
Burd	Grieco	Miller	Snyder, D. W.
Burns	Gruppo	Moehlmann	Snyder, G. M.
Cessar	Hagarty	Morris	Spencer
Cimini	Hasay	Mowery	Spitz
Civera	Hayes	Mrkonic	Stairs
Clymer	Herman	Nahill	Steighner
Colafella	Hershey	Noye	Stevens
Cornell	Honaman	O'Brien	Stuban
Coslett	Jackson	Perzel	Taylor, E. Z.
Coy	Jarolin	Peterson	Telek
DeVerter	Kennedy	Phillips	Vroon
Davies	Klingaman	Piccola	Wass
Dawida	Kosinski	Pitts	Weston
Dininni	Lashinger	Pott	Wilson
Dorr	Lehr	Pratt	Wogan
Duffy	Lescovitz	Punt	Wright, D. R.
Durham	Letterman	Reber	Wright, J. L.
Fargo	Levi	Reinard	Zwikl
Fischer	Lloyd		

NAYS—72

Afflerbach	Donatucci	McIntyre	Seventy
Barber	Evans	Maiale	Stewart
Battisto	Fattah	Manderino	Sweet
Beloff	Fee	Michiovic	Taylor, F. E.
Blaum	Gallagher	Miscevich	Tigue
Caltagirone	George	Murphy	Trello
Cappabianca	Gruitza	O'Donnell	Truman
Carn	Haluska	Oliver	Van Horne
Cawley	Harper	Petrarca	Wachob
Clark	Hoeffel	Petrone	Wambach
Cohen	Hutchinson	Pievsky	Wargo
Cole	Itkin	Pistella	Wiggins
Cordisco	Kasunic	Preston	Williams
Cowell	Kowalshyn	Rappaport	Wozniak
Deluca	Kukovich	Richardson	Wright, R. C.
DeWeese	Laughlin	Rieger	
Daley	Levin	Rybak	Irvis,
Deal	Linton	Saloom	Speaker
Dombrowski	Livengood		

NOT VOTING—2

Dietz            Swift

EXCUSED—3

Johnson        Marmion        Olasz

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

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Bedford, Mr. Dietz. For what purpose does the gentleman rise?

Mr. DIETZ. Mr. Speaker, I was in the back of the House when that last vote was taken. Had I been in my seat, I would have voted in the affirmative on A4590.

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

CONSIDERATION OF HB 1720 CONTINUED

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

Mrs. HAGARTY offered the following amendment No. A4593:

Amend Sec. 2, (Sec. 432), page 5, line 16, by inserting after "spouse"

abuse

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

The SPEAKER. The Chair recognizes the lady from Montgomery, Mrs. Hagarty.

Mrs. HAGARTY. Thank you, Mr. Speaker.

This is merely a clarifying amendment. It makes clear that in order to be eligible for welfare benefits as an abused spouse, you must be receiving assistance from a spouse—and it adds the word "abuse"—or sexual abuse agency or program. Without the word "abuse," it sounds as if you could be receiving assistance from your spouse, and so it is merely a clarifying amendment.

The SPEAKER. The Chair thanks the lady.

The Chair recognizes the gentleman, Mr. Wachob.

Mr. WACHOB. Thank you, Mr. Speaker.

Mr. Speaker, the lady, Mrs. Hagarty, is correct; this is a technical amendment and one that I support.

Mrs. HAGARTY. Yes, it is.

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

The following roll call was recorded:

YEAS—198

Afflerbach	Durham	Livengood	Ryan
Alderette	Evans	Lloyd	Rybak
Angstadt	Fargo	Lucyk	Saloom
Armstrong	Fattah	McCall	Salvatore
Arty	Fee	McClatchy	Saurman
Baldwin	Fischer	McHale	Scheetz
Barber	Flick	McIntyre	Schuler
Battisto	Foster, W. W.	McMonagle	Semmel
Belardi	Foster, Jr., A.	McVerry	Serafini
Belfanti	Freeman	Mackowski	Seventy
Beloff	Freind	Madigan	Showers
Blaum	Fryer	Maiale	Sirianni
Book	Gallagher	Manderino	Smith, B.
Bowser	Gallen	Manmiller	Smith, L. E.
Boyes	Gamble	Markosek	Snyder, D. W.
Brandt	Gannon	Mayernik	Snyder, G. M.
Broujos	Geist	Merry	Spencer

Bunt	Gladeck	Michlovic	Spitz
Burd	Godshall	Micozzie	Stairs
Burns	Greenwood	Miller	Steighner
Caltagirone	Grieco	Miscevich	Stevens
Cappabianca	Gruitza	Moehlmann	Stewart
Carn	Gruppo	Morris	Stuban
Cawley	Hagarty	Mowery	Sweet
Cessar	Haluska	Mrkonic	Swift
Cimini	Harper	Murphy	Taylor, E. Z.
Civera	Hasay	Nahill	Taylor, F. E.
Clark	Hayes	Noye	Telek
Clymer	Herman	O'Brien	Tigue
Cohen	Hershey	O'Donnell	Trello
Colafella	Hoeffel	Perzel	Truman
Cole	Honaman	Peterson	Van Horne
Cordisco	Hutchinson	Petrarca	Vroon
Cornell	Itkin	Petrone	Wachob
Coslett	Jackson	Phillips	Wambach
Cowell	Jarolin	Piccola	Wargo
Coy	Kasunic	Pievsky	Wass
Deluca	Kennedy	Pistella	Weston
DeVerter	Klingaman	Pitts	Wiggins
DeWeese	Kosinski	Pott	Williams
Daley	Kowalshyn	Pratt	Wilson
Davies	Kukovich	Preston	Wogan
Dawida	Lashingier	Punt	Wozniak
Deal	Laughlin	Rappaport	Wright, D. R.
Dietz	Lehr	Reber	Wright, J. L.
Dininni	Lescovitz	Reinard	Wright, R. C.
Dombrowski	Letterman	Richardson	Zwilk
Donatucci	Levi	Rieger	
Dorr	Levin	Robbins	Irvis,
Duffy	Linton	Rudy	Speaker

NAYS—2

George Oliver

NOT VOTING—0

EXCUSED—3

Johnson Marmion Olasz

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?

Mrs. HAGARTY offered the following amendment No. A4542:

Amend Sec. 2 (Sec. 432), page 3, line 11, by striking out "learning disability,"

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the lady from Montgomery, Mrs. Hagarty.

Mrs. HAGARTY. Thank you, Mr. Speaker.

This amendment relates to page 3. Under this bill, a person will now be eligible as chronically needy if they have as a substantial barrier to employment such a physical or mental disability or incapacity, learning disability, emotional disturbance, illiteracy, or a mental or physical condition which requires maintenance medication. This amendment deletes "learning disability" from the list of those impairments making someone eligible for assistance.

The reason I believe we should delete "learning disability" is that "learning disability" is a term that is used primarily with young children. It relates to abilities necessary in a classroom. It is very difficult to diagnose. It is a general term and is really inappropriate when talking about adults. Further, if a person has a learning disability which is really severe, I would submit that it would classify as an emotional disturbance or mental disability and would be covered. So what I believe we are doing by allowing a learning disability to qualify someone, if it is a barrier to employment, is creating a very confusing situation which would be very general and would require extensive testing, which I do not believe now exists for adults. Thank you.

The SPEAKER. The Chair thanks the lady.

The Chair recognizes the gentleman, Mr. Wachob.

Mr. WACHOB. Thank you, Mr. Speaker.

Mr. Speaker, for the third time today I am going to ask the members to vote against this particular exclusion from the category of qualifying under disability, and I do so for the same reason. The lady, Mrs. Hagarty, as did Mr. Punt, speaks to the automatic guarantee that once a person has a learning disability, they will have the automatic right to collect benefits under the chronically needy section. That is absolutely false, Mr. Speaker. That is absolutely false. That is subject to review by the Department of Public Welfare, and I believe there are certain circumstances, Mr. Speaker, where this has been documented in the past through our public hearing process that disabilities and learning disabilities and other disabilities alike did present a substantial barrier to employment. And in those limited cases—and I believe they will be limited—where a learning disability presents a substantial barrier to employment, they would be eligible under the chronically needy section and eligible for benefits, and not any time other than that.

I urge a "no" vote on the Hagarty amendment, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the lady, Mrs. Hagarty.

Mrs. HAGARTY. Thank you, Mr. Speaker.

Mr. Speaker, I did not indicate that a learning disability is an absolute barrier. What I did indicate is that it is difficult, if not impossible, to determine whether such a disability exists. If we are going to suggest that anyone who has a substantial barrier to employment should receive welfare, then we do not need these qualifying terms. "Learning disability," as a qualifying term, is an inappropriate term. "Learning disability" is generally a term that is used in relation to young children who have specific perceptual hyperactivity, problems such as that, which cause difficulties in learning basic skills. It is not a term that is used, as I understand it, with an adult population, and I do not know of testing that exists to make that determination. Again I repeat, if a person has a severe disability, they would qualify under other language which is in the bill and my amendment does not speak to.

I think it is difficult; I think it tries to make the Department of Welfare into an educational assessment bureau; and I think

it is far too loose a determination to ask the department to make in qualifying people for welfare. I urge adoption of this amendment. Thank you.

The SPEAKER. The Chair thanks the lady.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

**YEAS—104**

Angstadt	Fischer	Lloyd	Robbins
Armstrong	Flick	McClatchy	Ryan
Arty	Foster, W. W.	McVerry	Salvatore
Belardi	Foster, Jr., A.	Mackowski	Saurman
Book	Freind	Madigan	Scheetz
Bowser	Gallen	Manmiller	Schuler
Boyes	Gamble	Markosek	Semmel
Brandt	Gannon	Mayernik	Serafini
Bunt	Geist	Merry	Sirianni
Burd	Gladeck	Micozzie	Smith, B.
Burns	Godshall	Miller	Smith, L. E.
Cessar	Grieco	Moehlmann	Snyder, D. W.
Cimini	Gruppo	Morris	Snyder, G. M.
Civera	Hagarty	Mowery	Spencer
Clymer	Haluska	Nahill	Spitz
Cornell	Hasay	Noye	Stairs
Coslett	Hayes	O'Brien	Stevens
Coy	Herman	Perzel	Swift
DeVerter	Hershey	Peterson	Taylor, E. Z.
Davies	Honaman	Phillips	Telek
Dietz	Jackson	Piccola	Vroon
Dininni	Kennedy	Pitts	Wass
Donatucci	Klingaman	Pott	Weston
Dorr	Lashinger	Punt	Wilson
Durham	Lehr	Reber	Wogan
Fargo	Levi	Reinard	Wright, J. L.

**NAYS—95**

Afflerbach	Duffy	Livengood	Saloom
Alderette	Evans	Lucyk	Seventy
Baldwin	Fattah	McCall	Showers
Barber	Fee	McHale	Steighner
Battisto	Freeman	McIntyre	Stewart
Belfanti	Fryer	McMonagle	Stuban
Beloff	Gallagher	Maiale	Sweet
Blaum	George	Manderino	Taylor, F. E.
Broujos	Greenwood	Michlovic	Tigue
Caltagirone	Gruitza	Miscevich	Trello
Cappabianca	Harper	Murphy	Truman
Carn	Hoeffel	O'Donnell	Van Horne
Cawley	Hutchinson	Oliver	Wachob
Clark	Itkin	Petrarca	Wambach
Cohen	Jarolin	Petrone	Wargo
Colafella	Kasunic	Pievsky	Wiggins
Cole	Kosinski	Pistella	Williams
Cordisco	Kowalyshyn	Pratt	Wozniak
Cowell	Kukovich	Preston	Wright, D. R.
Deluca	Laughlin	Rappaport	Wright, R. C.
DeWeese	Lescovitz	Richardson	Zwikl
Daley	Letterman	Rieger	
Dawida	Levin	Rudy	Irvis,
Deal	Linton	Rybak	Speaker
Dombrowski			

**NOT VOTING—1**

Mrkonic

**EXCUSED—3**

Johnson Marmion Olasz

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

**DEMOCRATIC CAUCUS**

The SPEAKER. The Chair is going to declare a recess until 8 o'clock, but the Chair has been advised by the majority leader that he requires an immediate caucus on the part of the Democratic Party.

**REPUBLICAN CAUCUS**

The SPEAKER. Is there to be a caucus on the part of the Republican Party at the same time, Mr. Noye?

Mr. NOYE. Yes, Mr. Speaker. We are going to try to conduct as quick a caucus as we can so the members will at least have some time for dinner, and I would ask them to get there promptly. We are going to begin immediately.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, on behalf of the Democrats, I would ask them to come immediately to the caucus room. There are some 6 to 10 pieces of legislation that will have new wrinkles in them—they are coming from the Senate—that you ought to understand that will be voted tonight. We will try to give you an analysis and an explanation of each of those bills. If you come down quickly, I am sure we can get through that schedule in half an hour. That will leave you plenty of time for dinner.

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

**HB 1751, PN 2361 (Amended)**

By Rep. MORRIS

An Act amending the "Pennsylvania Industrial Development Authority Act," approved May 17, 1956 (1955 P. L. 1609, No. 537), prohibiting the use of funds for certain agricultural enterprises.

AGRICULTURE AND RURAL AFFAIRS.

**REMARKS ON VOTES**

The SPEAKER. The Chair recognizes the gentleman from Clearfield, Mr. George.

Mr. GEORGE. Mr. Speaker, on the first Hagarty amendment, A4593, I voted erroneously. I would like to change my vote to an affirmative vote. Would the record show that, please?

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

The Chair recognizes the gentleman from Washington, Mr. Sweet.

Mr. SWEET. Mr. Speaker, on amendments A4590 and A4604, I was recorded in the negative. I would like the record to show that I would like to have been recorded in the affirmative.

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

The Chair recognizes the gentleman from Cambria, Mr. Telek.

Mr. TELEK. Thank you, Mr. Speaker.

On HB 1398 I was out of my seat, and I wish to be recorded in the affirmative.

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

The Chair recognizes the gentleman from Lackawanna, Mr. Serafini.

Mr. SERAFINI. Mr. Speaker, on HB 1720, amendment A4715, I am not recorded. I would like to be recorded in the positive.

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

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

Mr. FEE. Thank you, Mr. Speaker.

On the Punt amendment, A4539, I voted in error. I would like the record to indicate "no."

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

The Chair recognizes the gentleman from Cumberland, Mr. Broujos.

Mr. BROUJOS. Mr. Speaker, on SB 985, amendment A4356, I was not in my seat at the time. I request that my vote be entered as negative.

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

The Chair recognizes the gentleman from Perry, Mr. Noye.

Mr. NOYE. Thank you, Mr. Speaker.

On HB 1720, the first Peterson amendment, A4604, I was out of my seat at the time of that vote. I would like the record to reflect that I would have voted in the affirmative.

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

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

Mr. PRATT. Mr. Speaker, I voted erroneously on amendment A4604 to HB 1720. I would like the record to reflect an affirmative vote.

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

The Chair recognizes the gentleman from York, Mr. Dorr.

Mr. DORR. Mr. Speaker, on amendment A4604, the Peterson amendment to HB 1720, I would like the record to indicate that I voted in the affirmative.

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

On the declaration of the recess, the recess will be announced to last until 8 p.m. There is no further business for the members to remain on the floor to conduct, although the Chair will remain open for a few moments.

## SENATE MESSAGE

### AMENDED HOUSE BILLS RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned **HB 350, PN 2345**; and **HB 533, PN 2346**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

## SENATE MESSAGE

### AMENDED SENATE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House by amending said amendments to **SB 763, PN 1603**.

Ordered, That the clerk present the same to the House requesting concurrence.

## RECESS

The SPEAKER. This House stands in recess until 8 p.m.

## AFTER RECESS

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

## ADDITIONS OF SPONSORS

The SPEAKER. The Chair recognizes the majority leader, who submits the following additions of sponsorships of bills for the record.

HB 273, Micozzie; HB 537, Mrkonic; HB 632, Herman; HB 633, Herman; HB 634, Herman; HB 747, Hasay; HB 1679, McIntyre; HB 1698, Coy; HB 1740, McIntyre; HB 1747, Trello; HB 1722, Hagarty; HB 1772, D. W. Snyder, McVerry; HB 1789, Trello; HB 1795, DeLuca, Trello; HB 1800, B. Smith.

## SENATE MESSAGE

### HOUSE AMENDMENTS CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to the Senate amendments to **HB 947, PN 2330**.

## SENATE MESSAGE

### HOUSE AMENDMENTS CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the

House of Representatives to **SB 603, PN 1514; SB 995, PN 1551; and SB 1144, PN 1597.**

**SENATE MESSAGE**

**HOUSE BILL  
CONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, returned **HB 92, PN 411**, with information that the Senate has passed the same without amendment.

**BILLS SIGNED BY SPEAKER**

The Chair gave notice that he was about to sign the following bills, which were then signed:

**HB 92, PN 411**

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), providing for the registration of transient vendors.

**SB 603, PN 1514**

An Act relating to the control of vegetation within the right-of-way of highways; providing for applications, inspections and permits; and fixing penalties.

**SB 995, PN 1551**

An Act amending the act of June 24, 1937 (P. L. 2017, No. 396), entitled "County Institution District Law," providing for annual salaries for treasurers in counties of the second class for services as officers of the institution district; and making editorial changes.

**SB 1049, PN 1333**

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," eliminating certain seal requirements on certain nomination petitions.

**SB 1144, PN 1597**

An Act amending the act of May 5, 1933 (P. L. 364, No. 106), entitled, as amended, "Business Corporation Law," clarifying the right of directors and officers to consider the effects of corporate actions upon employees, suppliers, customers and communities; providing for interested shareholder transactions; and conferring certain rights on noncontrolling shareholders.

**SENATE MESSAGE**

**AMENDED HOUSE BILL  
RETURNED FOR CONCURRENCE**

The clerk of the Senate, being introduced, returned **HB 1391, PN 2360**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

**ACTUARIAL NOTES**

The **SPEAKER**. The Speaker acknowledges receipt of the actuarial notes for **HB 1451, SB 474, and SB 808**, filed according to law.

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

**CALENDAR CONTINUED**

**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 615, PN 2323**, entitled:

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), directing the Department of Environmental Resources to devise and implement a State park and forest development plan to employ Pennsylvania citizens.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

**YEAS—200**

Afflerbach	Evans	Lloyd	Ryan
Alderette	Fargo	Lucyk	Rybak
Angstadt	Fattah	McCall	Saloom
Armstrong	Fee	McClatchy	Salvatore
Arty	Fischer	McHale	Saurman
Baldwin	Flick	McIntyre	Scheetz
Barber	Foster, W. W.	McMonagle	Schuler
Battisto	Foster, Jr., A.	McVerry	Semmel
Belardi	Freeman	Mackowski	Serafini
Belfanti	Freind	Madigan	Seventy
Beloff	Fryer	Maiale	Showers
Blaum	Gallagher	Manderino	Sirianni
Book	Gallen	Manmiller	Smith, B.
Bowser	Gamble	Markosek	Smith, L. E.
Boyes	Gannon	Mayernik	Snyder, D. W.
Brandt	Geist	Merry	Snyder, G. M.
Broujos	George	Michlovic	Spencer
Bunt	Gladeck	Micozzie	Spitz
Burd	Godshall	Miller	Stairs
Burns	Greenwood	Miscevich	Steighner
Caltagirone	Grieco	Moehlmann	Stevens
Cappabianca	Gruitza	Morris	Stewart
Carn	Gruppo	Mowery	Stuban
Cawley	Hagarty	Mrkonic	Sweet
Cessar	Haluska	Murphy	Swift
Cimini	Harper	Nahill	Taylor, E. Z.
Civera	Hasay	Noye	Taylor, F. E.
Clark	Hayes	O'Brien	Telek
Clymer	Herman	O'Donnell	Tigue
Cohen	Hershey	Oliver	Trello
Colafella	Hoeffel	Perzel	Truman
Cole	Honaman	Peterson	Van Horne
Cordisco	Hutchinson	Petrarca	Vroon
Cornell	Itkin	Petrone	Wachob
Coslett	Jackson	Phillips	Wambach
Cowell	Jarolin	Piccola	Wargo
Coy	Kasunic	Pievsky	Wass
Deluca	Kennedy	Pistella	Weston
DeVerter	Klingaman	Pitts	Wiggins
DeWeese	Kosinski	Pott	Williams
Daley	Kowalyszyn	Pratt	Wilson
Davies	Kukovich	Preston	Wogan
Dawida	Lashinger	Punt	Wozniak
Deal	Laughlin	Rappaport	Wright, D. R.
Dietz	Lehr	Reber	Wright, J. L.

Dininni	Lescovitz	Reinard	Wright, R. C.
Dombrowski	Letterman	Richardson	Zwinkl
Donatucci	Levi	Rieger	
Dorr	Levin	Robbins	Irvis,
Duffy	Linton	Rudy	Speaker
Durham	Livengood		

NAYS—0

NOT VOTING—0

EXCUSED—3

Johnson	Marmion	Olasz
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

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

\* \* \*

The House proceeded to third consideration of **HB 1373, PN 2232**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing that the transcript of public hearings be considered part of the record in proceedings before the commission.

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

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

The question is, shall the bill pass finally?

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

YEAS—199

Afflerbach	Durham	Linton	Robbins
Alderette	Evans	Livengood	Rudy
Angstadt	Fargo	Lloyd	Ryan
Armstrong	Fattah	Lucyk	Rybak
Arty	Fee	McCall	Saloom
Baldwin	Fischer	McClatchy	Salvatore
Barber	Flick	McHale	Saurman
Battisto	Foster, W. W.	McIntyre	Scheetz
Belardi	Foster, Jr., A.	McMonagle	Schuler
Belfanti	Freeman	McVerry	Semmel
Beloff	Freind	Mackowski	Serafini
Blaum	Fryer	Madigan	Seventy
Book	Gallagher	Maiale	Showers
Bowser	Gallen	Manderino	Sirianni
Boyes	Gamble	Manmiller	Smith, B.
Brandt	Gannon	Markosek	Smith, L. E.
Broujos	Geist	Mayernik	Snyder, D. W.
Bunt	George	Merry	Snyder, G. M.
Burd	Gladeck	Michlovic	Spencer
Burns	Godshall	Micozzie	Spitz
Caltagirone	Greenwood	Miller	Stairs
Cappabianca	Grieco	Miscevich	Steighner
Carn	Gruitza	Moehlmann	Stevens
Cawley	Gruppo	Morris	Stewart
Cessar	Hagarty	Mowery	Stuban
Cimini	Haluska	Mrkonic	Sweet
Civera	Harper	Murphy	Swift
Clark	Hasay	Nahill	Taylor, E. Z.
Clymer	Hayes	Noye	Taylor, F. E.
Cohen	Herman	O'Brien	Telek
Colafella	Hershey	O'Donnell	Tigue
Cole	Hoefel	Oliver	Trello

Cordisco	Honaman	Perzel	Truman
Cornell	Hutchinson	Peterson	Van Horne
Coslett	Itkin	Petrarca	Vroon
Cowell	Jackson	Petrone	Wachob
Coy	Jarolin	Phillips	Wambach
DeLuca	Kasunic	Piccola	Wargo
DeVerter	Kennedy	Pievsky	Wass
DeWeese	Klingaman	Pistella	Weston
Daley	Kosinski	Pitts	Wiggins
Davies	Kowalshyn	Pott	Williams
Dawida	Kukovich	Pratt	Wilson
Deal	Lashinger	Preston	Wogan
Dietz	Laughlin	Punt	Wozniak
Dininni	Lehr	Rappaport	Wright, D. R.
Dombrowski	Lescovitz	Reber	Wright, J. L.
Donatucci	Letterman	Reinard	Wright, R. C.
Dorr	Levi	Richardson	Zwinkl
Duffy	Levin	Rieger	

NAYS—0

NOT VOTING—1

Irvis,
Speaker

EXCUSED—3

Johnson	Marmion	Olasz
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

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

\* \* \*

The House proceeded to third consideration of **SB 788, PN 1553**, entitled:

An Act amending the act of July 29, 1977 (P. L. 105, No. 38), entitled "Fraternal Benefit Society Code," further providing where meetings of domestic societies may be held and the effect of such meetings; extending the time during which domestic societies may defer loans; further providing for the investment of assets; and extending the time during which the department must visit and examine domestic societies.

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

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

The question is, shall the bill pass finally?

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

YEAS—199

Afflerbach	Evans	Livengood	Rudy
Alderette	Fargo	Lloyd	Ryan
Angstadt	Fattah	Lucyk	Rybak
Armstrong	Fee	McCall	Saloom
Arty	Fischer	McClatchy	Salvatore
Baldwin	Flick	McHale	Saurman
Barber	Foster, W. W.	McIntyre	Schuler
Battisto	Foster, Jr., A.	McMonagle	Semmel
Belardi	Freeman	McVerry	Serafini
Belfanti	Freind	Mackowski	Seventy
Beloff	Fryer	Madigan	Showers
Blaum	Gallagher	Maiale	Sirianni
Book	Gallen	Manderino	Smith, B.
Bowser	Gamble	Manmiller	Smith, L. E.

Boyes	Gannon	Markosek	Snyder, D. W.
Brandt	Geist	Mayernik	Snyder, G. M.
Broujos	George	Merry	Spencer
Bunt	Gladeck	Michlovic	Spitz
Burd	Godshall	Micozzie	Stairs
Burns	Greenwood	Miller	Steighner
Caltagirone	Grieco	Miscevich	Stevens
Cappabianca	Gruitza	Moehlmann	Stewart
Carn	Gruppo	Morris	Stuban
Cawley	Hagarty	Mowery	Sweet
Cessar	Haluska	Mrkonic	Swift
Cimini	Harper	Murphy	Taylor, E. Z.
Civera	Hasay	Nahill	Taylor, F. E.
Clark	Hayes	Noye	Telek
Clymer	Herman	O'Brien	Tigue
Cohen	Hershey	O'Donnell	Trello
Colafella	Hoeffel	Oliver	Truman
Cole	Honaman	Perzel	Van Horne
Cordisco	Hutchinson	Peterson	Vroon
Cornell	Itkin	Petrarca	Wachob
Coslett	Jackson	Petrone	Wambach
Cowell	Jarolin	Phillips	Wargo
Coy	Kasunic	Piccola	Wass
Deluca	Kennedy	Pievsky	Weston
DeVerter	Klingaman	Pistella	Wiggins
DeWeese	Kosinski	Pitts	Williams
Daley	Kowalyszyn	Pott	Wilson
Davies	Kukovich	Pratt	Wogan
Dawida	Lashinger	Preston	Wozniak
Deal	Laughlin	Punt	Wright, D. R.
Dietz	Lehr	Rappaport	Wright, J. L.
Dininni	Lescovitz	Reber	Wright, R. C.
Dombrowski	Letterman	Reinard	Zwikl
Donatucci	Levi	Richardson	
Dorr	Levin	Rieger	Irvis,
Duffy	Linton	Robbins	Speaker
Durham			

NAYS—0

NOT VOTING—1

Scheetz

EXCUSED—3

Johnson Marmion Olasz

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

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

\* \* \*

The House proceeded to third consideration of **HB 922, PN 1060**, entitled:

An Act amending the "Race Horse Industry Reform Act," approved December 17, 1981 (P. L. 435, No. 135), further providing for the number of horse racing corporations.

On the question,

Will the House agree to the bill on third consideration?

Mr. DOMBROWSKI offered the following amendments No. A4696:

Amend Title, page 1, line 6, by inserting after "corporations" and the location of the race meetings

Amend Bill, page 2, by inserting between lines 1 and 2

Section 2. The additional corporation authorized by this amendatory act shall be limited to conducting its race meetings on a track located in a home rule charter county of the third class.

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

3

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes the gentleman from Erie, Mr. Dombrowski.

Mr. DOMBROWSKI. Thank you, Mr. Speaker.

This amendment would make certain that the license to be issued in Erie County, would only be used in Erie County and it is defined so in the amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—188

Alderette	Fee	McCall	Saloom
Angstadt	Flick	McClatchy	Salvatore
Armstrong	Foster, W. W.	McIntyre	Saurman
Arty	Foster, Jr., A.	McMonagle	Scheetz
Baldwin	Freind	McVerry	Schuler
Barber	Fryer	Mackowski	Semmel
Battisto	Gallagher	Madigan	Serafini
Belardi	Gallen	Maiale	Seventy
Belfanti	Gamble	Manderino	Showers
Beloff	Gannon	Manmiller	Sirianni
Blaum	Geist	Markosek	Smith, B.
Book	George	Mayernik	Smith, L. E.
Bowser	Gladeck	Merry	Snyder, D. W.
Boyes	Godshall	Michlovic	Snyder, G. M.
Brandt	Greenwood	Micozzie	Spitz
Broujos	Grieco	Miller	Stairs
Bunt	Gruitza	Miscevich	Steighner
Burd	Gruppo	Moehlmann	Stevens
Burns	Hagarty	Morris	Stewart
Caltagirone	Haluska	Mowery	Stuban
Cappabianca	Harper	Mrkonic	Sweet
Carn	Hasay	Murphy	Swift
Cawley	Hayes	Nahill	Taylor, E. Z.
Cessar	Herman	O'Brien	Taylor, F. E.
Civera	Hershey	O'Donnell	Telek
Clark	Hoeffel	Oliver	Tigue
Colafella	Honaman	Perzel	Trello
Cole	Hutchinson	Peterson	Truman
Cordisco	Itkin	Petrarca	Van Horne
Cornell	Jackson	Petrone	Vroon
Coslett	Jarolin	Phillips	Wachob
Cowell	Kasunic	Piccola	Wambach
Coy	Kennedy	Pievsky	Wargo
DeLuca	Klingaman	Pistella	Wass
DeVerter	Kosinski	Pitts	Weston
DeWeese	Kowalyszyn	Pott	Wiggins
Daley	Kukovich	Pratt	Williams
Davies	Lashinger	Preston	Wilson
Dawida	Laughlin	Punt	Wogan
Deal	Lehr	Rappaport	Wozniak
Dininni	Lescovitz	Reber	Wright, D. R.
Dombrowski	Letterman	Reinard	Wright, J. L.
Donatucci	Levi	Richardson	Wright, R. C.
Dorr	Levin	Robbins	Zwikl
Duffy	Linton	Rudy	
Durham	Livengood	Ryan	Irvis,
Evans	Lloyd	Rybak	Speaker
Fattah	Lucyk		

NAYS—6

Afflerbach	Dietz	Freeman	McHale
Clymer	Fischer		

NOT VOTING—6

Cimini	Fargo	Rieger	Spencer
Cohen	Noye		

EXCUSED—3

Johnson	Marmion	Olasz
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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—188

Alderette	Fattah	McClatchy	Saloom
Angstadt	Fee	McIntyre	Salvatore
Armstrong	Flick	McMonagle	Saurman
Arty	Foster, W. W.	McVerry	Scheetz
Baldwin	Foster, Jr., A.	Mackowski	Schuler
Barber	Freind	Madigan	Semmel
Battisto	Fryer	Maiale	Serafini
Belardi	Gallagher	Manderino	Seventy
Belfanti	Gallen	Manmiller	Showers
Beloff	Gamble	Markosek	Sirianni
Blaum	Gannon	Mayernik	Smith, B.
Book	Geist	Merry	Smith, L. E.
Bowser	George	Michlovic	Snyder, D. W.
Boyes	Gladeck	Micozzie	Snyder, G. M.
Brandt	Godshall	Miller	Spencer
Bunt	Greenwood	Miscevich	Spitz
Burd	Grieco	Moehlmann	Stairs
Burns	Gruitza	Morris	Steighner
Caltagirone	Gruppo	Mowery	Stevens
Cappabianca	Hagarty	Mrkonic	Stewart
Carn	Haluska	Murphy	Suban
Cawley	Harper	Nahill	Sweet
Cessar	Hasay	Noye	Swift
Cimini	Herman	O'Brien	Taylor, E. Z.
Civera	Hershey	O'Donnell	Taylor, F. E.
Clark	Hoeffel	Oliver	Telek
Clymer	Honaman	Perzel	Tigue
Colafella	Hutchinson	Peterson	Trello
Cole	Itkin	Petrarca	Truman
Cordisco	Jackson	Petrone	Van Horne
Cornell	Jarolin	Piccola	Vroon
Coslett	Kasunic	Pievsy	Wachob
Cowell	Kennedy	Pistella	Wambach
Coy	Klingaman	Pitts	Wargo
Deluca	Kosinski	Pott	Wass
DeVerter	Kowalyshyn	Pratt	Weston
DeWeese	Kukovich	Preston	Wiggins
Daley	Lashingier	Punt	Williams
Davies	Laughlin	Rappaport	Wilson
Dawida	Lehr	Reber	Wogan
Deal	Lescovitz	Reinard	Wozniak
Dininni	Letterman	Richardson	Wright, D. R.
Dombrowski	Levi	Rieger	Wright, J. L.
Dorr	Levin	Robbins	Wright, R. C.
Duffy	Linton	Rudy	
Durham	Livengood	Ryan	Irvis,
Evans	Lucyk	Rybak	Speaker

Fargo	McCall
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NAYS—8

Afflerbach	Fischer	Hayes	McHale
Dietz	Freeman	Lloyd	Zwikl

NOT VOTING—4

Broujos	Cohen	Donatucci	Phillips
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EXCUSED—3

Johnson	Marmion	Olasz
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

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

REMARKS ON VOTE

The SPEAKER. For what purpose does the gentleman from Lycoming, Mr. Cimini, rise?

Mr. CIMINI. Mr. Speaker, I would like to be voted in the affirmative on the Dombrowski amendment to HB 922, please.

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

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **SB 198, PN 1580**, entitled:

An Act amending the act of August 7, 1963 (P. L. 549, No. 290), entitled, as amended, "Pennsylvania Higher Education Assistance Agency Act," clarifying authority of the board of directors to establish the rate of interest on certain student loans and authorize certain lenders to pledge student loan notes as collateral for deposit of State moneys.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—198

Afflerbach	Durham	Livengood	Ryan
Alderette	Evans	Lloyd	Rybak
Angstadt	Fargo	Lucyk	Saloom
Armstrong	Fattah	McCall	Salvatore
Arty	Fee	McClatchy	Saurman
Baldwin	Fischer	McHale	Scheetz
Barber	Flick	McIntyre	Schuler
Battisto	Foster, W. W.	McMonagle	Semmel
Belardi	Foster, Jr., A.	McVerry	Serafini
Belfanti	Freeman	Mackowski	Seventy
Beloff	Freind	Madigan	Showers
Blaum	Fryer	Maiale	Sirianni
Book	Gallagher	Manderino	Smith, B.
Bowser	Gallen	Manmiller	Smith, L. E.
Boyes	Gannon	Markosek	Snyder, D. W.

Brandt	Geist	Mayerink	Snyder, G. M.
Broujos	George	Merry	Spencer
Bunt	Gladeck	Michlovic	Spitz
Burd	Godshall	Micozzie	Stairs
Burns	Greenwood	Miller	Steighner
Caltagirone	Grieco	Miscevich	Stevens
Cappabianca	Gruitza	Moehlmann	Stewart
Carn	Gruppo	Morris	Stuban
Cawley	Hagarty	Mowery	Sweet
Cessar	Haluska	Mrkonic	Swift
Cimini	Harper	Murphy	Taylor, E. Z.
Civera	Hasay	Nahill	Taylor, F. E.
Clark	Hayes	Noye	Telek
Clymer	Herman	O'Brien	Tigue
Cohen	Hershey	O'Donnell	Trello
Colafella	Hoeffel	Oliver	Truman
Cole	Honaman	Perzel	Van Horne
Cordisco	Hutchinson	Peterson	Vroon
Cornell	Itkin	Petrarca	Wachob
Coslett	Jackson	Petrone	Wambach
Cowell	Jarolin	Phillips	Wargo
Coy	Kasunic	Piccola	Wass
Deluca	Kennedy	Pievsky	Weston
DeVerter	Klingaman	Pistella	Wiggins
DeWeese	Kosinski	Pitts	Williams
Daley	Kowalshyn	Pott	Wilson
Davies	Kukovich	Pratt	Wogan
Dawida	Lashingier	Punt	Wozniak
Deal	Laughlin	Rappaport	Wright, D. R.
Dietz	Lehr	Reber	Wright, J. L.
Dininni	Lescovitz	Reinard	Wright, R. C.
Dombrowski	Letterman	Richardson	Zwikt
Donatucci	Levi	Rieger	
Dorr	Levin	Robbins	Irvis,
Duffy	Linton	Rudy	Speaker

NAYS—0

NOT VOTING—2

Gamble Preston

EXCUSED—3

Johnson Marmion Olasz

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

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

\* \* \*

The House proceeded to third consideration of **SB 474, PN 1513**, entitled:

An Act amending the act of February 1, 1974 (P. L. 34, No. 15), entitled, "Pennsylvania Municipal Retirement Law," further providing for the payment of expenses of the board; and providing for approval of budget.

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

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

The question is, shall the bill pass finally?

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

YEAS—200

Afflerbach	Evans	Lloyd	Ryan
Alderette	Fargo	Lucyk	Rybak
Angstadt	Fattah	McCall	Saloom
Armstrong	Fee	McClatchy	Salvatore
Arty	Fischer	McHale	Saurman
Baldwin	Flick	McIntyre	Scheetz
Barber	Foster, W. W.	McMonagle	Schuler
Battisto	Foster, Jr., A.	McVerry	Semmel
Belardi	Freeman	Mackowski	Serafini
Belfanti	Freind	Madigan	Seventy
Beloff	Fryer	Maiale	Showers
Blaum	Gallagher	Manderino	Sirianni
Book	Gallen	Manmiller	Smith, B.
Bowser	Gamble	Markosek	Smith, L. E.
Boyes	Gannon	Mayerink	Snyder, D. W.
Brandt	Geist	Merry	Snyder, G. M.
Broujos	George	Michlovic	Spencer
Burd	Gladeck	Micozzie	Spitz
Burns	Godshall	Miller	Stairs
Caltagirone	Greenwood	Miscevich	Steighner
Cappabianca	Grieco	Moehlmann	Stevens
Carn	Gruitza	Morris	Stewart
Cawley	Gruppo	Mowery	Stuban
Cessar	Hagarty	Mrkonic	Sweet
Cimini	Haluska	Murphy	Swift
Civera	Harper	Nahill	Taylor, E. Z.
Clark	Hasay	Noye	Taylor, F. E.
Clymer	Hayes	O'Brien	Telek
Cohen	Herman	O'Donnell	Tigue
Colafella	Hershey	Oliver	Trello
Cole	Hoeffel	Perzel	Truman
Cordisco	Honaman	Peterson	Van Horne
Cornell	Hutchinson	Petrarca	Vroon
Coslett	Itkin	Petrone	Wachob
Cowell	Jackson	Phillips	Wambach
Coy	Jarolin	Piccola	Wargo
Deluca	Kasunic	Pievsky	Wass
DeVerter	Kennedy	Pistella	Weston
DeWeese	Klingaman	Pitts	Wiggins
Daley	Kosinski	Pott	Williams
Davies	Kowalshyn	Pratt	Wilson
Dawida	Kukovich	Preston	Wogan
Deal	Lashingier	Punt	Wozniak
Dietz	Laughlin	Rappaport	Wright, D. R.
Dininni	Lehr	Reber	Wright, J. L.
Dombrowski	Lescovitz	Reinard	Wright, R. C.
Donatucci	Letterman	Richardson	Zwikt
Dorr	Levi	Rieger	
Duffy	Levin	Robbins	Irvis,
Durham	Linton	Rudy	Speaker
	Livengood		

NAYS—0

NOT VOTING—0

EXCUSED—3

Johnson Marmion Olasz

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

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

**BILL ON CONCURRENCE  
IN SENATE AMENDMENTS  
TO HOUSE AMENDMENTS**

The clerk of the Senate, being introduced, returned the following **SB 950, PN 1595**, with information that the Senate has concurred in the amendments made by the House by amending said amendments in which concurrence of the House of Representatives is requested:

An Act amending the act of December 14, 1982 (P. L. 1227, No. 281), entitled "Architects Licensure Law," providing for the reestablishment and continuation of the Architects Licensure Board; further providing for membership on the board; providing for review of the board; further providing for meetings of the board, per diem for members and civil penalties; and making editorial changes.

On the question,

Will the House concur in Senate amendments to House amendments?

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I request that the House do concur in the amendments inserted by the Senate.

On the question recurring,

Will the House concur in Senate amendments to House amendments?

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

**YEAS—200**

Afflerbach	Evans	Lloyd	Ryan
Alderette	Fargo	Lucyk	Rybak
Angstadt	Fattah	McCall	Saloom
Armstrong	Fee	McClatchy	Salvatore
Arty	Fischer	McHale	Saurman
Baldwin	Flick	McIntyre	Scheetz
Barber	Foster, W. W.	McMonagle	Schuler
Battisto	Foster, Jr., A.	McVerry	Semmel
Belardi	Freeman	Mackowski	Serafini
Belfanti	Freind	Madigan	Seventy
Beloff	Fryer	Maiale	Showers
Blaum	Gallagher	Manderino	Sirianni
Book	Gallen	Manmiller	Smith, B.
Bowser	Gamble	Markosek	Smith, L. E.
Boyes	Gannon	Mayernik	Snyder, D. W.
Brandt	Geist	Merry	Snyder, G. M.
Broujos	George	Michlovic	Spencer
Bunt	Gladeck	Micozzie	Spitz
Burd	Godshall	Miller	Stairs
Burns	Greenwood	Miscevich	Steighner
Caltagirone	Grieco	Moehlmann	Stevens
Cappabianca	Gruitza	Morris	Stewart
Carn	Gruppo	Mowery	Stuban
Cawley	Hagarty	Mrkonic	Sweet
Cessar	Haluska	Murphy	Swift
Cimini	Harper	Nahill	Taylor, E. Z.
Civera	Hasay	Noye	Taylor, F. E.
Clark	Hayes	O'Brien	Telek
Clymer	Herman	O'Donnell	Tigue
Cohen	Hershey	Oliver	Trello
Colafella	Hoeffel	Perzel	Truman
Cole	Honaman	Peterson	Van Horne
Cordischo	Hutchinson	Petrarca	Vroon
Cornell	Itkin	Petrone	Wachob
Coslett	Jackson	Phillips	Wambach
Cowell	Jarolin	Piccola	Wargo
Coy	Kasunic	Pievsky	Wass
Deluca	Kennedy	Pistella	Weston

DeVerter	Klingaman	Pitts	Wiggins
DeWeese	Kosinski	Pott	Williams
Daley	Kowalshyn	Pratt	Wilson
Davies	Kukovich	Preston	Wogan
Dawida	Lashinger	Punt	Wozniak
Deal	Laughlin	Rappaport	Wright, D. R.
Dietz	Lehr	Reber	Wright, J. L.
Dininni	Lescovitz	Reinard	Wright, R. C.
Dombrowski	Letterman	Richardson	Zwikl
Donatucci	Levi	Rieger	
Dorr	Levin	Robbins	Irvis,
Duffy	Linton	Rudy	Speaker
Durham	Livengood		

**NAYS—0**

**NOT VOTING—0**

**EXCUSED—3**

Johnson                      Marmion                      Olasz

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

**REPORT OF COMMITTEE  
OF CONFERENCE CONSIDERED**

Mr. COWELL called up for consideration the following Report of the Committee of Conference on **HB 682, PN 2334**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for gubernatorial appointments; further providing for boards of trustees of State institutions; increasing the membership on the State Board of Education and the State Veterans' Commission; establishing the Pennsylvania Academic Commission on Technological Development and providing for its powers and duties; further providing for membership on the Council of Higher Education; excluding State colleges and universities from certain requirements relating to purchases of printing supplies; imposing additional limitations relating to publications; providing for notice to certain municipalities; further providing for the powers and duties of the Department of Public Welfare; further providing for the powers and duties of the State Board of Occupational Therapy Education and Licensure; transferring certain fees to the Historical and Museum Commission; and making a repeal.

On the question,

Will the House adopt the report of the committee of conference?

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

**YEAS—199**

Afflerbach	Fargo	Lloyd	Ryan
Alderette	Fattah	Lucyk	Rybak
Angstadt	Fee	McCall	Saloom
Armstrong	Fischer	McClatchy	Salvatore
Arty	Flick	McHale	Saurman
Baldwin	Foster, W. W.	McIntyre	Scheetz
Barber	Foster, Jr., A.	McMonagle	Schuler
Battisto	Freeman	McVerry	Semmel
Belardi	Freind	Mackowski	Serafini
Belfanti	Fryer	Madigan	Seventy
Beloff	Gallagher	Maiale	Showers
Blaum	Gallen	Manderino	Sirianni
Book	Gamble	Manmiller	Smith, B.

Bowser	Gannon	Markosek	Smith, L. E.
Boyes	Geist	Mayernik	Snyder, D. W.
Brandt	George	Merry	Snyder, G. M.
Broujos	Gladeck	Michlovic	Spencer
Bunt	Godshall	Micozzie	Spitz
Burd	Greenwood	Miller	Stairs
Burns	Grieco	Miscevich	Steighner
Caltagirone	Gruitza	Moehlmann	Stevens
Cappabianca	Gruppo	Morris	Stewart
Carn	Hagarty	Mowery	Stuban
Cawley	Haluska	Mrkoncic	Sweet
Cessar	Harper	Murphy	Swift
Cimini	Hasay	Nahill	Taylor, E. Z.
Civera	Hayes	Noye	Taylor, F. E.
Clark	Herman	O'Brien	Telek
Clymer	Hershey	O'Donnell	Tigue
Cohen	Hoeffel	Oliver	Trello
Colafella	Honaman	Perzel	Truman
Cole	Hutchinson	Peterson	Van Horne
Cornell	Itkin	Petrarca	Vron
Coslett	Jackson	Petrone	Wachob
Cowell	Jarolin	Phillips	Wambach
Coy	Kasunic	Piccola	Wargo
Deluca	Kennedy	Pievsky	Wass
DeVerter	Klingaman	Pistella	Weston
DeWeese	Kosinski	Pitts	Wiggins
Daley	Kowalyszyn	Pott	Williams
Davies	Kukovich	Pratt	Wilson
Dawida	Lashinger	Preston	Wogan
Deal	Laughlin	Punt	Wozniak
Dietz	Lehr	Rappaport	Wright, D. R.
Dininni	Lescovitz	Reber	Wright, J. L.
Dombrowski	Letterman	Reinard	Wright, R. C.
Donatucci	Levi	Richardson	Zwikel
Dorr	Levin	Rieger	
Duffy	Linton	Robbins	Irvis,
Durham	Livengood	Rudy	Speaker
Evans			

NAYS—0

NOT VOTING—1

Cordisco

EXCUSED—3

Johnson Marmion Olasz

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the committee of conference was adopted.

Ordered, That the clerk inform the Senate accordingly.

**BILLS ON THIRD CONSIDERATION CONTINUED**

The House proceeded to third consideration of **HB 353, PN 1943**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for duties and jurisdiction of the Municipal Court of Philadelphia.

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

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

The question is, shall the bill pass finally?  
Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—197

Afflerbach	Durham	Livengood	Rybak
Alderette	Evans	Lloyd	Saloom
Angstadt	Fargo	Lucyk	Salvatore
Armstrong	Fattah	McCall	Saurman
Arty	Fee	McClatchy	Scheetz
Baldwin	Fischer	McHale	Schuler
Barber	Flick	McIntyre	Semmel
Battisto	Foster, W. W.	McMonagle	Serafini
Belardi	Foster, Jr., A.	McVerry	Seventy
Belfanti	Freeman	Mackowski	Showers
Beloff	Freind	Madigan	Sirjanni
Blaum	Fryer	Maiale	Smith, B.
Book	Gallagher	Manderino	Smith, L. E.
Bowser	Gallen	Manmiller	Snyder, D. W.
Boyes	Gamble	Markosek	Snyder, G. M.
Brandt	Gannon	Mayernik	Spencer
Broujos	Geist	Merry	Spitz
Bunt	George	Michlovic	Stairs
Burd	Gladeck	Micozzie	Steighner
Burns	Godshall	Miller	Stevens
Caltagirone	Greenwood	Miscevich	Stewart
Cappabianca	Grieco	Moehlmann	Stuban
Carn	Gruitza	Morris	Sweet
Cawley	Gruppo	Mowery	Swift
Cessar	Hagarty	Mrkoncic	Taylor, E. Z.
Cimini	Haluska	Murphy	Taylor, F. E.
Civera	Harper	Nahill	Telek
Clark	Hasay	Noye	Tigue
Clymer	Hayes	O'Brien	Trello
Cohen	Herman	Oliver	Truman
Colafella	Hershey	Perzel	Van Horne
Cole	Hoeffel	Peterson	Vron
Cordisco	Honaman	Petrarca	Wachob
Cornell	Hutchinson	Petrone	Wambach
Coslett	Jackson	Phillips	Wargo
Cowell	Jarolin	Piccola	Wass
Coy	Kasunic	Pievsky	Weston
Deluca	Kennedy	Pistella	Wiggins
DeVerter	Klingaman	Pitts	Williams
DeWeese	Kosinski	Pott	Wilson
Daley	Kowalyszyn	Pratt	Wogan
Davies	Kukovich	Preston	Wozniak
Dawida	Lashinger	Punt	Wright, D. R.
Deal	Laughlin	Reber	Wright, J. L.
Dietz	Lehr	Reinard	Wright, R. C.
Dininni	Lescovitz	Richardson	Zwikel
Dombrowski	Letterman	Rieger	
Donatucci	Levi	Robbins	Irvis,
Dorr	Levin	Rudy	Speaker
Duffy	Linton	Ryan	

NAYS—1

Rappaport

NOT VOTING—2

Itkin O'Donnell

EXCUSED—3

Johnson Marmion Olasz

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

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

## CONSIDERATION OF HB 1720 RESUMED

On the question recurring,

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

Mrs. TAYLOR offered the following amendment No. A4589:

Amend Sec. 2 (Sec. 432), page 5, line 26, by striking out "person who for three" and inserting married person who is thirty-five years of age and who for ten

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the lady from Chester, Mrs. Taylor.

Mrs. TAYLOR. Thank you very much, Mr. Speaker.

The amendment that I am offering, amendment A4589, is an attempt to further clarify the status of the displaced homemaker. As it is now written in the bill, it appears to be vague, so therefore, in an attempt for clarity, I have asked that the House consider striking out the words "person who for three" and in its place say, a "married person who is thirty-five years of age and who for ten consecutive years has worked for his or her family in the family home." I believe this most clearly identifies what most of us have in our minds identified with the displaced homemaker.

The SPEAKER. The Chair thanks the lady.

The Chair recognizes the gentleman from Elk, Mr. Wachob.

Mr. WACHOB. Thank you, Mr. Speaker.

Mr. Speaker, this amendment was debated in the Health and Welfare Committee, and it was my understanding that it was going to be reintroduced here on the floor.

I have some concern over the 10 consecutive years, in adding that further qualifying language in order to be eligible, but I do agree and feel that the 35 years is entirely consistent with past pieces of legislation that have been introduced here concerning displaced homemakers, and I would urge the members to support the Taylor amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia, Mr. Fattah, on the Taylor amendment.

Mr. FATTAH. Mr. Speaker, I would like to rise in opposition to the Taylor amendment. I do not believe in any way that the age 35 differentiates between who is displaced and who is not. It would seem to me that the bill as it is presently worded clearly indicates a more equitable way to describe a displaced homemaker, and I would ask my colleagues to vote against the Taylor amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

## YEAS—187

Afflerbach	Fischer	McCall	Rybak
Alderette	Flick	McClatchy	Saloom
Angstadt	Foster, W. W.	McHale	Salvatore
Armstrong	Foster, Jr., A.	McIntyre	Saurman
Baldwin	Freind	McMonagle	Scheetz
Barber	Fryer	McVerry	Schuler
Battisto	Gallagher	Mackowski	Semmel
Belardi	Gallen	Madigan	Serafini
Belfanti	Gamble	Maiale	Seventy
Beloff	Gannon	Manderino	Showers
Blaum	Geist	Manmiller	Sirianni
Book	George	Markosek	Smith, B.
Bowser	Gladeck	Mayernik	Smith, L. E.
Boyes	Godshall	Merry	Snyder, D. W.
Brandt	Greenwood	Michlovic	Snyder, G. M.
Broujos	Grieco	Micozzie	Spencer
Bunt	Gruitza	Miller	Spitz
Burd	Gruppo	Miscevich	Stairs
Burns	Hagarty	Moehlmann	Steighner
Caltagirone	Haluska	Morris	Stevens
Cawley	Harper	Mowery	Stewart
Cessar	Hasay	Mrkonic	Stuban
Cimini	Hayes	Murphy	Sweet
Civera	Herman	Nahill	Swift
Clark	Hershey	Noye	Taylor, E. Z.
Clymer	Hoeffel	O'Brien	Taylor, F. E.
Cohen	Honaman	O'Donnell	Telek
Colafella	Hutchinson	Oliver	Trello
Cole	Itkin	Perzel	Truman
Cornell	Jackson	Peterson	Van Horne
Coslett	Jarolin	Petrarca	Vroon
Cowell	Kasunic	Petrone	Wachob
Coy	Kennedy	Phillips	Wambach
Deluca	Klingaman	Piccola	Wargo
DeVerter	Kosinski	Pievsky	Wass
DeWeese	Kowalshyn	Pistella	Weston
Daley	Kukovich	Pitts	Williams
Davies	Lashingier	Pott	Wilson
Dawida	Laughlin	Pratt	Wogan
Dietz	Lehr	Preston	Wozniak
Dininni	Lescovitz	Punt	Wright, D. R.
Dombrowski	Letterman	Reber	Wright, J. L.
Donatucci	Levi	Reinard	Wright, R. C.
Dorr	Levin	Rieger	Zwinkl
Duffy	Livengood	Robbins	
Durham	Lloyd	Rudy	Irvis,
Fargo	Lucyk	Ryan	Speaker
Fee			

## NAYS—12

Cappabianca	Deal	Freeman	Richardson
Carn	Evans	Linton	Tigue
Cordisco	Fattah	Rappaport	Wiggins

## NOT VOTING—1

Arty

## EXCUSED—3

Johnson Marmion Olasz

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?

Mrs. TAYLOR offered the following amendments No. A4596:

Amend Sec. 2, (Sec. 432), page 5, line 22, by striking out "designed to improve employability" and inserting

which will result in employment

Amend Sec. 2, (Sec. 432), page 5, line 23, by striking out “two years” and inserting  
one year

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the lady from Chester, Mrs. Taylor.

Mrs. TAYLOR. Mr. Speaker, the intent of this amendment is to require that those individuals in educational and training programs complete the program in 1 year and that that program must result in employment. Now, I know that there may be an attempt by some to offer educational programs that indeed would not result in employment and, in my opinion, would therefore be a waste of 1 year for those individuals.

If you observe the wording that is now in the bill, it says that these educational programs would be designed to improve—improve—employability. I would like to make it much stronger for these people who are in these educational programs so that for them it would result in employment. And again, rather than their taking a course, we will say, in flower arranging or basket weaving, which might in effect improve one’s employability, it certainly would not result in one’s employment. I would also then strike out the 2 years and try to make it more realistic by getting these people back into the workplace in 1 year.

I would encourage my colleagues in the House to adopt this amendment.

The SPEAKER. The Chair thanks the lady.

On the lady, Mrs. Taylor’s amendment, the Chair recognizes the gentleman from Elk, Mr. Wachob.

Mr. WACHOB. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is absolutely ludicrous. There is no employment agency in Pennsylvania that can guarantee a person who has been placed there that they are going to be employable at the end of 1 year, and in fact, most of the employment and educational programs in this State are for periods of at least over 1 year and most of them are for programs of 2 years or more. I am speaking about the practical nurses program, which is a 2-year program. The people must go for 2 years in order to get the degree. I am talking about the Hospital Union in Philadelphia; they also have a 2-year program to train these people. The Jewish Employment and Vocational Services Agency in Philadelphia and the surrounding Chester and Delaware County areas is also a 2-year program. For the lady, Mrs. Taylor, to suggest that we can do otherwise when in fact over the course of history we have been taught by some of these employment and educational programs that they cannot do it in 1 year is simply deceiving the members of this body to think that they can.

Also, in regards to the guarantee that somebody who has gone through this program will be employable, I think it is a hoax, Mr. Speaker, and I would hope the members would realize this amendment for what it is and defeat it.

The SPEAKER. The Chair thanks the gentleman.

On the Taylor amendment, the Chair recognizes the gentleman from Montgomery, Mr. Hoeffel.

Mr. HOEFFEL. Thank you, Mr. Speaker.

In addition to the comments of Mr. Wachob, I would point out to the House that the section in question here gives to the department the authority to establish standards for these educational and vocational training programs. This would clearly eliminate the spurious claim of Mrs. Taylor that we might be having basket weaving programs authorized and so forth. This is really an absurd amendment. It would simply take this entire section out of the law as a practical matter. I urge its defeat.

The SPEAKER. The Chair thanks the gentleman.

Does the lady from Chester, Mrs. Taylor, wish to be recognized for the second time?

Mrs. TAYLOR. Mr. Speaker, it would seem to me that it is the attempt of this amendment not just to have individuals enroll in educational programs that will result in their remaining on welfare. I believe that the intent of this amendment is for them to be removed from the rolls, because they will be in programs in which they will have a skill that can make them acceptable in the marketplace.

The SPEAKER. The Chair thanks the lady.

The Chair recognizes the gentleman from Elk, Mr. Wachob, for the second time on the amendment.

Mr. WACHOB. Thank you, Mr. Speaker.

On page 5 in subsection (M), I think it is very clear: A person who qualifies under this section must be actively participating in an educational or vocational training program which is designed to improve employability. No employment or educational program can guarantee employability, and neither can Mrs. Taylor. I ask for a “no” vote on this amendment.

Mrs. TAYLOR. Mr. Speaker, may I interrogate the Representative?

The SPEAKER. The Speaker knows what the lady is doing, but the lady has been very clever about it, so the Speaker will let her get away with it this time. No one else try it. The lady may interrogate the gentleman, Mr. Wachob.

Mrs. TAYLOR. Thank you very much.

I think this is a question that will perhaps help all of us, Mr. Speaker, and that is, would you include then in these programs college students?

Mr. WACHOB. I do not believe so. No, Mr. Speaker.

Mrs. TAYLOR. Mr. Speaker, would not the last 2 years in college be covered as far as the language in the legislation is concerned?

Mr. WACHOB. That is not my interpretation, Mr. Speaker.

The SPEAKER. The Chair thanks the lady. She has concluded her interrogation.

The Chair recognizes the gentleman from Allegheny, Mr. Misceovich, on the Taylor amendment.

Mr. MISCEVICH. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the Taylor amendment. I would like to make the members aware that I was privy to a program that picked people to go to a vocational school that was trying to make them more employable. However, the Department of Labor and Industry handled the program and all they picked was bodies. When they picked these bodies, that did not mean that it was going to make them employable. So these people were not really qualified to go to any particular school. They had to have 100 people to fill a class at one given time, so they grabbed anybody who came into the unemployment office and filled the classroom with just anybody they could grab. So her amendment would put a lot of people to hardship if it were to pass. I would say vote "no" on it.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Venango, Mr. Peterson.

Mr. PETERSON. I would like to point out to the House that presently in the Department of Education, we have a customized job training program that specifically works with people who are on public assistance and unemployed, and at the end of the training program, they are guaranteed a job. These jobs are prearranged with different companies and corporations. They are then trained. Most of them are 6 months. Most of them, I guess, are less than 1 year; many of them are only 6 months, and at the end of that job, they are guaranteed employment. It is all prearranged. All they have to do is take the courses and then receive the training. That program is working very well in the Department of Education and goes right along with Mrs. Taylor's amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Montgomery, Mr. McClatchy.

Mr. McCLATCHY. Mr. Speaker, I rise to support the Taylor amendment. I think it gets at the problem of college students going on welfare.

As the bill presently stands without Mrs. Taylor's amendment, we will again be making eligible the college students for welfare, which we tried for so long to do away with, Mr. Speaker. I think this gets at that problem. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Beaver, Mr. Colafella, for the first time on the amendment.

Mr. COLAFELLA. Mr. Speaker, I rise to oppose this amendment.

There is no institution of higher learning that can guarantee that after you go through their program or whether you go through their vocational training program, you are going to be guaranteed a job. Harvard University does not guarantee you a job, and I am certain that no vocational program that we establish can guarantee you gainful employment. So I urge you not to vote for this amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Montgomery, Mr. Hoeffel.

Mr. HOEFFEL. Mr. Speaker, the remarks by Mr. McClatchy are absolutely false and absurd. In no way does

the language in the Wachob bill authorize college students to collect welfare. The welfare law currently forbids full-time college students from receiving welfare. The language in the Wachob bill gives to the department the authority to establish standards for these training programs. There is no conceivable way, no conceivable way, that a college student could be considered eligible for welfare because of this amendment.

If we approve the Taylor language, there will be nobody in a training program able to get welfare. We will eliminate them from public assistance, because, with the small exception of the programs mentioned by Mr. Peterson, there is no training program in the State that I know of that can guarantee employment. That is what Mrs. Taylor wants us to do. The training programs and educational programs I am aware of cannot guarantee anything in the job market we have today. We will effectively eliminate from public assistance anybody in those training programs. They will not be able to afford to go into those training programs. This is one of the stupidest amendments I have seen during our years of debate on this bill.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Cowell, on the Taylor amendment.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I, too, would urge that we defeat this amendment. It is very clear that this does not provide for welfare benefits for college students. It would have a negative impact on individuals who are in training programs, who are trying to improve their employability but, as was suggested by a number of other speakers, for whom no job can be guaranteed. We simply do not have those kinds of programs operating around this Commonwealth. The tragedy of this amendment, however, if it is adopted, is that it will serve as a further disincentive for individuals to try to improve themselves, to try to gain those additional skills that would make them more marketable in the employment market. I would urge that we defeat this amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—96

Angstadt	Flick	McClatchy	Salvatore
Armstrong	Foster, W. W.	McVerry	Saurman
Arty	Foster, Jr., A.	Mackowski	Scheetz
Book	Freind	Madigan	Schuler
Bowser	Gallen	Manmiller	Semmel
Boyes	Gannon	Merry	Serafini
Brandt	Geist	Micozzie	Sirianni
Bunt	Gladeck	Miller	Smith, B.
Burd	Godshall	Moehlmann	Smith, L. E.
Burns	Greenwood	Mowery	Snyder, D. W.
Cessar	Grieco	Nahill	Snyder, G. M.
Cimini	Gruppo	Noye	Spencer
Civera	Hagarty	O'Brien	Spitz
Clymer	Hasay	Perzel	Stairs
Cornell	Hayes	Peterson	Stevens
Coslett	Herman	Phillips	Swift
DeVerter	Hershey	Piccola	Taylor, E. Z.
Davies	Honaman	Pitts	Telek
Dietz	Jackson	Pott	Vroon
Dininni	Kennedy	Punt	Wass

Dorr	Klingaman	Reber	Weston
Durham	Lashinger	Reinard	Wilson
Fargo	Lehr	Robbins	Wogan
Fischer	Levi	Ryan	Wright, J. L.

NAYS—104

Afflerbach	Donatucci	Lloyd	Rudy
Alderette	Duffy	Lucyk	Rybak
Baldwin	Evans	McCall	Saloom
Barber	Fattah	McHale	Seventy
Battisto	Fee	McIntyre	Showers
Belardi	Freeman	McMonagle	Steighner
Belfanti	Fryer	Maiale	Stewart
Beloff	Gallagher	Manderino	Stuban
Blaum	Gamble	Markosek	Sweet
Broujos	George	Mayernik	Taylor, F. E.
Caltagirone	Gruitza	Michlovic	Tigue
Cappabianca	Haluska	Miscevich	Trello
Carn	Harper	Morris	Truman
Cawley	Hoeffel	Mrkonic	Van Horne
Clark	Hutchinson	Murphy	Wachob
Cohen	Itkin	O'Donnell	Wambach
Colafella	Jarolin	Oliver	Wargo
Cole	Kasunic	Petrarca	Wiggins
Cordisco	Kosinski	Petrone	Williams
Cowell	Kowalshyn	Pievsky	Wozniak
Coy	Kukovich	Pistella	Wright, D. R.
Deluca	Laughlin	Pratt	Wright, R. C.
DeWeese	Lescovitz	Preston	Zwinkl
Daley	Letterman	Rappaport	
Dawida	Levin	Richardson	Irvis,
Deal	Linton	Rieger	Speaker
Dombrowski	Livengood		

NOT VOTING—0

EXCUSED—3

Johnson Marmion Olasz

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?

Mrs. TAYLOR offered the following amendments No. A4538:

Amend Title, page 1, line 4, by striking out "AND"

Amend Title, page 1, line 6, by inserting after "WOMEN"  
; and providing for rental payments to landlords

Amend Bill, page 2, by inserting between lines 12 and 13  
Section 2. The act is amended by adding a section to read:

Section 408.2 Rental Payments to Landlords.—If upon petition of any landlord and after a hearing, the county board finds that a tenant who is a recipient of public assistance owes the landlord rent in an amount equal to or greater than three monthly rental payments, then the board shall notify the department to deduct an amount equal to one and one-third monthly rental payments from each monthly assistance payment and pay the amounts deducted to the landlord until such time as all the rent owed is paid. The department shall make the deductions required to the fullest extent not inconsistent with Federal statute or regulation and shall make every effort to obtain a waiver of any inconsistent Federal requirement.

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

3

Amend Sec. 3, page 6, line 25, by striking out "3" and inserting

4

Amend Sec. 4, page 7, line 3, by striking out "4" and inserting

5

Amend Sec. 5, page 7, line 19, by striking out "5" and inserting

6

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

7

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the lady from Chester, Mrs. Taylor.

Mrs. TAYLOR. Mr. Speaker, this amendment is offered in an attempt to certainly protect the good name of the majority of our welfare recipients who pay their rent to their landlord on time.

This amendment is offered so that if an individual falls behind their rental payment for 3 months, then the monthly payment would be one payment plus one-third of a monthly payment, and that means that over a period of 9 months, that welfare recipient would be able to pay back the rent in which they were in arrears. I think I will conclude my remarks on that.

The SPEAKER. The Chair thanks the lady.

MOTION TO TABLE

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Gallen.

Mr. GALLEN. Mr. Speaker, we have done some silly things, I think, from time to time, but to consider a House bill that cannot move anywhere until at least January, I think this is one of the silliest. I move that this bill and its amendments be placed upon the table.

The SPEAKER. It has been moved by the gentleman, Mr. Gallen, that HB 1720, PN 2324, be placed upon the table. The motion is not debatable except by the majority leader and the minority leader.

On the question,

Will the House agree to the motion?

The SPEAKER. On the motion, the Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, we have worked on this bill all day. It is my understanding that there are only a few amendments left. I would ask that we vote in the negative and get this bill to a final vote. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the minority leader.

Mr. RYAN. I suspect it will be a party vote, but I agree with my colleague, Mr. Gallen. The Senate has adjourned. There is nothing that can be done now until sometime in the latter part of January, and I think that the House should close down as to this bill, move on to what is left on the calendar, and finish up for the Christmas season.

The SPEAKER. Those in favor of Mr. Gallen's motion to table HB 1720 will vote "aye"; those opposed will vote "no."

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

The following roll call was recorded:

## YEAS—96

Angstadt	Foster, W. W.	Levi	Ryan
Armstrong	Foster, Jr., A.	McClatchy	Salvatore
Arty	Freind	McMonagle	Saurman
Book	Gallen	McVerry	Scheetz
Bowser	Gamble	Mackowski	Schuler
Boyes	Gannon	Madigan	Semmel
Brandt	Geist	Manmiller	Serafini
Bunt	Gladeck	Merry	Sirianni
Burd	Godshall	Micozzie	Smith, B.
Cessar	Greenwood	Miller	Smith, L. E.
Cimini	Grieco	Moehlmann	Snyder, D. W.
Civera	Gruppo	Mowery	Snyder, G. M.
Clymer	Hagarty	Nahill	Spencer
Cornell	Haluska	Noye	Spitz
Coslett	Hasay	Perzel	Stairs
DeVertter	Hayes	Peterson	Stevens
Davies	Herman	Phillips	Swift
Dietz	Hershey	Piccola	Taylor, E. Z.
Dininni	Honaman	Pitts	Telek
Dorr	Jackson	Pott	Vroon
Durham	Kennedy	Punt	Wass
Fargo	Klingaman	Reber	Wilson
Fischer	Lashingier	Reinard	Wogan
Flick	Lehr	Robbins	Wright, J. L.

## NAYS—104

Afflerbach	Dombrowski	Lucyk	Rybak
Alderette	Donatucci	McCall	Saloom
Baldwin	Duffy	McHale	Seventy
Barber	Evans	McIntyre	Showers
Battisto	Fattah	Maiale	Steighner
Belardi	Fee	Manderino	Stewart
Belfanti	Freeman	Markosek	Stuban
Beloff	Fryer	Mayernik	Sweet
Blaum	Gallagher	Michlovic	Taylor, F. E.
Broujos	George	Miscevich	Tigue
Burns	Gruitza	Morris	Trello
Caltagirone	Harper	Mrkonic	Truman
Cappabianca	Hoeffel	Murphy	Van Horne
Carn	Hutchinson	O'Brien	Wachob
Cawley	Itkin	O'Donnell	Wambach
Clark	Jarolin	Oliver	Wargo
Cohen	Kasunic	Petrarca	Weston
Colafella	Kosinski	Petrone	Wiggins
Cole	Kowalyshyn	Pievsky	Williams
Cordisco	Kukovich	Pistella	Wozniak
Cowell	Laughlin	Pratt	Wright, D. R.
Coy	Lescovitz	Preston	Wright, R. C.
Deluca	Letterman	Rappaport	Zwikl
DeWeese	Levin	Richardson	
Daley	Linton	Rieger	Irvis,
Dawida	Livengood	Rudy	Speaker
Deal	Lloyd		

## NOT VOTING—0

## EXCUSED—3

Johnson Marmion Olasz

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

On the question recurring,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Centre, Mr. Letterman.

Mr. LETTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, this is a good amendment by reading it, but the only trouble with it is the Federal Government precluded us from being able to do this approximately 2 years ago. Prior to that time, the way the allotment was sent out, it was divided where you had rent, clothing, light, and it was separated. But whenever we attempted to start to shut off people from their welfare because they were not making rental payments, the Federal Government saw fit to send the allotment to a person in a total payment, so you no longer can separate it. So this amendment is no longer legal in any way for the State to fool with it. It has to be done by the Federal Government.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I have never held myself out to be an expert in this field, and I will probably prove it with my remarks, but I know what Mr. Letterman is referring to, and if there are complications with the Federal Government, I know we have to bow to them, but, Mr. Speaker, in this case we are talking about 100 percent State money. This is a general appropriation bill; it has nothing to do with the Federal Government. This is our money, and I believe we can do it, our staff tells us we can do it, and I would like to see it done because it is right and it is what is fair.

The SPEAKER. The Chair thanks the gentleman.

On the Taylor amendment, the Chair recognizes the gentleman from Westmoreland, Mr. Kukovich.

Mr. KUKOVICH. Thank you, Mr. Speaker.

I will not call this amendment a name like the last amendment, but there are some major problems. I realize the maker of the amendment's intent, and I do not quibble with the intent, but we would have a serious problem if this became law.

We have no way of knowing how many private landlords we would have to make the vendor payments to. We are talking about what could become a huge administrative nightmare. I do not think we have any idea how many extra people we would have to hire to try to administer this program.

There is another problem. Currently under the Landlord and Tenant Act in the court interpretations of it, whenever there is housing that is hazardous to the health and has been certified that way by a health department, State or local, the tenant has the ability to put their rental money in an escrow account until the problem is staightened out, until, perhaps, windows are replaced or plumbing is fixed. Under this amendment, the payment would be made directly to the landlord. There would be no recourse for that person who is living in an unhealthy situation, which often happens in certain areas with absentee or slum landlords.

I think for that reason and because of the administrative hardship, this would probably waste tax money and would be punitive in nature. For those reasons I would ask for a negative vote, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the lady, Mrs. Taylor, for the second time on the amendment.

Mrs. TAYLOR. Mr. Speaker, may I point out that when a renter puts their money in escrow, they are not in arrears, and I agree with what my colleague on the other side of the aisle has said, that certainly that money should go in escrow until they have a livable place. We are not talking about that. If it is in escrow, it is not in arrears, and if we are going to talk about a nightmare, we have a nightmare now. And I think what we are trying to do is to protect those landlords so that they will in turn make a livable place for the renter and we will not see slum neighborhoods. Thank you very much.

The SPEAKER. The Chair thanks the lady.

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

Mr. LETTERMAN. Mr. Speaker, I think even the people drawing the amendment realize that the department shall have trouble, Mr. Speaker, with the inconsistency here. It even speaks to it. It says that they shall be required to the fullest extent not inconsistent with Federal statute or regulation and shall make every effort to obtain a waiver of any inconsistent Federal requirement, and even drawing the amendment, everybody must be aware that the State of Pennsylvania sends it out in a full allotment now and does not divide it, and that is where the problem comes in.

I would love to vote for this and I would love to see it go through, because I do not think it is right that our landlords are being stuck with people who just do not want to pay their rent, but we have to do something with the Federal Government and our own department that breaks it down where we have lighting, your clothing allotment, and everything else separated or you are never going to be able to do it. That is the only argument I have. I think it is a good idea and a good amendment, but it is not going to run.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, in response to the gentleman, he has answered his own question. If indeed it is contrary to the Federal law, this amendment has taken care of that situation. If indeed you believe that people should pay rent, and if they do not pay rent, their welfare check that is allotted to them for rent should go to the landlord or go into escrow in the case of unsafe conditions, this is your opportunity to vote for it. If your concern is with the Federal Government and the Federal regulations and the Federal law, that is covered. Vote for it. It is right in the amendment. To the extent that it is permitted by Federal law, it would be permitted under Mrs. Taylor's amendment.

This is a wonderful opportunity for you to vote your convictions, and I am sure you will do that.

The SPEAKER. The Chair recognizes the gentleman from Mercer, Mr. Gruitza.

Mr. GRUITZA. Thank you, Mr. Speaker.

Very briefly, a brief comment on this argument that I cannot even believe has been made here. I am not aware of the

fact that landlords of welfare recipients are denied the same access to the courts and the same legal rights as landlords to anybody else who defaults on their rental payments. We do not vote here to give people the right to garnish wages for nonpayment of rent, so why should we be singling out welfare recipients who may have a problem in meeting a rental payment? I think if we are going to set aside welfare recipients and say that they can have their checks set aside, then we should be doing this for landlords for every classification of people in the State. Why should we be putting them in a separate class by themselves? Landlords who have welfare recipients in their apartments or in their units have the same rights to evict those tenants as any other landlord in the State, and I do not think that we ought to be relegating them to second-class citizenry.

The SPEAKER. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentleman from Allegheny, Mr. Mayernik.

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

The SPEAKER. The lady, Mrs. Taylor, indicates that she will stand for interrogation. The gentleman is in order and may proceed.

Mr. MAYERNIK. Mr. Speaker, what would a single individual on public assistance receive per month?

Mrs. TAYLOR. An average of \$172 a month for a single individual.

Mr. MAYERNIK. Okay, and for a married couple - two individuals?

Mrs. TAYLOR. \$243-X number of dollars for a married couple, and some-odd cents.

Mr. MAYERNIK. My question is— May I make a statement on the amendment, please, Mr. Speaker?

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

Mr. MAYERNIK. The point that I would like to bring forth is, if we have a married couple receiving approximately \$230 to \$240 per month, and we would take that money and put it to 1 1/3 times for the rent—let us say the average monthly rent would be \$200—your welfare payment for the next month would be less than 1 1/3 of the payment for the rent. The welfare payment would not be able to equal 1 1/3 being the payment for the rent.

The question that I pose here is, is it really fair to the landlord that down the road they cannot file eviction charges with the district justice because these people are making some type of effort to pay the landlord? I am in favor of the landlord getting his money, but I question the technicality and legality of it. Are we really doing a favor to the landlord in this case, because he is not receiving full compensation because the individual does not receive that from the Department of Public Assistance. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Crawford, Mr. Merry.

Mr. MERRY. Mr. Speaker, this amendment must pass. I urge everybody to closely look at it. Up in my district, it is the most abused portion of our welfare system. For this reason, Mr. Speaker, most welfare people pay their rent in a very able way. They are responsible citizens. It is not their fault that many times they are handicapped or have disabilities. The people whom we need to address this bill to are the few irresponsible welfare people who do not pay their rent. And if you have ever been a landlord and tried to get some of these people out of your rental house, you will find out it is next to impossible. It takes months and months of litigation and the district justice being involved to get them out, and when you do, you may find out when they left they took the plumbing with them.

We have to make welfare people responsible. They are using public money, money paid through taxes for their welfare, and well do most of them deserve it. But when they do not pay their rent, which is part of the amount of money that has been calculated for their monthly allotment, I feel it is unfair and landlords deserve a fair shake on this. Mr. Speaker, I urge the adoption of this amendment.

The SPEAKER. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentleman from Blair, Mr. Geist.

Mr. GEIST. Thank you, Mr. Speaker.

When we get into the area of landlord-tenant relations, it seems to me we bring up a can of worms in this General Assembly that I have been listening to for 5 years and one which has always bothered me, the fact being that the landlord has little recourse, and when he does have recourse, it is expending his own funds to try to collect moneys that are owed to him, and the welfare recipient has the ability to use the legal services which are being paid for by the tax dollars paid by that landlord.

This is a good amendment and it deserves to be passed by this General Assembly. I agree with Mr. Letterman and those who have spoken in favor of it and urge a "yes" vote.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Centre, Mr. Herman, on the amendment.

Mr. HERMAN. Thank you, Mr. Speaker.

I have some experience in this particular issue concerning this amendment in the fact that one of the landlords in my district asked me to visit one of her apartments after a specific tenant had left, one specifically who was on welfare. It seems that in March this apartment was rented out. In October the tenant had only paid \$80 rent, and I think they were supposed to be paying \$225 per month. When the tenants left, they left the apartment in shambles. The carpets were ruined, the walls were written on, the furniture was broken, and the landlord had no recourse whatsoever to collect that money because the tenants had skipped town and gone somewhere else. During this whole period the landlord had tried for eviction and was unable to do so.

I think we realize that these landlords put a great deal of money back into refurnishing these apartments once these

types of individuals leave them ramshackled as they were. Needless to say, after I visited this particular case, the landlord was emotionally upset and very unstable and, I think, was really questioning whether she even wanted to rent anymore.

Personally, in my opinion, I think the present laws are unfair and I think that this amendment is going to correct a lot of inequities in this system. I encourage an affirmative vote. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentleman from Lehigh, Mr. Afflerbach.

Mr. AFFLERBACH. Thank you, Mr. Speaker.

I oppose this amendment as a landlord who has had tenants who have received public assistance in one form or another and also tenants who have not been on public assistance. I have in fact been stuck for rental payments by public assistance tenants, and I have had apartments rendered a shambles by people who have not been on public assistance. But I can tell you this: I would rather take my chances with getting my rent from a public assistance tenant than in subsidizing a slumlord. And that is exactly what this bill does. It guarantees the slumlord that he will get his money. I have a building right now next to one of my buildings that is owned by a slumlord who does absolutely nothing to that building and who gouges every penny out of their tenants that they can get out of them. Under no circumstance do I want that slumlord getting a penny of our tax dollars. I urge defeat of this amendment.

The SPEAKER. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentleman from Chester, Mr. Vroon.

Mr. VROON. Mr. Speaker, I rise to support this amendment. This is an amendment which has been requested by some of my own constituents on a number of occasions, and I must confess that I get very embarrassed when I have a constituent calling me late at night saying, I am being disturbed by a welfare tenant who is making all kinds of noise and having all kinds of parties and I cannot get rid of her. And I asked her, why can you not get rid of her? She said, well, how am I going to get rid of her? She does not pay the rent and I cannot get her out. Well, I would like you to answer these questions yourself, Mr. Speaker. How would you handle a situation like that?

I would just like to say that I think a landlord is nice enough to take in welfare recipients in his or her apartment or dwelling, with the honest expectation of getting their rent on time, and if that welfare recipient pays his or her rent on time, there is no problem at all. But in order to protect that good landlord who is doing that person a favor by renting that apartment, I think it is only fair that we ought to give her some kind of guarantee that she is going to be able to collect her rent if it falls in arrears. In this one particular case that I mentioned, that poor woman finally persuaded that woman to go out and shack up with somebody else, but she wrote off several months of unpaid rent and she had no recourse at all against that particular person.

This is the kind of thing that we are faced with, and that is why this amendment is a good amendment. It is plain common sense, and I think it is irresponsible if we do not give them some kind of remedy when they are nice enough to rent their apartments. I think to keep things in an orderly manner, we ought to encourage people who do rent their apartments to welfare recipients to know that they have some recourse if they fall into arrears on their rent. I do not think it is fair for us to pick their pockets for 3, 4, or 5 months of unpaid rent and then hope that she can get rid of these deadbeats. So please, support this amendment.

The SPEAKER. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentleman from Cambria, Mr. Haluska.

Mr. HALUSKA. Mr. Speaker, may I interrogate Mrs. Taylor, please?

The SPEAKER. The lady indicates she will stand for interrogation. The gentleman is in order and may proceed.

Mr. HALUSKA. Mr. Speaker, can you inform me as to whether or not a welfare recipient can receive, over and above their monthly stipend, an allocation for rental?

Mrs. TAYLOR. Mr. Speaker, to my knowledge, they cannot.

Mr. HALUSKA. I think this is not so. I have had some experience with this. Under circumstances, they may get an additional stipend for their rental.

Mr. Speaker, may I make a statement?

The SPEAKER. The gentleman may make a statement on the amendment.

Mr. HALUSKA. Mr. Speaker, I think we are addressing this amendment not to all welfare recipients. I think we have a very minor percentage of welfare recipients who are very unreliable. What happens in these cases, the monthly rent check comes in, you go to them and try to collect it, and that night they have one heck of a beer party with the monthly rental check. Then you go back to them the next day and they say, well, they had a party and they cannot afford to pay it. In addition to that, we find that the welfare recipients can go to the tenant and get rent rebates. They likewise use this rent rebate for other purposes rather than giving it to the landlord. So I think it is very important that we place some restrictions on this small percentage of people who are very unreliable and neglectful, and I ask a favorable vote for this amendment.

The SPEAKER. The Chair recognizes, on the amendment, the gentleman from Philadelphia, Mr. Barber.

Mr. BARBER. Mr. Speaker, I happen to be a landlord. It is funny, I live in the slums and I rent my property to people who live in the ghettos. Why do I not have these problems? I have been a landlord for the last 25 or 30 years. I have just as many problems with working people as with welfare recipients, and I resent the fact that a person would get up and make a statement that they are doing a welfare recipient a favor. I rent my property because I want to make money, and I believe each and every person who is a landlord rents their property for one purpose - to make money. You are not doing anybody a favor when they are paying you money. I do not

have one bad tenant, and I have approximately 15 people who are on welfare who rent from me. I do not believe that these people who are getting up and making statements own any property in the slum neighborhoods. I do not believe these people do not collect their rent. I believe they are going by rumors, and I dare one to show me how many properties they own. I own 15 properties in the slum neighborhoods, and the people pay me. I resent that. I resent it very much, Mr. Speaker. I do not believe we should put restrictions on welfare recipients or anyone else. We are all human beings. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia, Mr. Williams, on the amendment.

Mr. WILLIAMS. Mr. Speaker, I concur with my colleague, Mr. Barber. I think it is a disgrace, and I am very disgusted with hearing my colleagues talk about welfare recipients, discriminating against welfare recipients. I feel that if there are landlords who feel that welfare recipients are so bad and that they are not making a profit off the welfare recipients, then they should not rent to welfare recipients.

I think it is a disgrace when we start discriminating against a certain type of people because of their income or the kind of income they receive. I think that this particular amendment should be voted down, and I urge my colleagues to vote it down.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Beaver, Mr. Colafella.

Mr. COLAFELLA. Mr. Speaker, I am opposed to this amendment for two reasons. Number one, the Commonwealth of Pennsylvania is not in the landlord business. Secondly, I am appalled at the statements made that the landlords are doing welfare recipients a great favor by renting their apartments to them. I know many welfare recipients who are far more generous, compassionate, and honest than landlords. I think that is a very bad statement that they made about welfare recipients.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—122

Angstadt	Foster, W. W.	Livengood	Reinard
Armstrong	Foster, Jr., A.	Lloyd	Robbins
Arty	Freind	McClatchy	Rudy
Belfanti	Fryer	McVerry	Ryan
Book	Gallen	Mackowski	Rybak
Bowser	Gamble	Madigan	Saloom
Boyes	Gannon	Manmiller	Saurman
Brandt	Geist	Markosek	Scheetz
Broujos	George	Mayernik	Schuler
Bunt	Gladeck	Merry	Semmel
Burd	Godshall	Micozzie	Serafini
Burns	Greenwood	Miller	Seventy
Cessar	Grieco	Miscevich	Showers
Cimini	Gruppo	Moehlmann	Sirianni
Civera	Hagarty	Morris	Smith, B.
Clymer	Haluska	Mowery	Smith, L. E.
Cornell	Hasay	Mrkonic	Snyder, G. M.

Coslett	Hayes	Murphy	Spencer
Coy	Herman	Nahill	Stairs
DeLuca	Hershey	Noye	Stevens
DeVerter	Honaman	Perzel	Stuban
DeWeese	Hutchinson	Peterson	Swift
Davies	Jackson	Petrone	Taylor, E. Z.
Dietz	Kennedy	Phillips	Telek
Dininni	Klingaman	Piccola	Trello
Dorr	Kosinski	Pitts	Vroon
Duffy	Kowalshyn	Pott	Wass
Durham	Lashingner	Pratt	Wilson
Fargo	Lehr	Punt	Wright, D. R.
Fischer	Letterman	Reber	Wright, J. L.
Flick	Levi		

**NAYS—78**

Afflerbach	Deal	McCall	Steighner
Alderette	Dombrowski	McHale	Stewart
Baldwin	Donatucci	McIntyre	Sweet
Barber	Evans	McMonagle	Taylor, F. E.
Battisto	Fattah	Maiale	Tigue
Belardi	Fee	Manderino	Truman
Beloff	Freeman	Michlovic	Van Horne
Blaum	Gallagher	O'Brien	Wachob
Caltagirone	Gruitza	O'Donnell	Wambach
Cappabianca	Harper	Oliver	Wargo
Carn	Hoeffel	Petrarca	Weston
Cawley	Itkin	Pievsky	Wiggins
Clark	Jarolin	Pistella	Williams
Cohen	Kasunic	Preston	Wogan
Colafella	Kukovich	Rappaport	Wozniak
Cole	Laughlin	Richardson	Wright, R. C.
Cordisco	Lescovitz	Rieger	Zwinkl
Cowell	Levin	Salvatore	
Daley	Linton	Snyder, D. W.	Irvis,
Dawida	Lucyk	Spitz	Speaker

**NOT VOTING—0**

**EXCUSED—3**

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

**REMARKS ON VOTE**

The SPEAKER. The Chair recognizes the gentleman from Chester, Mr. Pitts.

Mr. PITTS. Mr. Speaker, could I correct a vote?

The SPEAKER. The gentleman may do so.

Mr. PITTS. Thank you, Mr. Speaker.

I was recorded in the affirmative on HB 922 in error. I would like to be recorded in the negative.

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

**CONSIDERATION OF HB 1720 CONTINUED**

On the question recurring,

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

Mr. PITTS offered the following amendment No. A4592:

Amend Sec. 2, (Sec. 432), page 6, lines 17 through 19, by striking out "and are certified as fully employable by the" in line 17 and all of line 18, and "and Industry" in line 19

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

The SPEAKER. The Chair recognizes the gentleman from Chester, Mr. Pitts.

Mr. PITTS. Thank you, Mr. Speaker.

This amendment amends page 6, lines 17 through 19, by deleting the requirements that the Office of Vocational Rehabilitation in the Department of Labor and Industry must certify individuals as fully employable to receive transitionally needy benefits.

During the past year, the Office of Vocational Rehabilitation has placed over 14,000 individuals in the rehabilitation programs. OVR cannot process many thousands more - a minimum of 48,000, and we are told by the department up to over 100,000 recipients - without substantially enlarging its staff at greatly increased cost. The cost figures that we have seen estimated for this bill, this proposal, are 14.6 million additional dollars.

Chronically needy are already defined, and transitionally needy are, by definition, those who do not qualify as chronically needy. Therefore, the Office of Vocational Rehabilitation certification is a duplicative provision. The provision would create a time barrier for recipients. It would create another hoop that recipients have to jump through. There would be waiting lists undoubtedly. It is a needless extra step, a needless time delay to require applicants not certified as chronically needy to wait to be certified as fully employable.

One thing I think we should be careful about in structuring these programs is not to set up in the administration of the program inefficiencies and costly duplicate provisions, so my amendment strikes at this and it also strikes at the potential which exists for really destroying a good program by overburdening this department. So I urge support of the amendment.

The SPEAKER. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentleman from Elk, Mr. Wachob.

Mr. WACHOB. Thank you, Mr. Speaker.

Mr. Speaker, will the gentleman, Mr. Pitts, stand for a question or two?

The SPEAKER. The gentleman indicates he will stand for interrogation. The gentleman, Mr. Wachob, is in order and may proceed.

Mr. WACHOB. Mr. Speaker, in previous sections of HB 1720, we speak about certain disabilities qualifying people for chronically needy. Who would you propose other than OVR will be able to perform these functions if you take out this section?

Mr. PITTS. The Department of Public Welfare would perform that function, not the Office of Vocational Rehabilitation, under my amendment. That is the way the present system is.

Mr. WACHOB. Thank you, Mr. Speaker.

That is the answer I expected, and I believe everybody in this room has had at least one case, and probably many cases, where DPW has shown their insensitivity, at least as far as the caseworkers are concerned—

The SPEAKER. Has the gentleman finished his interrogation?

Mr. WACHOB. Yes, Mr. Speaker.

The SPEAKER. The gentleman has finished his interrogation. He now prefers to make a statement on the amendment.

Mr. WACHOB. As I was saying, Mr. Speaker, I believe everyone in this room has been called by a recipient who has been arbitrarily cut off and has complained about the insensitivity of the DPW caseworkers in the local offices.

Part of the rationale for this bill, Mr. Speaker, is that we place functions as far as reviewing disabilities with those agencies and those departments in the State which are already set up and are already performing those functions. The Department of Public Welfare is not in the business of deciding what types of disabilities, how severe those disabilities are, and whether in fact those disabilities will create a substantial barrier to employment. That is a legitimate function and an ongoing function of the Office of Vocational Rehabilitation within the Department of Labor and Industry.

I think this is a very important amendment, Mr. Speaker, and I would urge the defeat of the Pitts amendment.

The SPEAKER. The Chair thanks the gentleman.

On the Pitts amendment, the Chair recognizes, for the second time, the gentleman from Chester, Mr. Pitts.

Mr. PITTS. Just briefly, Mr. Speaker.

OVR does not now certify people as fully employable, and they do not do hundreds of thousands of cases, so I think it is unnecessary, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Montgomery, Mr. Hoeffel.

Mr. HOEFFEL. Thank you, Mr. Speaker.

In response to the last comments, Mr. Speaker, we are not asking OVR to do hundreds of thousands of reviews. What we are asking them to do is to review individually the people who would be terminated from welfare to see if the disabilities or the other problems we are trying to provide for in this legislation are appropriately and properly cataloged and reviewed.

The whole problem we have had in the last year or so is that people have been cut off welfare without adequate effort being made to review their disabilities. We would not need this bill today if the so-called welfare reform legislation of a year or two ago had worked properly, but it has not. That is why we are here today on this bill. The reason it has not worked is that people with disabilities who are unable to work have been removed from welfare by a welfare bureaucracy that is either uncaring or unable to review them on a case-by-case basis. We are asking in the bill for OVR to do that. We think it is appropriate. We have seen the same kinds of problems at the Federal level with the disability reviews done under the SSI (supplemental security income) program; it has been a disaster. We want to stop that from happening in general assistance in Pennsylvania. It has been happening, and we want to stop that. That is why Mr. Wachob is suggesting that the reviews be done by OVR. We should defeat the Pitts amendment and provide this protection. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Elk, Mr. Wachob.

Mr. WACHOB. Thank you, Mr. Speaker.

As Representative Hoeffel said, we have all seen and we have all heard the cases, in fact probably most of us in here have written to our Congressman urging changes in the arbitrary nature of SSI cutoffs. In fact, in effect right now is a moratorium on SSI cutoffs in Pennsylvania and throughout the country. That is the same problem that we have been running into with the Department of Public Welfare. They have arbitrarily cut off people when they should not have. That is the reason for this bill. We are saying the more appropriate role and the more appropriate agency to review disabilities and to decide whether a disability is a substantial deterrent and a substantial barrier to employment is the Office of Vocational Rehabilitation, because they already do that; they already handle disabilities with many other people.

I urge a "no" vote on the Pitts amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the Pitts amendment, the Chair recognizes the gentleman from Allegheny, Mr. McVerry.

Mr. McVERRY. Mr. Speaker, I rise in support of the Pitts amendment, and I suggest very briefly that it is not the function of the Office of Vocational Rehabilitation to determine whether or not someone is fully employable, and in fact, if that is the case with that office, does that put the State at a responsibility to determine the employable nature and where employment might lie for that particular person? We are getting away from the able-bodied aspect and talking about certification of employability. Does certification of employability mean that employability is available, or does it mean that that person is capable of employment if employment were available?

I think that having a certification by the State through the Office of Vocational Rehabilitation is going far afield of what we really want to accomplish in providing benefits for needy persons, and I would urge that we support the Pitts amendment.

The SPEAKER. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentleman from Montgomery, Mr. McClatchy.

Mr. McCLATCHY. Mr. Speaker, I rise to support the amendment. Unfortunately, all we are doing is giving another bureaucracy the job to do, and it is going to cost over \$13 million, and not one nickel is going to go to recipients.

Mr. Speaker, if there is a problem with the Welfare Department—and I recognize there are problems with the Welfare Department, whether it is under a Democratic administration or a Republican administration—I would pledge sincerely to work to get those problems corrected; but to turn this over to another bureaucracy to do double work for \$13 million, I think, is a waste of money. I support the amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—102

Angstadt	Flick	McVerry	Ryan
Armstrong	Foster, W. W.	Mackowski	Salvatore
Arty	Foster, Jr., A.	Madigan	Saurman
Book	Freind	Manmiller	Scheetz
Bowser	Gallen	Mayernik	Schuler
Boyes	Gamble	Merry	Semmel
Brandt	Gannon	Micozzie	Serafini
Bunt	Geist	Miller	Sirianni
Burd	Gladeck	Moehlmann	Smith, B.
Burns	Godshall	Morris	Smith, L. E.
Cessar	Greenwood	Mowery	Snyder, D. W.
Cimini	Grieco	Nahill	Snyder, G. M.
Civera	Hagarty	Noye	Spencer
Clymer	Hasay	O'Brien	Spitz
Cornell	Hayes	Perzel	Stairs
Coslett	Herman	Peterson	Stevens
Coy	Hershey	Phillips	Swift
DeVerter	Honaman	Piccola	Taylor, E. Z.
Davies	Jackson	Pitts	Telek
Dietz	Kennedy	Pott	Vroon
Dininni	Klingaman	Punt	Wass
Dorr	Lashinger	Reber	Weston
Duffy	Lehr	Reinard	Wilson
Durham	Levi	Robbins	Wogan
Fargo	Lloyd	Rudy	Wright, J. L.
Fischer	McClatchy		

NAYS—96

Afflerbach	Donatucci	Lucyk	Saloom
Alderette	Evans	McCall	Seventy
Baldwin	Fattah	McHale	Showers
Barber	Fee	McIntyre	Steighner
Battisto	Freeman	McMonagle	Stewart
Belardi	Fryer	Maiale	Stuban
Belfanti	Gallagher	Manderino	Sweet
Blaum	George	Markosek	Taylor, F. E.
Broujos	Gruitza	Michlovic	Tigue
Caltagirone	Haluska	Miscevich	Trello
Cappabianca	Harper	Mrkonic	Truman
Carn	Hoeffel	Murphy	Van Horne
Cawley	Hutchinson	O'Donnell	Wachob
Clark	Irtkin	Oliver	Wambach
Cohen	Jarolin	Petrarca	Wargo
Colafella	Kasunic	Petrone	Wiggins
Cole	Kosinski	Pievsky	Williams
Cordisco	Kowalyszyn	Pistella	Wozniak
Cowell	Kukovich	Pratt	Wright, D. R.
Deluca	Laughlin	Preston	Wright, R. C.
DeWeese	Lescovitz	Rappaport	Zwikl
Daley	Letterman	Richardson	
Dawida	Levin	Rieger	Irvis,
Deal	Linton	Rybak	Speaker
Dombrowski	Livengood		

NOT VOTING—2

Beloff Gruppo

EXCUSED—3

Johnson Marmion Olasz

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. PITTS offered the following amendment No. A4595:

Amend Sec. 2, (Sec. 432), page 4, line 17, by inserting after "assistance."

It shall be the responsibility of the applicant who does not qualify for unemployment compensation benefits to prove prior employment by producing State income tax records and other proof as required by the department.

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman from Chester, Mr. Pitts.

Mr. PITTS. Thank you, Mr. Speaker.

This amendment will place responsibility for proving an employment history on the applicant. The bill does not require or define proof of employment. The amendment would require that the applicant produce State income tax forms or other proof as required by the department.

Current law, Mr. Speaker, is that chronically needy individuals are defined as persons who have been employed full-time for at least 48 months in the previous 8 years and have exhausted UC (unemployment compensation) benefits prior to applying for assistance. HB 1720 broadens eligibility to those who have worked but do not qualify for UC; for example, the self-employed and all Federal employees. The problem is that there is no proof of employment required in this current bill, and there is no definition of what that proof must be. So what my amendment would do is place responsibility on the applicant for proving his employment history. It requires that the applicant produce State income tax records or other proof. I think tax records are good proof, and without this amendment I think we would be opening up the system for fraud. I do not think the burden should be placed on the department to prove work record. Therefore, I urge an affirmative vote on the amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes, on the Pitts amendment, the gentleman from Elk, Mr. Wachob.

Mr. WACHOB. Mr. Speaker, I agree with the gentleman, Mr. Pitts, and urge an affirmative vote.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—195

Afflerbach	Evans	Lucyk	Rybak
Alderette	Fargo	McCall	Saloom
Angstadt	Fee	McClatchy	Salvatore
Armstrong	Fischer	McHale	Saurman
Arty	Flick	McIntyre	Scheetz
Baldwin	Foster, W. W.	McMonagle	Schuler
Barber	Foster, Jr., A.	McVerry	Semmel
Battisto	Freeman	Mackowski	Serafini
Belardi	Freind	Madigan	Seventy
Belfanti	Gallagher	Maiale	Showers
Beloff	Gallen	Manderino	Sirianni
Blaum	Gamble	Manmiller	Smith, B.
Book	Gannon	Markosek	Smith, L. E.
Bowser	Geist	Mayernik	Snyder, D. W.
Boyes	George	Merry	Snyder, G. M.
Brandt	Gladeck	Michlovic	Spencer
Broujos	Godshall	Micozzie	Spitz

Bunt	Greenwood	Miller	Stairs
Burd	Grieco	Miscevich	Steighner
Burns	Gruitza	Moehlmann	Stevens
Caltagirone	Gruppo	Morris	Stewart
Cappabianca	Hagarty	Mowery	Stuban
Carn	Haluska	Mrkonic	Sweet
Cawley	Harper	Murphy	Swift
Cessar	Hasay	Nahill	Taylor, E. Z.
Cimini	Hayes	Noye	Taylor, F. E.
Civera	Herman	O'Brien	Telek
Clark	Hershey	O'Donnell	Tigue
Clymer	Hoeffel	Oliver	Trello
Cohen	Honaman	Perzel	Truman
Colafella	Hutchinson	Peterson	Van Horne
Cole	Itkin	Petrarca	Vroon
Cordisco	Jackson	Petrone	Wachob
Cornell	Jarolin	Phillips	Wambach
Coslett	Kasunic	Piccola	Wargo
Cowell	Kennedy	Pievsky	Wass
Coy	Klingaman	Pistella	Weston
Deluca	Kosinski	Pitts	Wiggins
DeVertter	Kowalshyn	Poit	Williams
DeWeese	Kukovich	Pratt	Wilson
Daley	Lashingier	Preston	Wogan
Davies	Laughlin	Punt	Wozniak
Dawida	Lehr	Rappaport	Wright, D. R.
Dietz	Lescovitz	Reber	Wright, J. L.
Dininni	Letterman	Reinard	Wright, R. C.
Dombrowski	Levi	Rieger	Zwikl
Donatucci	Levin	Robbins	
Dorr	Livengood	Rudy	Irvis,
Duffy	Lloyd	Ryan	Speaker
Durham			

NAYS—4

Deal	Fattah	Linton	Richardson
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NOT VOTING—1

Fryer

EXCUSED—3

Johnson	Marmion	Olasz
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The question was determined in the affirmative, and the amendment was agreed to.

REMARKS ON VOTES

The SPEAKER. The Chair recognizes the gentleman from Indiana, Mr. Wass. For what purpose does the gentleman rise?

Mr. WASS. Mr. Speaker, to clarify a voting record.

The SPEAKER. The gentleman may make the statement.

Mr. WASS. Mr. Speaker, on final passage of HB 922, my switch did not work properly. I want to be recorded in the negative.

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

The Chair recognizes the gentleman from Northampton, Mr. Gruppo.

Mr. GRUPPO. Mr. Speaker, on amendment A4592, my switch malfunctioned also. I had intended to vote "yes." I was not recorded at all on the board.

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

The Chair recognizes the gentleman from Philadelphia, Mr. Wogan.

Mr. WOGAN. Thank you, Mr. Speaker.

On amendment A4538, in getting back to my seat I inadvertently voted in the negative. It was my intention to have voted in the affirmative.

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

CONSIDERATION OF HB 1720 CONTINUED

On the question recurring,

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

Mr. GEIST offered the following amendment No. A4540:

Amend Sec. 2 (Sec. 432), page 3, line 12, by striking out "illiteracy,"

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman from Blair, Mr. Geist.

Mr. GEIST. Thank you, Mr. Speaker.

I would like to make a few points on the definition of illiteracy. First of all, absolutely no definition of illiteracy in any State welfare program exists today. Second of all, it takes away all incentive to learn to read, to learn to write, to learn to take care of yourself. Third, it provides financial incentive for kids to drop out of school, particularly for third-generation welfare recipients or their families.

Under this definition or Webster's, Mr. Speaker, any member of this House or any candidate for Congress could prove their illiteracy, knowing full well that the Senate has already proven theirs.

The SPEAKER. Do you want to repeat that one? They missed that one.

Mr. GEIST. I think they did.

The SPEAKER. Yes. Repeat it. That was too good to let go by.

Mr. GEIST. Under this definition of illiteracy, or Webster's, any member of this House or candidate for Congress could prove their illiteracy, knowing full well that the Senate has already proven theirs. We could all sign up and pass this test. Under this definition, seriously though, Mr. Speaker, it offers nothing more than a crowbar to pry open the coffers of government. How much is that crowbar worth? According to formula, it works out, using the State's figures on illiteracy, to about \$2.5 million, assuming that they do not cheat.

In conclusion, Mr. Speaker, how can the department prove if anyone cannot read or write? I can just see it now at the welfare office when they stand in line. A welfare worker comes out, holds up a sign at the back of the room which says, welfare bonus checks this way. And if people could read the sign, they would throw them out. I think the term "illiteracy" should be stricken, and I ask for your support on this amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question of the Geist amendment, the Chair recognizes the gentleman from Elk, Mr. Wachob.

Mr. WACHOB. Thank you, Mr. Speaker.

Mr. Speaker, this is another amendment, like the three previous ones, which takes out, as a reason for qualifying for the chronically needy section, the illiteracy section. I believe that that is an important section, Mr. Speaker. I believe that there are adequate safeguards contained elsewhere in that section that leaves the jurisdiction for establishing those standards up to the Department of Welfare. I feel comfortable with the bill the way it is, and I would urge a "no" vote on the Geist amendment.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—112

Angstadt	Foster, Jr., A.	McVerry	Ryan
Armstrong	Freind	Mackowski	Saloom
Arty	Gallen	Madigan	Salvatore
Book	Gamble	Manmiller	Saurman
Bowser	Gannon	Mayernik	Scheetz
Boyes	Geist	Merry	Schuler
Brandt	George	Micozzie	Semmel
Bunt	Gladeck	Miller	Serafini
Burd	Godshall	Moehlmann	Showers
Burns	Greenwood	Morris	Sirianni
Cessar	Grieco	Mowery	Smith, B.
Cimini	Gruppo	Murphy	Smith, L. E.
Civera	Hagarty	Nahill	Snyder, D. W.
Clymer	Hasay	Noye	Snyder, G. M.
Cornell	Hayes	O'Brien	Spencer
Coslett	Herman	Perzel	Spitz
Coy	Hershey	Peterson	Stairs
DeVerter	Honaman	Petrarca	Stevens
Davies	Jackson	Petrone	Swift
Dawida	Kennedy	Phillips	Taylor, E. Z.
Dietz	Klingaman	Piccola	Tigue
Dininni	Kosinski	Pitts	Vroon
Dorr	Lashingner	Pott	Wass
Durham	Lehr	Punt	Weston
Fargo	Letterman	Reber	Wilson
Fischer	Levi	Reinard	Wogan
Flick	Lloyd	Rieger	Wozniak
Foster, W. W.	McClatchy	Robbins	Wright, J. L.

NAYS—87

Afflerbach	Deal	Linton	Rybak
Alderette	Dombrowski	Livengood	Seventy
Baldwin	Donatucci	Lucyk	Steighner
Barber	Duffy	McCall	Stewart
Battisto	Evans	McHale	Stuban
Belardi	Fattah	McIntyre	Sweet
Belfanti	Fee	McMonagle	Taylor, F. E.
Beloff	Freeman	Maiale	Telek
Blaum	Fryer	Manderino	Trello
Broujos	Gallagher	Markosek	Truman
Caltagirone	Gruitza	Michlovic	Van Horne
Cappabianca	Haluska	Miscevich	Wachob
Carn	Harper	Mrkonic	Wambach
Cawley	Hoeffel	O'Donnell	Wargo
Clark	Itkin	Oliver	Wiggins
Cohen	Jarolin	Pievsky	Williams
Colafella	Kasunic	Pistella	Wright, D. R.
Cole	Kowalysbyn	Pratt	Wright, R. C.
Cordisco	Kukovich	Preston	Zwinkl
Cowell	Laughlin	Rappaport	

Deluca	Lescovitz	Richardson	Irvis,
DeWeese	Levin	Rudy	Speaker
Daley			

NOT VOTING—1

Hutchinson

EXCUSED—3

Johnson Marmion Olasz

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. HAYES offered the following amendment No. A4597:

Amend Sec. 2 (Sec. 432), page 5, line 18, by inserting after "service"  
with an honorable discharge

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

The SPEAKER. The Chair recognizes the minority whip.

Mr. HAYES. Thank you, Mr. Speaker.

At the very beginning of our debate this evening on welfare reform, the gentleman, Mr. Wachob, offered an amendment which would qualify the type of veterans by their discharge in terms of their ultimate eligibility for welfare. The amendment which he offered said that the discharge would have to be no more than just under honorable conditions, and after extended debate, I believe we were able to establish that those words really do not mean honorable discharge.

The amendment that I am offering at this time would say that if the taxpayers of Pennsylvania are expected to provide welfare benefits for those persons who are coming home from the military, those persons would have had to have at least received for their service on active duty an honorable discharge. I offer this amendment at this time, and I urge its adoption.

The SPEAKER. The Chair thanks the gentleman.

On the Hayes amendment, the Chair recognizes the gentleman, Mr. Wachob.

Mr. WACHOB. Thank you, Mr. Speaker.

Would Mr. Hayes answer a question?

The SPEAKER. The gentleman, Mr. Hayes, indicates he will stand for interrogation. The gentleman, Mr. Wachob, is in order and may proceed.

Mr. WACHOB. Mr. Speaker, is it your understanding that with the adoption of your amendment we would negate the previous amendment that was passed here by the House?

Mr. HAYES. I would yield to the Speaker, but that is my intention.

The SPEAKER. Because the Hayes amendment amends the same line and is a later amendment, it would amend the bill as it currently stands, and that would mean that it would strike from the bill the earlier language which read "under honorable conditions" and substitute for it the words "with an honorable discharge."

Mr. WACHOB. Thank you, Mr. Speaker.

If I may make a comment.

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

Mr. WACHOB. Thank you.

I believe that we acted the wisest, Mr. Speaker, when we adopted the amendment previously in the early part of the evening and in the early part of the debate. But I do not believe that any member should vote against this particular amendment, and I would urge its adoption. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—186

Afflerbach	Fattah	McCall	Rybak
Alderette	Fee	McClatchy	Saloom
Angstadt	Fischer	McHale	Salvatore
Armstrong	Flick	McIntyre	Saurman
Arty	Foster, W. W.	McMonagle	Scheetz
Baldwin	Foster, Jr., A.	McVerry	Schuler
Battisto	Freind	Mackowski	Semmel
Belardi	Fryer	Madigan	Serafini
Belfanti	Gallagher	Manderino	Seventy
Beloff	Gallen	Manmiller	Showers
Book	Gamble	Markosek	Sirianni
Bowser	Gannon	Mayernik	Smith, B.
Boyes	Geist	Merry	Smith, L. E.
Brandt	George	Michlovic	Snyder, D. W.
Broujos	Gladeck	Micozzie	Snyder, G. M.
Bunt	Godshall	Miller	Spencer
Burd	Greenwood	Miscevich	Spitz
Burns	Grieco	Moehlmann	Stairs
Caltagirone	Gruitza	Morris	Steighner
Cawley	Gruppo	Mowery	Stevens
Cessar	Hagarty	Mrkonic	Stewart
Cimini	Haluska	Murphy	Stuban
Civera	Hasay	Nahill	Sweet
Clark	Hayes	Noye	Swift
Clymer	Herman	O'Brien	Taylor, E. Z.
Colafella	Hershey	O'Donnell	Taylor, F. E.
Cole	Honaman	Oliver	Telek
Cordisco	Hutchinson	Perzel	Trello
Cornell	Itkin	Peterson	Truman
Coslett	Jackson	Petrarca	Van Horne
Cowell	Jarolin	Petrone	Vroon
Coy	Kasunic	Phillips	Wachob
Deluca	Kennedy	Piccola	Wambach
DeVertter	Klingaman	Pievsky	Wargo
DeWeese	Kosinski	Pistella	Wass
Daley	Kowalshyn	Pitts	Weston
Davies	Lashinger	Pott	Williams
Dawida	Laughlin	Pratt	Wilson
Deal	Lehr	Preston	Wogan
Dietz	Lescovitz	Punt	Wozniak
Dininni	Letterman	Rappaport	Wright, D. R.
Dombrowski	Levi	Reber	Wright, J. L.
Donatucci	Levin	Reinard	Wright, R. C.
Dorr	Linton	Rieger	Zwinkl
Duffy	Livengood	Robbins	
Durham	Lloyd	Rudy	Irvis,
Fargo	Lucyk	Ryan	Speaker

NAYS—13

Barber	Cohen	Harper	Richardson
Blaum	Evans	Hoeffel	Tigue
Cappabianca	Freeman	Kukovich	Wiggins
Carn			

NOT VOTING—1

Maiale

EXCUSED—3

Johnson Marmion Olasz

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. McCLATCHY offered the following amendments No. A4607:

Amend Sec. 2 (Sec. 432), page 3, line 28, by striking out the bracket before "another"

Amend Sec. 2 (Sec. 432), page 3, lines 29 and 30, by striking out "] a child under age eighteen or an adult" in line 29 and all of line 30

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. McClatchy.

Mr. McCLATCHY. Mr. Speaker, as I read this bill, the proponents suggest that a 17-year-old child is not capable of caring for himself when he comes home from school each day. If a working mother can somehow find a baby-sitter—these are ordinarily regular working people who allow their child to become a latchkey child and care for himself or herself until she arrives home from work—I think we should expect the same thing for all caretakers. The existing regulation allows mothers with children under 6 years of age to be eligible as chronically needy. My amendment will return this amendment as before us to current law, Mr. Speaker. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Elk, Mr. Wachob, on the amendment.

Mr. WACHOB. Mr. Speaker, will the gentleman, Mr. McClatchy, stand for questioning?

The SPEAKER. The gentleman, Mr. McClatchy, indicates he will stand for interrogation. The gentleman, Mr. Wachob, may proceed.

Mr. WACHOB. Mr. Speaker, under this section we are defining what a caretaker is, and you are saying that we should eliminate the entire section that would qualify a person who has to remain in the home to take care of a person under the age of 18. So in effect what you are saying is that if a child is 3 or 4 or 5 or 6 and has to be at home, they would be ineligible under this section if they have to stay home as a result of caring for that child.

Mr. McCLATCHY. That is incorrect. We are returning to present law, which would provide home care or caretaker service for a child under 6.

Mr. WACHOB. Thank you, Mr. Speaker.

If I may make a statement.

The SPEAKER. The gentleman may proceed.

Mr. WACHOB. Mr. Speaker, Mr. McClatchy is correct that he is referring to current law and he is returning it to current law. This is an area that I can speak about personally, Mr. Speaker, because there was a case in my legislative district where a young person who had a child who was under the age of 5 was required to stay in that home to take care of the child because they did not have the proper day-care facilities within Elk County. Mr. McClatchy is saying that this person will be ineligible for general assistance benefits. I believe that that is wrong. I believe that we should be encouraging families and we should be encouraging single parents, for the most part, to stay home and care for their young children when at all possible. I believe Mr. McClatchy's amendment works counter to that, and I would urge a negative vote on this amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes, on the McClatchy amendment, the gentleman from Somerset, Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

Some of us back here do not seem to have this particular amendment. I wonder if the gentleman, Mr. McClatchy, would tell us what lines he is proposing to take out.

Mr. McCLATCHY. It amends section 2, page 3, lines 29 and 30, by striking out "a child under age eighteen or an adult" in line 29 and all of line 30.

Mr. LLOYD. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Montgomery, Mr. McClatchy.

Mr. McCLATCHY. Mr. Speaker, just one final word. All I am trying to do is to treat welfare mothers just the same as ordinary working mothers. I am not eliminating the eligibility of any child under 6 at home. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

**POINT OF ORDER**

The SPEAKER. On the McClatchy amendment, the Chair recognizes the gentleman from Philadelphia, Mr. Richardson.

Mr. RICHARDSON. Point of order, Mr. Speaker.

The SPEAKER. Will the gentleman state his point of order.

Mr. RICHARDSON. The amendment that is presently on the board is A4607. We have in our hands a copy of A4602. I just want to know whether or not that is the same identical amendment and whether or not it addresses the—

The SPEAKER. No; you should have A4607. If the members do not have that, will the pages see that those amendments are delivered. If you raise your hand to indicate you do not have the amendment, the pages will deliver it. The pages will please deliver copies of A4607 to those members indicating they have not yet received it.

On the amendment, the Chair now recognizes, for the second time, the gentleman from Elk, Mr. Wachob.

Mr. WACHOB. Thank you, Mr. Speaker.

Mr. Speaker, what Mr. McClatchy is doing in fact is what he does not want to do. Working mothers are different in some cases. They can afford to buy day-care services; they can afford to buy baby-sitters for their children.

This case was a case that I ran into personally. It was a person with a child who was under 6. The Department of Welfare did in fact eliminate that person from assistance. If Mr. McClatchy says that is a law, then that is not what the Department of Welfare is implying through their regulation process. They did eliminate a person from assistance in that category, and I would urge that women who are staying home with their children or men who are staying home with their children should not be discriminated against. I would urge a negative vote on this amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Venango, Mr. Peterson.

Mr. PETERSON. Just in response to the example that Representative Wachob just gave us. Whoever made that decision in the department was in error. I do not think we should change public law just because somebody administers it improperly. They could have appealed that case and would have absolutely won. I do not think we can write laws every time a department makes a mistake in administering. We have thousands of workers out there, and that is exactly what we are trying to do here. That person should not have been denied benefits and would not have been denied benefits if they had appealed it.

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

The following roll call was recorded:

**YEAS—111**

Afflerbach	Durham	Lehr	Rudy
Angstadt	Fargo	Letterman	Ryan
Armstrong	Fischer	Levi	Salvatore
Arty	Flick	Lloyd	Saurman
Battisto	Foster, W. W.	McClatchy	Scheetz
Belardi	Foster, Jr., A.	McVerry	Schuler
Book	Freind	Mackowski	Semmel
Bowser	Fryer	Madigan	Serafini
Boyes	Gallen	Manmiller	Showers
Brandt	Gamble	Mayermik	Sirianni
Broujos	Gannon	Merry	Smith, B.
Bunt	Geist	Micozzie	Smith, L. E.
Burd	Gladeck	Miller	Snyder, D. W.
Burns	Godshall	Moehlmann	Snyder, G. M.
Cessar	Greenwood	Mowery	Spencer
Cimini	Grieco	Nahill	Spitz
Civera	Gruppo	Noye	Stairs
Clymer	Hagarty	O'Brien	Stevens
Cornell	Hasay	Perzel	Swift
Coslett	Hayes	Peterson	Taylor, E. Z.
Coy	Herman	Phillips	Telek
Deluca	Hershey	Piccola	Vroon
DeVerter	Honaman	Pitts	Wass
DeWeese	Jackson	Pott	Weston
Davies	Kennedy	Punt	Wilson
Dietz	Klingaman	Reber	Wogan
Dininni	Kosinski	Reinard	Wright, J. L.
Dorr	Lashingier	Robbins	

**NAYS—88**

Alderette	Fattah	McIntyre	Seventy
Baldwin	Fee	McMonagle	Steighner
Barber	Freeman	Maiale	Stewart
Belfanti	Gallagher	Manderino	Stuban
Beloff	George	Markosek	Sweet
Blaum	Gruitza	Michlovic	Taylor, F. E.
Caltagirone	Haluska	Miscevich	Tigue

Cappabianca	Harper	Morris	Trello
Carn	Hoeffel	Mrkonic	Truman
Cawley	Hutchinson	Murphy	Van Horne
Clark	Itkin	Oliver	Wachob
Cohen	Jarolin	Petrarca	Wambach
Colafella	Kasunic	Petrone	Wargo
Cole	Kowalyszyn	Pievsky	Wiggins
Cordisco	Kukovich	Pistella	Williams
Cowell	Laughlin	Pratt	Wozniak
Daley	Lescovitz	Preston	Wright, D. R.
Dawida	Levin	Rappaport	Wright, R. C.
Deal	Linton	Richardson	Zwikl
Dombrowski	Livengood	Rieger	
Donatucci	Lucyk	Rybak	Irvis,
Duffy	McCall	Saloom	Speaker
Evans	McHale		

NOT VOTING—1

O'Donnell

EXCUSED—3

Johnson Marmion Olasz

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

On the question recurring,

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

Mr. McCLATCHY offered the following amendment No. A4602:

Amend Sec. 2 (Sec. 432), page 6, lines 6 and 7, by striking out both of said lines

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentleman from Montgomery, Mr. McClatchy.

Mr. McCLATCHY. Mr. Speaker, my amendment amends section 2, page 6, lines 6 and 7, by striking out both said lines. Mr. Speaker, this amendment seeks to correct what is probably the worst provision of the bill. The current language in this bill creates an incentive for parents to dump their children in foster care.

Let me explain. Under this provision of the bill, an individual whose youngster is in foster care automatically becomes eligible for a full year-round benefit, rather than receiving assistance as transitionally needy; whereas if the parent keeps the child at home, which is the public policy we should be encouraging, he or she would lose those additional benefits. This approach is very dangerous. We should not provide an incentive to break down the family unit with the State rewarding parents for abandoning their children. Under this provision, it is conceivable that separated parents could both claim additional benefits for abandoning their children. My amendment deletes this provision. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the McClatchy amendment, the Chair recognizes the gentleman from Elk, Mr. Wachob.

Mr. WACHOB. Thank you, Mr. Speaker.

Mr. Speaker, it appears that at least a few members on this floor are looking through rose-colored glasses in which the world was just perfect or wish the world and the experiences

that other families have would be the same as their experiences in life. The fact remains, Mr. Speaker, that some children and some families are not quite as fortunate as other people and especially as some people on this floor.

Mr. Speaker, what we are trying to do here is to encourage the reunion of foster kids back with their original families. The reason in some cases which children go into foster care is because of family problems. Those problems are compounded by lack of a job, lack of employment, in some cases, alcoholism or drug abuse, but the fact remains that no children and youth agency will reunite a foster family and that child back together again if there is not some sort of stable source of income coming into that house.

I suggest if Mr. McClatchy wants to get people off the welfare rolls, that he should support this bill as it is, because as it is under the McClatchy amendment, it will not do that, Mr. Speaker. It will encourage long-term foster care, and I believe that that is counterproductive to what the members here want and what the prime sponsor of this amendment wants as well. I would urge the defeat of this amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—97

Angstadt	Flick	McClatchy	Salvatore
Armstrong	Foster, W. W.	McVerry	Saurman
Arty	Foster, Jr., A.	Mackowski	Scheetz
Belardi	Freind	Madigan	Schuler
Book	Gallen	Manmiller	Semmel
Bowser	Gannon	Merry	Serafini
Boyes	Geist	Micozzie	Sirianni
Brandt	Gladeck	Miller	Smith, B.
Bunt	Godshall	Moehlmann	Smith, L. E.
Burd	Grieco	Mowery	Snyder, D. W.
Burns	Gruppo	Nahill	Snyder, G. M.
Cessar	Hagarty	Noye	Spencer
Cimini	Hasay	O'Brien	Spitz
Civera	Hayes	Perzel	Stairs
Clymer	Herman	Peterson	Stevens
Cornell	Hershey	Phillips	Swift
Coslett	Honaman	Piccola	Taylor, E. Z.
DeVerter	Jackson	Pitts	Telek
Davies	Kennedy	Pott	Vroon
Dietz	Klingaman	Punt	Wass
Dininni	Lashinger	Reber	Weston
Dorr	Lehr	Reinard	Wilson
Durham	Levi	Robbins	Wogan
Fargo	Lloyd	Ryan	Wright, J. L.
Fischer			

NAYS—102

Afflerbach	Donatucci	Linton	Rudy
Alderette	Duffy	Livengood	Rybak
Baldwin	Evans	Lucyk	Saloom
Barber	Fattah	McCall	Seventy
Battisto	Fee	McHale	Showers
Belfanti	Freeman	McIntyre	Steighner
Beloff	Fryer	McMonagle	Stewart
Blaum	Gallagher	Maiale	Stuban
Broujos	Gamble	Manderino	Sweet
Caltagirone	George	Markosek	Taylor, F. E.
Cappabianca	Greenwood	Mayernik	Tigue
Carn	Gruitza	Michlovic	Trello
Cawley	Haluska	Miscevich	Truman
Clark	Harper	Morris	Van Horne

Cohen	Hoeffel	Mrkonic	Wachob
Colafella	Hutchinson	Murphy	Wambach
Cole	Itkin	O'Donnell	Wargo
Cordisco	Jarolin	Oliver	Wiggins
Cowell	Kasunic	Petrarca	Williams
Coy	Kosinski	Petrone	Wozniak
Deluca	Kowalshyn	Pievsky	Wright, D. R.
DeWeese	Kukovich	Pratt	Wright, R. C.
Daley	Laughlin	Preston	Zwinkl
Dawida	Lescovitz	Rappaport	
Deal	Letterman	Richardson	Irvis,
Dombrowski	Levin	Rieger	Speaker

NOT VOTING—1

Pistella

EXCUSED—3

Johnson Marmion Olasz

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

On the question recurring,

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

The SPEAKER. The lady, Mrs. Taylor, has informed the desk that she has an additional amendment. The Chair recognizes the lady from Chester, Mrs. Taylor, who offers the following amendment, which the clerk will read.

Mrs. TAYLOR. Mr. Speaker, I believe that I cannot offer this amendment until the reconsideration motion of Mr. Wachob. After the reconsideration motion for a previous vote, I will be able to offer this amendment, unless you advise me otherwise.

The SPEAKER. The lady would be in order to offer it after a reconsideration motion were passed; yes.

For what purpose does the gentleman from Elk, Mr. Wachob, rise?

Mr. WACHOB. Only to reaffirm Mrs. Taylor's statement that the amendment had a technical problem to it, and I believe it would only take a matter of a few seconds to get that reconsideration motion and her amendment passed.

AMENDMENT A4589 RECONSIDERED

The SPEAKER. The Chair is in possession of a motion for reconsideration signed by the gentleman, Mr. Wachob, who moves for the reconsideration of the vote by which amendment A4589 was passed on this day, December 14, 1983.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—193

Afflerbach	Evans	Livengood	Rybak
Alderette	Fargo	Lloyd	Saloom
Angstadt	Fattah	Lucyk	Salvatore
Armstrong	Fee	McCall	Saurman
Arty	Fischer	McClatchy	Scheetz
Baldwin	Flick	McHale	Schuler
Barber	Foster, W. W.	McMonagle	Semmel
Battisto	Foster, Jr., A.	McVerry	Serafini
Belardi	Freeman	Mackowski	Showers
Belfanti	Freind	Madigan	Sirianni
Beloff	Fryer	Manderino	Smith, B.

Blaum	Gallagher	Manmiller	Smith, L. E.
Book	Gallen	Markosek	Snyder, D. W.
Bowser	Gamble	Mayernik	Snyder, G. M.
Boyes	Gannon	Merry	Spencer
Brandt	Geist	Michlovic	Spitz
Broujos	George	Micozzie	Stairs
Bunt	Gladeck	Miller	Steighner
Burd	Godshall	Miscevich	Stevens
Burns	Greenwood	Moehlmann	Stewart
Caltagirone	Grieco	Morris	Stuban
Cappabianca	Gruitza	Mowery	Sweet
Carn	Gruppo	Murphy	Swift
Cawley	Hagarty	Nahill	Taylor, E. Z.
Cessar	Haluska	Noye	Taylor, F. E.
Cimini	Harper	O'Brien	Telek
Civera	Hasay	O'Donnell	Tigue
Clark	Hayes	Oliver	Trello
Clymer	Herman	Perzel	Truman
Cohen	Hershey	Peterson	Van Horne
Colafella	Hoeffel	Petrarca	Vroon
Cole	Honaman	Petrone	Wachob
Cordisco	Hutchinson	Phillips	Wambach
Cornell	Itkin	Piccola	Wargo
Coslett	Jackson	Pievsky	Wass
Cowell	Jarolin	Pistella	Weston
Coy	Kasunic	Pitts	Wiggins
Deluca	Kennedy	Pott	Williams
DeVerter	Klingaman	Pratt	Wilson
DeWeese	Kosinski	Preston	Wogan
Daley	Kowalshyn	Punt	Wozniak
Davies	Kukovich	Rappaport	Wright, D. R.
Dawida	Lashinger	Reber	Wright, J. L.
Deal	Laughlin	Reinard	Wright, R. C.
Dininni	Lehr	Richardson	Zwinkl
Dombrowski	Lescovitz	Rieger	
Dorr	Levi	Robbins	Irvis,
Duffy	Levin	Rudy	Speaker
Durham	Linton	Ryan	

NAYS—2

Dietz Mrkonic

NOT VOTING—5

Donatucci McIntyre Maiale Seventy  
Letterman

EXCUSED—3

Johnson Marmion Olasz

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

On the question recurring,

Will the House agree to the amendment?

The clerk read the following amendment No. A4589:

Amend Sec. 2 (Sec. 432), page 5, line 26, by striking out "person who for three" and inserting married person who is thirty-five years of age and who for ten

On the question recurring,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

The SPEAKER. The Chair recognizes the lady from Chester, Mrs. Taylor.

Mrs. TAYLOR. Mr. Speaker, I urge that this amendment be defeated so that I can offer new language.

The SPEAKER. May the Chair interrupt the lady?

Mrs. TAYLOR. Yes.

The SPEAKER. Is this the lady's amendment which she is asking to be defeated?

Mrs. TAYLOR. Yes.

The SPEAKER. The lady may have the same effect by simply withdrawing the amendment, and then the Chair will recognize—

Mrs. TAYLOR. Mr. Speaker, I would like to withdraw the amendment.

The SPEAKER. The Chair thanks the lady.

On the question recurring,

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

Mrs. TAYLOR offered the following amendment No. A4753:

Amend Sec. 2 (Sec. 432), page 5, line 26, by striking out "A person who for three" and inserting

A married person who is thirty-five years of age or older and who for ten

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the lady from Chester, Mrs. Taylor.

Mrs. TAYLOR. Mr. Speaker, I asked for the other amendment to be withdrawn, because it limited the married person to just 35 years. The new amendment now says, "A married person who is thirty-five years of age or older and who for ten" years. I believe that this is an agreed-to amendment.

The SPEAKER. The Chair thanks the lady.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—195

Afflerbach	Durham	Lloyd	Ryan
Alderette	Evans	Lucyk	Rybak
Angstadt	Fargo	McCall	Saloom
Armstrong	Fee	McClatchy	Salvatore
Arty	Fischer	McHale	Saurman
Baldwin	Flick	McIntyre	Scheetz
Barber	Foster, W. W.	McMonagle	Schuler
Battisto	Foster, Jr., A.	McVerry	Semmel
Belardi	Freind	Mackowski	Serafini
Belfanti	Fryer	Madigan	Seventy
Beloff	Gallagher	Maiale	Showers
Blaum	Gallen	Manderino	Sirianni
Book	Gamble	Manmiller	Smith, B.
Bowser	Gannon	Markosek	Smith, L. E.
Boyes	Geist	Mayernik	Snyder, D. W.
Brandt	George	Merry	Snyder, G. M.
Broujos	Gladeck	Michlovic	Spencer
Bunt	Godshall	Micozzie	Spitz
Burd	Greenwood	Miller	Stairs
Burns	Grieco	Miscevich	Steighner
Caltagirone	Gruitza	Moehlmann	Stevens
Cappabianca	Gruppo	Morris	Stewart
Carn	Hagarty	Mowery	Stuban
Cawley	Haluska	Mrkonic	Sweet
Cessar	Harper	Murphy	Swift
Cimini	Hasay	Nahill	Taylor, E. Z.
Civera	Hayes	Noye	Taylor, F. E.
Clark	Herman	O'Brien	Telek
Clymer	Hershey	O'Donnell	Trello

Cohen	Hoeffel	Oliver	Truman
Colafella	Honaman	Perzel	Van Horne
Cole	Hutchinson	Peterson	Vroon
Cordisco	Itkin	Petrarca	Wachob
Cornell	Jackson	Petrone	Wambach
Coslett	Jarolin	Phillips	Wargo
Cowell	Kasunic	Piccola	Wass
Coy	Kennedy	Pievsky	Weston
Deluca	Klingaman	Pistella	Wiggins
DeVerter	Kosinski	Pitts	Williams
DeWeese	Kowalyszyn	Pott	Wilson
Daley	Kukovich	Pratt	Wogan
Davies	Lashingier	Preston	Wozniak
Dawida	Laughlin	Punt	Wright, D. R.
Deal	Lehr	Rappaport	Wright, J. L.
Dietz	Lescovitz	Reber	Wright, R. C.
Dininni	Letterman	Reinard	Zwilk
Dombrowski	Levi	Rieger	
Donatucci	Levin	Robbins	Irvis,
Dorr	Livengood	Rudy	Speaker
Duffy			

NAYS—5

Fattah	Linton	Richardson	Tigue
Freeman			

NOT VOTING—0

EXCUSED—3

Johnson	Marmion	Olasz
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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?

**AMENDMENT A4592 RECONSIDERED**

The SPEAKER. The Chair is in possession of a motion for reconsideration signed by the gentleman, Mr. Wachob, who moves that the House reconsider the vote by which HB 1720 was amended by amendment A4592 on this date, December 14, 1983.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—187

Alderette	Fee	McCall	Ryan
Angstadt	Fischer	McClatchy	Rybak
Armstrong	Flick	McHale	Saloom
Baldwin	Foster, W. W.	McIntyre	Salvatore
Barber	Foster, Jr., A.	McMonagle	Saurman
Battisto	Freind	McVerry	Scheetz
Belardi	Fryer	Mackowski	Schuler
Belfanti	Gallagher	Madigan	Serafini
Beloff	Gallen	Maiale	Showers
Blaum	Gamble	Manderino	Sirianni
Book	Geist	Manmiller	Smith, B.
Bowser	George	Markosek	Smith, L. E.
Boyes	Gladeck	Mayernik	Snyder, D. W.
Broujos	Godshall	Merry	Spencer
Bunt	Grieco	Michlovic	Spitz
Burd	Gruitza	Micozzie	Stairs
Burns	Gruppo	Miller	Steighner
Caltagirone	Hagarty	Miscevich	Stevens
Cappabianca	Haluska	Moehlmann	Stewart
Carn	Harper	Morris	Stuban
Cawley	Hasay	Mowery	Sweet

Cessar	Hayes	Murphy	Swift
Cimini	Herman	Nahill	Taylor, E. Z.
Civera	Hershey	Noye	Taylor, F. E.
Clark	Hoeffel	O'Brien	Telek
Clymer	Honaman	O'Donnell	Tigue
Cohen	Hutchinson	Oliver	Trello
Cole	Itkin	Perzel	Truman
Cordisco	Jackson	Peterson	Van Horne
Cornell	Jarolin	Petrarca	Vroon
Coslett	Kasunic	Petrone	Wachob
Cowell	Kennedy	Phillips	Wambach
Coy	Klingaman	Piccola	Wargo
Deluca	Kosinski	Pievsky	Wass
DeVertter	Kowalshyn	Pistella	Weston
DeWeese	Kukovich	Pitts	Wiggins
Daley	Lashingier	Pott	Williams
Davies	Laughlin	Pratt	Wilson
Dawida	Lehr	Preston	Wogan
Deal	Lescovitz	Punt	Wozniak
Dininni	Letterman	Rappaport	Wright, D. R.
Dombrowski	Levi	Reber	Wright, J. L.
Donatucci	Levin	Reinard	Wright, R. C.
Dorr	Linton	Richardson	Zwinkl
Duffy	Livengood	Rieger	
Evans	Lloyd	Robbins	Irvis,
Fargo	Lucyk	Rudy	Speaker
Fattah			

## NAYS—2

Dietz                      Durham

## NOT VOTING—11

Afflerbach	Colafrella	Greenwood	Seventy
Arty	Freeman	Mrkonic	Snyder, G. M.
Brandt	Gannon	Semmel	

## EXCUSED—3

Johnson                  Marmion                  Olasz

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

On the question recurring,

Will the House agree to the amendment?

The clerk read the following amendment No. A4592:

Amend Sec. 2, (Sec. 432), page 6, lines 17 through 19, by striking out "and are certified as fully employable by the" in line 17 and all of line 18, and "and Industry" in line 19

On the question recurring,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman from Chester, Mr. Pitts. Does the gentleman wish to debate that amendment again?

Mr. PITTS. Mr. Speaker, just for the members' edification, this is the amendment that deletes the requirement that the Office of Vocational Rehabilitation in the Department of Labor and Industry must certify individuals as fully employable to receive transitionally needy benefits. Again, this Office of Vocational Rehabilitation is set up to administer rehabilitation programs, not to determine whether a welfare recipient is fully employable. That is properly done in the Welfare Department. It is going to create waiting-time delays; it is going to greatly increase costs if we put that function in the Office of Vocational Rehabilitation, which is doing a good program in what they are doing. They do not need thousands upon thousands of new cases and greatly increased costs. I urge, again, the members to support the amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Elk, Mr. Wachob.

Mr. WACHOB. Thank you, Mr. Speaker.

Mr. Speaker, I would like to see where Mr. Pitts could show me, at least beyond any reasonable doubt, how this is going to increase costs. It is already a function that the Department of Labor and Industry through their Office of Vocational Rehabilitation goes over. I think it is a very important and very crucial section of this piece of legislation, Mr. Speaker, that the Office of Vocational Rehabilitation, which is already looking at disabilities on a wide variety of levels, be in charge of looking at chronically needy people who may qualify under the chronically needy section to determine a disability and whether in fact that disability will create a substantial barrier to employment. There is no proof. Mr. Pitts nor Mr. McClatchy can show any proof of how much this is going to cost. It is not going to create an over-workload on the caseloads of the caseworkers of OVR, and I would urge a negative vote on the Pitts amendment.

The SPEAKER. The Chair thanks the gentleman.

On the Pitts amendment, the Chair recognizes the gentleman from Venango, Mr. Peterson.

Mr. PETERSON. Thank you, Mr. Speaker.

It is my opinion the way the bill is drafted that a person who is employable, who normally would be transitionally needy and would automatically qualify for 90 days, will now not receive that until he goes to OVR and they review his case.

OVR is the department that normally deals with rehabilitating people who are handicapped in some way. This is going to put everybody in the transitionally needy category through that department. They are handling approximately 14,000 people now. We could have considerably 100,000 people through there.

What does the Department of Welfare do now with a person who is physically or mentally handicapped or has some problems? They send them to a doctor to have them certified as to whether they are chronically needy or not. That is what OVR is going to do. They do not make those decisions in-house. They are going to send that person who has problems, health problems, whatever, to a doctor. They are going to have a doctor decide. We are going to put everybody through another hoop. We are going to have everybody go through another department. We are going to build another bureaucracy which is going to take, again, millions of dollars that are needed to pay welfare benefits, and we are going to build a bureaucracy with it.

I think it is wrong; I do not think it makes any sense. I think it is one of the worse parts of the bill, and I urge our members to support the Pitts amendment, which removes this problem.

The SPEAKER. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentleman from Philadelphia, Mr. Richardson.

Mr. RICHARDSON. Mr. Speaker, I would just like to interrogate Mr. Peterson.

The SPEAKER. The gentleman, Mr. Peterson, indicates he will stand for interrogation. The gentleman, Mr. Richardson, is in order and may proceed.

Mr. RICHARDSON. When you indicated that this Commonwealth is going to spend, Mr. Speaker, millions and millions of dollars, could you elaborate specifically on where those millions are and what you are referring to?

Mr. PETERSON. The way the bill is drafted, everyone who is transitionally needy would have to be termed either employable or not employable by OVR, Office of Vocational Rehabilitation. There are 7,000 new cases each month. That means they will all have to go through OVR to be termed whether they are employable or not employable. OVR is a department that rehabilitates people. They will do nothing more than what the department does now. If there is a health question or some problem with that person being handicapped, they will be examined by the appropriate type of physician or doctor, whatever, and determined whether they are employable or not. OVR has no further ability than the Department of Welfare to do this. You are going to make each transitionally needy person go to another department when they might already be receiving benefits if it was handled by the Department of Welfare. I think that is very costly. Seven thousand cases per month being reviewed by another department; you multiply that by 12 months, and you multiply that by \$40 or \$50 per case, and you have millions of dollars with nothing benefited.

Mr. RICHARDSON. What is the cost now for doing it, Mr. Speaker?

Mr. PETERSON. Well, they will still be reviewed by the Welfare Department; then the Welfare Department will refer them to OVR. You are going to put them through another hoop to be declared transitionally needy.

Mr. RICHARDSON. Do you know how many cases presently are being handled by the employment agencies presently in the Commonwealth?

Mr. PETERSON. OVR attempts to rehabilitate about 14,000 per year. We would be giving them an additional 7,000 per month, and it could destroy a good program.

Mr. RICHARDSON. And as a result of that, do we not want to put people to work, Mr. Speaker?

Mr. PETERSON. Well, yes, but we are asking a department to determine whether they are employable or not. It does not make any sense to send them there.

Mr. RICHARDSON. Is there one that you would feel, Mr. Speaker, that would be more qualified to be able to handle a question concerning employable persons versus nonemployable persons who have a track record of doing such that is already in place to do that?

Mr. PETERSON. Well, I am just reacting to how HB 1720 is drafted. The way it is drafted, each person who would today, in the present program, be transitionally needy would not be transitionally needy until they were reviewed by the Department of Welfare and were then reviewed by OVR. They will have to go to another department when they would have automatically started receiving their benefits under the present law.

Mr. RICHARDSON. Mr. Speaker, maybe you did not hear my question. I will try to phrase it again so that perhaps maybe you will hear the question.

The question is whether or not you believe that the department that handles that on a daily basis, every single day, dealing with employable persons, that that bureau should be the bureau that in fact handles that question concerning those persons whom you are referring to now who are handled by the department. Which department do you feel can handle it more responsibly?

Mr. PETERSON. Well, I believe the Welfare Department should administer the welfare program, and if we are not happy with the way they are administering the program, then we should deal with that department and the administrators there.

Mr. RICHARDSON. Thank you very much, Mr. Speaker. That is all the questions I have.

Mr. Speaker, I would like to speak on the amendment.

The SPEAKER. The gentleman is in order and may speak on the amendment.

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

Mr. Speaker, specifically, it is clear that this amendment really speaks to the heart of why there is such a problem within this Commonwealth. If we have a bureau in the department that presently handles all of those cases where in fact there are unemployed persons within this Commonwealth, it seems only fitting that that department be allowed the opportunity and right to be able to handle all of those cases regardless of where they come from. They come from all of the different programs across the Commonwealth and they are presently handled by the bureau, and I do not understand now why there seems to be such a vast difference when it comes down to dealing with those individual persons who are in fact in a different category.

I would respectfully request the members of this House, please give an opportunity and a chance for the department that is presently handling it, the Department of Labor and Industry, to handle that, and I would request a negative vote on the Pitts amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Pitts, for the second time on the amendment.

Mr. PITTS. In answer to the gentleman, Mr. Richardson's question on the breakdown of costs, I might be able to provide just a little bit more information as to how we came up with the figure of several million dollars.

The breakdown, as we have the fiscal estimate, there are estimated 7,000 new transitionally needy each month. If you multiply that times 12, you get 84,000 per year. If you add the estimated 35,000 that are grandfathered, the individuals who were terminated in April of 1983, you come up with 119,000 cases per year. If you assume a cost of \$45 for a basic assessment by OVR and then an additional cost for special medical exams—the Governor's Office has estimated 50 percent of the individuals will receive this special exam at a cost of \$155—the average cost then would be up to \$123. If you multiply that by 119,000, you come out with your \$14.6 million.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Richardson, for the second time on the amendment.

Mr. RICHARDSON. Thank you, Mr. Speaker.

I just wanted to know on those figures whether or not you could also share with the members of this House how much the department spends presently, not the Department of Welfare but the Department of Labor and Industry, how much they spend presently each year on those persons who come before them who are also deemed to deal specifically with being termed unemployable and also those persons looking for jobs. If you are telling me how much the department will spend as a result of those transitionally needy, how much do they spend now on those already in place?

Mr. PITTS. Mr. Speaker, they are going to spend the same money that they are spending now, because they have to go through DPW before they go over to OVR.

Mr. RICHARDSON. And also, is it not a fact, Mr. Speaker, that they also do it for less money as a result of their doing it right there with the Department of Labor and Industry as opposed to it being done through the Department of Public Welfare?

Mr. PITTS. It would be less costly in the Department of Public Welfare the way it is now.

Mr. RICHARDSON. No; that is not what I said. I said, is it not cheaper to do it through the Department of Labor and Industry as opposed to doing it through the Department of Public Welfare, because in fact that department is in fact handling it.

Mr. PITTS. No, Mr. Speaker. They still have to go through the Department of Public Welfare, even with your bill.

Mr. RICHARDSON. No; maybe I am not making myself clear. The department has a department that handles every day cases or people who come before it as a result of its department to handle cases from all across the Commonwealth of Pennsylvania. Would you concur with that?

Mr. PITTS. Mr. Speaker, I could not understand the gentleman. I cannot hear.

The SPEAKER. Will the gentleman restate his question.

Mr. RICHARDSON. The final point I had on this just was concerning the Department of Labor and Industry's amount of cases that it presently handles a year. If you believe that the Department of Welfare does it better or if you believe that it is a lesser amount of money handling it through the Department of Welfare than it is through the Department of Labor and Industry, which does it every day, then I disagree with your statement that the department does it for less.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—99

Angstadt	Flick	McClatchy	Salvatore
Armstrong	Foster, W. W.	McVerry	Saurman
Arty	Foster, Jr., A.	Mackowski	Scheetz
Book	Freind	Madigan	Schuler
Bowser	Gallen	Manmiller	Semmel

Boyes	Gannon	Merry	Serafini
Brandt	Geist	Micozzie	Sirianni
Broujos	Gladeck	Miller	Smith, B.
Bunt	Godshall	Moehlmann	Smith, L. E.
Burd	Greenwood	Morris	Snyder, D. W.
Burns	Grieco	Mowery	Snyder, G. M.
Cessar	Gruppo	Nahill	Spencer
Cimini	Hagarty	Noye	Spitz
Civera	Hasay	O'Brien	Stairs
Clymer	Hayes	Perzel	Stevens
Cornell	Herman	Peterson	Swift
Coslett	Hershey	Phillips	Taylor, E. Z.
DeVerter	Honaman	Piccola	Telek
Davies	Jackson	Pitts	Vroon
Dietz	Kennedy	Pott	Wass
Diminni	Klingaman	Punt	Weston
Dorr	Lashinger	Reber	Wilson
Durham	Lehr	Reinard	Wogan
Fargo	Levi	Robbins	Wright, J. L.
Fischer	Lloyd	Ryan	

NAYS—101

Afflerbach	Donatucci	Livengood	Rybak
Alderette	Duffy	Lucyk	Saloom
Baldwin	Evans	McCall	Seventy
Barber	Fattah	McHale	Showers
Battisto	Fee	McIntyre	Steighner
Belardi	Freeman	McMonagle	Stewart
Belfanti	Fryer	Maiale	Stuban
Beloff	Gallagher	Manderino	Sweet
Blaum	Gamble	Markosek	Taylor, F. E.
Caltagirone	George	Mayernik	Tigue
Cappabianca	Gruitza	Michlovic	Trello
Carn	Haluska	Miscevich	Truman
Cawley	Harper	Mrkonic	Van Horne
Clark	Hoeffel	Murphy	Wachob
Cohen	Hutchinson	O'Donnell	Wambach
Colafella	Itkin	Oliver	Wargo
Cole	Jarolin	Petrarca	Wiggins
Cordisco	Kasunic	Petrone	Williams
Cowell	Kosinski	Pievsky	Wozniak
Coy	Kowalshyn	Pistella	Wright, D. R.
Deluca	Kukovich	Pratt	Wright, R. C.
DeWeese	Laughlin	Preston	Zwinkl
Daley	Lescovitz	Rappaport	
Dawida	Letterman	Richardson	Irvis,
Deal	Levin	Rieger	Speaker
Dombrowski	Linton	Rudy	

NOT VOTING—0

EXCUSED—3

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

On the question recurring,

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

Mr. FLICK offered the following amendments No. A4580:

Amend Title, page 1, line 4, by striking out "AND"

Amend Title, page 1, line 6, by removing the period after "women" and inserting

; providing workmen's compensation for workers in community work projects; and making an appropriation.

Amend Bill, page 8, line 5, by striking out all of said line and inserting

Section 6. The act is amended by adding an article to read:

ARTICLE XIV-A  
COMMUNITY WORK PROJECTS

Section 1401-A. Definitions.—As used in this article—

“Community work project employe” means any person engaged in work for any public or charitable body, corporation or institution by direction or assignment of the department.

“Community work project employer” means any public or charitable body, corporation or institution employing any community work project employe.

Section 1402-A. Declaration as Employes.—Community work project employes are hereby declared to be employes of community work project employers for all purposes of the act of June 2, 1915 (P.L. 736, No. 338), known as “The Pennsylvania Workmen’s Compensation Act.” Any community work project employer who shall desire to be relieved of this liability to such community work project employe shall pay into the State Treasury the amounts provided in section 1403-A. Payments to the State Treasurer of such amounts shall relieve the community work project employer of all further obligations for compensation to the community work project employe or his dependents and from obligation to carry insurance for such compensation, and shall exclude such liability from policies of insurance covering other types of employment.

Section 1403-A. Rate.—Each community work project employer, contributing to the State Community Work Project Compensation Fund, shall pay to it an amount determined by the Insurance Commissioner per week for each community work project employe used by such community work project employer. The Insurance Commissioner shall, from time to time, review the adequacy of this rate and modify it as circumstances require.

Section 1404-A. Fund.—The moneys paid into the State Treasury under the provisions of this section shall be kept in a special fund to be known as the State Community Work Project Compensation Fund. The State Workmen’s Insurance Fund shall administer the State Community Work Project Compensation Fund and shall determine the amounts due from each community work project employer, collect the amounts so due, transfer them to the State Community Work Project Compensation Fund and pay out from such fund the amounts due in accordance with the provisions of this section. The moneys of the State Community Work Project Compensation Fund are hereby expressly appropriated to the State Workmen’s Insurance Fund for the purpose of this section. As compensation for administration of the State Community Work Project Compensation Fund, the State Workmen’s Insurance Fund shall receive from the said fund seventeen and five-tenths percent of the moneys paid from such fund in each month for workmen’s compensation, medical, surgical, hospital services, supplies and funeral expenses.

Section 1405-A. Payment.—From the Community Work Project Compensation Fund, the State Workmen’s Insurance Fund shall pay to injured community work project employes and their dependents, the benefits and compensation prescribed by the act of June 2, 1915 (P.L. 736, No. 338), known as “The Pennsylvania Workmen’s Compensation Act,” in accordance with this act.

Section 7. There is hereby appropriated to the State Community Work Project Compensation Fund the sum of \$500,000, or as much thereof as may be necessary, to carry out the provisions of section 6 of this act. The said sum shall be repaid to the General Fund from the State Community Work Project Compensation Fund, in such installments and at such times as the Insurance Commissioner shall determine, and so much of the moneys in the State Community Work Project Compensation Fund as may be necessary are hereby appropriated for that purpose.

Section 8. (a) Section 6 of this act shall take effect in 90 days.

(b) The remainder of this act shall take effect in 30 days.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Chester, Mr. Flick.

Mr. FLICK. Thank you, Mr. Speaker. I will be very brief, because I know the members are growing tired and it is late this evening.

The amendment which I am offering I think is one which most if not all of us can support. It will establish at the State level a State community work project compensation fund, which will be administered by the State Workmen’s Insurance Fund, thereby enabling local municipalities to pay a premium to the State to receive protection or insurance from liability or rate assessments for hiring the community work project employees. Presently, there are many municipalities, or I should not say many, but there are a good number of municipalities which self-insure, and they therefore are reluctant to hire the community work project employees, as any claims made while that employee is in the process of performing the task would be assessed against their own revenues. In this case I think that we are providing the State support to our local municipalities, and I would urge a “yes” vote on this amendment.

The individual, private insurance companies that handle this premium now, it is set at \$3.37 per individual per week. I would expect that it would be in the same general neighborhood when paid to the State. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the Flick amendment, the Chair recognizes the gentleman from Elk, Mr. Wachob.

Mr. WACHOB. Thank you, Mr. Speaker.

Mr. Speaker, I agree with the gentleman, Mr. Flick, and urge an affirmative vote on this amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—199

Afflerbach	Evans	Livengood	Ryan
Alderette	Fargo	Lloyd	Rybak
Angstadt	Fattah	Lucyk	Saloom
Armstrong	Fee	McCall	Salvatore
Arty	Fischer	McClatchy	Saurman
Baldwin	Flick	McHale	Scheetz
Barber	Foster, W. W.	McIntyre	Schuler
Battisto	Foster, Jr., A.	McMonagle	Semmel
Belardi	Freeman	McVerry	Serafini
Belfanti	Freind	Mackowski	Seventy
Beloff	Fryer	Madigan	Showers
Blaum	Gallagher	Maiale	Sirianni
Book	Gallen	Manderino	Smith, B.
Bowser	Gamble	Manmiller	Smith, L. E.
Boyes	Gannon	Markosek	Snyder, D. W.
Brandt	Geist	Mayernik	Snyder, G. M.
Broujos	George	Merry	Spencer
Bunt	Gladeck	Michlovic	Spitz
Burd	Godshall	Micozzie	Stairs
Burns	Greenwood	Miller	Steighner
Caltagirone	Grieco	Miscevich	Stevens
Cappabianca	Gruitza	Moehlmann	Stewart
Carn	Gruppo	Morris	Stuban
Cawley	Hagarty	Mowery	Sweet
Cessar	Haluska	Mrkonic	Swift

Cimini	Harper	Murphy	Taylor, E. Z.
Civera	Hasay	Nahill	Taylor, F. E.
Clark	Hayes	Noye	Telek
Clymer	Herman	O'Brien	Tigue
Cohen	Hershey	O'Donnell	Trello
Colafrilla	Hoeffel	Oliver	Truman
Cole	Honaman	Perzel	Van Horne
Cordisco	Hutchinson	Peterson	Vroon
Cornell	Itkin	Petrarca	Wachob
Coslett	Jackson	Petrone	Wambach
Cowell	Jarolin	Phillips	Wargo
Coy	Kasunic	Piccola	Wass
Deluca	Kennedy	Pievscky	Weston
DeVerter	Klingaman	Pistella	Wiggins
DeWeese	Kosinski	Pitts	Williams
Daley	Kowalshyn	Pott	Wilson
Davies	Kukovich	Pratt	Wogan
Dawida	Lashingar	Preston	Wozniak
Deal	Laughlin	Punt	Wright, D. R.
Dietz	Lehr	Rappaport	Wright, J. L.
Dininni	Lescovitz	Reber	Wright, R. C.
Dombrowski	Letterman	Reinard	Zwinkl
Donatucci	Levi	Richardson	
Dorr	Levin	Rieger	Irvis,
Duffy	Linton	Robbins	Speaker
Durham			

NAYS—0

NOT VOTING—1

Rudy

EXCUSED—3

Johnson Marmion Olasz

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

On the question recurring,

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

Bill as amended was agreed to.

The SPEAKER. 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?

On final passage, does the gentleman from Franklin, Mr. Punt, wish to be recognized at this time?

Mr. PUNT. Mr. Speaker, since Representative Gladeck lowered the mike for me, I guess I will.

The SPEAKER. The Chair recognizes the gentleman.

Mr. PUNT. Much has been said about welfare reform and Act 75. Let me preface my remarks by saying I am going to support HB 1720, and I will ask for my colleagues to join with me on it.

Though there are some provisions in HB 1720 that I do not agree with, I do believe very strongly in three specific provisions, and they are the 90-day assistance that will be provided on a nonconsecutive basis, the medical assistance, and aid for pregnant women. During the last 6 months I traveled throughout the State, particularly into Philadelphia and Chester and Pittsburgh, and I found some shortcomings, interpretations that I felt were unjust as a result of Act 75. I believe these primarily, these three provisions, deal with that.

Some may interpret some of this, or all of HB 1720, to liberalize and undo what was done in Act 75. I do not agree with

that. I believe it is responsible of us to come back and assess an enormous program that we have in this State, welfare. It is only natural when we make the sweeping changes that were made by Act 75 that there will be shortcomings, interpretations against the original intent. I would ask that the members support HB 1720, because I believe that is the right thing to do. Thank you.

The SPEAKER. The Chair thanks the gentleman.

**REMARKS SUBMITTED FOR THE RECORD**

The SPEAKER. On final passage, the Chair recognizes the gentleman from Montgomery, Mr. Gladeck.

Mr. GLADECK. Thank you, Mr. Speaker.

Mr. Speaker, I would just like to submit these remarks for the record so I will not take up the time of the members of the House. Thank you.

The SPEAKER. That is a member who knows how to be a hero. The gentleman will submit the remarks for the record.

Mr. GLADECK submitted the following remarks for the Legislative Journal:

Mr. Speaker, I rise to oppose HB 1720. For years the public clamored for welfare reform. Taxpayers were sick and tired of paying for a welfare system that had made Pennsylvania the welfare haven of the East. They were angry because their hard-earned tax dollars were going to support thousands of able-bodied recipients who could have found gainful employment if they had looked hard enough.

Last year, the General Assembly passed welfare reform by a substantial margin. Due to responsible leadership, a dramatic escalation in welfare costs was substantially reduced. Funds were redirected to the truly needy and other vital State services.

The ink is barely dry, Mr. Speaker, on welfare reform before proposals are made to brush away these successful reforms. During my 5 years as a member of this House, I have worked hard, as have many other members, to reform a welfare system that had become a national disgrace. The system drained our State's resources by hundreds of millions of dollars, fostered widespread abuse, and too often neglected the truly needy. It is hard to believe that 1 year after the most significant change in our welfare system was enacted, we are now going to turn back the welfare clock.

Mr. Speaker, HB 1720 takes a giant step backward. This bill will add tens of thousands of welfare recipients to the public assistance rolls at a cost to taxpayers of at least \$50 million. Are we now going to turn our backs on those constituents who demanded the welfare mess be cleaned up? Are we now going to turn the State Treasury into Santa's bag of goodies at the expense of hard-working, hard-pressed taxpayers? Are we going to say to the constituents of Pennsylvania that when the majority in the House of Representatives changes, so therefore does our commitment to long-term fiscal responsibility in Pennsylvania?

Opponents of welfare reform have dubbed Act 75 as Thornfare. Well, Mr. Speaker, I think HB 1720 represents a return to the irresponsible, senseless spending policies that were adopted and nurtured by this House during the Shapp years.

We owe the taxpayers of this Commonwealth better. We owe them a continuation of the fiscal responsibility that was begun 5 years ago by the Thornburgh administration and was advanced by this chamber when the welfare system was reformed last year. Make no mistake about it. The voters will remember what we do today with this legislation and they should remember.

I predict that HB 1720 as enacted will be remembered as the Pandora's box bill of 1983, which will unleash a host of afflictions upon the taxpayers of this Commonwealth that will be difficult, if not impossible, to put back in the box again. HB 1720 abandons our hard-won efforts to control runaway welfare costs. It signals that Pennsylvania is open for the box again as a welfare filling station. HB 1720 does not spread a safety net for the poor and the needy; it spreads a snare for the hard-working taxpayer.

Mr. Speaker, I urge my colleagues to join me in restating a commitment to the people of Pennsylvania that this House of Representatives stands for real fiscal responsibility for voting against the spend-thrift proposal that HB 1720 represents.

On the question recurring,  
Shall the bill pass finally?

The SPEAKER. On final passage, the Chair recognizes the gentleman from Montgomery, Mr. McClatchy.

Mr. McCLATCHY. Mr. Speaker, I will be very brief. I had a good many words to say.

I think what we have attempted to do tonight is to make a bad bill better. We did not succeed. Right now this bill, I figure, costs \$45 million or more. We have lost some significant amendments, and for those reasons, Mr. Speaker, I think the bill should be voted down. I am asking for a "no" vote.

The SPEAKER. The Chair thanks the gentleman.

On final passage, the Chair recognizes the gentleman from Elk, Mr. Wachob.

Mr. WACHOB. Thank you, Mr. Speaker.

Mr. Speaker, I am not sure how Mr. McClatchy can say that. We addressed all but one issue that he was concerned about in his propaganda sheet that went out to the press late last week. I believe that we have addressed, as Mr. Punt pointed out, a number of shortcomings with Act 75, and all of the members of this body who have done any work on this issue over the course of the last year understand that. Some of those shortcomings were due to overrestrictive interpretations on behalf of the Department of Welfare. Some of them were sections that we could not, in this body, have possibly known about when we were dealing with the act at that time. We have made some of those changes. We have recognized that there are substantial barriers to employment because of certain medical and physical and emotional disabilities. We have corrected the problems with pregnant women, with spousal abuse, with a 48-month provision for many of the laborers, and also the veterans' section.

I suggest that this is a much-needed revision to Act 75 and would hope that the members see fit to adopt it today. Thank you, Mr. Speaker.

The SPEAKER. On final passage, the Chair recognizes the gentleman from Allegheny, Mr. Cessar.

Mr. CESSAR. Thank you, Mr. Speaker.

Rather briefly, I would say to you all that I do support HB 1720 for the reasons spoken to by Mr. Punt from Franklin County. I really believe that the father of welfare reform has spoken quite frankly and honestly on the subject, and I certainly hope that we would support it and pass it. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On final passage, the Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I am opposed to this bill, HB 1720. We got pretty close here a while ago to a point where I think I honestly could have stood up and asked for the membership to support this bill. It was headed in that direction. But there are still remaining in this bill a number of provisions, and the most glaring one, of course, in my judgment, being the one dealing with OVR, which is some \$14 million of wasted money in duplicated services.

We spent, many of us, both sides of the aisle, the last 2 or 3 years worrying over welfare reform. It was one of the big issues of the last session that generated so much activity, so much debate, and so much floor time that it is distracting tonight to see those efforts being torn apart. Now, I would be the last person in this world to stand up and say that what we did 2 years ago was perfect. I do not believe there is a piece of perfect legislation that has ever passed any legislative body. There is always room for improvement. What we have done tonight, however, is not improve it to the extent that this existing law on our books today could be improved. We have gone to a lot of trouble today with amendments; we have gone to a lot of trouble with debate, and yet we have something here that is probably far more imperfect than where we were before we started yesterday's session and addressed this issue. I think you all, each and every one of us, should look back to what we talked about, what we decided upon, what we debated some 2 years ago when this issue was before us and in good conscience look to our feelings of 2 years ago when we were really active on this subject and examine whether what we did was right or wrong at that time.

I believe we have taken major steps to reform the welfare system in this State, and we have taken not a major step but certainly a small step towards destroying what we did here 2 years ago. I think it is a mistake to pass HB 1720 in its present position, and I would urge a "no" vote on that.

The SPEAKER. The Chair thanks the gentleman.

#### REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. On final passage, the Chair recognizes the gentleman from Philadelphia, Mr. Richardson.

Mr. RICHARDSON. Mr. Speaker, I would like to submit these remarks for the record, please.

The SPEAKER. The Chair thanks the gentleman. If he sends his remarks to the desk, they will be submitted for the record.

Mr. RICHARDSON submitted the following remarks for the Legislative Journal:

I concur with the other sponsors of HB 1720 in summarizing the bill as a modest but responsible effort to limit the overreaching of Act 75's termination of assistance to people who need general assistance. I urge members on both sides of the aisle to recognize that Act 75 has cut off assistance to many poor people whom the General Assembly never intended to deny the necessities of life.

I would not be honest, however, if I did not share with you my concern for the survival needs of the tens of thousands of people to whom HB 1720 will not restore general assistance. Under this bill people who are healthy and appear able to participate in the work force still will be limited to 90 days' assistance in any 1-year period. The assumption that there are jobs and job opportunities for them in our economy today is just as unrealistic today as it was throughout the 3 1/2 years Act 75 was considered in this General Assembly.

If, as I hope, we pass this bill and the Senate does, too, the Governor's signature, which I understand is not assured, will only mark the first step in dealing with the problems which create a need for general assistance. I plan to develop legislation worthy of bipartisan support which matches job preparation resources with needy individuals and employers in need of prepared and experienced workers. What I am talking about is a need to match recipients who are trainees with employers at the outset of training so there is an agreement contingent upon completion of the training. The agreement is simply: A job with a specific employer will be available at the completion of training. This approach strengthens the trainee's resolve to complete the program and protects him or her from a bureaucracy or training industry too willing to train and retrain people whether or not the training actually leads to employment.

In conclusion, let us pass this bill, limit the unnecessary suffering Act 75 has caused and get on to the business of making sure jobs are available for the so-called employables. We cannot afford to forget Act 75 has cast them out into a labor market already glutted with the unemployed victims of the largest economic catastrophe since the Great Depression.

On the question recurring,  
Shall the bill pass finally?

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I rise to support HB 1720, and very briefly in response to the gentleman, Mr. Ryan's remarks, this bill has been extensively debated. All of the amendments were offered; all of the amendments were extensively debated. The House has made its decision on those amendments. The bill is in the form that the majority of the members of the House want. Mr. Speaker, I ask for an affirmative vote.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,  
Shall the bill pass finally?

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

YEAS—137

Afflerbach	Duffy	Linton	Rudy
Alderette	Durham	Livengood	Rybak
Angstadt	Evans	Lloyd	Saloom
Arty	Fattah	Lucyk	Semmel
Barber	Fee	McCall	Serafini
Battisto	Freeman	McHale	Seventy
Belardi	Freind	McIntyre	Showers
Belfanti	Fryer	McMonagle	Snyder, D. W.
Beloff	Gallagher	McVerry	Spitz
Blaum	Gamble	Mackowski	Steighner
Book	Gannon	Maiale	Stewart
Broujos	George	Manderino	Stuban
Burd	Greenwood	Markosek	Sweet
Burns	Grieco	Mayernik	Taylor, F. E.
Caltagirone	Gruitza	Michlovic	Telek
Cappabianca	Gruppo	Micozzie	Tigue
Carn	Haluska	Miscevich	Trello
Cawley	Harper	Morris	Truman

Cessar	Hasay	Mrkonic	Van Horne
Cimini	Hoeffel	Murphy	Wachob
Civera	Hutchinson	O'Donnell	Wambach
Clark	Itkin	Oliver	Wargo
Cohen	Jarolin	Perzel	Wass
Colafella	Kasunic	Petrarca	Weston
Cole	Klingaman	Petrone	Wiggins
Cordisco	Kosinski	Pievsky	Williams
Cowell	Kowalshyn	Pistella	Wilson
Coy	Kukovich	Pott	Wozniak
Deluca	Lashinger	Pratt	Wright, D. R.
DeWeese	Laughlin	Preston	Wright, R. C.
Daley	Lehr	Punt	Zwinkl
Dawida	Lescovitz	Rappaport	
Deal	Letterman	Reinard	Irvis,
Dombrowski	Levi	Richardson	Speaker
Donatucci	Levin	Rieger	

NAYS—61

Armstrong	Foster, W. W.	Manmiller	Salvatore
Bowser	Foster, Jr., A.	Merry	Saurman
Boyes	Gallen	Miller	Scheetz
Brandt	Geist	Moehlmann	Schuler
Bunt	Gladeck	Mowery	Sirianni
Clymer	Godshall	Nahill	Smith, B.
Cornell	Hagarty	Noye	Smith, L. E.
Coslett	Hayes	O'Brien	Snyder, G. M.
DeVerter	Herman	Peterson	Spencer
Davies	Hershey	Phillips	Stairs
Dietz	Honaman	Piccola	Stevens
Dininni	Jackson	Pitts	Swift
Dorr	Kennedy	Reber	Taylor, E. Z.
Fargo	McClatchy	Robbins	Vroon
Fischer	Madigan	Ryan	Wright, J. L.
Flick			

NOT VOTING—2

Baldwin	Wogan
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EXCUSED—3

Johnson	Marmion	Olasz
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

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

\* \* \*

The House proceeded to third consideration of **SB 730, PN 1594**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled "Liquor Code," extending the hours of operation for certain holders of Sunday sales permits; authorizing the board to issue certain licenses; further providing for licensee's advertisements; and further permitting bowling alleys to sell liquor, malt or brewed beverages when minors are present under proper supervision.

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

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

The question is, shall the bill pass finally?

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

(A roll-call vote was taken. See later roll call.)

**REMARKS ON VOTE**

The SPEAKER. The Chair recognizes the gentleman from Centre, Mr. Herman. For what purpose does the gentleman rise?

Mr. HERMAN. Earlier this evening we voted HB 922. I was inadvertently recorded in the affirmative. I would like to make my vote in the negative, Mr. Speaker.

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

**BILLS ON THIRD CONSIDERATION CONTINUED**

The House proceeded to third consideration of **SB 403, PN 1566**, entitled:

An Act providing for the education and training of deputy sheriffs; creating the Deputy Sheriffs' Education and Training Review Board under the Pennsylvania Commission on Crime and Delinquency; providing for the powers and duties of the board and the Attorney General; establishing the Deputy Sheriffs' Education and Training Fund; providing for a surcharge on sheriffs' fees; and providing penalties.

On the question,

Will the House agree to the bill on third consideration?

Mr. OLIVER offered the following amendments No. A4523:

Amend Title, page 1, line 3, by striking out "REVIEW"

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

Account

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Oliver.

Mr. OLIVER. Thank you, Mr. Speaker.

Mr. Speaker, this is an agreed-to amendment. The only thing that the amendment does is on page 1, line 3, it strikes out the word "review." Also on page 1, line 6, it strikes out "Fund" and inserts "Account." I would ask for support for this amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

**YEAS—198**

Afflerbach	Durham	Lloyd	Ryan
Alderette	Evans	Lucyk	Rybak
Angstadt	Fargo	McCall	Saloom
Armstrong	Fattah	McClatchy	Salvatore
Arty	Fee	McHale	Saurman
Baldwin	Fischer	McIntyre	Scheetz
Barber	Flick	McMonagle	Schuler
Battisto	Foster, W. W.	McVerry	Semmel
Belardi	Foster, Jr., A.	Mackowski	Serafini
Belfanti	Freeman	Madigan	Seventy
Beloff	Freind	Maiale	Showers

Blaum	Fryer	Manderino	Sirianni
Book	Gallagher	Manmiller	Smith, B.
Bowser	Gallen	Markosek	Smith, L. E.
Boyes	Gamble	Mayernik	Snyder, D. W.
Brandt	Gannon	Merry	Snyder, G. M.
Broujos	Geist	Michlovic	Spencer
Bunt	George	Micozzie	Spitz
Burd	Gladeck	Miller	Stairs
Burns	Godshall	Miscevich	Steighner
Caltagirone	Greenwood	Moehlmann	Stevens
Cappabianca	Grieco	Morris	Stewart
Carn	Gruitza	Mowery	Suban
Cawley	Gruppo	Mrkonjic	Sweet
Cessar	Hagarty	Murphy	Swift
Cimini	Haluska	Nahill	Taylor, E. Z.
Civera	Harper	Noye	Taylor, F. E.
Clark	Hasay	O'Brien	Telek
Clymer	Hayes	O'Donnell	Tigue
Cohen	Herman	Oliver	Trello
Colafella	Hershey	Perzel	Truman
Cole	Hoefel	Peterson	Van Horne
Cordisco	Honaman	Petrarca	Vroon
Cornell	Hutchinson	Petrone	Wachob
Coslett	Itkin	Phillips	Wambach
Cowell	Jarolin	Piccola	Wargo
Coy	Kasunic	Pievsky	Wass
Deluca	Kennedy	Pistella	Weston
DeVerter	Klingaman	Pitts	Wiggins
DeWeese	Kowalshyn	Pott	Williams
Daley	Kukovich	Pratt	Wilson
Davies	Lashinger	Preston	Wogan
Dawida	Laughlin	Punt	Wozniak
Deal	Lehr	Rappaport	Wright, D. R.
Dietz	Lescovitz	Reber	Wright, J. L.
Dininni	Letterman	Reinard	Wright, R. C.
Dombrowski	Levi	Richardson	Zwilk
Donatucci	Levin	Rieger	
Dorr	Linton	Robbins	Irvis,
Duffy	Livengood	Rudy	Speaker

**NAYS—0**

**NOT VOTING—2**

Jackson Kosinski

**EXCUSED—3**

Johnson Marmion Olasz

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?

On final passage, the Chair recognizes the gentleman from Allegheny, Mr. Mayernik.

Mr. MAYERNIK. Mr. Speaker, I would like to make a comment on final passage.

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

Mr. MAYERNIK. Being a deputy sheriff is a job that requires carrying a gun, but you do not have to know how to use it. It is a job that requires transporting prisoners and quelling riots, but you do not need experience or training. It

requires serving a variety of complicated legal papers, seizing properties, selling properties, and distributing proceeds from sales, but you do not have to have any education. In some counties you have to run the jails. In fact, as long as you are 18, a United States citizen, and have not been convicted of any crime of moral turpitude, you can, in most counties in Pennsylvania, be a deputy sheriff. The sheriff has evolved in the county level as a jack-of-all-trades.

Not too long ago, we read of the possible overturning of a verdict here in Dauphin County because of an improperly sequestered jury. Every once in a while we hear and read of prisoners escaping while going to and from the courtroom, and even from the courtrooms themselves. Also now, with many citizens having to go through the process of eviction and forced sales of property, we have become more and more aware of the roles of the sheriff's office and its many duties.

Just let me briefly review the possible course material the deputy sheriffs will have to become acquainted with: weapons training, constitutional and legal requirements for service of civil processes, first-amendment rights, transportation of prisoners and courtroom proceedings, laws of arrest, laws of search and seizure, and constitutional laws.

As a deputy sheriff myself, and knowing what is required of a deputy sheriff in order to proceed in a knowledgeable way, in a professional way, to fulfill his or her many duties while safeguarding the rights and the safety of the people, I can only urge you in the strongest way to support this bill. We need a standardization of education throughout this Commonwealth for our law enforcement officers, and we need it for the deputy sheriffs. I urge support and passage of this bill. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Shall the bill pass finally?

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

YEAS—192

Afflerbach	Durham	Lucyk	Ryan
Alderette	Evans	McCall	Rybak
Angstadt	Fargo	McHale	Saloom
Armstrong	Fattah	McIntyre	Salvatore
Arty	Fee	McMonagle	Saurman
Baldwin	Fischer	McVerry	Scheetz
Barber	Flick	Mackowski	Schuler
Battisto	Foster, W. W.	Madigan	Semmel
Belardi	Freeman	Maiale	Serafini
Belfanti	Freind	Manderino	Seventy
Beloff	Fryer	Manmiller	Showers
Blaum	Gallagher	Markosek	Sirianni
Book	Gallen	Mayernik	Smith, L. E.
Bowser	Gamble	Merry	Snyder, D. W.
Boyes	Gannon	Michlovic	Spencer
Brandt	Geist	Micozzie	Spitz
Broujos	George	Miller	Stairs
Bunt	Gladeck	Miscevich	Steighner
Burd	Godshall	Moehlmann	Stevens
Burns	Greenwood	Morris	Stewart
Caltagirone	Grieco	Mowery	Stuban
Cappabianca	Gruitza	Mrkonic	Sweet
Carn	Gruppo	Murphy	Swift
Cawley	Hagarty	Nahill	Taylor, E. Z.
Cessar	Haluska	Noye	Taylor, F. E.
Cimini	Harper	O'Brien	Telek

Civera	Hasay	O'Donnell	Tigue
Clark	Hayes	Oliver	Trello
Clymer	Herman	Perzel	Truman
Cohen	Hershey	Peterson	Van Horne
Colafella	Honaman	Petrarca	Vroon
Cole	Hutchinson	Petrone	Wachob
Cordisco	Itkin	Phillips	Wambach
Cornell	Jackson	Piccola	Wargo
Coslett	Jarolin	Pievsky	Wass
Cowell	Kasunic	Pistella	Weston
Coy	Kennedy	Pitts	Wiggins
Deluca	Kosinski	Pott	Williams
DeVerter	Kowalshyn	Pratt	Wilson
DeWeese	Kukovich	Preston	Wogan
Daley	Lashinger	Punt	Wozniak
Davies	Laughlin	Rappaport	Wright, D. R.
Dawida	Lehr	Reber	Wright, J. L.
Deal	Lescovitz	Reinard	Wright, R. C.
Dietz	Letterman	Richardson	Zwinkl
Dininni	Levin	Rieger	
Dombrowski	Linton	Robbins	Irvis,
Donatucci	Livengood	Rudy	Speaker
Duffy	Lloyd		

NAYS—7

Dorr	Klingaman	McClatchy	Snyder, G. M.
Foster, Jr., A.	Levi	Smith, B.	

NOT VOTING—1

Hoefel

EXCUSED—3

Johnson	Marmion	Olasz
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

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 RETAKEN ON SB 730

The SPEAKER. Very evidently when we voted SB 730, there was a major malfunction of the machine. Well, you see, the machine cannot call me a liar, so we will put it on the machine. Consequently, it is necessary for us to revote SB 730, and would all the machines who were not quite alert the last time now wake up to what SB 730 is.

On the question recurring,

Shall the bill pass finally?

The SPEAKER. For what purpose does the gentleman from Indiana, Mr. Wass, rise?

Mr. WASS. I just wanted to interrogate somebody, Mr. Speaker. I just want to ask one question about the bill.

The SPEAKER. On final passage, the Chair recognizes the gentleman, Mr. Wass, who rises to interrogate the gentleman, Mr. Clark. The gentleman, Mr. Clark, indicates he will stand for interrogation. The gentleman, Mr. Wass, is in order and may proceed.

Mr. WASS. Mr. Speaker, is it true that the bill expands the hours of liquor sales on Sunday?

Mr. CLARK. Yes; that is the way the bill came over from the Senate.

Mr. WASS. And what are those hours, Mr. Speaker?

Mr. CLARK. It would move it up from 1 p.m. on a Sunday until 11 a.m.

Mr. WASS. Are you telling me that on a Sunday now they will be selling booze in our municipalities and throughout our State at 11 o'clock in the morning?

Mr. CLARK. In hotels and restaurants with liquor licenses.

Mr. WASS. Thank you, Mr. Speaker.

Mr. CLARK. Mr. Speaker, if I may be in order for a comment?

The SPEAKER. The Chair recognizes, on final passage, the gentleman from Allegheny, Mr. Clark.

Mr. CLARK. Okay, the matter that the gentleman brought to our attention has been requested by those people in our resort areas. As you know, this year our holidays come on Sundays, particularly New Year's Day, and they feel a need for this legislation. It has been causing them a problem with resort and convention activities, so they have asked for a change in the legislation. Senator O'Connell passed it in the Senate and sent it over to us. Thank you, Mr. Speaker.

The SPEAKER. On final passage, the Chair recognizes the gentleman from Chester, Mr. Vroon.

Mr. VROON. Mr. Speaker, I am very well aware of the fact that this has been requested by the tourist industry, but I do not see why in the wide world we should change the practice over the entire State, every city and hamlet in the State where we have licensees of this kind, in order to bring this liquor consumption hour down to 11 o'clock. Whereas a small number of tourist people have asked for this, a very large number of church people have asked, please do not vote for this, because 11 o'clock is still a popular church hour. I do not see any sense in moving this down when there is plenty of time from 1 o'clock on to drink booze on Sunday. I am very much opposed to it.

The SPEAKER. On final passage, the Chair recognizes the gentleman from Allegheny, Mr. Clark.

Mr. CLARK. Mr. Speaker, if I may, I would like to point out that there are several other provisions in this bill that many other groups are interested in, and we would like to get them back to the Senate so they can act on them quickly.

Additionally, the folks in my district are all in favor of this, because they feel that after church on Sunday they can then stop by for brunch at the local hotels, and now when they have brunch at 11:30, 12, they can have a drink. Presently, they have to wait until 1 o'clock.

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Fryer.

Mr. FRYER. Mr. Speaker, I would urge the members of the House to look over that bill very carefully. This is typical in the last-minute rush to close the shop. You are getting bills that come in here that are far reaching in their aspects. For instance, they are adding bowling alleys to the sale of booze. Oh, yes. Oh, yes. Now, how is that for a strike?

There is also a provision in there for stadiums. Yes. Yes. Believe me, they thought of everyone. And now they ask you in the late hours— You have had a long, fatiguing day; in fact, we should not even be in session. The Senate has gone home; nothing can happen to whatever we do tonight, except you can regret those votes next week. You are people of my own heart. I love you. Look that bill over. If that is what you want, vote yes. But if it is not, vote no, and then let us entertain a motion for adjournment before we do any other silly things. Thank you, Mr. Speaker.

Mr. DeVERTER. And I second that motion.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes, on final passage, the gentleman from Mifflin, Mr. DeVerte.

Mr. DeVERTER. Was that motion by Mr. Fryer accepted by the Chair, Mr. Speaker?

The SPEAKER. The gentleman, Mr. Fryer, has not made a motion. We are on final passage.

Mr. DeVERTER. In light of his beautiful discourse, I think it is a very appropriate one, and I so move that this House do now adjourn until January 2 at 1 p.m., sir.

The SPEAKER. The Chair has not heard the motion.

Mr. DeVERTER. I heard it very clearly.

The SPEAKER. The Chair cannot hear a word you are saying.

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—103

Afflerbach	Fee	McHale	Serafini
Arty	Freeman	McIntyre	Seventy
Baldwin	Gallagher	McMonagle	Snyder, D. W.
Battisto	Gamble	McVerry	Spitz
Belardi	Gannon	Maiale	Steighner
Belfanti	Gladeck	Manderino	Stevens
Beloff	Gruitza	Markosek	Stewart
Blaum	Gruppo	Mayernik	Stuban
Book	Hagarty	Michlovic	Sweet
Burd	Haluska	Micozzie	Taylor, F. E.
Burns	Hasay	Miscevich	Tigue
Caltagirone	Hoeffel	Morris	Trello
Cappabianca	Hutchinson	Nahill	Van Horne
Cawley	Itkin	O'Brien	Wachob
Cessar	Jarolin	O'Donnell	Wambach
Civera	Kasunic	Perzel	Wargo
Clark	Kowalyszyn	Petrarca	Weston
Colafella	Kukovich	Petrone	Wilson
Cordisco	Lashinger	Pott	Wogan
Cornell	Laughlin	Pratt	Wozniak
Coslett	Lehr	Preston	Wright, J. L.
Cowell	Lescovitz	Reber	Wright, R. C.
Daley	Letterman	Reinard	Zwinkl
Dawida	Levin	Rieger	
Dombrowski	Lucyk	Ryan	Irvis,
Donatucci	McCall	Semmel	Speaker
Duffy			

NAYS—94

Alderette	Evans	Levi	Robbins
Angstadt	Fargo	Linton	Rudy
Armstrong	Fattah	Livengood	Rybak
Barber	Fischer	Lloyd	Saloom
Bowser	Flick	McClatchy	Salvatore
Boyes	Foster, W. W.	Mackowski	Saurman

Brandt	Foster, Jr., A.	Madigan	Scheetz
Broujos	Freind	Manmiller	Schuler
Bunt	Fryer	Merry	Showers
Carn	Gallen	Miller	Sirianni
Cimini	Geist	Moehlmann	Smith, B.
Clymer	George	Mowery	Smith, L. E.
Cohen	Godshall	Mrkonic	Snyder, G. M.
Cole	Greenwood	Murphy	Spencer
Coy	Grieco	Noye	Stairs
Deluca	Harper	Peterson	Swift
DeVerter	Hayes	Phillips	Taylor, E. Z.
DeWeese	Herman	Piccola	Telek
Davies	Hershey	Pievsky	Truman
Deal	Honaman	Pistella	Vroon
Dietz	Jackson	Pitts	Wass
Diminni	Kennedy	Punt	Wiggins
Dorr	Klingaman	Richardson	Williams
Durham	Kosinski		

**NOT VOTING—3**

Oliver            Rappaport            Wright, D. R.

**EXCUSED—3**

Johnson        Marmion            Olasz

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

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.

**REMARKS ON VOTES**

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Rappaport.

Mr. RAPPAPORT. Mr. Speaker, the Chair will note that I did not vote on that bill and that my vote would not have changed the result. I have a possible conflict of interest and therefore did not care to vote. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia, Mr. Kosinski.

Mr. KOSINSKI. Thank you, Mr. Speaker.

On SB 403, the amendment by Mr. Oliver, A4523, I was not recorded. I wish to be recorded in the affirmative. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia, Mr. Wogan. For what purpose does the gentleman rise?

Mr. WOGAN. Thank you, Mr. Speaker.

On HB 1720 I was not recorded. I wish to be recorded in the affirmative.

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

**SUPPLEMENTAL CALENDAR A****BILL ON CONCURRENCE  
IN SENATE AMENDMENTS**

The clerk of the Senate, being introduced, returned the following **HB 500, PN 2342**, with information that the Senate

has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act amending the "Housing Finance Agency Law," approved December 3, 1959 (P. L. 1688, No. 621), providing for homeowner's emergency assistance.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Kukovich.

Mr. KUKOVICH. Thank you, Mr. Speaker.

I am going to ask for a concurrence vote, and I do so because time is of the essence on this bill. Some surveys that have been done in various parts of the State, and one in particular in the Mon Valley, show that unemployment compensation benefits which have been extended will be running out in late winter or early spring. We are talking about an imminent emergency in housing and homeowners losing their homes if we do not act this evening to put this bill before the Governor before the holidays. With that in mind, I am concerned about some of the changes in the bill, and I think the membership should be aware of it.

When we passed the bill, the Department of Community Affairs was running this program. The Senate changed it to make the Pennsylvania Housing Finance Agency run it. I do not think that is a major change.

Some of the changes have dealt with actually tightening up some of the eligibility criteria. I think most of the members here would find that appealing. I am concerned that it has made the bill less flexible, but I still think that we should vote to concur.

There are a number of other changes; they are highly technical. I do not think anybody wants to hear them tonight.

There is one important change that we should be aware of, and that is the fact that when we passed this bill, we had hoped we could run a companion bill to fund it. The Senate has placed a funding mechanism in this bill. They have put in a general appropriation line item of \$5 million to be paid back in 1985 by the PHFA. That is not too controversial. However, they have set up a rather complicated tax credit system depending on voluntary contributions from business and the corporate sector. That might not be so bad, but the way they have it drafted, it will take tax credit money from the Neighborhood Assistance Act, which most of us feel is not a very good idea.

That notwithstanding, I am urging you to vote to concur in this bill. We need it desperately and we need it now. I would also suggest that we have had drafted this evening, and it is up here to be cosponsored, a bill which would repeal the measure within HB 500 which sets up the tax credit system that would take money from the Neighborhood Assistance Act, so we can deal with that immediately when we get back in January and start the session after the holidays. That would provide a separate tax credit mechanism, also a voluntary system as foreseen by the State Senate, to provide funding in the future fiscal years.

Mr. Speaker, once again, I would ask for a speedy concurrence on HB 500.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Dauphin, Mr. Wambach.

Mr. WAMBACH. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support concurrence in HB 500. I have the same concerns as Representative Kukovich and yourself and many others in regard to the funding through the Neighborhood Assistance Act. It is a very important program. I am very pleased that a quick response has been made to fill the void which the Senate has chosen in order to fund this program, and I encourage all of my colleagues who have an interest in the Neighborhood Assistance Act in their district to sign on the bill that has been speedily received from the Legislative Reference Bureau, and I want to thank the Speaker and Representative Kukovich for that commitment. Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia, Mr. Fattah, on concurrence.

Mr. FATTAH. Mr. Speaker, I rise to support concurrence in Senate amendments to HB 500, and I urge all of my colleagues to vote in favor of concurrence. This is a very important bill, and indeed the issue here - the issue of protecting Pennsylvania residents in terms of securing their home from foreclosures and other matters due to their financial plight - is something that this General Assembly needs to speak to clearly and speak to tonight. So I would just ask and join with Representative Kukovich and Representative Wambach that we vote for concurrence this evening. Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On concurrence, the Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, would the gentleman, Mr. Kukovich, consent to brief interrogation?

The SPEAKER. The gentleman, Mr. Kukovich, indicates he will stand for interrogation. The gentleman, Mr. Ryan, may proceed.

Mr. RYAN. I do not have the bill before me, Mr. Speaker, but my recollection of the language is this course of action or aid is available to those who are in financial difficulties, and I believe the wording is to the effect of through no fault of their own, or something like that. Is that correct?

Mr. KUKOVICH. That is correct, Mr. Speaker.

Mr. RYAN. Would you tell me what that means?

Mr. KUKOVICH. Mr. Speaker, if you want, I will run through a list of the eligibility requirements that deal with that.

Mr. RYAN. I understand the eligibility requirements where they can look to your credit and they can look to your past employment and the like. My question to you, though, is, what do you believe is meant by the language, those who are in financial—and I would like you to correct me on the wording—difficulties through no fault of their own?

Mr. KUKOVICH. First of all, I will preface that by saying that we tried for the most part to track the HUD (Housing and Urban Development) criteria, which the Senate has basically left intact. But I would suggest that what the Senate has done is say that if a mortgagor is a permanent resident of Pennsylvania and they are suffering financial hardship due to circumstances beyond the mortgagor's control which render that mortgagor unable to correct the delinquency within a reasonable time and make the full mortgage payments, then the fund would trigger. There are still other requirements, of course, to make it more stringent, and the Senate added some credit checks which I think you would approve of.

Mr. RYAN. My question, I guess, is, is it not our intention that this available resource be almost exclusively for those individuals who have worked during their life and through no fault of their own a company closes down, they are laid off, some illness takes place from which they should be able to recuperate within the next year or 2 years and get their mortgage back in order? Is this not the type person we are looking to?

Mr. KUKOVICH. That is correct, Mr. Speaker, and the bill says that the agency should consider the mortgagor's employment record, their credit history, and current income to determine those circumstances as to whether or not it was beyond their control. Yes; you are right.

Mr. RYAN. Now, just for the fun of it. If the mortgagor were a person who had no employment record or had a very, very bad employment record, would the agency have the authority to grant them this assistance?

Mr. KUKOVICH. I am sorry. Could you repeat the first part of that again?

Mr. RYAN. I said, hypothetically, if the applicant were a person who had either no employment record or a very bad employment record, would the agency have the authority to grant them this assistance?

Mr. KUKOVICH. There is still discretion left to them, and even under the Senate language they possibly could. I would suggest that under the criteria for eligibility and the amount of possible foreclosures, that unless somebody had a very good work record and credit history, they simply would not comply.

Mr. RYAN. And that would be your intention, would it not?

Mr. KUKOVICH. Well, I am also trying to delve into the intention of the Senate amendments, because they have changed that somewhat, so I am assuming yes, that is the case.

Mr. RYAN. Well, not to belabor the point. Would you agree that it is our—that is, the House—it is our legislative intent that these funds and this aid be available to those who have a reasonably good work record, who because of a layoff, a plant closing, a sickness, are no longer able to take care of their mortgage as opposed to people who have never really had a good work record and situations of that nature?

Mr. KUKOVICH. Mr. Speaker, if you are trying to put into the Legislative Journal what the legislative intent is, I

think you and I share that intent and I think the bill will speak for itself in the same way.

Mr. RYAN. Very good. You are agreeing that that is our intent. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On final passage, the Chair recognizes the gentleman from Berks, Mr. Gallen.

Mr. GALLEN. Mr. Speaker, I would like to interrogate Mr. Kukovich with just one question.

The SPEAKER. The gentleman, Mr. Kukovich, will stand for interrogation. The gentleman, Mr. Gallen, may proceed.

Mr. GALLEN. Mr. Speaker, suppose I had a \$400,000 mortgage on my home and I was unable to make the payment due to circumstances beyond my control. Could I qualify for help under this program?

Mr. KUKOVICH. Mr. Speaker, that would depend on your credit history, on your work record.

Mr. GALLEN. Suppose I qualify under all those criteria, but I have a \$400,000 mortgage on my home.

Mr. KUKOVICH. I would suggest that with the limited amount of funding, you would not have a chance at all, Mr. Speaker.

Mr. GALLEN. What is that?

Mr. KUKOVICH. I would suggest that with the limited amount of funding in this bill, you would not have a chance at all.

Mr. GALLEN. Oh, it would not apply to those people who have big mortgages? Today there are many executives who have very high salaries who are laid off, who do not have particularly any savings and they are laid off, and we are talking about those people who have very substantial mortgages. Could they qualify under this bill?

Mr. KUKOVICH. Again, there is a potential if you go through all of the strict eligibility criteria and if enough money was available and if somebody had a good credit record, work history, employment record, et cetera, a good chance of getting back to work, that is a possibility—a far-out possibility, but it is a possibility.

Mr. GALLEN. Thank you, Mr. Speaker.

Mr. Speaker, I guess every Christmas carol must have its Scrooge, and I think I am elected. I think the language in this bill, that particular language, is just entirely too broad. This really does not address itself to those people who are just unemployed. Circumstances beyond someone's control may mean that the wife or the husband is extremely frivolous, the other person is not, so it is circumstances beyond their control; ergo, they get mortgage help.

Mr. Speaker, there are other questions, and I feel we should not address a bill of this magnitude at this time. I oppose it, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the concurrence in Senate amendments, the Chair recognizes the gentleman from Philadelphia, Mr. Linton.

Mr. LINTON. Thank you, Mr. Speaker.

Mr. Speaker, I would ask that my colleagues concur with the Senate amendments. It is quite clear to me that this is one

of the most important issues that we have had to deal with in this session. As we close out today and many of us go home to celebrate and prepare for the Christmas holidays, the Kwanza holidays, and all the other holidays that we celebrate during this time of the year, it is clear to me that we would like to see to it that those people, who through no fault of their own because of the difficulties in our economy are possibly in a plight where they are going to lose their homes, will have a happy Christmas, will be able to be in their homes with their families and not standing on the street trying to stop a sheriff from taking over their property.

I know that this body is a sensitive body and a body that is concerned about those who try to hold on to the American dream. I know that the members of this House will vote to concur with the Senate amendments and vote to make HB 500 a law to protect all those in our Commonwealth and help them to have a happy holiday. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On concurrence, the Chair recognizes the gentleman from Indiana, Mr. Wass.

Mr. WASS. Mr. Speaker, if I may, it is not my intent to delay the House, but the debate has been very informative, and I just want to continue that, if I may interrogate Mr. Kukovich, please.

The SPEAKER. The gentleman will yield.

The time approaches 11 o'clock. If the gentleman's interrogation goes beyond 11, the rules would forbid it, so the Chair would suggest that the gentleman desist for the moment.

**RULES SUSPENDED**

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that the rules of the House be temporarily suspended so the debate may continue.

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

The following roll call was recorded:

YEAS—182

Afflerbach	Duffy	Lucyk	Rybak
Alderette	Evans	McCall	Saloom
Angstadt	Fattah	McHale	Salvatore
Armstrong	Fee	McIntyre	Saurman
Arty	Fischer	McMonagle	Scheetz
Baldwin	Flick	Mackowski	Schuler
Barber	Foster, Jr., A.	Madigan	Semmel
Battisto	Freeman	Maiale	Serafini
Belardi	Freind	Manderino	Seventy
Belfanti	Fryer	Manmiller	Showers
Beloff	Gallagher	Markosek	Sirianni
Blaum	Gallen	Mayernik	Smith, B.
Book	Gamble	Merry	Snyder, D. W.
Boyes	Gannon	Michlovic	Snyder, G. M.
Brandt	Geist	Micozzie	Spencer
Broujos	Gladeck	Miller	Spitz
Bunt	Godshall	Miscevich	Stairs
Burd	Grieco	Moehlmann	Steighner
Burns	Gruitza	Morris	Stevens
Caltagirone	Gruppo	Mrkonic	Stewart
Cappabianca	Hagarty	Murphy	Stuban

Carn	Harper	Nahill	Sweet
Cawley	Hasay	Noye	Swift
Cessar	Hayes	O'Brien	Taylor, E. Z.
Cimini	Herman	O'Donnell	Taylor, F. E.
Civera	Hoeffel	Oliver	Telek
Clark	Honaman	Perzel	Tigue
Clymer	Hutchinson	Peterson	Trello
Cohen	Itkin	Petrarca	Truman
Colafella	Jackson	Petrone	Van Horne
Cole	Jarolin	Phillips	Wachob
Cordisoco	Kasunic	Piccola	Wambach
Cornell	Klingaman	Pievsky	Wargo
Coslett	Kosinski	Pistella	Wass
Cowell	Kowalshyn	Pitts	Weston
Coy	Kukovich	Pratt	Wiggins
Deluca	Lashingier	Preston	Williams
DeWeese	Laughlin	Punt	Wogan
Daley	Lehr	Rappaport	Wozniak
Davies	Lescovitz	Reber	Wright, D. R.
Dawida	Letterman	Reinard	Wright, J. L.
Deal	Levi	Richardson	Wright, R. C.
Dininni	Levin	Rieger	Zwikl
Dombrowski	Linton	Robbins	
Donatucci	Livengood	Rudy	Irvis,
Dorr	Lloyd	Ryan	Speaker

NAYS—16

Bowser	Fargo	Kennedy	Pott
DeVerter	Foster, W. W.	McClatchy	Smith, L. E.
Dietz	Greenwood	McVerry	Vroon
Durham	Hershey	Mowery	Wilson

NOT VOTING—2

George Haluska

EXCUSED—3

Johnson Marmion Olasz

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.

CONSIDERATION OF HB 500 CONTINUED

On the question recurring,  
Will the House concur in Senate amendments?

The SPEAKER. For what purpose does the gentleman from Centre, Mr. Letterman, rise?

Mr. LETTERMAN. Mr. Speaker, unless I am wrong, I think everybody is out of control around here. I am of the understanding that when a bill is before us on concurrence, you either speak on concurrence or nonconcurrence. You do not have the right to ask all these silly, stupid questions that have been answered a thousand times down in caucus. I think it is about time that we abide by the rules and get out of here.

The SPEAKER. The Chair is absolutely shocked. The Chair thought that it had been serving for 25 years in a body which asks a lot of silly, stupid questions. You mean I have been wrong all along? I am terribly upset by that. No further silly, stupid questions will be tolerated.

Mr. LETTERMAN. Mr. Speaker, I want you to rule on whether or not that is the case then.

The SPEAKER. The Chair will rule if a statement is silly, foolish—

Mr. LETTERMAN. No. What I want you to rule on, Mr. Speaker, is whether or not when we are speaking on concurrence or nonconcurrence we have a right to do other than that on Senate amendments.

The SPEAKER. The gentleman has instructed the Chair. The Chair will take the instructions, and the Chair will listen avidly to all the comments from the floor.

The gentleman, Mr. Wass, may proceed.

Mr. WASS. Mr. Speaker, I would first apologize to Mr. Letterman. Forgive me, but I do have a concern. This is a very major piece of legislation. We will be asked many questions when we get home tomorrow, and I really would like to know, Mr. Speaker, if I may, what instrument are we using to fund this? How is the program being funded?

Mr. KUKOVICH. Mr. Speaker, I thought I explained that in my first statement.

There is a \$5-million appropriation from the General Fund as start-up money. The PHFA shall reimburse that money by June 30, 1985.

Secondly, and the part that I said was controversial and I think we need to correct, is a tax credit system for businesses that would set up a 70-percent tax credit for corporations and individual businesses that would contribute money to this fund. Now, the problem is that for some reason, and I am not sure why, the Senate attached that to the tax credits for businesses under the Neighborhood Assistance Act of 1967, and that is for contributions to private and nonprofit organizations. That is to take place partially in this fiscal year by reducing the amount for neighborhood assistance by \$5 million and then in upcoming fiscal years by \$7 million. Now, I am suggesting that needs to be corrected. Up here to my left is a bill that would make that correction, which I would like all the members to cosponsor so we can introduce it and begin to work on that when we return.

Mr. WASS. Mr. Speaker, one more question, if I may.

What is the limit that a person can borrow to cover his mortgage? Is there a limit? Is there a cap on an individual?

Mr. KUKOVICH. Mr. Speaker, we did not have a cap. I do not believe any Senate amendments have changed that. We do have a 36-month period, and it is sunseted.

Mr. WASS. On the legislation?

Mr. KUKOVICH. Yes. I thought I had responded to that in responding to Mr. Gallen's hypothetical question.

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

The SPEAKER. The Chair thanks the gentleman.

On concurrence, the Chair recognizes the gentleman from York, Mr. Foster.

Mr. A. C. FOSTER. Thank you, Mr. Speaker.

I would like to support legislation of this type, but unfortunately, I see that the same vague, nebulous language is in the bill as when it left this House, namely on page 20.

The SPEAKER. The gentleman will have to deal with whether he wishes to concur or nonconcur based on the Senate amendments, not on the vague, nebulous language which may have been in the bill when it left the House.

Mr. A. C. FOSTER. Due to the failure of the Senate to address the problems inherent in the bill when it left the House, namely leaving in the language "beyond the control of an individual," I am forced to vote in the negative on this bill. It is unfortunate that this is the case. I wish we had a bill here that we could concur with in good conscience. I placed my faith in the Senate, and unfortunately, it was misplaced. I will have to vote in the negative.

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

Mr. WOZNIAK. Thank you, Mr. Speaker.

It is rather obvious that I rise to support this legislation. I commend the legislature for sitting down and working out a program to help the good people of our Commonwealth who are facing home foreclosures. In my district, ravaged by the most grave to gravest financial crisis, economic depression, since 1929 in this entire Nation, I think it is important that we instigate and follow through on this piece of legislation.

The banks have been taken care of in this legislation, and I think that they are going to be satisfied in the funding mechanism. I think we are not looking at \$400,000 homes, and for the unemployed steelworkers and coal miners—

The SPEAKER. Will the gentleman yield.

The gentleman is on the main structure of the bill. The gentleman must relinquish that position and debate only whether or not he should concur in the Senate amendments.

Mr. WOZNIAK. Thank you, Mr. Speaker.

I am for the bill. My people appreciate it very much. Instead of them having to negotiate one on one with the banks, we now have a vehicle that we can accomplish and save some homes for our citizens and their families. Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

On the Senate amendments, concurrence or nonconcurrence, the Chair recognizes the gentleman from Philadelphia, Mr. Richardson.

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

I will be very brief. I just want to rise in concurrence in Senate amendments on HB 500 and just say that the citizens of this Commonwealth in large numbers came to Harrisburg and asked for our support of this bill, and I think that we have *done the most responsible thing* by being able to work out some kind of compromise to be able to handle that problem. As you know in this bill—

The SPEAKER. The gentleman must relinquish that line and stick strictly to whether or not we should concur in the Senate amendments.

Mr. RICHARDSON. Yes, Mr. Speaker.

The Senate has placed in this bill an opportunity to make sure that we in fact will wind up with an availability to be able to help those individuals who will in fact lose their homes. It seems that the responsibility is to make sure that those persons who in fact have fallen into this rut and have been placed in a position of not being able to pay their mortgage will in fact now be able to have some instant relief.

This helps many families, and I believe that the Senate amendments have in fact corrected a number of issues, and I have reservations about the Neighborhood Assistance Act and the moneys which will be taken away specifically from the programs that are already designated and designed. But I just believe that we promised them that we would pass a bill before we left this year—

The SPEAKER. The gentleman will have to yield. He is now going into the merits of the bill. Does the gentleman wish to have us concur or nonconcur in the Senate amendments?

Mr. RICHARDSON. I hope that everyone will concur in the Senate amendments.

The SPEAKER. The Chair thanks the gentleman.

On concurrence, the Chair recognizes the gentleman from Montgomery, Mr. Reber.

Mr. REBER. Thank you, Mr. Speaker.

Would Representative Kukovich stand for very brief interrogation, please?

The SPEAKER. If the interrogation bears on the Senate amendments, yes. The Chair will be listening. The gentleman, Mr. Kukovich, says he will stand for interrogation.

Mr. REBER. Mr. Speaker, tonight, not necessarily on this bill, we have been hearing the words "truly needy" expressed in various debate. I think this bill centers on a problem that there are a number of truly needy individuals in the Commonwealth, those individuals who are absolutely facing a positive mortgage foreclosure of their property.

My question to you is, in the funding mechanism that was put in by the Senate, how much money is anticipated to be available?

Mr. KUKOVICH. Mr. Speaker, the bill would take effect immediately upon provision that the General Assembly has the appropriation in hand. Now, it calls immediately for \$5 million.

We had estimated when the bill left the House that roughly \$26 million could save 6,000 families from losing their homes. So you can basically draw the proportion between the \$5 million and \$26 million as to how many homes we can save; plus for the tax credit, but that is pure conjecture on how much that could bring in and how soon.

Mr. REBER. Mr. Speaker, as the bill is presently drafted, will there be a priority given to those individuals who have mortgage foreclosure actions filed of record and are in imminent concern and fear of losing their homes, as opposed to an individual who had simply—

The SPEAKER. The gentleman will yield.

Is the gentleman addressing the bill or Senate amendments?

Mr. REBER. Mr. Speaker, I think I am specifically addressing the Senate amendments, because there has been a significant amendment in there—

The SPEAKER. Will the gentleman state which part of the amendment he is addressing.

Mr. REBER. I am addressing section 404-C, line 23, where the Senate amended the number "90" to "60."

The SPEAKER. Will the gentleman, Mr. Kukovich, attempt to answer the question on the Senate amendment.

Mr. KUKOVICH. You are going to have to repeat that.

Mr. REBER. I would be glad to.

The problem as I see it and the concern that I have is that there could be a rush upon the fund by individuals who are 60 days delinquent, exhaust the fund, and upon that exhaustion there could be people who have actual mortgage foreclosure actions pending against their homes and not be eligible or not receive relief simply because the fund is exhausted by application having been made under the criteria, under the eligibility that has now been placed into this bill, thereby precluding Mr. Wozniak's people who are facing foreclosure, not simply delinquency in their mortgages, from being able to secure the funds. It is my concern if these individuals will be given priority.

The SPEAKER. Will the gentleman yield.

Now, the gentleman knows he is not asking a question when he gets that far. You are making a statement. If you wish to make a statement on the concurrence, the Chair will recognize you. If you wish to ask a question, please ask it.

Mr. REBER. Mr. Speaker, do you think there will be sufficient moneys available to take care of anyone who has a mortgage foreclosure action pending, the way this legislation has now been drafted?

Mr. KUKOVICH. Well, I am not sure, under what the Senate has done, that there will be enough available. But to answer more extensively what I think was your previous question, with the Senate language, as I interpret it in this short time, they are going to look back on the credit history for the previous 5 years. That mortgagor has to have been in arrears for at least 3 consecutive months within that period. I think the people whom we were originally concerned about and Mr. Wozniak is concerned about, which I feel we dealt with in the House version, will still be taken care of in the Senate version within limits because of the lack of funds provided.

The SPEAKER. Has the gentleman concluded his questioning?

Mr. REBER. Yes, Mr. Speaker. I would like to make a short statement, if I could.

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

Mr. REBER. Mr. Speaker, it is my understanding that the Pennsylvania Housing Finance Agency will be the administering agency now as amended by the Senate amendments. I would hope that in the consideration of prioritizing who would be or would not be eligible, they will certainly take into consideration the fact that there are many people who have actual actions pending against them, as opposed to individuals who are simply now eligible because they have a 60-day delinquency record, and I think it is eminently important for this legislature to emphasize that we are to stop the actual legal foreclosure action, as opposed to simply aid and assist people in refinancing their mortgage by triggering a mechanism of 60 days' delinquency or more.

Thank you, Mr. Speaker. I think the point has been made.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Chester, Mr. Vroon.

Mr. VROON. All I am trying to say is this, very briefly: I looked at the Senate amendments, and I looked in vain for the cure of some of the very glaring defects in this bill. For example, I looked for the cure of the repayment provisions, which are so ultraliberal they are utterly unbelievable. You can borrow some money under this bill and wait until your mortgage is paid off and then start paying off the loan, and then and only then does interest on that loan start running, as I recall, and I did not see any correction of this.

I also noticed that they did not eliminate this provision that this is going to be available for anybody who only suffers a little bit of economic hardship and misses 2 months of mortgage payments when we had asked for an amendment previously—and I hoped that the Senate would put this in—that this would be triggered when there was a foreclosure procedure.

The SPEAKER. The Chair regrets having to interrupt the gentleman, but obviously the Chair cannot permit you to argue about what the Senate did not put in. You may argue to your heart's content about what the Senate did put in but not what it did not put in. You may continue on that basis.

Mr. VROON. Can I not explain why I want a vote for non-concurrence, Mr. Speaker?

The SPEAKER. If you limit yourself to debating what the Senate did, not what you wish the Senate had done.

Quite obviously, if we were to allow people to stand on the floor and argue what has not been done, many things have not been done over the recorded history of 25,000 years.

Mr. VROON. Mr. Speaker, I will go right ahead and do the very thing that you said I should do. Okay?

The Senate provided a very clumsy mechanism for funding this thing, which could have been funded with \$5 million. Instead, they funded it for something like \$20 to \$25 million in a very clumsy fashion. The whole thing was botched up so badly I do not see how anybody could vote for concurrence, and so I strongly urge a vote for nonconcurrency.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—188

Afflerbach	Durham	Livengood	Ryan
Alderette	Evans	Lloyd	Rybak
Angstadt	Fargo	Lucyk	Saloom
Armstrong	Fattah	McCall	Salvatore
Arty	Fee	McHale	Saurman
Baldwin	Fischer	McIntyre	Schuler
Barber	Flick	McMonagle	Semmel
Battisto	Freeman	Mackowski	Serafini
Belardi	Freind	Madigan	Seventy
Belfanti	Fryer	Maiale	Showers
Beloff	Gallagher	Manderino	Sirianni
Blaum	Gamble	Manmiller	Smith, B.
Book	Gannon	Markosek	Smith, L. E.
Boyes	Geist	Mayernik	Snyder, D. W.
Brandt	George	Merry	Snyder, G. M.
Broujos	Gladeck	Michlovic	Spitz

Bunt	Godshall	Micozzie	Stairs
Burd	Greenwood	Miller	Steighner
Burns	Grieco	Miscevich	Stevens
Caltagirone	Gruitza	Moehlmann	Stewart
Cappabianca	Gruppo	Morris	Stuban
Carn	Hagarty	Mrkonic	Sweet
Cawley	Haluska	Murphy	Swift
Cessar	Harper	Nahill	Taylor, E. Z.
Cimini	Hasay	Noye	Taylor, F. E.
Civera	Hayes	O'Brien	Telek
Clark	Herman	O'Donnell	Tigue
Clymer	Hershey	Oliver	Trello
Cohen	Hoefel	Perzel	Truman
Colafella	Honaman	Peterson	Van Horne
Cole	Hutchinson	Petrarca	Wachob
Cordisco	Itkin	Petrone	Wambach
Coslett	Jackson	Phillips	Wargo
Cowell	Jarolin	Piccola	Wass
Coy	Kasunic	Pievsky	Weston
DeLuca	Kennedy	Pistella	Wiggins
DeVerter	Klingaman	Pitts	Williams
DeWeese	Kosinski	Pratt	Wilson
Daley	Kowalshyn	Preston	Wogan
Davies	Kukovich	Punt	Wozniak
Dawida	Lashinger	Rappaport	Wright, D. R.
Deal	Laughlin	Reber	Wright, J. L.
Dietz	Lehr	Reinard	Wright, R. C.
Dininni	Lescovitz	Richardson	Zwikl
Dombrowski	Letterman	Rieger	
Donatucci	Levi	Robbins	Irvis,
Dorr	Levin	Rudy	Speaker
Duffy	Linton		

NAYS—12

Bowser	Foster, Jr., A.	McVerry	Scheetz
Cornell	Gallen	Mowery	Spencer
Foster, W. W.	McClatchy	Pott	Vroon

NOT VOTING—0

EXCUSED—3

Johnson	Marmion	Olasz
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

**BILL ON CONCURRENCE  
IN SENATE AMENDMENTS**

The clerk of the Senate, being introduced, returned the following **HB 1229, PN 2325**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act amending the Surface Mining Conservation and Reclamation Act, approved May 31, 1945 (P. L. 1198, No. 418), exempting municipalities from the bond requirement relating to the operation of gravel pits; providing for self-insurance; and changing the effective date of application of certain provisions to noncoal mining activities.

On the question,  
Will the House concur in Senate amendments?

The SPEAKER. The Chair recognizes the gentleman from Cumberland, Mr. Broujos.

Mr. BROUJOS. Mr. Speaker, I recommend concurrence with no discussion.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,  
Will the House concur in Senate amendments?

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

YEAS—199

Afflerbach	Fargo	Lloyd	Ryan
Alderette	Fattah	Lucyk	Rybak
Angstadt	Fee	McCall	Saloom
Armstrong	Fischer	McClatchy	Salvatore
Arty	Flick	McHale	Saurman
Baldwin	Foster, W. W.	McIntyre	Scheetz
Barber	Foster, Jr., A.	McMonagle	Schuler
Battisto	Freeman	McVerry	Semmel
Belardi	Freind	Mackowski	Serafini
Belfanti	Fryer	Madigan	Seventy
Beloff	Gallagher	Maiale	Showers
Blaum	Gallen	Manderino	Sirianni
Book	Gamble	Manmiller	Smith, B.
Bowser	Gannon	Markosek	Smith, L. E.
Boyes	Geist	Mayernik	Snyder, D. W.
Brandt	George	Merry	Snyder, G. M.
Broujos	Gladeck	Michlovic	Spencer
Bunt	Godshall	Micozzie	Spitz
Burd	Greenwood	Miller	Stairs
Burns	Grieco	Miscevich	Steighner
Caltagirone	Gruitza	Moehlmann	Stevens
Cappabianca	Gruppo	Morris	Stewart
Carn	Hagarty	Mowery	Stuban
Cawley	Haluska	Mrkonic	Sweet
Cessar	Harper	Murphy	Swift
Cimini	Hasay	Nahill	Taylor, E. Z.
Civera	Hayes	Noye	Taylor, F. E.
Clark	Herman	O'Brien	Telek
Clymer	Hershey	O'Donnell	Tigue
Cohen	Hoefel	Oliver	Trello
Colafella	Honaman	Perzel	Truman
Cole	Hutchinson	Peterson	Van Horne
Cordisco	Itkin	Petrarca	Vroon
Cornell	Jackson	Petrone	Wachob
Coslett	Jarolin	Phillips	Wambach
Cowell	Kasunic	Piccola	Wargo
Coy	Kennedy	Pievsky	Wass
DeLuca	Klingaman	Pistella	Weston
DeVerter	Kosinski	Pitts	Wiggins
DeWeese	Kowalshyn	Pott	Williams
Daley	Kukovich	Pratt	Wilson
Davies	Lashinger	Preston	Wogan
Dawida	Laughlin	Punt	Wozniak
Deal	Lehr	Rappaport	Wright, D. R.
Dininni	Lescovitz	Reber	Wright, J. L.
Dombrowski	Letterman	Reinard	Wright, R. C.
Donatucci	Levi	Richardson	Zwikl
Dorr	Levin	Rieger	
Duffy	Linton	Robbins	Irvis,
Durham	Livengood	Rudy	Speaker
Evans			

NAYS—0

NOT VOTING—1

Dietz

EXCUSED—3

Johnson	Marmion	Olasz
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

**BILL ON CONCURRENCE  
IN SENATE AMENDMENTS**

The clerk of the Senate, being introduced, returned the following **HB 1454, PN 2344**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act providing for the State Board of Vehicle Manufacturers, Dealers and Salespersons; and providing penalties.

On the question,  
Will the House concur in Senate amendments?

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Hutchinson.

Mr. HUTCHINSON. Mr. Speaker, I request that the House do concur in the amendments inserted by the Senate.

On the question recurring,  
Will the House concur in Senate amendments?

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

**YEAS—195**

Afflerbach	Evans	Livengood	Ryan
Alderette	Fargo	Lucyk	Rybak
Angstadt	Fattah	McCall	Saloom
Armstrong	Fee	McClatchy	Salvatore
Arty	Fischer	McHale	Saurman
Baldwin	Flick	McIntyre	Scheetz
Barber	Foster, W. W.	McMonagle	Schuler
Battisto	Foster, Jr., A.	McVerry	Semmel
Belardi	Freeman	Mackowski	Serafini
Belfanti	Fryer	Madigan	Seventy
Beloff	Gallagher	Maiale	Showers
Blaum	Gallen	Manderino	Sirianni
Book	Gamble	Manmiller	Smith, B.
Bowser	Gannon	Markosek	Smith, L. E.
Boyes	Geist	Mayernik	Snyder, D. W.
Brandt	George	Merry	Snyder, G. M.
Broujos	Gladeck	Michlovic	Spencer
Bunt	Godshall	Micozzie	Spitz
Burd	Greenwood	Miller	Stairs
Burns	Grieco	Miscevich	Steighner
Caltagirone	Gruitza	Moehlmann	Stevens
Cappabianca	Gruppo	Morris	Stewart
Carn	Hagarty	Mowery	Stuban
Cessar	Haluska	Mrkonic	Sweet
Cimini	Harper	Nahill	Swift
Civera	Hasay	Noye	Taylor, E. Z.
Clark	Hayes	O'Brien	Taylor, F. E.
Clymer	Herman	O'Donnell	Telek
Cohen	Hershey	Oliver	Trello
Colafella	Hoeffel	Perzel	Truman
Cole	Honaman	Peterson	Van Horne
Cordisco	Hutchinson	Petrarca	Vroon
Cornell	Itkin	Petrone	Wachob
Coslett	Jackson	Phillips	Wambach
Cowell	Jarolin	Piccola	Wargo
Coy	Kasunic	Pievsky	Wass
Deluca	Kennedy	Pistella	Weston
DeVerter	Klingaman	Pitts	Wiggins
DeWeese	Kosinski	Pott	Williams
Daley	Kowalyshyn	Pratt	Wilson
Davies	Kukovich	Preston	Wogan
Dawida	Lashingner	Punt	Wozniak
Deal	Laughlin	Rappaport	Wright, D. R.
Dietz	Lehr	Reber	Wright, J. L.
Dininni	Lescovitz	Reinard	Wright, R. C.

Dombrowski	Letterman	Richardson	Zwilk
Donatucci	Levi	Rieger	
Dorr	Levin	Robbins	Irvis,
Duffy	Linton	Rudy	Speaker
Durham			

**NAYS—5**

Cawley	Lloyd	Murphy	Tigue
Freind			

**NOT VOTING—0**

**EXCUSED—3**

Johnson	Marmion	Olasz
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

**REMARKS ON VOTE**

The SPEAKER. The Chair recognizes the gentleman from Bedford, Mr. Dietz.

Mr. DIETZ. Mr. Speaker, I was a little slow at the switch on HB 1229. Had I been a little faster, I would have voted in the affirmative on concurrence.

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

**SUPPLEMENTAL CALENDAR B**

**BILL ON CONCURRENCE  
IN SENATE AMENDMENTS**

The clerk of the Senate, being introduced, returned the following **HB 350, PN 2345**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act relating to destruction of pet animals; prohibiting certain methods of destruction; providing for a limited license to dispense certain drugs; providing for regulation and enforcement; providing for use of certain surplus funds; and providing penalties.

On the question,  
Will the House concur in Senate amendments?

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Murphy.

Mr. MURPHY. Mr. Speaker, I request that the House do concur in the amendments inserted by the Senate.

On the question recurring,  
Will the House concur in Senate amendments?

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

**YEAS—199**

Afflerbach	Evans	Livengood	Rudy
Alderette	Fargo	Lloyd	Ryan
Angstadt	Fattah	Lucyk	Rybak
Armstrong	Fee	McCall	Saloom
Arty	Fischer	McClatchy	Salvatore
Baldwin	Flick	McHale	Saurman
Barber	Foster, W. W.	McIntyre	Scheetz

Battisto	Foster, Jr., A.	McMonagle	Schuler
Belardi	Freeman	McVerry	Semmel
Belfanti	Freind	Mackowski	Serafini
Beloff	Fryer	Madigan	Seventy
Blaum	Gallagher	Maiale	Showers
Book	Gallen	Manderino	Sirianni
Bowser	Gamble	Manmiller	Smith, B.
Boyes	Gannon	Markosek	Smith, L. E.
Brandt	Geist	Mayernik	Snyder, D. W.
Broujos	George	Merry	Snyder, G. M.
Bunt	Gladeck	Michlovic	Spencer
Burd	Godshall	Micozzie	Spitz
Burns	Greenwood	Miller	Stairs
Caltagirone	Grieco	Miscevich	Steighner
Cappabianca	Gruitza	Moehlmann	Stevens
Carn	Gruppo	Morris	Stewart
Cawley	Hagarty	Mowery	Stuban
Cessar	Haluska	Mrkonic	Sweet
Cimini	Harper	Murphy	Swift
Civera	Hasay	Nahill	Taylor, E. Z.
Clark	Hayes	Noye	Taylor, F. E.
Clymer	Herman	O'Brien	Telek
Cohen	Hershey	O'Donnell	Tigue
Colafella	Hoeffel	Oliver	Trello
Cole	Honaman	Perzel	Truman
Cordisco	Hutchinson	Peterson	Van Horne
Cornell	Itkin	Petrarca	Wachob
Coslett	Jackson	Petrone	Wambach
Cowell	Jarolin	Phillips	Wargo
Coy	Kasunic	Piccola	Wass
DeLuca	Kennedy	Pievsky	Weston
DeVerter	Klingaman	Pistella	Wiggins
DeWeese	Kosinski	Pitts	Williams
Daley	Kowalyshyn	Pott	Wilson
Davies	Kukovich	Pratt	Wogan
Dawida	Lashinger	Preston	Wozniak
Deal	Laughlin	Punt	Wright, D. R.
Dietz	Lehr	Rappaport	Wright, J. L.
Dininni	Lescovitz	Reber	Wright, R. C.
Dombrowski	Letterman	Reinard	Zwinkl
Donatucci	Levi	Richardson	
Dorr	Levin	Rieger	Irvis,
Duffy	Linton	Robbins	Speaker
Durham			

NAYS—0

NOT VOTING—1

Vroon

EXCUSED—3

Johnson Marmion Olasz

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

**BILL ON CONCURRENCE  
IN SENATE AMENDMENTS**

The clerk of the Senate, being introduced, returned the following **HB 533, PN 2346**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), further providing for the capital stock-franchise tax; and further providing for penalties on the utilities gross receipts tax; and clarifying certain provisions in the mutual thrift institutions tax.

On the question,  
Will the House concur in Senate amendments?

The SPEAKER. The Chair recognizes the gentleman from Beaver, Mr. Laughlin.

Mr. LAUGHLIN. Mr. Speaker, I request that the House do concur in amendments inserted by the Senate.

The SPEAKER. The Chair recognizes the gentleman from York, Mr. Dorr, on concurrence.

Mr. DORR. Mr. Speaker, I briefly want to comment on what I think is happening in the context of this legislation, and that is that the typical Main Street, Pennsylvania, small business person is getting hurt again. I think there are ways to accomplish the worthy goal which is the genesis of this legislation, and that is a formula for the computation of the capital stock tax that is flat and even for everybody and can be determined easily by Pennsylvania businesses, without doing the disruption that this bill, in my judgment, does.

The amendments inserted by the Senate will change the formula so that typical small Pennsylvania corporations, most particularly retail corporations, service corporations, and food and textile manufacturers, construction people, will be facing a very much more severe capital stock tax burden than they have in the past. For that reason, Mr. Speaker, I am recommending that we send this bill to conference where those problems can be worked out, where given appropriate time the Revenue Department and the members of the General Assembly working together can accomplish that worthy goal and not disrupt the capital stock tax burden to the extent that this bill does, with respect to our Main Street, Pennsylvania, corporations.

The SPEAKER. The Chair thanks the gentleman.

On the question, will the House concur, the Chair recognizes the gentleman from Beaver, Mr. Laughlin.

Mr. LAUGHLIN. Mr. Speaker, I certainly rise to ask concurrence in the Senate amendments that have been offered. Mr. Speaker, originally when we sent the bill to the Senate, we had the issue in there revolving around the utility gross receipts tax that had been paid over the years by Pennsylvania to West Virginia utilities and no penalty on West Virginia for a similar tax. The Senate did amend grossly this bill, but, however, Mr. Speaker, all of the things that Representative Dorr mentioned partially are true. However, on page 13 it clearly states that there is a \$500 provision on loss that is covered. There is a minimum \$75 charge that is covered to take care of a lot of the small companies. Mr. Speaker, in addition to that, there is a provision in the bill that provides that within a calendar year the Department of Revenue shall submit to the House of Representatives any inequities that exist within this fixed-tax issue that the Senate has raised. For that reason, Mr. Speaker, I ask concurrence. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On concurrence, the Chair recognizes the gentleman from Mercer, Mr. Fargo.

Mr. FARGO. Thank you, Mr. Speaker.

Would the gentleman, Mr. Laughlin, please stand for interrogation?

The SPEAKER. The gentleman, Mr. Laughlin, indicates he will stand for interrogation. The gentleman, Mr. Fargo, is in order and may proceed.

Mr. FARGO. Mr. Speaker, I have first a technical question, and it would refer to section 602 on page 8 and the top of page 9. What section 602 seems to say is that every domestic corporation or every domestic entity—

The SPEAKER. Will the gentleman yield.

Is the gentleman interrogating on an amendment inserted by the Senate?

Mr. FARGO. I am, sir.

The SPEAKER. The gentleman may then proceed.

Mr. FARGO. What the amendment says in section 602 is that every domestic entity from which a report is required under section 601 shall be subject to and pay a tax at the rate of 10 mills upon each dollar of the capital stock value as defined in section 601(A)—and section 601(A) is an entirely new section as far as this bill is concerned—for the calendar year 1971 and the fiscal year beginning in 1971 and each year thereafter.

Now, my question is, does this make this bill retroactive to 1971, as far as the computation of the capital stock tax is concerned?

Mr. LAUGHLIN. No, Mr. Speaker. It merely indicates that the tax has not changed since 1971 in that particular section.

Mr. FARGO. But the formula for determining the tax in section 601 is an entirely new one that they refer to. Once again, would that not make it that 1971—

Mr. LAUGHLIN. The formula has changed, Mr. Speaker; however, the rate has not changed.

Mr. FARGO. The formula is what they refer to here, and I would guess that we are talking about going back to 1971.

Mr. LAUGHLIN. No, Mr. Speaker.

Mr. FARGO. All right. Assuming that that is true then, is there a fiscal note on this bill, or how much is estimated that the State will receive by changing this?

Mr. LAUGHLIN. Mr. Speaker, as a matter of fact, the State will not increase revenues. As a matter of fact, over the next 2 years the State will lose approximately \$8 million on this legislation. It has given the business community a break with regard to it.

Mr. FARGO. So the fiscal note is that it is going to cost the State \$8 million in the next 2 years?

Mr. LAUGHLIN. That is a guesstimate over the next 2 years. Yes, Mr. Speaker.

Mr. FARGO. What type of corporation will be paying more capital stock tax and what type will be paying less? Is this something which is known?

Mr. LAUGHLIN. Mr. Speaker, I have the same report that was made available by Representative Dorr, and I have it here for you. The Representative read it, if you were paying attention.

Mr. FARGO. Does that indicate that the large corporations and the manufacturing concerns will generally pay less?

Mr. LAUGHLIN. Mr. Speaker, it is a mixed bag. It can flow either way depending on the circumstances and the breakdown of the report as given to us by the Department of Revenue.

Mr. FARGO. All right. Thank you, Mr. Speaker.

Could I make a statement?

The SPEAKER. On concurrence, the gentleman is in order and may proceed.

Mr. FARGO. Yes, please.

A major tax reporting problem that we have in Pennsylvania corporations has always been the lack of a definite formula for determining values for capital stock tax computations. The amendment to this bill will do this, but that formula is complicated, and if you have had a chance to look at that formula, you will realize just how complicated it is. It is a complicated one, and I do not believe any of us know at this time what effect it will have on our businesses in this State. We do know that it will have a major effect on those businesses, but above all else, I do not want to add to the tax problems we have already given these organizations.

It is my understanding that the amendments to HB 533 that were inserted by the Senate will generally increase taxes for small retailers and service-type organizations, and it will decrease taxes for the large corporations and the manufacturers.

In light of the importance of this legislation, I would like all of us to have additional time to study the amendments and check with our business constituents just to see where we stand and where they stand on this bill. The capital stock tax change is a major concern, and to have us look at it this evening without having an opportunity to really know what it is doing to the State and to the businesses in this State is unfair.

#### MOTION TO PLACE BILL ON POSTPONED CALENDAR

Mr. FARGO. I would move that HB 533 be placed on the third consideration postponed calendar to give us an opportunity to study this bill.

The SPEAKER. The Chair would correct the gentleman's motion. The correct motion which the gentleman meant to make is that HB 533, PN 2346, be placed on bills on concurrence in Senate amendments postponed calendar. That motion is in order.

On the question,

Will the House agree to the motion?

The SPEAKER. On the motion, the Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I rise in opposition to the motion. I agree with the people who have indicated that there is a complicated formula in the bill. There were full explanations rendered in both caucuses. The Pennsylvania Chamber of Commerce has recommended that this be passed before the end of this calendar year so that it may apply. We have for some time on this side of the aisle wished for and

hoped for a fixed formula on the capital stock franchise tax, and I think this is an opportunity to get such. It is not written in the manner in which I may have written it or my technicians may have written it, but it is in a form that is much better than the system that we have today.

Mr. Speaker, it is not going to hurt any business, large or small, to any large extent. As Mr. Laughlin indicated, there is a feature in the bill that says that no corporation, no capital stock franchise tax payment, will be more than \$500— There will be no differential more than \$500 from what a person would have paid under the other method that is in existence today. So we are talking about small moneys, and I think that we ought to consider it today and accede to the wishes of the many organizations who have come to us and asked that the bill pass this evening.

The SPEAKER. The Chair thanks the gentleman.

On the motion, the Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I am reluctant to echo the words of the gentleman, Mr. Manderino, but I think I must.

Our technicians, if you please, our staff people, have also reviewed this. We, too, have met with the Chamber of Commerce, the Secretary of Revenue, and representatives of the Revenue Department. There is some concern evidenced by certain remarks that I have had from the Senate and from the administration that this matter be considered tonight, prior to the new year evidently, that being the cutoff date for many of these businesses to set their books. With great reluctance, I would oppose the motion.

The SPEAKER. The Chair thanks the gentleman.

On the motion, the Chair recognizes the gentleman from Mercer, Mr. Fargo.

Mr. FARGO. Thank you, Mr. Speaker.

Would Mr. Manderino please stand for interrogation?

Mr. MANDERINO. Yes.

The SPEAKER. The gentleman indicates he will so stand. The gentleman, Mr. Fargo, is in order and may proceed.

Mr. FARGO. There was a question which I asked Mr. Laughlin about the date on which this takes effect, and it is a major concern of mine. The indication at the end of this bill indicates that it will take effect for 1984 and all the years beyond that, as far as the date of effect is concerned. Does this mean that if we do not look at it now but finish looking at HB 533 next year when we return, that this would not make it retroactive to the first of 1984 when we do pass it?

Mr. MANDERINO. Are you asking whether or not we—

### PARLIAMENTARY INQUIRY

Mr. RAPPAPORT. Mr. Speaker?

The SPEAKER. For what purpose does the gentleman from Philadelphia, Mr. Rappaport, interrupt?

Mr. RAPPAPORT. A parliamentary inquiry, Mr. Speaker. What is presently before the House?

The SPEAKER. A motion to place HB 533, PN 2346, on bills on concurrence in Senate amendments postponed calendar.

Mr. RAPPAPORT. I am sure the Speaker will correct me if I am wrong, sir, but is that motion debatable?

The SPEAKER. Well, let us check it and see.

Mr. MANDERINO. Mr. Speaker, I believe the question is, could we act next year sometime after we return and make the tax retroactive to the first of the year? Yes, we could. Business, however, has always asked us not to enact retroactive taxes for them.

Mr. FARGO. Thank you, Mr. Speaker.

Could I make one short statement?

The SPEAKER. The gentleman may make a statement.

Mr. FARGO. Thank you.

I am concerned and I feel very strongly that we are rushing into something which is extremely important as far as the State is concerned. I would also say that that \$500 figure that was brought out as the maximum variation was strictly if it is less than the amount prior to. But if it is more than, it can go to 130 percent, which means that if our average tax in a corporation was \$10,000 in that period of time, this could mean 130 percent of \$10,000 to a corporation. I am very concerned about that. I think we should have more time to look at this bill, and I would reiterate my motion. Thank you.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, on the point of the \$500 limitation, the gentleman, Mr. Fargo, is entirely correct. He obviously understands that section of the bill better than I understand that section of the bill or the explanation that was given to me by my technician. She gave me the explanation that you gave, and I did not understand it at all. There is more of a differential provided for or allowed in the bill than the \$500. The \$500, as you state, is on the lower level and is not a limit, and I want to make that clear.

Nonetheless, Mr. Speaker, with all the people who are asking us to pass this this year so it is effective the first of the year, I continue to oppose the motion to postpone.

Mr. WILSON. Mr. Speaker?

The SPEAKER. Mr. Wilson, I think the Chair has been in error in allowing the debate to go on in the first place.

Mr. WILSON. The Speaker is quite correct, Mr. Speaker. Rule 55 says this should not have gone on in the first place. However, in all fairness to everybody, if they are going to discuss the merits, should we not discuss the merits?

The SPEAKER. In all fairness to everybody, we probably should shut up, but in fairness to Mr. Wilson, we will permit the gentleman to make his remarks.

Mr. WILSON. I apologize for having to say that, but in the light of how this debate has degenerated, I applaud the effort to move this particular type of legislation. I think it is much needed. I think that it should have been discussed a long time ago. But at 20 minutes to 12, we leave here, and the gentleman, Mr. Fargo, and every gentleman who got up brought up issues and points that should be refined, I believe, before we get into it.

I look at this estimate, and we are going to go home and tell people that their taxes went up 13 percent. Can you explain it to them?

I think this is a great piece of legislation, but I just do not think we should push it through tonight. There is no reason that it cannot be passed in January, effective for 1984—no reason whatsoever. I would urge that we support Mr. Fargo's motion. Thank you for your privilege, Mr. Speaker.

The SPEAKER. The gentleman is welcome.

Those in favor of the motion to place HB 533 on the postponed calendar for bills on concurrence in Senate amendments will vote "aye," and those opposed will vote "no."

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

The following roll call was recorded:

YEAS—97

Angstadt	Fischer	Mackowski	Schuler
Armstrong	Flick	Madigan	Semmel
Arty	Foster, W. W.	Markosek	Serafini
Book	Foster, Jr., A.	Mayernik	Showers
Bowser	Freeman	Merry	Sirianni
Brandt	Freind	Micozzie	Smith, B.
Broujos	Gallen	Miller	Smith, L. E.
Bunt	Gamble	Moehlmann	Snyder, D. W.
Burd	Gladeck	Mowery	Snyder, G. M.
Cappabianca	Greenwood	Murphy	Spencer
Cessar	Grieco	Nahill	Stairs
Cimini	Gruppo	Noye	Stevens
Civera	Hagarty	O'Brien	Stuban
Clymer	Haluska	Perzel	Swift
Cornell	Herman	Peterson	Taylor, E. Z.
Coslett	Hershey	Phillips	Telek
Coy	Honaman	Piccola	Van Horne
DeVerter	Jackson	Pitts	Vroon
DeWeese	Kennedy	Punt	Wambach
Davies	Klingaman	Reinard	Wass
Dawida	Lashinger	Robbins	Weston
Dietz	Lehr	Rudy	Wilson
Dorr	Levi	Saurman	Wogan
Durham	Lloyd	Scheetz	Wright, J. L.
Fargo			

NAYS—102

Afflerbach	Duffy	Linton	Richardson
Alderette	Evans	Livengood	Rieger
Baldwin	Fattah	Lucyk	Ryan
Barber	Fee	McCall	Rybak
Battisto	Fryer	McClatchy	Saloom
Belardi	Gallagher	McHale	Salvatore
Belfanti	Gannon	McIntyre	Seventy
Beloff	Geist	McMonagle	Spitz
Blaum	George	McVerry	Steighner
Boyes	Godshall	Manderino	Stewart
Burns	Gruitza	Manmiller	Sweet
Caltagirone	Harper	Michlovic	Taylor, F. E.
Carn	Hasay	Miscevich	Tigue
Cawley	Hayes	Morris	Trello
Clark	Hoefel	Mrkonic	Truman
Cohen	Hutchinson	O'Donnell	Wachob
Colafella	Itkin	Oliver	Wargo
Cole	Jarolin	Petrarca	Wiggins
Cordisco	Kasunic	Petrone	Williams
Cowell	Kosinski	Pievsky	Wozniak
Deluca	Kowalyshyn	Pistella	Wright, D. R.
Daley	Kukovich	Pott	Wright, R. C.
Deal	Laughlin	Pratt	Zwikel
Dininni	Lescovitz	Preston	
Dombrowski	Letterman	Rappaport	Irvis,
Donatucci	Levin	Reber	Speaker

NOT VOTING—1

Maiale

EXCUSED—3

Johnson Marmion Olasz

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

On the question recurring,  
Will the House concur in Senate amendments?

The SPEAKER. For what purpose does the gentleman from Allegheny, Mr. Pott, rise?

Mr. POTT. To interrogate the prime sponsor on final passage, Mr. Speaker.

The SPEAKER. Do you wish to interrogate the gentleman, Mr. Laughlin, on the amendments inserted by the Senate?

Mr. LAUGHLIN. Mr. Speaker, I will have to decline the gentleman's interrogation based on the fact that he is interested in the Senate amendments, and since I did not make them, I do not think I should respond to them.

Mr. POTT. Will the chairman of the Finance Committee submit to interrogation?

The SPEAKER. I hear no volunteers.

Mr. MANDERINO. Mr. Speaker, I suggest that the gentleman, Mr. Pott, question the gentleman, Mr. Fargo.

The SPEAKER. Any volunteers?

Mr. POTT. Will the gentleman, Mr. Fargo, consent to interrogation?

The SPEAKER. Does the gentleman, Mr. Fargo, volunteer?

Mr. POTT. Mr. Speaker, on page 5 of this legislation under the definitions, we are defining "domestic entity," "entity," and "foreign entity." The Senate has included in these definitions "limited partnership." Could you explain to me, Mr. Speaker, how a limited partnership has capital stock?

Mr. FARGO. Mr. Speaker, they go ahead and talk about organizations and partnerships, but you are right; it does not have capital stock as far as limited partnerships are concerned.

Mr. POTT. Mr. Speaker, does this definition of "domestic entity" make the capital stock tax applicable to partnerships?

Mr. FARGO. Mr. Speaker, I cannot answer that question. It would indicate "limited partnership and every company whatsoever," and they also talk about entities rather than corporations throughout the entire amendments. So I would have to say that if an entity is a corporation and a limited partnership is a corporation, then it does talk about it. I have my doubts that this does really refer to a company with capital stock.

Mr. POTT. Is it your opinion, Mr. Speaker, that this legislation applies the capital stock tax to partnerships?

Mr. FARGO. It is my opinion that it could, based on the way they talk about limited partnerships being taxable under this rule and regulation.

Mr. POTT. Mr. Speaker, is the manufacturer's exemption from capital stock tax continued in this legislation?

Mr. FARGO. Yes; it is.

Mr. POTT. Could you tell me what—

Mr. FARGO. Yes. I have checked that myself and asked questions about it, and I am satisfied that it does still have manufacturing exemption as far as capital stock considerations are concerned.

Mr. POTT. Thank you.

Mr. Speaker, I believe this legislation is long needed, legislation which provides a specific formula—

The SPEAKER. Do you mean you are for concurrence?

Mr. POTT. I am speaking on concurrence.

The SPEAKER. Are you for concurrence?

Mr. POTT. No; I am not.

The SPEAKER. Then the gentleman is recommending that we nonconcur.

Mr. POTT. Because, Mr. Speaker, of the question we have right now, whether this bill as amended by the Senate takes application of the capital stock tax to partnerships in Pennsylvania. Presently, only corporations are taxed with capital stock, not partnerships. I am very concerned about that, Mr. Speaker, and because of that concern, I would urge a nonconcurrency and allow a conference committee to clear up those definitions. But a formula for capital stock tax is absolutely necessary. Thank you.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, the capital stock franchise tax today, in effect, on the books, uses the words "limited partnership." In fact, Mr. Speaker, if you will go to page 1 of the bill, section 601, you will find that section 601 is the present law and the bracket is removing all of the language that you are questioning. The bracket begins at the end of "Section 601" on page 1 and continues to page 4, line 4, where the bracket is closed. That is the present law. All of that is being removed. What is underlined is what the Senate has added, and it is the new capital stock franchise tax with a fixed formula. Mr. Speaker, the manufacturing exemption presently enjoyed under the capital stock franchise tax is continued in the Senate amendment.

The SPEAKER. The Chair thanks the gentleman.

Mr. HUTCHINSON. Mr. Speaker, now is it my turn?

The SPEAKER. Now it is your turn, Mr. Hutchinson.

Mr. HUTCHINSON. Thank you very much.

You know, a couple of weeks ago we voted for more education for C.P.A.'s (certified public accountants), and after I heard that interrogation, I am glad I voted for it. Thank you very much.

The SPEAKER. There is certainly no duplicate of Amos.

The Chair recognizes the gentleman from Crawford, Mr. Merry.

Mr. MERRY. Mr. Speaker, just a short remark. It is too bad that such an important issue as this has to be on such scheduling when we are all so tired. But I do want to reiterate that this is probably the most important legislation that we could pass this year. It is almost correct, but it abuses small business. I do not understand how we can go back home during this holiday season and tell small business that we have given them another kick in the butt.

Now, the ability to pay is much easier stood by larger businesses. Granted, all businesses should be treated nicely, but we are seemingly giving a better break to big business because of the way that we provide the percentages.

I suggest that we nonconcur in this, give it back to the conference committee, and ask that they come up with a new percentage that is fair to everyone so that we are not penalizing small business, our "mom and pop" stores, our small stores in our small towns that are really the backbone of Pennsylvania. Please nonconcur.

The SPEAKER. The Chair thanks the gentleman.

It has been moved by the gentleman, Mr. Laughlin, that the House do concur in the amendments inserted by the Senate to HB 533.

On the question recurring,

Will the House concur in Senate amendments?

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

#### YEAS—82

Alderette	Donatucci	Linton	Richardson
Baldwin	Duffy	Livengood	Rieger
Barber	Evans	Lucyk	Ryan
Battisto	Fattah	McCall	Rybak
Belardi	Fee	McClatchy	Saloom
Beloff	Fischer	McHale	Saurman
Blaum	Freeman	McIntyre	Sweet
Boyes	Gallagher	Manderino	Taylor, F. E.
Burns	Gamble	Michlovic	Tigue
Caltagirone	Gannon	Miller	Trello
Carn	Harper	Miscevich	Truman
Cawley	Hutchinson	Mrkonic	Wachob
Clark	Irkin	O'Donnell	Wargo
Cohen	Jarolin	Oliver	Wiggins
Colafella	Kasunic	Petrarca	Williams
Cole	Kowalyszyn	Petrone	Wright, J. L.
Cordisco	Kukovich	Pievsky	Wright, R. C.
Deluca	Laughlin	Pistella	Zwikl
Daley	Lescovitz	Pratt	
Deal	Letterman	Preston	Irvis,
Dombrowski	Levin	Rappaport	Speaker

#### NAYS—116

Afflerbach	Flick	Lloyd	Schuler
Angstadt	Foster, W. W.	McVerry	Semmel
Armstrong	Foster, Jr., A.	Mackowski	Serafini
Arty	Freind	Madigan	Seventy
Belfanti	Fryer	Manmiller	Showers
Book	Gallen	Markosek	Sirianni
Bowser	Geist	Mayernik	Smith, B.
Brandt	George	Merry	Smith, L. E.
Broujos	Gladeck	Micozzie	Snyder, D. W.
Bunt	Godshall	Moehlmann	Snyder, G. M.
Burd	Greenwood	Morris	Spencer
Cappabianca	Grieco	Mowery	Spitz
Cessar	Gruitza	Murphy	Stairs
Cimini	Gruppo	Nahill	Steighner
Civera	Hagarty	Noye	Stevens
Clymer	Haluska	O'Brien	Stewart
Cornell	Hasay	Perzel	Suban
Coslett	Hayes	Peterson	Swift
Cowell	Herman	Phillips	Taylor, E. Z.
Coy	Hershey	Piccola	Telek
DeVerter	Hoeffel	Pitts	Van Horne
DeWeese	Honaman	Pott	Vroon
Davies	Jackson	Punt	Wambach
Dawida	Kennedy	Reber	Wass
Dietz	Klingaman	Reinard	Weston
Dininni	Kosinski	Robbins	Wilson
Dorr	Lashingier	Rudy	Wogan

Durham	Lehr	Salvatore	Wozniak
Fargo	Levi	Scheetz	Wright, D. R.

NOT VOTING—2

McMonagle      Maiaie

EXCUSED—3

Johnson      Marmion      Olasz

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

Ordered, That the clerk inform the Senate accordingly.

**BILL ON CONCURRENCE  
IN SENATE AMENDMENTS  
TO HOUSE AMENDMENTS**

The clerk of the Senate, being introduced, returned the following **SB 763, PN 1603**, with information that the Senate has concurred in the amendments made by the House by amending said amendments in which the concurrence of the House of Representatives is requested:

An Act imposing regulations and licensing requirements on auctioneers, apprentice auctioneers, auction houses and auction companies; imposing powers and duties on the State Board of Auctioneer Examiners; and making repeals.

On the question,

Will the House concur in Senate amendments to House amendments?

The **SPEAKER**. The Chair recognizes the gentleman from Columbia, Mr. Stuban.

Mr. **STUBAN**. Thank you, Mr. Speaker.

Mr. Speaker, earlier this evening I spoke with the leaders of the Auctioneers Association. They ask for concurrence in this bill, so I ask for concurrence.

The **SPEAKER**. It is moved by the gentleman, Mr. Stuban, that the House do concur in amendments inserted by the Senate to House amendments to SB 763.

On the question recurring,

Will the House concur in Senate amendments to House amendments?

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

YEAS—199

Afflerbach	Evans	Livengood	Ryan
Alderette	Fargo	Lloyd	Rybak
Angstadt	Fattah	Lucyk	Saloom
Armstrong	Fee	McCall	Salvatore
Arty	Fischer	McClatchy	Saurman
Baldwin	Flick	McHale	Scheetz
Barber	Foster, W. W.	McIntyre	Schuler
Battisto	Foster, Jr., A.	McMonagle	Semmel
Belardi	Freeman	McVerry	Serafini
Belfanti	Freind	Mackowski	Seventy
Beloff	Fryer	Madigan	Showers
Blaum	Gallagher	Maiaie	Sirianni
Book	Gallen	Manderino	Smith, B.
Bowser	Gamble	Manmiller	Smith, L. E.
Boyes	Gannon	Markosek	Snyder, D. W.
Brandt	Geist	Mayernik	Snyder, G. M.
Broujos	George	Merry	Spencer

Bunt	Gladeck	Michlovic	Spitz
Burd	Godshall	Micozzie	Stairs
Burns	Greenwood	Miller	Steighner
Caltagirone	Grieco	Miscevich	Stevens
Cappabianca	Gruitza	Moehlmann	Stewart
Carn	Gruppo	Morris	Stuban
Cawley	Hagarty	Mowery	Sweet
Cessar	Haluska	Murphy	Swift
Cimini	Harper	Nahill	Taylor, E. Z.
Civera	Hasay	Noye	Taylor, F. E.
Clark	Hayes	O'Brien	Telek
Clymer	Herman	O'Donnell	Tigue
Cohen	Hershey	Oliver	Trello
Colafella	Hoeffel	Perzel	Truman
Cole	Honaman	Peterson	Van Horne
Cordisco	Hutchinson	Petrarca	Vroon
Cornell	Itkin	Petrone	Wachob
Coslett	Jackson	Phillips	Wambach
Cowell	Jarolin	Piccola	Wargo
Coy	Kasunic	Pievsky	Wass
Deluca	Kennedy	Pistella	Weston
DeVerter	Klingaman	Pitts	Wiggins
DeWeese	Kosinski	Pott	Williams
Daley	Kowalshyn	Pratt	Wilson
Davies	Kukovich	Preston	Wogan
Dawida	Lashinger	Punt	Wozniak
Deal	Laughlin	Rappaport	Wright, D. R.
Dietz	Lehr	Reber	Wright, J. L.
Dininni	Lescovitz	Reinard	Wright, R. C.
Dombrowski	Letterman	Richardson	Zwki
Donatucci	Levi	Rieger	
Dorr	Levin	Robbins	Irvis,
Duffy	Linton	Rudy	Speaker
Durham			

NAYS—1

Mrkonic

NOT VOTING—0

EXCUSED—3

Johnson      Marmion      Olasz

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

**SUPPLEMENTAL CALENDAR D**

**BILL ON CONCURRENCE  
IN SENATE AMENDMENTS**

The clerk of the Senate, being introduced, returned the following **HB 1391, PN 2360**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act amending the "Race Horse Industry Reform Act," approved December 17, 1981 (P. L. 435, No. 135), merging the State Horse Racing Fund and the State Harness Racing Fund into a single State Racing Fund; revising the taxation of funds from pari-mutuel tickets; and further providing for the distribution of revenues.

On the question,

Will the House concur in Senate amendments?

The **SPEAKER**. The Chair recognizes the gentleman from Columbia, Mr. Stuban.

Mr. STUBAN. Thank you, Mr. Speaker.  
I rise and ask for concurrence on HB 1391.

The SPEAKER. It is moved by the gentleman, Mr. Stuban, that the House do concur in the amendments inserted by the Senate to HB 1391.

The gentleman from York, Mr. Dorr, is recognized on the bill.

Mr. DORR. Thank you, Mr. Speaker.  
Would the majority leader stand for interrogation?

The SPEAKER. Will the gentleman, Mr. Manderino, stand for interrogation? The gentleman indicates he will so stand. The gentleman, Mr. Dorr, is in order and may proceed.

Mr. DORR. Thank you, Mr. Speaker.

I would like to have clarified one point in the bill, and I think I would support the legislation and the concurrence, but could the gentleman indicate for me, please, what the percentages which appear on lines 15 through 24 on page 9 of the bill would be applied against?

Mr. MANDERINO. Mr. Speaker, it is my understanding they are to be applied against the amount of dollars wagered in any individual day of racing.

Mr. DORR. Thank you, Mr. Speaker.

That would be my understanding of the intent of the legislation also, and on that basis I would support concurrence in the Senate amendments.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,  
Will the House concur in Senate amendments?

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

YEAS—173

Afflerbach	Dorr	Levi	Saloom
Alderette	Durham	Levin	Salvatore
Angstadt	Evans	Linton	Saurman
Armstrong	Fargo	Livengood	Scheetz
Arty	Fattah	Lucyk	Schuler
Baldwin	Fee	McCall	Semmel
Barber	Flick	McClatchy	Serafini
Battisto	Foster, W. W.	McHale	Seventy
Belardi	Foster, Jr., A.	McIntyre	Showers
Belfanti	Freeman	McMonagle	Sirianni
Beloff	Freind	McVerry	Smith, B.
Blaum	Gallagher	Mackowski	Smith, L. E.
Book	Gallen	Madigan	Snyder, D. W.
Bowser	Gamble	Maiale	Snyder, G. M.
Brandt	Gannon	Manderino	Spencer
Bunt	Geist	Manmiller	Stairs
Burd	George	Michlovic	Steighner
Burns	Gladeck	Micozzie	Stevens
Caltagirone	Godshall	Miller	Stewart
Cappabianca	Greenwood	Miscevich	Stuban
Carn	Grieco	Mochlmann	Sweet
Cessar	Gruppo	Morris	Swift
Cimini	Hagarty	Mowery	Taylor, E. Z.
Civera	Harper	Murphy	Taylor, F. E.
Clark	Hasay	Nahill	Telek
Clymer	Hayes	Noye	Truman
Colafiglia	Herman	O'Brien	Vroon
Cole	Hershey	O'Donnell	Wachob
Cordisco	Hoefel	Oliver	Wargo
Cornell	Honaman	Perzel	Wass
Coslett	Hutchinson	Peterson	Weston
Cowell	Jackson	Petrarca	Wiggins
Coy	Jarolin	Petrone	Williams
Deluca	Kasunic	Piccola	Wilson

DeVerter	Kennedy	Pievsky	Wogan
DeWeese	Klingaman	Pistella	Wozniak
Daley	Kosinski	Pott	Wright, D. R.
Davies	Kowalshyn	Punt	Wright, J. L.
Dawida	Kukovich	Reber	Wright, R. C.
Deal	Lashinger	Reinard	Zwilk
Dietz	Laughlin	Rieger	
Dininni	Lehr	Rudy	Irvis,
Dombrowski	Lescovitz	Ryan	Speaker
Donatucci	Letterman	Rybak	

NAYS—25

Boyes	Gruitza	Phillips	Robbins
Broujos	Haluska	Pitts	Spitz
Cawley	Itkin	Pratt	Tigue
Cohen	Lloyd	Preston	Trello
Duffy	Markosek	Rappaport	Van Horne
Fischer	Mrkonic	Richardson	Wambach
Fryer			

NOT VOTING—2

Mayernik	Merry
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EXCUSED—3

Johnson	Marmion	Olasz
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1244, PN 1701**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, prohibiting certain sun screening devices on windshields and windows of motor vehicles.

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

Mr. O'DONNELL offered the following amendments No. A4710:

Amend Title, page 1, line 3, by inserting after "vehicles"  
; and further providing for the erection of stop signs  
in cities of the first class

Amend Bill, page 3, by inserting between lines 1 and 2  
Section 2. Section 6122 of Title 75 is amended by adding a  
subsection to read:

§ 6122. Authority to erect traffic-control devices.

\*\*\*

(e) Cities of the first class.—Notwithstanding subsection (a), a city of the first class shall have the power to erect stop signs on any highway within its boundaries without approval or accordance with the regulations of the department.

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

3

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

The SPEAKER. The Chair recognizes the majority whip.  
Mr. O'DONNELL. Mr. Speaker, the purpose of this amendment is to clear away the legal difficulties surrounding

who can put up a stop sign in the city of Philadelphia. This makes it clear that the city can put up the stop sign.

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Hutchinson.

Mr. HUTCHINSON. Mr. Speaker, we started in 1973 to codify this code to make it uniform all over the United States. We passed it in 1976, and I do not know whether we want Philadelphia—and I vote for Philadelphia, and sometimes I am sorry—but now they want to put a sign up any darn way they want to. I do not think it is right. If they are going to do it, I think that every city and town—we only have one, and that is Bloomsburg—ought to have the same right. Then nobody knows what they are doing. I want a negative vote on this.

The SPEAKER. The Chair is not sure. Did the gentleman say that he prefers that all of us would have any darn right to put up whatever we want? Is that it?

Mr. HUTCHINSON. I want to keep it uniform.

The SPEAKER. Oh, I see.

Mr. HUTCHINSON. And in the law there is a variance for any city that wants to make a deal with the Department of Transportation, but they still have to live within the regulations. I do not know whether Philadelphia wants to hire more people, but PennDOT is doing the work right now. Let them do it.

The SPEAKER. The Chair thanks the gentleman, I think.

The Chair recognizes the majority whip.

Mr. O'DONNELL. Mr. Speaker, I think we can clear this away pretty quickly. I would like to ask the gentleman one question.

The SPEAKER. The gentleman, Mr. O'Donnell, asks to interrogate the gentleman, Mr. Hutchinson. The gentleman, Mr. Hutchinson—

Mr. HUTCHINSON. I am ready and loaded.

Mr. O'DONNELL. Mr. Speaker, I am prepared to withdraw this amendment and to support your position, which is that it ought to be uniform in Pennsylvania that all municipalities ought to have the right to put up stop signs where the local people think they belong. And if you are prepared to tell this House that you support that position, I am prepared to amend my bill, which is in your committee, to include every town, hamlet, municipality, and every other kind.

Mr. HUTCHINSON. No way. I want it uniform where somebody from Greensburg knows what the heck they are doing in Philadelphia.

Mr. O'DONNELL. No way. Thank you.

Mr. Speaker?

The SPEAKER. The Chair recognizes the gentleman, Mr. O'Donnell.

Mr. O'DONNELL. The previous speaker wants two things: He wants uniformity, but he wants uniformity so PennDOT makes the rules instead of the local municipalities. I would like to offer this amendment to start with Philadelphia, and I am very happy to support any other amendment, any other time, to the bill that is in committee or otherwise, to make it applicable to every municipality in Pennsylvania. Thank you.

The SPEAKER. The Chair thanks the gentleman.

Mr. HUTCHINSON. I would like to have a negative vote.

The SPEAKER. Well, let us get the affirmatives in first.

The Chair recognizes the gentleman from Philadelphia, Mr. Kosinski, on the amendment.

Mr. KOSINSKI. Thank you, Mr. Speaker.

I rise in support of the O'Donnell amendment.

I would like to inform the House of an incident that occurred in my district. We fought for 10 months to get a four-way stop sign put up on a corner that is used by approximately 800 school children and 300 senior citizens daily. At the site, we had two accidents; one of them was near fatal. PennDOT then informed us that we needed five broadside accidents at that corner to qualify under those so-called uniform rules for a stop sign. Eventually we got it. Under the O'Donnell amendment, we would be able to get it without having to go through the bureaucratic rigmarole, so I stand in support of the O'Donnell amendment. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Gannon.

Mr. GANNON. Mr. Speaker, I would like to interrogate the sponsor of the amendment briefly.

The SPEAKER. The gentleman, Mr. Gannon, is in order and may interrogate the gentleman, Mr. O'Donnell. The gentleman, Mr. O'Donnell, indicates he will stand for interrogation.

Mr. GANNON. Mr. Speaker, as I understand your amendment, it would give the city of Philadelphia the authority to place stop signs wherever they would see fit. Now, if it is determined that placing a stop sign at an intersection does not meet the warrants that are now prescribed—that is, the city decides to not abide by the warrants that are presently in existence—and there is an accident or some type of a casualty at an intersection, would the city—if the city is brought in on that stop sign—be liable for that or would that come back to the State, if that was determined that placing the signs was the proximate cause of the accident? I have gone through this with PennDOT a number of times. That is why I am asking the question. This is one of the concerns that has been expressed by PennDOT when I have gone through them on these stop sign issues.

Mr. O'DONNELL. Proximate cause? If it was determined that the placing of the sign was the proximate cause of the accident, who would be liable, the State or the city?

Mr. GANNON. Yes. I am assuming that these would be State roads that you would be putting these on.

Mr. O'DONNELL. No; city highways.

Mr. GANNON. Thank you.

Mr. O'DONNELL. The answer to your question is, I do not know.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, I support the amendment. That is all.

The SPEAKER. The gentleman from Philadelphia, Mr. Wogan, is recognized.

Mr. WOGAN. Thank you, Mr. Speaker. I will be brief, as I know the hour is late.

I think the gentleman, Mr. O'Donnell, is right on point. This amendment would help solve a problem in my district which has been a dangerous condition for the last 2 years at the intersection of Kingfield and Pine Road. We presently are waiting to satisfy a PennDOT warrant because we have not had enough accidents, merely because my constituents have been very careful in dealing with a very dangerous situation. So I therefore rise in support of the O'Donnell amendment and ask for an affirmative vote.

AMENDMENTS WITHDRAWN

The SPEAKER. The Chair recognizes the gentleman, Mr. O'Donnell.

Mr. O'DONNELL. Mr. Speaker, I withdraw this amendment and the next one.

The SPEAKER. The gentleman, Mr. O'Donnell, has withdrawn his amendments.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. TRELLO offered the following amendments No. A3504:

Amend Bill, page 3, by inserting between lines 1 and 2 Section 2. Section 4706(g) of Title 75, amended July 22, 1983 (P.L. 122, No.32), is amended to read:  
 § 4706. Prohibition on expenditures for emission inspection program.

\*\*\*

(g) Regulations.--The department shall establish and promulgate such regulations as may be necessary to implement this section but it shall not promulgate a regulation that would require safety inspection stations to also perform emission control inspections. The department shall not establish a regulation which imposes a more strict standard than the minimum standards required by the Federal Environmental Protection Agency under the Federal Clean Air Act.

\*\*\*

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

3

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Trello.

Mr. TRELLO. Mr. Speaker, earlier this year we passed an emissions control program in Pennsylvania that affected my county. I opposed that legislation for the emissions control then and I oppose it now. What my amendment does is it simply says that the department shall not establish a regulation which imposes a more strict standard than the minimum standards required by the Federal Environmental Protection Agency under the Federal Clean Air Act. I urge everybody to support the amendment, just in case the Supreme Court might decide that we should have an emissions control program.

QUESTION OF INFORMATION

The SPEAKER. The Chair recognizes the lady from Delaware, Mrs. Durham.

Mrs. DURHAM. Mr. Speaker, I presume that I want to rise to a point of information. Could you please tell us how many more amendments and how many more bills you expect us to vote on this evening—excuse me, this morning?

The SPEAKER. There are two other bills besides HB 1244, and the Chair is informed that the amendments to them are already agreed to and that they are not going to be debated. If we can get through this one, we ought to finish in another 5 or 6 minutes.

Mrs. DURHAM. Well, Mr. Speaker, I am more than willing to go on for 5 or 6 more minutes, but quite frankly, I could not even hear Mr. Trello, and I venture to say that no one else could either. These are House bills, and I see absolutely no reason to continue this fiasco this evening. I will be quiet for 5 minutes.

The SPEAKER. Because of the lateness of the hour, the Chair will not make the reply that came instantly to the Chair's lips. But that would be an achievement if we got 5 minutes of silence around the whole room. Imagine how marvelous that would be.

The Chair now recognizes the gentleman from Allegheny, Mr. Trello.

Mr. TRELLO. Mr. Speaker, earlier this year we passed an emissions control program which affected 10 counties in the State of Pennsylvania. I totally opposed the emissions control program then, and I totally oppose it now. What I have here is an amendment that would disallow the department to establish regulations which impose more strict standards than the Federal Environmental Protection Agency under the Federal Clean Air Act. No standards any stronger than the Federal requirements shall be imposed in the State of Pennsylvania, and I urge everybody to support it, just in case the Supreme Court decides we should have an emissions control program.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—193

Afflerbach	Evans	Lloyd	Ryan
Alderette	Fargo	Lucyk	Rybak
Angstadt	Fee	McCall	Saloom
Armstrong	Fischer	McClatchy	Salvatore
Arty	Flick	McHale	Scheetz
Baldwin	Foster, Jr., A.	McIntyre	Schuler
Barber	Freeman	McMonagle	Semmel
Battisto	Freind	McVerry	Serafini
Belardi	Fryer	Mackowski	Seventy
Belfanti	Gallagher	Madigan	Showers
Beloff	Gallen	Maiale	Sirianni
Blaum	Gamble	Manderino	Smith, B.
Book	Gannon	Manmiller	Smith, L. E.
Bowser	Geist	Markosek	Snyder, D. W.
Boyes	George	Mayernik	Snyder, G. M.
Brandt	Gladeck	Merry	Spencer
Broujos	Godshall	Michlovic	Spitz
Bunt	Greenwood	Micozzie	Stairs
Burd	Grieco	Miller	Steighner
Burns	Gruitza	Miscevich	Stevens
Caltagirone	Gruppo	Moehlmann	Stewart
Cappabianca	Hagarty	Morris	Stuban
Cawley	Haluska	Mowery	Sweet
Cessar	Harper	Mrkonic	Swift
Cimini	Hasay	Murphy	Taylor, E. Z.

Civera	Hayas	Nahill	Taylor, F. E.
Clark	Herman	Noye	Teiek
Clymer	Hershey	O'Brien	Tigue
Cohen	Hoeffel	O'Donnell	Trello
Colafrella	Honaman	Oliver	Truman
Cole	Hutchinson	Perzel	Van Horne
Cordisco	Itkin	Peterson	Vroon
Cornell	Jackson	Petrarca	Wachob
Coslett	Jarolin	Petrone	Wambach
Cowell	Kasunic	Phillips	Wargo
Coy	Kennedy	Piccola	Wass
Deluca	Klingaman	Pievsky	Weston
DeWeese	Kosinski	Pistella	Wiggins
Daley	Kowalyshyn	Pitts	Williams
Davies	Kukovich	Pott	Wilson
Dawida	Lashinger	Pratt	Wogan
Deal	Laughlin	Preston	Wozniak
Dietz	Lehr	Punt	Wright, D. R.
Dininni	Lescovitz	Rappaport	Wright, J. L.
Dombrowski	Letterman	Reinard	Wright, R. C.
Donatucci	Levi	Richardson	
Dorr	Levin	Rieger	Irvis,
Duffy	Linton	Robbins	Speaker
Durham	Livengood	Rudy	

NAYS—5

DeVerter	Reber	Saurman	Zwilk
Fattah			

NOT VOTING—2

Carn	Foster, W. W.
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EXCUSED—3

Johnson	Marmion	Olasz
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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?

Mr. GAMBLE offered the following amendments No. A2924:

Amend Title, page 1, lines 2 and 3, by striking out "prohibiting certain sun screening devices on" in line 2 and all of line 3, and inserting

further providing for windshield and window obstructions.

Amend Sec. 1 (Sec. 4524), page 2, line 8, by inserting after "highway."

This subsection does not prohibit the operation of a motor vehicle with nontransparent material upon the rear windows if the vehicle is equipped with rearview mirrors on both sides of the vehicle providing the driver with an unobstructed view of the highway to the rear of the vehicle.

Amend Sec. 1 (Sec. 4524), page 2, line 25, by striking out "The only exceptions to this subsection are" and inserting

This subsection shall not prohibit operation of a motor vehicle equipped with

Amend Sec. 1 (Sec. 4524), page 2, line 27, by inserting after "manufacturers."

It shall also not prohibit operation of a motor vehicle with any sun screening device or other material which does not permit a person to see or view the inside of the vehicle through the rear window of the vehicle if the vehicle is equipped with rearview mirrors on both sides of the vehicle providing the driver with an unobstructed view of the highway to the rear of the vehicle.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Gamble.

Mr. GAMBLE. Mr. Speaker, there are roughly a couple million trucks in Pennsylvania, and there are, I guess, a million and a half sportsmen in Pennsylvania. I know I have a pickup truck district, and any of you who have a lot of pickup trucks in your district know that there are decals and so forth on the rear windows. HB 1244 would make it mandatory that all those be torn off the windows. What I am saying is that we do not prohibit those types of pictures on the rear windows as long as there are rearview mirrors.

The reason for the bill in the first place is that when a truck is pulled over, they claim the police cannot see into the window. Of course, if it is dark, they cannot see into the window anyhow. But if you have the rearview mirrors, they can see in the mirror and see who is in the truck.

I think it is a little ludicrous to make all the drivers of these pickup trucks tear these decals off their rear windows. If they want to address this problem, I think they should draw up legislation to put a date on it, say 5 years down the road, that after such-and-such a date they no longer will be allowed. But to make everyone tear these decals off that they have paid maybe \$50 or \$100 for just does not make sense.

The SPEAKER. The Chair recognizes the gentleman from Erie, Mr. Boyes.

Mr. BOYES. Thank you, Mr. Speaker.

Will the prime sponsor of the bill stand for interrogation?

The SPEAKER. The gentleman, Mr. Gamble, is the sponsor of the amendment. Is that whom you wish to interrogate?

Mr. BOYES. No. I want a clarification, because when this bill was originally submitted, Mr. Speaker, I had something to do with the drafting of the bill, and the bill itself had a grandfather clause that included an exemption. I do not have the bill in front of me, but the original bill had a grandfather clause to grandfather in all the vehicle operators who had the silkscreen nontransparent glass screening devices in their vehicles at the time, and I want to determine whether or not that is part of the bill as it is drafted now.

The SPEAKER. Has the gentleman finished his statement on the amendment?

Mr. BOYES. I was asking for interrogation, Mr. Speaker, if you can direct me to the proper person on the bill.

The SPEAKER. The gentleman may not interrogate on the bill. The bill is not before the House.

Mr. BOYES. Then I will yield, Mr. Speaker, until the bill is before us.

The SPEAKER. The question is on the Gamble amendment to the bill.

Mr. BOYES. Mr. Speaker, may I make a statement on the amendment itself?

The SPEAKER. The gentleman is in order and may make the statement.

Mr. BOYES. Mr. Speaker, this bill came into existence for the purpose of protecting law enforcement officers in the Commonwealth of Pennsylvania. Other States have adopted a similar type of legislation, and I believe, Mr. Speaker, that if the amendment is incorporated into the bill as proposed by the maker of the amendment, this would defeat the purpose of the bill, because the bill was to protect law enforcement officers as they approach vehicles.

Speaking from experience, Mr. Speaker, a law enforcement officer approaching a vehicle is at any time at a risk. There is a certain risk inherent in that position. But when he cannot view inside the vehicle and have a clear view of the occupants of the vehicle in approaching it, it imposes a certain additional risk to those law enforcement officers. In thinking of the police in the Commonwealth of Pennsylvania and the departments that we have talked to that have asked that this legislation be advanced, I would ask that the House vote in the negative on the amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentleman from Westmoreland, Mr. Petrarca.

Mr. PETRARCA. Mr. Speaker, we agree with everything that the gentleman just said, but what Mr. Gamble is saying, on a pickup truck, as long as you have the mirrors 9 1/2 square inches, and if you put a camper on the back of the pickup truck you cannot see out of it anyway, so it is immaterial about the rear window. I say we support the Gamble amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Allegheny, Mr. Mayernik.

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

The SPEAKER. The gentleman, Mr. Gamble, says he will stand for interrogation. The gentleman, Mr. Mayernik, is in order and may proceed.

Mr. MAYERNIK. Mr. Speaker, in his statement, Mr. Gamble had alluded to the fact that this would be on pickup trucks that the black glass would be permitted and the screening in the back. According to the way I interpret the amendment, there is no reference in here to pickup trucks; it only refers to vehicles with rearview mirrors on both sides of the vehicle providing the driver with an unobstructed view. Would this apply to regular motor vehicles, cars, with mirrors on both sides?

Mr. GAMBLE. I believe you are correct. Yes, it would, but I have never seen any vehicles or automobiles with the decals that this is trying to address. I know I have seen numerous ones on pickup trucks in my district, and that is why I alluded to pickup trucks.

Mr. MAYERNIK. Mr. Speaker, the maker of the amendment, in the amendment, refers to nontransparent material upon rear windows. I believe that is what we are addressing at this time and not on the back of pickup trucks but on the back of vehicles with two rearview mirrors.

Mr. GAMBLE. Well, again, I have not seen two rearview mirrors on too many automobiles. I think that what this amendment will get to are the approximately 1 1/2 million pickup trucks, some of which have the decals on them. However, if they are on the windows of an automobile and they have the two mirrors, they should be eliminated as well and this bill obviously covers it, but I do not think that is where the problem is. I think you will agree that the problem is with the trucks.

Mr. MAYERNIK. Mr. Speaker, I ask the maker of the amendment if he has never seen a vehicle with two rearview mirrors, a regular car, one on each side of the vehicle?

Mr. GAMBLE. I have not seen one all day.

Mr. MAYERNIK. I think quite a few of us have though.

I would like to make a statement on the amendment, Mr. Speaker.

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

Mr. MAYERNIK. The Gamble amendment would permit black glass on rearview windows. Police officers are taught through Act 120, the Municipal Police Officers' Training Act, to stop and approach a vehicle from behind. The rear window is the first line of vision that the police officer has with the occupant. In the past 9 years in the United States, 1,110 police officers have been killed in the line of duty. Two-thirds of that number - 721 police officers—

Mr. CESSAR. Mr. Speaker?

The SPEAKER. For what purpose does the gentleman from Allegheny, Mr. Cessar, interrupt the debate?

Mr. CESSAR. Mr. Speaker, this has been a very long day. This is a House bill; nothing will happen to it until after the first of the year. Mr. Speaker, I implore you, I implore the members of this General Assembly, I would like to make a motion that we do now adjourn until January 3, 1984, when we can come back and do what we have to do.

The SPEAKER. Let the Speaker interrupt the gentleman.

The House and Speaker cannot allow the adjournment motion at this time because the Speaker must stay here to sign bills. The House must stay in session until certain bills come back so the Speaker may sign them and send them to the Governor. I ask the gentlemen and the ladies of the House to be a little more patient so we can finish this and we will get done. The Speaker will be here, I am sure, after you have left, because the Speaker has to complete the housekeeping after you have all gone bursting out of the doors.

Mr. CESSAR. All right, Mr. Speaker, may I amend my motion?

The SPEAKER. Will the gentleman wait until we finish the debate on this particular bill, and then if he wishes to renew his motion—

### MOTION TO TABLE

Mr. CESSAR. Mr. Speaker, I would like to make a motion that we lay this bill on the table. I do not see any urgency for it until we return in January. Mr. Speaker, I make the motion

that HB 1244, PN 1701, be laid on the table. The question is on the motion.

The SPEAKER. The gentleman, Mr. Cessar, has moved that the bill, together with the amendment, be laid on the table.

The Chair recognizes the majority leader.

Mr. MANDERINO. If the gentleman, Mr. Cessar, will simply move to pass the bill over for today, I will concur.

BILL PASSED OVER

Mr. CESSAR. Thank you, Mr. Speaker.

I will amend my motion to pass the bill and the amendment over for today so that we can get on with the other business and everybody can leave here for the holidays.

The SPEAKER. Without objection, HB 1244 will go over for today, and the Chair hears no objection.

\* \* \*

The House proceeded to thrd consideration of **HB 1332, PN 2149**, entitled:

An Act amending Title \$5 (Vehicles) of the Pennsylvania Consolidated Statutes, farther providing for points.

On the question,

Will the House agree to the bill on thrd consideration?

Mr. WILSON offered the following amendments No. A4128:

Amend Title, page 1, line 2, by inserting after "points" and speed timing devices

Amend Sec. 1, page 1, line 6, by striking out "AND 1545" and inserting , 1545 and 3368(c)

Amend Bill, page 5, by inserting between lines 7 and 8 § 3368. Speed timing devices.

\*\*\*

(c) Mechanical, electrical and electronic devices authorized.—

(1) The rate of speed of any vehicle may be timed on any highway by a police officer using a mechanical or electrical speed timing device. No person may be convicted upon evidence obtained through the use of such devices unless the speed recorded is ten or more miles per hour in excess of the legal speed limit.

(2) Electronic devices such as radio-microwave devices (commonly referred to as electronic speed meters or radar) may be used only by members of the Pennsylvania State Police. No person may be convicted upon evidence obtained through the use of such devices unless the speed recorded is [six] ten or more miles per hour in excess of the legal speed limit.

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On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Wilson.

Mr. WILSON. Mr. Speaker, could I ask the lady, Mrs. Rudy, a question before I offer the amendment? Is that permissible?

The SPEAKER. The amendment has been offered.

Mr. WILSON. All right, I will go through it.

This is the same amendment, Mr. Speaker, that we put into SB 11, and because of the condition of SB 11 and its insecurity in the Senate, I would like to offer it to this. This is the measure that simply says that they cannot use electronic devices to fine you for speeding unless you are 10 miles over the limit.

The question I had for Mrs. Rudy was that I did not know whether she concurred with it or not.

The SPEAKER. The Chair recognizes the lady from Centre, Mrs. Rudy.

Mrs. RUDY. Mr. Speaker, I would just like to point out that Representative Wilson's amendment is not an agreed-to amendment in this bill. As he just pointed out, it is in SB 11. He has put it in numerous transportation bills, and it changes the whole complexity of this bill.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—83

Arty	Freind	Madigan	Saurman
Belardi	Gallen	Manmiller	Semmel
Book	Geist	Michlovic	Serafini
Bowser	George	Micozzie	Seventy
Burd	Gladeck	Miller	Smith, L. E.
Burns	Godshall	Miscevich	Snyder, D. W.
Carn	Greenwood	Morris	Spencer
Cessar	Gruppo	Mowery	Spitz
Civera	Hagarty	Noye	Stairs
Clymer	Hasay	O'Brien	Stevens
Coslett	Hayes	Perzel	Stuban
DeVerter	Herman	Phillips	Telek
Davies	Hershey	Piccola	Trello
Dietz	Kennedy	Pitts	Truman
Dininni	Klingaman	Pott	Vroon
Donatucci	Lashingier	Punt	Wass
Durham	Lehr	Reber	Wiggins
Fargo	Linton	Reinard	Wilson
Fattah	McCall	Robbins	Wogan
Flick	McIntyre	Ryan	Wright, J. L.
Foster, Jr., A.	McVerry	Salvatore	

NAYS—108

Afflerbach	Dombrowski	Levin	Rudy
Alderette	Dorr	Livengood	Rybak
Angstadt	Duffy	Lloyd	Saloom
Baldwin	Evans	Lucyk	Scheetz
Barber	Fee	McClatchy	Schuler
Belfanti	Fischer	McHale	Showers
Beloff	Freeman	McMonagle	Smith, B.
Blaum	Fryer	Mackowski	Snyder, G. M.
Boyes	Gallagher	Maiale	Steighner
Brandt	Gamble	Manderino	Sweet
Broujos	Gannon	Markosek	Swift
Caltagirone	Grieco	Mayernik	Taylor, E. Z.
Cappabianca	Gruitza	Merry	Taylor, F. E.
Cawley	Haluska	Moehlmann	Tigue
Cimini	Harper	Mrkonic	Van Horne
Clark	Hoeffel	Murphy	Wachob
Cohen	Honaman	Nahill	Wambach
Colafella	Hutchinson	O'Donnell	Wargo
Cole	Itkin	Oliver	Weston
Cordisco	Jackson	Petrone	Williams
Cornell	Jarolin	Pievsky	Wozniak
Cowell	Kasunic	Pistella	Wright, D. R.
Coy	Kosinski	Pratt	Wright, R. C.
Deluca	Kowalshyn	Preston	Zwickl
DeWeese	Kukovich	Rappaport	

Daley	Laughlin	Richardson	Irvis,
Dawida	Lescovitz	Rieger	Speaker
Deal	Letterman		

NOT VOTING—9

Armstrong	Foster, W. W.	Peterson	Sirianni
Battisto	Levi	Petrarca	Stewart
Bunt			

EXCUSED—3

Johnson	Marmion	Olasz
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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?  
Mr. DORR offered the following amendments No. A4628:

Amend Sec. 1 (Sec. 1538), page 4, line 10, by striking out “the 30-day” and inserting

any

Amend Sec. 1 (Sec. 1538), page 4, line 10, by inserting after “suspension”

imposed hereunder

Amend Sec. 1 (Sec. 1545), page 4, line 21, by inserting after “points,”

except in cases where the point total is reduced below five points by the operation of other provisions of this subchapter, and

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

The SPEAKER. The Chair recognizes the gentleman from York, Mr. Dorr.

Mr. DORR. Thank you, Mr. Speaker.

This amendment attempts to clarify the bill without doing any violence to the lady’s intent in the bill. I favor the bill. I think the amendment, however, does clarify its intent and prevents some possible misinterpretations of it in very unique circumstances, so I would ask for agreement to the amendment.

The SPEAKER. The Chair recognizes the lady from Centre, Mrs. Rudy.

Mrs. RUDY. Mr. Speaker, I would like to point out that this is an agreed-to amendment, that it does fit in with the bill.

The SPEAKER. Did the lady say it is or is not agreed to?

Mrs. RUDY. It is. It is an agreed-to amendment.

The SPEAKER. The lady says that she supports the amendment.

**BILL PLACED ON THIRD CONSIDERATION  
POSTPONED CALENDAR**

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Wilson.

Mr. WILSON. I move that the bill be passed over, with the amendment, until we get back in January.

Mrs. RUDY. I would like to oppose that motion. I think we can move this bill very shortly.

The SPEAKER. It is moved by the gentleman, Mr. Wilson, that HB 1332, PN 2149, together with the Dorr amendment offered thereto, be placed on the third consideration postponed calendar.

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

The SPEAKER. The Chair recognizes the majority leader. Mr. MANDERINO. I ask for a negative vote on this.

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

\* \* \*

The House proceeded to third consideration of **HB 1645, PN 2205**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, prohibiting mobile homes, or prefabricated homes which exceed 70 feet in length from being transported on highways in the Commonwealth; and further providing for special permits.

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

Mr. HASAY offered the following amendments No. A4472:

Amend Title, page 1, line 3, by striking out “70 feet in length” and inserting

72 feet in body length

Amend Sec. 1 (Sec. 4923), page 2, line 5, by inserting brackets before and after “70” and inserting immediately thereafter

72

Amend Sec. 1 (Sec. 4923), page 2, line 5, by inserting after “in”

body

Amend Sec. 2 (Sec. 4961), page 3, lines 11 and 12, by striking out “70 feet in length” and inserting

72 feet in body length

Amend Sec. 2 (Sec. 4961), page 3, lines 15 and 16, by striking out “70 feet in length” and inserting

72 feet in body length

Amend Sec. 2 (Sec. 4961), page 3, line 20, by striking out “70 feet in length” and inserting

72 feet in body length

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

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. Hasay.

Mr. HASAY. Mr. Speaker, this is an agreed-to amendment.

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Petrarca.

Mr. PETRARCA. Yes, it is, Mr. Speaker.

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

The following roll call was recorded:

YEAS—185

Afflerbach	Duffy	Lucyk	Rudy
Alderette	Durham	McCall	Ryan
Angstadt	Fargo	McClatchy	Saloom
Armstrong	Fattah	McHale	Salvatore
Arty	Fee	McIntyre	Saurman
Baldwin	Fischer	McMonagle	Scheetz
Battisto	Flick	McVerry	Schuler
Belardi	Foster, W. W.	Mackowski	Semmel

Belfanti	Foster, Jr., A.	Madigan	Serafini
Beloff	Freeman	Maiale	Seventy
Blaum	Freind	Manderino	Showers
Book	Fryer	Manmiller	Sirianni
Bowser	Gallagher	Markosek	Smith, B.
Boyes	Gallen	Mayernik	Smith, L. E.
Brandt	Gamble	Merry	Snyder, D. W.
Broujos	Gannon	Michlovic	Snyder, G. M.
Bunt	Geist	Micozzie	Spencer
Burd	George	Miller	Spitz
Burns	Gladeck	Miscevich	Stairs
Caltagirone	Godshall	Moehlmann	Steighner
Cappabianca	Greenwood	Morris	Stevens
Cawley	Grieco	Mowery	Stewart
Cessar	Gruppo	Mrkonic	Stuban
Cimini	Hagarty	Murphy	Sweet
Civera	Haluska	Nahill	Swift
Clark	Harper	Noye	Taylor, E. Z.
Clymer	Hasay	O'Brien	Taylor, F. E.
Cohen	Hayes	Oliver	Teiek
Colafella	Herman	Perzel	Tigue
Cole	Hershey	Peterson	Trello
Cordisico	Honaman	Petrarca	Van Horne
Cornell	Hutchinson	Petrone	Vroon
Coslett	Jackson	Phillips	Wachob
Cowell	Jarolin	Piccola	Wargo
Coy	Kasunic	Pievsky	Wass
Deluca	Kennedy	Pistella	Weston
DeVerter	Klingaman	Pitts	Williams
DeWeese	Kosinski	Pott	Wilson
Daley	Kukovich	Pratt	Wogan
Davies	Lashinger	Preston	Wozniak
Dawida	Laughlin	Punt	Wright, D. R.
Deal	Lehr	Rappaport	Wright, J. L.
Dietz	Lescovitz	Reber	Wright, R. C.
Dininni	Letterman	Reinard	
Dombrowski	Levi	Richardson	Irvis,
Donatucci	Levin	Rieger	Speaker
Dorr	Livengood	Robbins	

NAYS—5

Hoeffel	Lloyd	Rybak	Zwikel
Kowalyszyn			

NOT VOTING—10

Barber	Gruitza	O'Donnell	Wambach
Carn	Itkin	Truman	Wiggins
Evans	Linton		

EXCUSED—3

Johnson	Marmion	Olasz	
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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?

Mr. LETTERMAN offered the following amendments No. A4552:

Amend Title, page 1, line 2, by striking out "or prefabricated homes"

Amend Sec. 1 (Sec. 4923), page 2, lines 3 and 4, by striking out "and prefabricated homes"

Amend Sec. 1 (Sec. 4923), page 2, line 4, by striking out "prefabricated homes"

Amend Sec. 2 (Sec. 4961), page 3, line 15, by inserting a period after "title"

Amend Sec. 2 (Sec. 4961), page 3, lines 15 through 17, by striking out "but which does not exceed 70" in line 15 and all of lines 16 and 17

Amend Sec. 2 (Sec. 4961), page 3, line 19, by inserting a period after "title"

Amend Sec. 2 (Sec. 4961), page 3, lines 19 and 20, by striking out "but which does not" in line 19 and all of line 20

Amend Sec. 2 (Sec. 4961), page 3, lines 22 and 23, by striking out "OR MODULAR HOUSING UNITS"

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Centre, Mr. Letterman.

Mr. LETTERMAN. Mr. Speaker, I think this is an agreed-to amendment.

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Petrarca.

Mr. PETRARCA. Yes, it is, Mr. Speaker. It is an agreed-to amendment.

Mr. LETTERMAN. All the amendment does is it takes out prefabricated homes, modular prefabricated homes.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—178

Afflerbach	Donatucci	Livengood	Rieger
Alderette	Dorr	Lloyd	Robbins
Angstadt	Duffy	Lucyk	Ryan
Armstrong	Durham	McCall	Saloom
Arty	Evans	McClatchy	Salvatore
Baldwin	Fargo	McIntyre	Saurman
Barber	Fattah	McMonagle	Scheetz
Battisto	Fee	McVerry	Schuler
Belardi	Fischer	Mackowski	Semmel
Belfanti	Flick	Madigan	Seventy
Beloff	Foster, W. W.	Maiale	Showers
Blaum	Foster, Jr., A.	Manderino	Sirianni
Book	Freind	Manmiller	Smith, B.
Bowser	Fryer	Markosek	Smith, L. E.
Boyes	Gallagher	Mayernik	Snyder, D. W.
Broujos	Gallen	Merry	Snyder, G. M.
Bunt	Gamble	Michlovic	Spencer
Burd	Gannon	Micozzie	Spitz
Burns	Geist	Miller	Stairs
Caltagirone	George	Miscevich	Steighner
Cappabianca	Gladeck	Morris	Stevens
Carn	Godshall	Mrkonic	Stuban
Cawley	Greenwood	Murphy	Sweet
Cessar	Grieco	Nahill	Taylor, E. Z.
Cimini	Gruppo	Noye	Taylor, F. E.
Civera	Hagarty	O'Brien	Teiek
Clark	Haluska	O'Donnell	Tigue
Clymer	Harper	Oliver	Trello
Cohen	Hayes	Perzel	Truman
Colafella	Herman	Peterson	Van Horne
Cole	Hershey	Petrarca	Wachob
Cordisico	Honaman	Petrone	Wambach
Cornell	Hutchinson	Phillips	Wargo
Coslett	Jarolin	Piccola	Wass
Cowell	Kasunic	Pievsky	Weston
Coy	Kosinski	Pistella	Wiggins
Deluca	Kukovich	Pitts	Williams
DeWeese	Lashinger	Pott	Wilson
Daley	Laughlin	Pratt	Wogan
Davies	Lehr	Preston	Wright, D. R.
Dawida	Lescovitz	Punt	Wright, J. L.
Deal	Letterman	Rappaport	Wright, R. C.
Dietz	Levi	Reber	
Dininni	Levin	Reinard	Irvis,
Dombrowski	Linton	Richardson	Speaker

**NAYS—18**

Brandt	Jackson	Moehlmann	Serafini
DeVerter	Kennedy	Mowery	Swift
Freeman	Klingaman	Rudy	Vroon
Hasay	Kowalyszyn	Ryba:	Zwikl
Hoeffel	McHale		

**NOT VOTING—4**

Gruitza	Itkin	Stewart	Wozniak
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**EXCUSED—3**

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

**REMARKS ON VOTE**

The SPEAKER. The Chair recognizes the gentleman from Dauphin, Mr. Wambach.

Mr. WAMBACH. I want to record my vote on the Hasay amendment, A4472, in the affirmative, Mr. Speaker.

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

**CONSIDERATION OF HB 1645 CONTINUED**

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

The Chair recognizes, on final passage, the gentleman from York, Mr. Foster.

Mr. A. C. FOSTER. Will the gentleman, Mr. Petrarca, consent to interrogation?

Mr. PETRARCA. Yes, Mr. Speaker.

Mr. GLADECK. Point of order, Mr. Speaker.

The SPEAKER. What point is the gentleman, Mr. Gladeck, raising?

Mr. GLADECK. I would like to make a motion that this bill be placed on the postponed calendar.

The SPEAKER. If the gentleman will just wait for a few seconds, I think we will get him home.

Will the gentleman from Westmoreland, Mr. Petrarca, try to answer the question that the gentleman from York, Mr. Foster, will ask?

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

Mr. A. C. FOSTER. Mr. Speaker, I would just like to know the purpose of the bill.

Mr. PETRARCA. Mr. Speaker, in my area the Riverview Mobile Homes told me that the mobile homes in Pennsylvania are 70 feet long and they could not negotiate the turns in the district; they could not go across the Vandergrift Bridge; they were entirely long enough. Now, out West, where the topography is such that the ground is flat, they are now going for

80-foot homes. So we do not need them in Pennsylvania. We have gone for double bottoms; we have gone for 80,000 pounds. The people out West said enough is enough, so we amended the bill. We took in Hasay's bill, which took care of his area. We have eliminated the modular homes which are only 40 to 60 feet long. What we are doing here, we are helping an industry, and I do not think we should table the bill. So I make the motion that we do not table the bill and roll it tonight. We have waited long enough. I think the majority of the House is all for it.

The SPEAKER. Does the gentleman from York, Mr. Foster, wish to make a statement on final passage?

Mr. A. C. FOSTER. Yes, Mr. Speaker.

Mr. Speaker, I just saw this bill today for the first time, and I wonder how the people are to move these homes if indeed they do not move them upon the highway. I just have no idea how they are going to sell the home, how they are going to move it if they do not use a highway, and before we rush a bill like this through in the late hours of the evening, I would like to have some explanation as to what these people are to do with their homes.

The SPEAKER. The Chair thanks the gentleman.

**REMARKS ON VOTE**

The SPEAKER. The Chair recognizes the gentleman from Lackawanna, Mr. Serafini.

Mr. SERAFINI. Mr. Speaker, I would like to change my vote on the Letterman amendment, A4552, to this bill from "no" to "yes." Thank you.

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

**CONSIDERATION OF HB 1645 CONTINUED**

The SPEAKER. The Chair recognizes the gentleman from Butler, Mr. Burd.

Mr. BURD. Mr. Speaker, I thought maybe I might be able to answer Mr. Foster's question.

Mr. Speaker, all they are doing is allowing a 72-foot box to go out on the road. It stays within the limits of PennDOT's restrictions as far as length is concerned, and basically, that is all they are doing.

**BILL PLACED ON FINAL PASSAGE POSTPONED CALENDAR**

The SPEAKER. The Chair recognizes the gentleman from Clarion, Mr. Wright.

Mr. D. R. WRIGHT. Mr. Speaker, I regret very much to have to speak, but this is an important bill to my district and it will have a severe impact upon an industry that is very vital to my district. I do not want us to vote on this tonight. I would like to move that we place this on the final passage postponed calendar.

The SPEAKER. It has been moved by the gentleman, Mr. Wright, that HB 1645, PN 2205, as amended, be placed on the final passage postponed calendar.

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

The SPEAKER. The gentleman, Mr. Petrarca, says vote “no” on the motion; Mr. David Wright says vote “yea” on the motion.

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

The following roll call was recorded:

YEAS—167

Afflerbach	Evans	Lucyk	Rudy
Angstadt	Fargo	McCall	Ryan
Armstrong	Fattah	McClatchy	Rybak
Arty	Fee	McHale	Salvatore
Baldwin	Fischer	McIntyre	Saurman
Barber	Flick	McMonagle	Scheetz
Battisto	Foster, W. W.	McVerry	Schuler
Beloff	Foster, Jr., A.	Mackowski	Semmel
Blaum	Freeman	Madigan	Seventy
Book	Freind	Maiale	Showers
Boyes	Fryer	Manmiller	Sirianni
Brandt	Gallagher	Markosek	Smith, B.
Broujos	Gallen	Mayernik	Smith, L. E.
Bunt	Gamble	Merry	Snyder, D. W.
Burd	George	Michlovic	Snyder, G. M.
Burns	Gladeck	Micozzie	Spencer
Caltagirone	Greenwood	Miller	Spitz
Carn	Grieco	Mochlmann	Steighner
Cessar	Gruitzza	Morris	Stevens
Cimini	Gruppo	Mowery	Stewart
Civera	Hagarty	Mrkonic	Stuban
Clymer	Haluska	Murphy	Sweet
Cohen	Harper	Nahill	Swift
Colafella	Hasay	Noye	Taylor, E. Z.
Cole	Hayes	O'Brien	Taylor, F. E.
Cornell	Herman	O'Donnell	Telek
Coslett	Hershey	Oliver	Tigue
Cowell	Hoeffel	Pezel	Trello
Coy	Honaman	Peterson	Truman
Deluca	Itkin	Petrone	Van Horne
DeVerter	Jackson	Phillips	Vroon
DeWeese	Jarolin	Piccola	Wambach
Daley	Kasunic	Pistella	Weston
Davies	Kennedy	Pitts	Wiggins
Deal	Klingaman	Pott	Williams
Dietz	Kowalyshyn	Punt	Wogan
Dininni	Lashinger	Rappaport	Wozniak
Dombrowski	Lehr	Reber	Wright, D. R.
Donatucci	Levi	Reinard	Wright, J. L.
Dorr	Levin	Richardson	Wright, R. C.
Duffy	Linton	Rieger	Zwinkl
Durham	Lloyd	Robbins	

NAYS—31

Alderette	Gannon	Letterman	Saloom
Belardi	Geist	Livengood	Serafini
Belfanti	Godshall	Manderino	Stairs
Bowser	Hutchinson	Miscevich	Wargo
Cappabianca	Kosinski	Petrarca	Wass
Cawley	Kukovich	Pievsky	
Clark	Laughlin	Pratt	Iris,
Cordisco	Lescovitz	Preston	Speaker
Dawida			

NOT VOTING—2

Wachob	Wilson
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EXCUSED—3

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

CONDOLENCE RESOLUTION ADOPTED

The SPEAKER. There are two condolence resolutions, and there is a motion to reconsider, and the Chair would ask your indulgence and your silence on the condolence resolutions.

The first is for a former member who has passed.

The clerk will read the condolence resolution.

The following resolution was read:

HOUSE OF REPRESENTATIVES  
HARRISBURG, PA.  
OFFICE OF THE CHIEF CLERK  
RESOLUTION

WHEREAS, Robert Dengler, Sr., a former member of the Pennsylvania House of Representatives, passed away at the age of ninety-four; and

WHEREAS, Mr. Dengler served with distinction as a member of the Pennsylvania House of Representatives from 1924 to 1930. He operated a door-to-door ice business from 1919 to 1933 and was a steward for the Uniform Rank of the Birdsboro Fire Company for many years; now therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania notes with sadness the passing of Robert Dengler, Sr., a distinguished public servant and dedicated former member; and extends its heartfelt condolences to his children, Robert, Jr., Helen McGinley and Ruth Sponagle; eleven grandchildren and fifteen great-grandchildren; and be it further

RESOLVED, That a copy of this resolution be delivered to the Family of Robert Dengler, Sr.

We hereby certify that the foregoing is an exact copy of a resolution introduced in the House of Representatives by the Honorable James J. Gallen, and unanimously adopted by the House of Representatives on the 6th day of December 1983.

K. Leroy Irvis  
Speaker

ATTEST:  
John J. Zubeck  
Chief Clerk

On the question,  
Will the House adopt the resolution?

The SPEAKER. Those in favor of the resolution will please rise.

(Members stood.)

The SPEAKER. The resolution is unanimously adopted.

RULES SUSPENDED

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Donatucci.

Mr. DONATUCCI. Mr. Speaker, I ask that the rules be suspended for the consideration of a condolence resolution.

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

Motion was agreed to.

**CONDOLENCE RESOLUTION ADOPTED**

The SPEAKER. The Chair recognizes the gentleman, Mr. Donatucci, who offers the following condolence resolution.

The following resolution was read:

HOUSE OF REPRESENTATIVES  
HARRISBURG, PA.  
OFFICE OF THE CHIEF CLERK  
RESOLUTION

WHEREAS, Corporal Louis J. Rotondo tragically lost his life while serving active duty in Beirut, Lebanon; and

WHEREAS, Educated at Bishop Neumann and Southern High Schools, he joined the United States Marine Corps two years ago when he was nineteen years old. He volunteered for duty in Beirut as a Communications Officer; now therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania notes with sadness the passing of Corporal Louis J. Rotondo; and extends its heartfelt condolences to his parents, Louis and Rose Rotondo; and his sisters, Marian Di Giovanni and Phyllis Rotondo; and be it further

RESOLVED, That a copy of this resolution be delivered to Mr. and Mrs. Louis Rotondo, 3222 South 17th Street, Philadelphia, Pennsylvania 19145.

We hereby certify that the foregoing is an exact copy of a resolution introduced in the House of Representatives by the Honorable Robert C. Donatucci, and unanimously adopted by the House of Representatives on the 29th day of November 1983.

K. Leroy Irvis  
Speaker  
ATTEST:  
John J. Zubeck  
Chief Clerk

On the question,  
Will the House adopt the resolution?  
Resolution was unanimously adopted.

**HB 533 RECONSIDERED**

The SPEAKER. The Chair has in its possession a reconsideration motion filed by the minority leader, who moves that the vote by which HB 533 on concurrence in Senate amendments was defeated on the 14th day of December be reconsidered.

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

The following roll call was recorded:

YEAS—192

Afflerbach	Evans	Lucyk	Ryan
Alderette	Fargo	McCall	Rybak
Angstadt	Fattah	McClatchy	Saloom
Armstrong	Fee	McHale	Salvatore
Arty	Fischer	McIntyre	Saurman
Baldwin	Flick	McMonagle	Scheetz
Barber	Foster, W. W.	McVerry	Schuler
Battisto	Foster, Jr., A.	Mackowski	Semmel
Belardi	Freeman	Madigan	Serafini
Belfanti	Freind	Maiale	Seventy
Beloff	Fryer	Manderino	Showers
Blaum	Gallagher	Manmiller	Smith, B.
Book	Gallen	Markosek	Smith, L. E.

Bowser	Gamble	Mayernik	Snyder, D. W.
Boyes	Gannon	Merry	Snyder, G. M.
Brandt	Geist	Michlovic	Spencer
Broujos	George	Micozzie	Spitz
Bunt	Gladeck	Miller	Stairs
Burd	Godshall	Miscevich	Steighner
Burns	Greenwood	Moehlmann	Stevens
Caltagirone	Grieco	Morris	Stewart
Cappabianca	Gruppo	Mrkonic	Stuban
Carn	Hagarty	Murphy	Sweet
Cawley	Harper	Nahill	Taylor, E. Z.
Cessar	Hasay	Noye	Taylor, F. E.
Cimini	Hayes	O'Brien	Telek
Civera	Herman	O'Donnell	Tigue
Clark	Hershey	Oliver	Trello
Clymer	Hoeffel	Perzel	Truman
Cohen	Honaman	Peterson	Van Horne
Colafella	Hutchinson	Petrarca	Vroon
Cole	Itkin	Petrone	Wachob
Cordisco	Jackson	Phillips	Wambach
Cornell	Jarolin	Piccola	Wargo
Coslett	Kasunic	Pievsky	Wass
Cowell	Klingaman	Pistella	Weston
Coy	Kosinski	Pitts	Wiggins
Deluca	Kowalshyn	Pott	Williams
DeWeese	Kukovich	Pratt	Wilson
Daley	Lashingner	Preston	Wogan
Davies	Laughlin	Punt	Wozniak
Dawida	Lehr	Rappaport	Wright, D. R.
Deal	Lescovitz	Reber	Wright, J. L.
Dietz	Letterman	Reinard	Wright, R. C.
Dininni	Levi	Richardson	Zwilk
Dombrowski	Levin	Rieger	
Donatucci	Linton	Robbins	Irvis,
Dorr	Livengood	Rudy	Speaker
Duffy	Lloyd		

NAYS—4

Durham	Kennedy	Mowery	Swift
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NOT VOTING—4

DeVerter	Gruitza	Haluska	Sirianni
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EXCUSED—3

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

On the question recurring,  
Will the House concur in Senate amendments?

The SPEAKER. The Chair recognizes the minority leader. Mr. RYAN. Mr. Speaker, I request that the House do concur in the amendments inserted by the Senate to HB 533.

On the question recurring,  
Will the House concur in Senate amendments?

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

YEAS—133

Afflerbach	Fargo	McCall	Rybak
Alderette	Fattah	McClatchy	Saloom
Angstadt	Fee	McHale	Salvatore
Armstrong	Fischer	McIntyre	Saurman
Arty	Foster, W. W.	McMonagle	Scheetz
Barber	Freeman	McVerry	Schuler
Battisto	Gallagher	Madigan	Semmel
Belardi	Gallen	Maiale	Serafini
Beloff	Gamble	Manderino	Smith, L. E.
Blaum	Gannon	Manmiller	Spencer
Book	Geist	Merry	Sweet
Boyes	Gladeck	Micozzie	Taylor, E. Z.

Brandt	Godshall	Miller	Telek
Bunt	Gruppo	Miscevich	Tigue
Burns	Hagarty	Morris	Trello
Caltagirone	Haluska	Nahill	Truman
Carn	Harper	Noye	Vroon
Cessar	Hasay	O'Brien	Wachob
Clark	Hayes	O'Donnell	Wambach
Clymer	Hershey	Oliver	Wargo
Cohen	Honaman	Perzel	Wass
Colafella	Hutchinson	Petrarca	Weston
Cole	Itkin	Petrone	Wiggins
Cordisco	Jarolin	Piccola	Williams
Cornell	Kosinski	Pistella	Wilson
Cowell	Kowalshyn	Pott	Wogan
Deluca	Kukovich	Pratt	Wright, D. R.
Davies	Lashinger	Preston	Wright, J. L.
Deal	Laughlin	Rappaport	Wright, R. C.
Dininni	Lehr	Reber	Zwinkl
Dombrowski	Lescovitz	Richardson	
Donatucci	Levin	Rieger	Irvis,
Duffy	Linton	Robbins	Speaker
Evans	Livengood	Ryan	

NAYS—65

Baldwin	Durham	Levi	Reinard
Belfanti	Flick	Lloyd	Rudy
Bowser	Foster, Jr., A.	Lucyk	Seventy
Broujos	Freind	Mackowski	Showers
Burd	Fryer	Markosek	Smith, B.
Cappabianca	George	Mayernik	Snyder, D. W.
Cawley	Greenwood	Michlovic	Snyder, G. M.
Cimini	Grieco	Moehlmann	Stairs
Civera	Gruitza	Mowery	Steighner
Coslett	Herman	Mrkonic	Stevens
Coy	Hoeffel	Murphy	Stewart
DeVerter	Jackson	Peterson	Suban
DeWeese	Kasunic	Phillips	Swift
Daley	Kennedy	Pievsky	Taylor, F. E.
Dawida	Klingaman	Pitts	Van Horne
Dietz	Letterman	Punt	Wozniak
Dorr			

NOT VOTING—2

Sirianni	Spitz
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EXCUSED—3

Johnson	Marmion	Olasz
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

**RULES SUSPENDED**

The SPEAKER. The Chair recognizes the lady from Lancaster, Mrs. Honaman.

Mrs. HONAMAN. Mr. Speaker, I move that the rules of the House be suspended so that we may immediately consider a resolution on the avian flu.

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

The following roll call was recorded:

YEAS—196

Afflerbach	Evans	Lloyd	Ryan
Alderette	Fargo	Lucyk	Rybak
Angstadt	Fattah	McCall	Saloom
Armstrong	Fee	McClatchy	Salvatore
Arty	Fischer	McHale	Saurman

Baldwin	Flick	McIntyre	Scheetz
Barber	Foster, W. W.	McMonagle	Schuler
Battisto	Foster, Jr., A.	McVerry	Semmel
Belardi	Freeman	Mackowski	Serafini
Belfanti	Freind	Madigan	Seventy
Beloff	Fryer	Majale	Showers
Blaum	Gallagher	Manderino	Sirianni
Book	Gallen	Manmiller	Smith, B.
Bowser	Gamble	Markosek	Smith, L. E.
Boyes	Gannon	Mayernik	Snyder, D. W.
Broujos	Geist	Merry	Snyder, G. M.
Bunt	George	Michlovic	Spencer
Burd	Gladeck	Micozzie	Spitz
Burns	Godshall	Miller	Stairs
Caltagirone	Greenwood	Miscevich	Steighner
Cappabianca	Grieco	Moehlmann	Stevens
Carn	Gruitza	Morris	Stewart
Cawley	Gruppo	Mowery	Suban
Cessar	Hagarty	Mrkonic	Sweet
Cimini	Haluska	Murphy	Swift
Civera	Harper	Nahill	Taylor, E. Z.
Clark	Hasay	Noye	Taylor, F. E.
Clymer	Hayes	O'Brien	Tigue
Cohen	Herman	O'Donnell	Trello
Colafella	Hershey	Oliver	Truman
Cole	Hoeffel	Perzel	Van Horne
Cordisco	Honaman	Peterson	Vroon
Cornell	Hutchinson	Petrarca	Wachob
Coslett	Itkin	Petrone	Wambach
Cowell	Jackson	Phillips	Wargo
Coy	Jarolin	Piccola	Wass
Deluca	Kasunic	Pievsky	Weston
DeVerter	Kennedy	Pistella	Wiggins
DeWeese	Klingaman	Pott	Williams
Daley	Kosinski	Pratt	Wilson
Davies	Kowalshyn	Preston	Wogan
Dawida	Kukovich	Punt	Wozniak
Deal	Laughlin	Rappaport	Wright, D. R.
Dietz	Lehr	Reber	Wright, J. L.
Dininni	Lescovitz	Reinard	Wright, R. C.
Dombrowski	Letterman	Richardson	Zwinkl
Donatucci	Levi	Rieger	
Dorr	Levin	Robbins	Irvis,
Duffy	Linton	Rudy	Speaker
Durham	Livengood		

NAYS—0

NOT VOTING—4

Brandt	Lashinger	Pitts	Telek
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EXCUSED—3

Johnson	Marmion	Olasz
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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.

**RESOLUTION ADOPTED**

The SPEAKER. The Chair recognizes the lady, Mrs. Honaman, who offers the following resolution, which the clerk will read.

The following resolution was read:

**House Resolution No. 169**

**A RESOLUTION**

Providing for the appointment of a select committee to investigate the effects of the avian influenza epidemic and to recommend actions that the General Assembly could take to revitalize the poultry industry in this Commonwealth.

WHEREAS, The present outbreak of avian influenza in Pennsylvania has caused the most serious threat of this century to the poultry industry and its associated forms of commerce, both inside and outside of this Commonwealth; and

WHEREAS, The direct economic impact on poultrymen, poultry processors, egg producers, distributors, truckers and retail sellers has already had a devastating effect on this industry and the employment that it provides; and

WHEREAS, The secondary impact of this disastrous epidemic will reach far beyond the types of businesses commonly regarded as being directly associated with those engaged in the production and sale of poultry and poultry products; and

WHEREAS, The resultant reduction in the availability of poultry and poultry products may cause a drastic rise in the cost of these products to the consumer, thereby endangering the nutritional well-being of a segment of our society which will no longer be able to purchase these products; and

WHEREAS, The Federal funds allocated to Pennsylvania pursuant to the United States Department of Agriculture declaration of an extraordinary emergency are directed only toward depopulation of poultry flocks and the eradication of the disease, and provide for none of the aid necessary to reestablish and revitalize this major Pennsylvania industry; therefore be it

RESOLVED, That the Speaker of the House of Representatives appoint a select committee of House members, six from the majority party and five from the minority party to investigate the immediate and long-range effects of the avian influenza epidemic on the poultry industry and all types of businesses and individuals associated either directly or indirectly therewith; and be it further

RESOLVED, That in order to assemble such committee with the necessary diversity of expertise, the Speaker in choosing the members shall choose at least one majority and one minority member from each of the following standing committees: the Agriculture Committee, the Business and Commerce Committee, the Consumer Affairs Committee and the Finance Committee; and be it further

RESOLVED, That the committee shall formulate a proposed plan of action that may be taken by the General Assembly to aid the recovery of the poultry industry and all businesses and individuals adversely affected by the avian influenza epidemic; and be it further

RESOLVED, That the committee may seek, and shall receive, the full cooperation of any standing committee of the House of Representatives which it deems necessary to enable it to fully assess the damage caused by this disaster; and be it further

RESOLVED, That the committee may hold hearings, take testimony and make its investigation at such places as it deems necessary within this Commonwealth. The members of the committee shall have the power to administer oaths and affirmations to those appearing before the committee; and be it further

RESOLVED, That within 30 calendar days after the committee has made its report, the chairman of the committee shall cause a record of all expenses incurred by the committee, or the members thereof, which are payable at Commonwealth expense, to be filed with the Speaker of the House and the Speaker shall cause the same to be entered in the journal thereof. No expenses incurred by the committee or any member thereof shall be reimbursable by the Chief Clerk unless such expense shall first have been included as an expense item in the record heretofore required; and be it further

RESOLVED, That the committee shall report its findings and recommendations to the House of Representatives within three months.

June N. Honaman  
Samuel W. Morris  
Joseph V. Grieco  
Kenneth E. Brandt  
William R. Lloyd, Jr.  
Jere W. Schuler

Nicholas B. Moehlmann  
Terry R. Scheetz  
George W. Jackson  
Gibson E. Armstrong

On the question,  
Will the House adopt the resolution?

The SPEAKER. The Chair recognizes the gentleman from Franklin, Mr. Coy, on the resolution.

Mr. COY. Mr. Speaker, with the lady's permission, may all the members of the House be added as cosponsors?

Mrs. HONAMAN. Thank you.

I was going to suggest that.

The SPEAKER. The Chair recognizes the gentleman from Columbia, Mr. Stuban.

Mr. STUBAN. Thank you, Mr. Speaker.

May I question the maker of the resolution?

The SPEAKER. The lady says she will stand for interrogation.

Mr. STUBAN. I think this is pretty important and we should address the situation. But in this resolution it says, "...to investigate the immediate and long-range effects of the avian influenza epidemic on the poultry industry and all types of businesses and individuals associated either directly or indirectly therewith; and be it further..." and so on. Does this mean that all we are going to do from this date forward is investigate the effects it has?

Mrs. HONAMAN. Mr. Speaker, in answer to that question, I think what it says there is perfectly clear. We are going to investigate what happened, what is happening, and what the long-range effect is going to be. The urgency of this is we ought to start right now and not wait until we come back at the end of January. We have to take all the related businesses which are affected by this.

Mr. STUBAN. Mr. Speaker, after the meeting that we had with the people today and the farmers and everybody else—and I think one of the testimonies was that somebody had the disease in their flock in July—are we going to go back to day 1 and call in all the people who were involved, including our Department of Agriculture, the Federal Department of Agriculture, and question them as to what procedures they had taken, what they did for prevention, and everything else?

Mrs. HONAMAN. Mr. Speaker, I think that would be at the discretion of the committee to decide that.

Mr. STUBAN. Thank you, Mr. Speaker.

May I make a statement?

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

Mr. STUBAN. As long as the maker of the resolution here agrees that that will be up to the committee to decide—and I think that we should not let wherever the chips fall and whoever should have the blame for some of the responsibilities that have taken place—I rise here to support the resolution.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

Afflerbach	Durham	Livengood	Rudy
Alderette	Evans	Lloyd	Ryan
Angstadt	Fargo	Lucyk	Rybak
Armstrong	Fattah	McCall	Saloom
Arty	Fee	McClatchy	Salvatore
Baldwin	Fischer	McHale	Saurman
Barber	Flick	McIntyre	Scheetz
Battisto	Foster, W. W.	McMonagle	Schuler
Belardi	Foster, Jr., A.	McVerry	Semmel
Belfanti	Freeman	Mackowski	Serafini
Beloff	Freind	Madigan	Seventy
Blaum	Fryer	Maiale	Showers
Book	Gallagher	Manderino	Sirianni
Bowser	Gallen	Manmiller	Smith, B.
Boyes	Gamble	Markosek	Smith, L. E.
Brandt	Gannon	Mayernik	Snyder, D. W.
Broujos	Geist	Merry	Snyder, G. M.
Bunt	George	Michlovic	Spencer
Burd	Gladeck	Micozzie	Spitz
Burns	Godshall	Miller	Stairs
Caltagirone	Greenwood	Miscevich	Steighner
Cappabianca	Grieco	Moehlmann	Stevens
Carn	Gruitza	Morris	Stewart
Cawley	Gruppo	Mowery	Stuban
Cessar	Hagarty	Mrkonic	Sweet
Cimini	Haluska	Murphy	Swift
Civera	Harper	Nahill	Taylor, E. Z.
Clark	Hasay	Noye	Taylor, F. E.
Clymer	Hayes	O'Brien	Tigue
Cohen	Herman	O'Donnell	Trello
Colafella	Hershey	Oliver	Truman
Cole	Hoeffel	Perzel	Van Horne
Cordisco	Honaman	Peterson	Vroon
Cornell	Hutchinson	Petrarca	Wachob
Coslett	Itkin	Petrone	Wambach
Cowell	Jackson	Phillips	Wargo
Coy	Jarolin	Piccola	Wass
Deluca	Kasunic	Pievsyky	Weston
DeVerter	Kennedy	Pistella	Wiggins
DeWeese	Klingaman	Pitts	Williams
Daley	Kosinski	Pott	Wilson
Davies	Kowalshyn	Pratt	Wogan
Dawida	Kukovich	Preston	Wozniak
Deal	Lashinger	Punt	Wright, D. R.
Dietz	Lehr	Rappaport	Wright, J. L.
Dininni	Lescovitz	Reber	Wright, R. C.
Dombrowski	Letterman	Reinard	Zwilk
Donatucci	Levi	Richardson	
Dorr	Levin	Rieger	Irvis,
Duffy	Linton	Robbins	Speaker

NAYS—0

NOT VOTING—2

Laughlin      Telek

EXCUSED—3

Johnson      Marmion      Olasz

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

The SPEAKER. In the absence of objection, every single separate member's name here present today will be affixed to the resolution. The Chair hears no objection.

The Chair thanks the members for their patience and endurance and wishes all of you a pleasant, a safe, and a happy holiday.

REMARKS ON VOTES

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Snyder. For what purpose does the gentleman rise?

Mr. D. W. SNYDER. To correct the record, Mr. Speaker.

The SPEAKER. The gentleman is in order.

Mr. D. W. SNYDER. Mr. Speaker, on concurrence in Senate amendments to HB 1391, PN 2360, I inadvertently voted "yes." I would like the record to indicate a vote of "no."

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

The Chair recognizes the gentleman from Crawford, Mr. Merry.

Mr. MERRY. Mr. Speaker, I would like to correct an error. On the vote by which we concurred in amendments to HB 1391, I was shown as not voting. I was in my chair, and I wish my vote to be recorded in the affirmative.

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

The Chair recognizes the gentleman from Cumberland, Mr. Broujos.

Mr. BROUJOS. Mr. Speaker, I was not in my seat on the vote on HB 922. I would like to be recorded in the negative. Thank you.

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

The Chair recognizes the gentleman from Clarion, Mr. Wright.

Mr. D. R. WRIGHT. Thank you, Mr. Speaker.

The record shows that on the first vote of SB 730, I voted "no." On the second vote, I was called from my seat. If I had been there, I would have voted "no" the second time.

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

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER. All remaining bills and resolutions printed on the active calendar for the session of Wednesday, December 14, 1983, without objection, will be passed over for today's session. The Chair hears no objection.

HOUSE BILLS

INTRODUCED AND REFERRED

No. 1816      By Representative CORNELL

An Act amending "The Landlord and Tenant Act of 1951," approved April 6, 1951 (P. L. 69, No. 20), changing the time for removal after notice is given.

Referred to Committee on CONSUMER AFFAIRS, December 14, 1983.

No. 1817      By Representatives MANDERINO, RYAN, D. R. WRIGHT and BRANDT

An Act amending "The Permanent Registration Act for Cities of the Second Class, Cities of the Second Class A, Cities of the Third Class, Boroughs, Towns, and Townships," approved April 29, 1937 (P. L. 487, No. 115), requiring the Secretary of the Commonwealth to supply official registration application forms to State committees of political parties.

Referred to Committee on STATE GOVERNMENT, December 14, 1983.

**No. 1818** By Representatives MAYERNIK, GALLAGHER, COWELL, BURNS, MARKOSEK, LESCOVITZ, COLAFELLA, PETRARCA, TRELLO, COY, DALEY and GREENWOOD

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), further providing for the actual cost with respect to contracts with private residential rehabilitation institutions.

Referred to Committee on EDUCATION, December 14, 1983.

**No. 1819** By Representatives DININNI, CIMINI and HUTCHINSON

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for an exception for the fee for replacement plates.

Referred to Committee on TRANSPORTATION, December 14, 1983.

**No. 1820** By Representatives AFFLERBACH, McHALE, CAWLEY, WARGO, JAROLIN, MRKONIC, SEMMEL, STEVENS, BOOK, PITTS, WOZNIAK, ITKIN, COHEN, FISCHER, CLARK, PISTELLA, MICHLOVIC, JOHNSON, GREENWOOD, VROON, ALDERETTE, HERMAN and KOSINSKI

An Act amending "The Game Law," approved June 3, 1937 (P. L. 1225, No. 316), increasing the penalty for hunting while intoxicated or under the influence of drugs.

Referred to Committee on GAME AND FISHERIES, December 14, 1983.

**No. 1821** By Representatives MICOZZIE, CIVERA, ARTY, DURHAM, FLICK, FREIND, SPITZ and R. C. WRIGHT

An Act requiring operators of health spas and physical fitness facilities to deposit prepayments in a trust fund or maintain a bond; and providing penalties.

Referred to Committee on CONSUMER AFFAIRS, December 14, 1983.

**No. 1822** By Representatives TRELLO, DALEY, LASHINGER, LESCOVITZ, McMONAGLE, WOGAN, CLARK and SWEET

An Act amending "The Local Tax Enabling Act," approved December 31, 1965 (P. L. 1257, No. 511), further providing for delegation on taxing powers and restrictions on admissions prices to public golf courses.

Referred to Committee on FINANCE, December 14, 1983.

**No. 1823** By Representatives CAPPABIANCA, F. E. TAYLOR, DORR, VAN HORNE, SEVENTY, SWEET, McVERRY, MORRIS, HERMAN, ITKIN, LINTON, GANNON, KUKOVICH, WACHOB, WAMBACH, HALUSKA, COY, PRESTON, SERAFINI, DUFFY, KLINGAMAN, WOGAN, DeWEESE, MICOZZIE, RAPPAPORT, BUNT, KOSINSKI, PETRARCA, COSLETT and ZWIKL

An Act amending "The Fiscal Code," approved April 9, 1929 (P. L. 343, No. 176), further providing for payment of interest on certain Commonwealth purchases.

Referred to Committee on FINANCE, December 14, 1983.

**No. 1824** By Representatives CAPPABIANCA, F. E. TAYLOR, POTT, VAN HORNE, MORRIS, SEVENTY, RYBAK, SERAFINI, DUFFY, MICOZZIE, R. C. WRIGHT, GANNON, WACHOB, WAMBACH, HALUSKA, PRESTON, WOGAN, DeWEESE, PISTELLA, KOSINSKI, PETRARCA, COSLETT and ZWIKL

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), providing for the appointment of a Small Business Advocate by the Consumer Advocate.

Referred to Committee on CONSUMER AFFAIRS, December 14, 1983.

**No. 1825** By Representatives GREENWOOD, ITKIN, RAPPAPORT, SPENCER, BURNS, REINARD, CLYMER, J. L. WRIGHT, ARTY, PISTELLA, CORDISCO, HERMAN, KUKOVICH, SERAFINI, GALLAGHER and MAYERNIK

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the offense of cruelty to animals and disposition of certain fines.

Referred to Committee on JUDICIARY, December 14, 1983.

**No. 1826** By Representatives PETRARCA, SALOOM, GEIST and PHILLIPS

An Act creating and establishing the Pennsylvania Academy of Honor; prescribing its purposes and membership; providing for election of members and officers and for the holding of meetings; and making an appropriation.

Referred to Committee on STATE GOVERNMENT, December 14, 1983.

**No. 1827** By Representatives MADIGAN, MORRIS, GRIECO, TRELLO, JOHNSON, BOWSER, COY, HALUSKA, CIMINI, D. R. WRIGHT, ALDERETTE,

HERMAN, MERRY, SEMMEL,  
E. Z. TAYLOR, AFFLERBACH, NOYE,  
HERSHEY and SIRIANNI

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), excluding from the tax the sale at retail or use of property or services by nonstock agricultural cooperatives.

Referred to Committee on FINANCE, December 14, 1983.

**No. 1828** By Representatives MADIGAN, CESSAR,  
TRELLO, CIMINI, SIRIANNI, ARTY,  
GLADECK, HERMAN and HERSHEY

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, adding an offense; and providing a penalty.

Referred to Committee on TRANSPORTATION,  
December 14, 1983.

**No. 1829** By Representatives MADIGAN, TRELLO,  
GRIECO, CIMINI, SEMMEL,  
E. Z. TAYLOR, HALUSKA and  
HERSHEY

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), excluding coins from the sales and use tax.

Referred to Committee on FINANCE, December 14, 1983.

**No. 1830** By Representatives PITTS, STUBAN,  
MURPHY, MORRIS, HAYES, FLICK,  
LETTERMAN, COLE, SHOWERS, COY,  
MERRY, FREIND, PUNT, GRIECO,  
BURNS, MACKOWSKI, SIRIANNI,  
JACKSON, ARMSTRONG, GLADECK,  
A. C. FOSTER, JR., MADIGAN,  
LASHINGER, REBER, BUNT, CORNELL,  
NAHILL, HAGARTY, PETERSON,  
VROON, SPITZ, LEVI, D. W. SNYDER,  
FARGO, McCLATCHY, CESSAR,  
E. Z. TAYLOR, J. L. WRIGHT,  
KLINGAMAN, HONAMAN, GEIST,  
CLYMER, MOEHLMANN, ROBBINS,  
POTT, NOYE, PHILLIPS, HERSHEY,  
DAVIES and SEVENTY

An Act regulating hazardous substances; requiring posting of the identity of these substances by employers and the labeling of hazardous materials; requiring material safety data on a list of priority hazardous substances to be given to employees; requiring employers to operate educational programs relating to hazardous substances; providing for further duties of the Department of Environmental Resources; requiring employers handling hazardous substances to cooperate with local government officials and emergency personnel; and further providing for complaint procedures, for investigations, for compliance orders and the enforcement thereof; providing penalties; and making an appropriation.

Referred to Committee on LABOR RELATIONS,  
December 14, 1983.

**No. 1831** By Representatives BOYES, RAPPAPORT,  
SEMMEL and GRIECO

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), further providing for licenses issued in resort areas.

Referred to Committee on LIQUOR CONTROL,  
December 14, 1983.

**No. 1832** By Representatives HUTCHINSON, GEIST,  
IRVIS, STEIGHNER, RYAN,  
MANDERINO, HAYES, O'DONNELL,  
CESSAR, PIEVSKY, McCLATCHY,  
ITKIN, NOYE, D. R. WRIGHT, DININNI,  
PUNT, PITTS, R. C. WRIGHT, SPITZ,  
DURHAM, GANNON, ARTY,  
DOMBROWSKI, COLAFELLA,  
LIVENGOOD, ALDERETTE, BELFANTI,  
LETTERMAN, MARKOSEK, CLARK,  
LESCOVITZ, DAWIDA, SEVENTY,  
RAPPAPORT, OLASZ, COWELL,  
PISTELLA, FEE, PETRONE, STEWART,  
DeLUCA, WOZNIAK, GAMBLE,  
PRESTON, FRYER, TRELLO, DAVIES,  
WILLIAMS, LINTON, KOSINSKI,  
BOWSER, STAIRS, NAHILL, GLADECK,  
CORNELL, SAURMAN, HERSHEY,  
VROON, WASS, GODSHALL,  
E. Z. TAYLOR, BUNT, REBER,  
HAGARTY, BRANDT, HASAY,  
PETERSON, MANMILLER, PICCOLA,  
LEVI, CAPPABIANCA, RUDY,  
DeVERTER, HERMAN, KLINGAMAN,  
LEHR, GALLEN, A. C. FOSTER, JR.,  
FLICK, DORR, MACKOWSKI,  
PHILLIPS, BURD, MILLER, FISCHER,  
CALTAGIRONE, WILSON, BOOK,  
KENNEDY, SALVATORE,  
D. W. SNYDER, SEMMEL, GRUPPO,  
MURPHY, WESTON, WOGAN,  
O'BRIEN, ANGSTADT, MERRY, BOYES,  
FARGO, ROBBINS, TELEK, DIETZ,  
SWIFT, JACKSON, SCHEETZ,  
MOEHLMANN, HONAMAN, SCHULER,  
GREENWOOD, ARMSTRONG,  
SERAFINI, BELARDI, CIMINI,  
AFFLERBACH, McHALE, HALUSKA,  
SWEET, BURNS, J. L. WRIGHT,  
CLYMER, JOHNSON, PETRARCA,  
MICOZZIE, PERZEL, REINARD,  
EVANS, McMONAGLE, FREIND,  
McVERRY, DALEY, DEAL, ZWIKL,  
BATTISTO, GRIECO, LASHINGER,  
B. SMITH, L. E. SMITH, SPENCER,  
GALLAGHER, COHEN, MARMION,  
COSLETT, CIVERA, W. W. FOSTER,  
WAMBACH, MADIGAN, MOWERY,  
POTT, SIRIANNI, G. M. SNYDER,  
STEVENS, CLARK, LAUGHLIN,  
MICHLOVIC, OLIVER, RICHARDSON,

MRKONIC, DUFFY, DONATUCCI,  
HARPER, PRATT, BELOFF, RIEGER,  
McINTYRE, CAWLEY, FATTAH,  
DeWEESE, TIGUE, MAYERNIK,  
KOWALYSHYN, MISCEVICH, BARBER,  
VAN HORNE, McCALL, MORRIS,  
F. E. TAYLOR, TRUMAN, WARGO,  
RYBAK, CARN, KUKOVICH, FREEMAN  
and GEORGE

An Act providing for an appropriation to the High Speed Intercity Rail Passenger Commission.

Referred to Committee on TRANSPORTATION, December 14, 1983.

**No. 1833** By Representative ZWIKL

An Act amending the "Goods and Services Installment Sales Act," approved October 28, 1966 (1st Sp.Sess., P. L. 55, No. 7), further providing for the minimum service charge.

Referred to Committee on CONSUMER AFFAIRS, December 14, 1983.

**No. 1834** By Representatives AFFLERBACH and ZWIKL

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the Secretary of Public Welfare, to convey to the City of Allentown a parcel of land situate in the City of Allentown, Lehigh County, Pennsylvania.

Referred to Committee on STATE GOVERNMENT, December 14, 1983.

**No. 1835** By Representatives FLICK, FREIND, HERSHEY and HERMAN

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), further providing for public notice of strikes by school district employees and empowering the Secretary of Education to seek injunctions in certain labor situations.

Referred to Committee on EDUCATION, December 14, 1983.

**No. 1836** By Representatives IRVIS, MANDERINO, WAMBACH, KUKOVICH, MURPHY, RICHARDSON, DAWIDA, DEAL, LINTON, FREEMAN, PISTELLA, COWELL, PRESTON, MARKOSEK, MICHLOVIC, DeLUCA, TRELLO, PIEVSKY, DOMBROWSKI, ALDERETTE, JAROLIN, COSLETT, CAPPABIANCA, WILSON and WACHOB

An Act amending the "Neighborhood Assistance Act," approved November 29, 1967 (P. L. 636, No. 292), providing tax credits for business firms for contributions to the Homeowners Emergency Mortgage Assistance Fund; and making a repeal.

Referred to Committee on FINANCE, December 14, 1983.

## HOUSE RESOLUTIONS INTRODUCED AND REFERRED

**No. 167**

(Concurrent) By Representatives CAPPABIANCA, DORR, F. E. TAYLOR, CORDISCO, BALDWIN, LAUGHLIN, KASUNIC, SHOWERS, SEVENTY, LUCYK, STUBAN, MORRIS, STEIGHNER, JAROLIN, BELFANTI, TIGUE, CAWLEY, BLAUM, PRESTON, ZWIKL, VAN HORNE, PETRARCA, ITKIN, COLAFELLA, COY, ALDERETTE, McCALL, PISTELLA, DeLUCA, MARKOSEK, SERAFINI, BELARDI, DOMBROWSKI, PRATT, CLARK, DALEY, SWIFT, MERRY, BOYES, COLE and MAIALE

Directing the Joint State Government Commission to appoint a task force to study ways in which the Commonwealth can reduce the competition with private enterprise.

Referred to Committee on RULES, December 14, 1983.

**No. 168** By Representatives B. SMITH, WAMBACH and KUKOVICH

Urging the Nuclear Regulatory Commission to delay restart of TMI-1 until adjudicatory proceedings are completed.

Referred to Committee on RULES, December 14, 1983.

## SENATE BILLS FOR CONCURRENCE

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

**SB 705, PN 1529**

Referred to Committee on LOCAL GOVERNMENT, December 14, 1983.

**SB 707, PN 1010**

Referred to Committee on LIQUOR CONTROL, December 14, 1983.

**SB 729, PN 1591**

Referred to Committee on APPROPRIATIONS, December 14, 1983.

**SB 882, PN 1605**

Referred to Committee on JUDICIARY, December 14, 1983.

**SB 983, PN 1611**

Referred to Committee on APPROPRIATIONS, December 14, 1983.

**SB 1103, PN 1550**

Referred to Committee on JUDICIARY, December 14, 1983.

**SB 1132, PN 1604**

Referred to Committee on LOCAL GOVERNMENT, December 14, 1983.

**ADDITION OF SPONSOR**

The SPEAKER. The Speaker acknowledges receipt of an addition of sponsorship of a bill filed by the majority leader.

HB 500, Richardson.

**BILLS SIGNED BY SPEAKER**

The Chair gave notice that he was about to sign the following bills, which were then signed:

**HB 350, PN 2345**

An Act relating to destruction of pet animals; prohibiting certain methods of destruction; providing for a limited license to dispense certain drugs; providing for regulation and enforcement; providing for use of certain surplus funds; and providing penalties.

**HB 500, PN 2342**

An Act amending the "Housing Finance Agency Law," approved December 3, 1959 (P. L. 1688, No. 621), providing for homeowner's emergency assistance.

**HB 533, PN 2346**

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), further providing for the capital stock-franchise tax; and further providing for penalties on the utilities gross receipts tax; and clarifying certain provisions in the mutual thrift institutions tax.

**HB 947, PN 2330**

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), further providing for the duties of the school director district reapportionment commission and clarification of the number of school director districts within a first class A school district; further providing for exceptional children; providing for the transfer of certain funds; deleting the time limitation on the conveyance of property to historical societies; further providing for revised computations of certain payments; and conforming provisions on school subsidies to existing law.

**HB 1229, PN 2325**

An Act amending the Surface Mining Conservation and Reclamation Act, approved May 31, 1945 (P. L. 1198, No. 418), exempting municipalities from the bond requirement relating to the operation of gravel pits; providing for self-insurance; and changing the effective date of application of certain provisions to noncoal mining activities.

**HB 1391, PN 2360**

An Act amending the "Race Horse Industry Reform Act," approved December 17, 1981 (P. L. 435, No. 135), merging the State Horse Racing Fund and the State Harness Racing Fund into a single State Racing Fund; revising the taxation of funds from pari-mutuel tickets; and further providing for the distribution of revenues.

**HB 1454, PN 2344**

An Act providing for the State Board of Vehicle Manufacturers, Dealers and Salespersons; and providing penalties.

**STATEMENT BY SPEAKER**

The SPEAKER. The Chair thanks the staff, particularly the pages, who ran up and down the aisles for all the hours that we were debating, and wishes all the staff a very merry Christmas and a most successful and happy New Year.

We will be adjourning the House shortly, and if the staff will simply have a little more patience until we double-check and make certain that nothing has been left as a frayed end to be tied up, we shall be ready to leave.

**BILLS SIGNED BY SPEAKER**

The Chair gave notice that he was about to sign the following bills, which were then signed:

**SB 198, PN 1580**

An Act amending the act of August 7, 1963 (P. L. 549, No. 290), entitled, as amended, "Pennsylvania Higher Education Assistance Agency Act," clarifying authority of the board of directors to establish the rate of interest on certain student loans and authorize certain lenders to pledge student loan notes as collateral for deposit of State moneys.

**SB 763, PN 1603**

An Act imposing regulations and licensing requirements on auctioneers, apprentice auctioneers, auction houses and auction companies; imposing powers and duties on the State Board of Auctioneer Examiners; and making repeals.

**SB 950, PN 1595**

An Act amending the act of December 14, 1982 (P. L. 1227, No. 281), entitled "Architects Licensure Law," providing for the reestablishment and continuation of the Architects Licensure Board; further providing for membership on the board; providing for review of the board; further providing for meetings of the board, per diem for members and civil penalties; and making editorial changes.

**ADJOURNMENT**

The SPEAKER. The Chair recognizes the gentleman from Washington, Mr. Daley.

Mr. DALEY. Mr. Speaker, I move that this House do now adjourn until Tuesday, January 3, 1984, at 12 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 12:53 a.m., e.s.t., December 15, 1983, the House adjourned.