

# COMMONWEALTH OF PENNSYLVANIA

## Legislative Journal

WEDNESDAY, JUNE 27, 1984

SESSION OF 1984

168TH OF THE GENERAL ASSEMBLY

No. 52

### HOUSE OF REPRESENTATIVES

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

Most Holy and Glorious Lord God, Thou great architect of Heaven and Earth, who art the giver of all good gifts and graces and hast promised that where two or three are gathered together in Thy name Thou wilt be in the midst of them. In Thy name we assemble and beseech Thee to bless the work of our hands and establish Thy kingdom in the hearts and minds of each one of us.

Help us to know Thee and serve Thee in daily actions. May all our doings tend to Thy glory and the salvation of our souls, and may Thy name forever be honored, praised, and glorified. Amen.

##### PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

##### FILMING PERMISSION GRANTED

The SPEAKER. Mackenzie Carpenter of Public TV is being given the privilege of televising on the floor of the House.

##### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the Journal for Tuesday, June 26, 1984, not yet being in print, the approval of the Journal will be postponed until that Journal is in print, and the Chair hears no objection thereto.

##### HOUSE BILLS INTRODUCED AND REFERRED

**No. 2343** By Representatives CALTAGIRONE, GRUPPO, ALDERETTE, COLAFELLA, J. L. WRIGHT, MISCEVICH, TELEK, F. E. TAYLOR and BOOK

An Act amending the "Steel Products Procurement Act," approved March 3, 1978 (P. L. 6, No. 3), requiring that the seller or supplier of steel products in a contract with a public agency, document that the steel was made or produced in the United States.

Referred to Committee on STATE GOVERNMENT, June 27, 1984.

**No. 2344** By Representative COLE

An Act declaring and adopting the song "Pennsylvania," music and lyrics by Ray Owen, as the State song of the Commonwealth of Pennsylvania.

Referred to Committee on STATE GOVERNMENT, June 27, 1984.

**No. 2345** By Representative COLE

An Act declaring and adopting the song "Pennsylvania," music and lyrics by J. W. Yoder, as the State song of the Commonwealth of Pennsylvania.

Referred to Committee on STATE GOVERNMENT, June 27, 1984.

**No. 2346** By Representatives GAMBLE and LAUGHLIN

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for water line extensions.

Referred to Committee on CONSUMER AFFAIRS, June 27, 1984.

**No. 2347** By Representatives REINARD, MORRIS, GALLAGHER, ARTY, NOYE, GEIST, GREENWOOD, HERMAN, SEMMEL, HERSHEY, COLAFELLA, CIVERA, MICOZZIE, PRATT, SHOWERS, E. Z. TAYLOR, SALVATORE, ITKIN, SIRIANNI and McINTYRE

An Act amending the "State Highway Law," approved June 1, 1945 (P. L. 1242, No. 428), requiring written notification prior to performing certain work.

Referred to Committee on TRANSPORTATION, June 27, 1984.

**No. 2348** By Representatives WACHOB and LETTERMAN

An Act providing for a five-year health screening program in the area exposed to risk by the operations of the Kilsdonk Chemical Company, the Drake Chemical Company, and the American Color and Chemical Company in Lock Haven, Clinton County; and making an appropriation.

Referred to Committee on APPROPRIATIONS, June 27, 1984.

**No. 2349** By Representatives SPENCER and RAPPAPORT

An Act amending Title 49 (Mechanics' Liens) of the Pennsylvania Consolidated Statutes, adding provisions relating to mechanics' liens; and making repeals.

Referred to Committee on JUDICIARY, June 27, 1984.

**No. 2350** By Representatives PHILLIPS and SHOWERS

An Act authorizing and directing the Department of General Services and the Department of Agriculture with the approval of the Governor to convey to Lifecare Associates, Inc., a tract of land and the buildings erected thereon in Penn Township, Snyder County.

Referred to Committee on STATE GOVERNMENT, June 27, 1984.

**No. 2351** By Representatives STEIGHNER, JAROLIN, GEIST, HUTCHINSON, F. E. TAYLOR, LESCOVITZ, VAN HORNE, HALUSKA, KLINGAMAN, GODSHALL, PISTELLA, BELFANTI, McCALL, MORRIS, KASUNIC, TELEK, TRUMAN, PRESTON, WOZNIAK, CLARK, WILSON, VROON, OLASZ, BURD and McINTYRE

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, placing limitations on the use of speed timing devices.

Referred to Committee on TRANSPORTATION, June 27, 1984.

**No. 2352** By Representatives TRELLO, PETRONE, SEVENTY, D. R. WRIGHT, F. E. TAYLOR, ALDERETTE, CIVERA, PETRARCA, FEE, DEAL, CESSAR, HARPER, VAN HORNE, PRATT, MERRY, KUKOVICH, OLASZ, DUFFY, DeLUCA, PRESTON, WOGAN, TELEK, HALUSKA, MAYERNIK and McINTYRE

An Act amending the "State Lottery Law," approved August 26, 1971 (P. L. 351, No. 91), providing for homesteading exemptions for certain persons.

Referred to Committee on FINANCE, June 27, 1984.

**No. 2353** By Representatives TRELLO, PETRONE, SEVENTY, D. R. WRIGHT, F. E. TAYLOR, ALDERETTE, CIVERA, PETRARCA, FEE, DEAL, CESSAR, HARPER, VAN HORNE, PRATT, OLASZ, DUFFY, DeLUCA, PRESTON, WOGAN, TELEK, HALUSKA, MAYERNIK and McINTYRE

An Act amending the "Senior Citizens Rebate and Assistance Act," approved March 11, 1971 (P. L. 104, No. 3), further pro-

viding for the allowable percentage of real property tax rebate or rent rebate; and further providing for a homestead exemption.

Referred to Committee on FINANCE, June 27, 1984.

**No. 2354** By Representatives TRELLO, COLAFELLA, PETRONE, GRUPPO, MORRIS, WIGGINS, DEAL, PRATT, DALEY, HALUSKA, PETRARCA, CIVERA, E. Z. TAYLOR, PRESTON, ALDERETTE, SALVATORE, MARKOSEK, SEMMEL and MAYERNIK

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), further providing for exclusions from the tax for education.

Referred to Committee on FINANCE, June 27, 1984.

**No. 2355** By Representatives TRELLO, PETRONE, BELOFF, WILSON, DeLUCA, WOGAN, OLASZ, LASHINGER, KOSINSKI, PETRARCA, DEAL, HALUSKA, PRESTON, DALEY, SEVENTY, SALVATORE and COLAFELLA

An Act amending the "Pennsylvania Urban Mass Transportation Law," approved January 22, 1968 (P. L. 42, No. 8), further providing for grants for transportation.

Referred to Committee on FINANCE, June 27, 1984.

**No. 2356** By Representatives TRELLO, PETRONE, BELOFF, WILSON, DeLUCA, WOGAN, OLASZ, LASHINGER, KOSINSKI, PETRARCA, DEAL, HALUSKA, PRESTON, DALEY, SEVENTY, SALVATORE and COLAFELLA

An Act amending the "State Lottery Law," approved August 26, 1971 (P. L. 351, No. 91), further providing for the use of funds.

Referred to Committee on FINANCE, June 27, 1984.

**No. 2357** By Representatives TRELLO, PETRONE, BELOFF, WILSON, DeLUCA, WOGAN, OLASZ, LASHINGER, KOSINSKI, PETRARCA, DEAL, HALUSKA, PRESTON, DALEY, SEVENTY, SALVATORE and COLAFELLA

An Act amending the "Pennsylvania Rural and Intercity Common Carrier Surface Transportation Assistance Act," approved February 11, 1976 (P. L. 14, No. 10), further providing for grants for transportation; and making an editorial change.

Referred to Committee on FINANCE, June 27, 1984.

**No. 2358** By Representatives SAURMAN, NAHILL, REBER, SALVATORE, BUNT, PUNT, MILLER, GEIST, McCLATCHY, CESSAR, VROON, HAGARTY, BOYES, WOGAN, FLICK, CIMINI, GREENWOOD, KLINGAMAN, GODSHALL, McVERRY, NOYE, E. Z. TAYLOR, HERMAN, CIVERA, MORRIS, J. L. WRIGHT,

PRESTON, FATTAH, SIRIANNI,  
KOSINSKI, HERSHEY, BOOK, MERRY,  
KASUNIC, FISCHER, COLAFELLA,  
PRATT, D. W. SNYDER, MAIALE,  
SEMMELE and ALDERETTE

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the use of certified mail for notice of department action.

Referred to Committee on TRANSPORTATION,  
June 27, 1984.

**No. 2359** By Representatives SAURMAN, CIMINI,  
BOYES, KLINGAMAN, GODSHALL,  
McVERRY, NOYE, E. Z. TAYLOR,  
HERMAN, CIVERA, MORRIS,  
J. L. WRIGHT, PRESTON, FATTAH,  
SIRIANNI, KOSINSKI, MICOZZIE,  
HERSHEY, BOOK, MERRY, KASUNIC,  
FISCHER, COLAFELLA, PRATT,  
GREENWOOD, SALVATORE, VROON,  
MAIALE, SEMMELE and ALDERETTE

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for notice of pending revocation of habitual offender's licenses.

Referred to Committee on TRANSPORTATION,  
June 27, 1984.

**No. 2360** By Representatives SAURMAN, NAHILL,  
VROON, HAGARTY, BOYES, CIMINI,  
McVERRY, NOYE, E. Z. TAYLOR,  
HERMAN, CIVERA, J. L. WRIGHT,  
PRESTON, FATTAH, SIRIANNI,  
MICOZZIE, HERSHEY, BOOK, FISCHER,  
COLAFELLA and ALDERETTE

An Act authorizing the indebtedness, with the approval of the electors, of \$30,000,000 for loans to libraries for the purpose of establishing or modernizing facilities and for purchasing books and other library materials and equipment.

Referred to Committee on APPROPRIATIONS, June 27,  
1984.

**No. 2361** By Representatives LETTERMAN,  
GEORGE, PISTELLA, TIGUE,  
LIVENGOOD, PITTS, COY, MORRIS,  
DUFFY, FARGO, BATTISTO,  
J. L. WRIGHT, COLE, PHILLIPS,  
PETRARCA, MADIGAN, MACKOWSKI,  
RUDY, SEMMELE, POTT, BLAUM,  
ALDERETTE, NAHILL, STAIRS, PUNT,  
CORNELL, OLASZ, STUBAN,  
DOMBROWSKI, LUCYK, SHOWERS,  
MERRY, LESCOVITZ, BURD, HERMAN,  
GRIECO, CIMINI, GEIST, GODSHALL,  
HASAY, E. Z. TAYLOR, WASS,  
HERSHEY, W. W. FOSTER, SCHEETZ,  
BOYES, GRUPPO, MARKOSEK, BUNT,  
ROBBINS, MAYERNIK, D. R. WRIGHT,

WOZNIAK, BALDWIN, MOEHLMANN,  
COSLETT, B. SMITH, COWELL,  
CIVERA, GLADECK and SALOOM

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), reducing the rate of corporate net income tax.

Referred to Committee on FINANCE, June 27, 1984.

**No. 2362** By Representatives CIVERA, ARTY,  
FREIND, MICOZZIE, SPITZ and  
DURHAM

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for the use of school buses by senior citizens.

Referred to Committee on CONSUMER AFFAIRS,  
June 27, 1984.

### HOUSE RESOLUTION INTRODUCED AND REFERRED

**No. 248** By Representatives STEVENS, BALDWIN,  
GODSHALL, HASAY, SERAFINI,  
WOGAN, FARGO, TELEK, HALUSKA,  
KOSINSKI, JAROLIN, MERRY,  
E. Z. TAYLOR, BUNT, BOWSER and  
OLASZ

Directing the Attorney General to review the legality of the quota system which guarantees minority hirings and promotions within the Pennsylvania State Police as a result of a recent decision of the United States Supreme Court and as it relates to veterans.

Referred to Committee on RULES, June 27, 1984.

### SENATE MESSAGE

#### AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned **HB 537, PN 3293**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

### ADDITIONS AND DELETIONS OF SPONSORS

The SPEAKER. The Chair acknowledges receipt from the majority leader of various additions and deletions to the sponsorships of bills, which the clerk will file.

The following list of additions and deletions was submitted:

#### ADDITIONS:

HB 1292, Mrkonjic; HB 1823, Fee; HB 1946, Kasunic, Steighner; HB 2035, Alderette; HB 2287, Dombrowski; HB 2299, Micozzie; HB 2318, Greenwood, Caltagirone, E. Z. Taylor, Lashinger; HB 2327, Itkin, Salvatore; HB 2328, Carn, Evans, Williams, Pievsky, O'Donnell, Wachob, Cohen; HR 241, Caltagirone, Greenwood, Lashinger, E. Z. Taylor; HR 245, DeLuca, Alderette, Mayernik, Merry, Fischer, Herman, Itkin, Kasunic.

## DELETIONS:

HB 645, Van Horne; HB 1534, Van Horne; HB 2135, Van Horne; HB 2225, Gannon.

## WELCOMES

The SPEAKER. The Chair is delighted to welcome to the hall of the House Miss Heather Evans. She is here as the guest of Representative Stan Jarolin. Welcome to the hall of the House.

The Chair welcomes to the hall of the House, as the guests of Representative Bob Flick, his two sons, Chris and Mike, who are serving as pages today; and their friend, Kevin Esposito. Welcome to the floor of the House.

### BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND RECOMMITTED TO COMMITTEE ON RULES

#### HB 204, PN 3315 (Amended)

By Rep. OLIVER

An Act relating to the conducting and operating of small games of chance by nonprofit associations; providing for license fees and their disposition; imposing duties on county treasurers and district attorneys; prescribing penalties; and repealing inconsistent acts.

#### STATE GOVERNMENT.

#### HB 225, PN 3316 (Amended)

By Rep. KOWALYSHYN

An Act providing for reimbursement by insurance companies and others for outpatient cancer chemotherapy and hormone treatment.

#### INSURANCE.

#### HB 895, PN 1019

By Rep. RAPPAPORT

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing a defense against civil and criminal liability for certain telephone companies.

#### JUDICIARY.

#### HB 1971, PN 2648

By Rep. RAPPAPORT

An Act amending the "Constable Fee Law," approved July 20, 1917 (P. L. 1158, No. 401), further providing for mileage of constables.

#### JUDICIARY.

#### HB 2281, PN 3186

By Rep. OLIVER

An Act designating a dam in Allentown, Lehigh County, as the Samuel W. Frank Memorial Dam.

#### STATE GOVERNMENT.

#### HB 2321, PN 3230

By Rep. OLIVER

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, authorizing the Pennsylvania State Employees' Retirement System to participate in limited partnerships and separate accounts and specifying its authority for venture capital investments.

#### STATE GOVERNMENT.

#### HB 2331, PN 3256

By Rep. OLIVER

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Public Welfare, to convey a tract of land to the Fraternal Order of Police, Lodge 5 of Philadelphia, situate in the City and County of Philadelphia, Pennsylvania.

#### STATE GOVERNMENT.

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

#### SB 299, PN 503

By Rep. RAPPAPORT

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, permitting the use of suppressed voluntary admissions or confessions to impeach a defendant's credibility.

#### JUDICIARY.

#### SB 1079, PN 2200 (Amended)

By Rep. RAPPAPORT

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, adding a provision relating to the transfer of property to fiduciaries; changing provisions relating to investments by fiduciaries; clarifying the method of payment when the Commonwealth is intestate heir; authorizing acknowledgments of self-proved wills to be taken before an attorney and then certified by him to a notary; modifying the duty of a personal representative regarding inventories; authorizing the annexation of a copy of certain other accounts to an account of the administration of the estate; making the time for advertisement of accounts four weeks in all cases; providing that the account of the personal representative be filed with the clerk; adding a rule of will interpretation regarding nonademption and attorneys-in-fact; providing that a personal representative is not liable for continued distribution in the same pattern after a change in law; amending provisions relating to disclaimers; and making technical changes and repeals.

#### JUDICIARY.

#### SB 1190, PN 1936

By Rep. RAPPAPORT

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.

#### JUDICIARY.

### MASTER ROLL CALL RECORDED

The SPEAKER. The Chair is about to take up the master roll call for today. Members will proceed to vote.

The following roll call was recorded:

#### PRESENT—198

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

Blaum	Gallagher	Manderino	Showers
Book	Gallen	Manmiller	Sirianni
Bowser	Gamble	Markosek	Smith, B.
Boyes	Gannon	Mayernik	Smith, L. E.
Brandt	Geist	Merry	Snyder, D. W.
Broujos	George	Michlovic	Snyder, G. M.
Bunt	Gladeck	Micozzie	Spencer
Burd	Godshall	Miller	Spitz
Burns	Greenwood	Miscevich	Stairs
Caltagirone	Grieco	Moehlmann	Steighner
Cappabianca	Gruitza	Morris	Stevens
Carn	Gruppo	Mowery	Stewart
Cawley	Hagarty	Mrkoncic	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
Cohen	Hershey	Olasz	Tigue
Colafella	Honaman	Oliver	Trello
Cole	Hutchinson	Perzel	Truman
Cordisco	Itkin	Peterson	Van Horne
Cornell	Jackson	Petrarca	Vroon
Coslett	Jarolin	Petrone	Wachob
Cowell	Johnson	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.
Dorr	Levi	Richardson	Zwinkl
Duffy	Levin	Rieger	
Durham	Linton	Robbins	Irvis,
Evans	Livengood	Rudy	Speaker

## ADDITIONS—0

## NOT VOTING—2

Hoefel McIntyre

## EXCUSED—2

Donatucci Marmion

## LEAVES ADDED—2

Hoefel McIntyre

## 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:

**SB 1432, PN 2191; SB 1433, PN 2192; SB 1434, PN 2193; SB 1436, PN 2174; SB 1438, PN 2194; SB 1439, PN 2195; and SB 1102, PN 1941.**

## LEAVES OF ABSENCE GRANTED

The SPEAKER. Are there any requests for leaves from the Democratic Party?

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

Mr. GALLAGHER. Mr. Speaker, we ask leave of absence for the gentleman from Philadelphia, Mr. McINTYRE, for today; and the gentleman from Montgomery, Mr. HOEFFEL, for today.

The SPEAKER. The Chair hears no objection to the granting of the leaves, and the leaves are granted.

Mr. Hayes indicates there are no requests on the Republican Party's part for leaves.

## BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 968, PN 2158**, entitled:

An Act amending the act of November 30, 1976 (P. L. 1207, No. 265), entitled "An act to provide assistance and encouragement for the development of comprehensive area emergency medical services systems," extending the expiration date of the act.

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—196

Afflerbach	Fattah	Lucyk	Rybak
Alderette	Fee	McCall	Saloom
Angstadt	Fischer	McClatchy	Salvatore
Armstrong	Flick	McHale	Saurman
Arty	Foster, W. W.	McMonagle	Scheetz
Baldwin	Foster, Jr., A.	McVerry	Schuler
Barber	Freeman	Mackowski	Semmel
Battisto	Freind	Madigan	Serafini
Belardi	Fryer	Maiale	Seventy
Belfanti	Gallagher	Manderino	Showers
Blaum	Gallen	Manmiller	Sirianni
Book	Gamble	Markosek	Smith, B.
Bowser	Gannon	Mayernik	Smith, L. E.
Boyes	Geist	Merry	Snyder, D. W.
Brandt	George	Michlovic	Snyder, G. M.
Broujos	Gladeck	Micozzie	Spencer
Bunt	Godshall	Miller	Spitz
Burd	Greenwood	Moehlmann	Stairs
Burns	Grieco	Morris	Steighner
Caltagirone	Gruitza	Mowery	Stevens
Cappabianca	Gruppo	Mrkoncic	Stewart
Carn	Hagarty	Murphy	Stuban
Cawley	Haluska	Nahill	Sweet
Cessar	Harper	Noye	Swift
Cimini	Hasay	O'Brien	Taylor, E. Z.
Civera	Hayes	O'Donnell	Taylor, F. E.
Clark	Herman	Olasz	Telek
Clymer	Hershey	Oliver	Tigue
Cohen	Honaman	Perzel	Trello
Colafella	Hutchinson	Peterson	Truman
Cole	Itkin	Petrarca	Van Horne
Cordisco	Jackson	Petrone	Vroon
Cornell	Jarolin	Phillips	Wachob
Coslett	Johnson	Piccola	Wambach
Cowell	Kasunic	Pievsky	Wargo
Coy	Kennedy	Pistella	Wass

DeLuca	Klingaman	Pitts	Weston
DeVerter	Kosinski	Pott	Wiggins
DeWeese	Kowalyshyn	Pratt	Williams
Daley	Kukovich	Preston	Wilson
Dawida	Lashinger	Punt	Wogan
Deal	Laughlin	Rappaport	Wozniak
Dietz	Lehr	Reber	Wright, D. R.
Dininni	Lescovitz	Reinard	Wright, J. L.
Dombrowski	Letterman	Richardson	Wright, R. C.
Dorr	Levi	Rieger	Zwinkl
Duffy	Levin	Robbins	Irvis,
Durham	Linton	Rudy	Speaker
Evans	Livengood	Ryan	
Fargo	Lloyd		

## NAYS—0

## NOT VOTING—2

Davies Misceovich

## EXCUSED—4

Donatucci Hoeffel McIntyre Marmion

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 1344, PN 1902**, entitled:

An Act making appropriations to the Department of General Services out of various funds for payment of rental charges to the General State Authority.

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

Carn	Gruppo	Mowery	Stewart
Cawley	Hagarty	Mrkoncic	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
Cohen	Hershey	Olasz	Tigue
Colafella	Honaman	Oliver	Trello
Cole	Hutchinson	Perzel	Truman
Cordisco	Itkin	Peterson	Van Horne
Cornell	Jackson	Petrarca	Vroon
Coslett	Jarolin	Petrone	Wachob
Cowell	Johnson	Phillips	Wambach
Coy	Kasunic	Piccola	Wargo
DeLuca	Kennedy	Pievsky	Wass
DeVerter	Klingaman	Pistella	Weston
DeWeese	Kosinski	Pitts	Wiggins
Daley	Kowalyshyn	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.
Dorr	Levi	Richardson	Zwinkl
Duffy	Levin	Rieger	
Durham	Linton	Robbins	Irvis,
Evans	Livengood	Rudy	Speaker

## NAYS—0

## NOT VOTING—0

## EXCUSED—4

Donatucci Hoeffel McIntyre Marmion

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 1424, PN 2103**, entitled:

An Act providing for the capital budget for the fiscal year 1984-1985.

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—195

Afflerbach	Fischer	McCall	Rybak
Alderette	Flick	McClatchy	Saloom
Angstadt	Foster, W. W.	McHale	Salvatore
Armstrong	Foster, Jr., A.	McMonagle	Saurman
Arty	Freeman	McVerry	Scheetz
Baldwin	Freind	Mackowski	Schuler
Barber	Fryer	Madigan	Semmel
Battisto	Gallagher	Maiale	Serafini
Belardi	Gallen	Manderino	Seventy
Belfanti	Gamble	Manmiller	Showers

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

NAYS—0

NOT VOTING—3

Clark DeWeese Fattah  
EXCUSED—4

Donatucci Hoeffel McIntyre Marmion

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.

### BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND RECOMMITTED TO COMMITTEE ON RULES

**HB 434, PN 3317 (Amended)**

By Rep. LAUGHLIN

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for the disallowance of certain advertising expenses from rate determinations.

CONSUMER AFFAIRS.

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

**SB 64, PN 64**

By Rep. LAUGHLIN

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for audits of certain utilities.

CONSUMER AFFAIRS.

**SB 1196, PN 1627**

By Rep. LAUGHLIN

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for rate communications to utility customers.

CONSUMER AFFAIRS.

**SB 1329, PN 2201 (Amended)**

By Rep. LAUGHLIN

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, prohibiting multiple filings; defining rate base; and regulating valuation.

CONSUMER AFFAIRS.

**SB 1414, PN 2071**

By Rep. MORRIS

An Act amending the act of September 20, 1961 (P. L. 1541, No. 657), entitled, as reenacted and amended, "Pennsylvania Agricultural Commodities Marketing Act of 1968," providing for the establishment, without referendum, of a dairy products promotion program funded by voluntary contributions.

AGRICULTURE AND RURAL AFFAIRS.

### BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **SB 1080, PN 2073**, entitled:

An Act amending the act of November 30, 1965 (P. L. 847, No. 356), entitled "Banking Code of 1965," providing clarification that affiliated banks may invest trust funds in each other's common trust or collective investment funds; further providing for investments by institutions; further providing for powers and duties of savings banks; and further providing for powers and duties of boards or committees of institutions.

On the question,

Will the House agree to the bill on third consideration?

Mr. DORR offered the following amendments No. A3341:

Amend Title, page 1, line 20, by inserting after "BANKS;" further providing for names;

Amend Bill, page 4, by inserting between lines 6 and 7

Section 5. Section 802(a) of the act is amended to read:

Section 802. Names Permitted to Be Used

(a) The name of an institution:

(i) may be in any language but shall be expressed in English letters or characters;

(ii) in the case of a bank, shall contain in English the word "bank" or "banking" and shall not contain either of the words "trust" or "savings";

(iii) in the case of a bank and trust company, shall contain in English one or more of the words "bank", "banking", "trust" or "trusts", and shall not contain the word "savings";

(iv) in the case of a trust company, shall contain in English the words "trust company" or "company for trusts" and shall not contain any of the words "bank", "banking" or "savings";

(v) in the case of a savings bank, shall contain in English the words "[mutual] savings bank" [and shall not] or "savings" and may contain the word "trust" if the savings bank acts in a fiduciary or other representative capacity as authorized in Chapter 4 of this act;

(vi) in the case of a private bank, shall contain in English the words "private bank" or "unincorporated bank" and shall not contain either of the words "trust" or "savings";

(viii) shall not contain any word which may deceptively lead to the conclusion that the institution is authorized to perform any act or conduct any business which it is not authorized to perform or conduct or which is forbidden to it by law, its articles or otherwise;

(ix) shall not contain any of the words "Government", "Official", "Federal", "National" or "United States" or any abbreviation of any such word; and

(x) shall not be a name which would be unavailable for use by a business corporation under section 202(B) of the Business Corporation Law (dealing with names the same as, or deceptively similar to, certain other names).

\*\*\*

Amend Sec. 5, page 4, line 7, by striking out "5" and inserting

6

Amend Sec. 6, page 4, line 22, by striking out "6" and inserting

7

Amend Sec. 7, page 5, line 4, by striking out "7" and inserting

8

Amend Sec. 8, page 6, line 29, by striking out "8" and inserting

9

Amend Sec. 9, page 7, line 8, by striking out "9" and inserting

10

Amend Sec. 10, page 7, line 28, by striking out "10" and inserting

11

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes the gentleman from York, Mr. Dorr.

Mr. DORR. Mr. Speaker, in the Banking Code we provide that a savings bank must use in its title the term "savings bank." This amendment would add to that provision that a savings bank may use the word "savings," simply "savings," and not include "bank" in that title.

A specific example, Mr. Speaker, is the Pennsylvania Savings Fund Society, for example, which does not use the term "bank" in its title. This simply allows them to do that. And it adds further that where the word "trust" is included in the title of a savings bank, that bank must have the fiduciary capacity under the banking law in order to do so.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Fayette, Mr. Taylor, on the amendment.

Mr. TAYLOR. Thank you, Mr. Speaker.

I agree with the gentleman's explanation of the amendment and would urge a positive vote.

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—192

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

#### NAYS—5

Carn	Fattah	Linton	Richardson
Evans			

#### NOT VOTING—1

Gallen

#### EXCUSED—4

Donatucci	Hoeffel	McIntyre	Marmion
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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. DORR offered the following amendment No. A3457:

Amend Sec. 1 (Sec. 311), page 2, line 20, by inserting after "ISSUER,"  
and for purposes of this limitation the shares owned by all the affiliates of a Pennsylvania Bank Holding Company shall be aggregated to determine whether the ten percent limitation is reached,

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentleman from York, Mr. Dorr.

Mr. DORR. Mr. Speaker, in the banking law, traditionally, we have allowed Pennsylvania banks to own shares of other Pennsylvania banks. In this bill we are adding a provision to allow Pennsylvania banks to purchase shares of Pennsylvania bank holding companies as well. My concern is that the 10-percent limitation that is placed and has traditionally been placed into law, if we are allowing the purchase of Pennsylvania bank holding companies, will possibly allow the affiliates who are acting together to acquire more than 10 percent of a Pennsylvania bank holding company in one institution, in effect.

The amendment is designed to limit that and to say that for purposes of that 10-percent limitation on the percentage of shares of a Pennsylvania bank holding company that can be owned by an institution, we must aggregate the shares owned by all of the affiliates of another Pennsylvania bank holding company in order to determine whether the 10-percent limitation is met. For example, if holding company ABC - owning bank A, bank B, and bank C - wishes to acquire shares of holding company XYZ, all of the affiliates of bank ABC, including the separate banks, would be allowed to own only 10 percent altogether of holding company XYZ. That is the effect of the amendment, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Fayette, Mr. Taylor.

Mr. TAYLOR. Thank you, Mr. Speaker.

I agree with Representative Dorr's explanation of it. It was a potential thing in the original legislation that could have allowed for a bank to acquire more than 10 percent of a holding company, and this is a corrective amendment to that law. I agree with it and urge adoption of it.

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—195

Afflerbach	Fargo	Livengood	Rybak
Alderette	Fattah	Lloyd	Saloom
Angstadt	Fee	Lucyk	Salvatore
Armstrong	Fischer	McCall	Saurman
Arty	Flick	McClatchy	Scheetz
Baldwin	Foster, W. W.	McHale	Schuler
Barber	Foster, Jr., A.	McMonagle	Semmel
Battisto	Freeman	McVerry	Serafini

Belardi	Freind	Mackowski	Seventy
Belianti	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	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	Olasz	Trello
Colafella	Honaman	Oliver	Truman
Cole	Hutchinson	Perzel	Van Horne
Cordisco	Itkin	Peterson	Vroon
Cornell	Jackson	Petrarca	Wachob
Coslett	Jarolin	Petrone	Wambach
Cowell	Johnson	Phillips	Wargo
Coy	Kasunic	Piccola	Wass
Deluca	Kennedy	Pievsky	Weston
DeVerter	Klingaman	Pistella	Wiggins
DeWeese	Kosinski	Pitts	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	Rieger	Zwinkl
Dorr	Levi	Robbins	
Duffy	Levin	Rudy	Irvis,
Durham	Linton	Ryan	Speaker
Evans			

#### NAYS—3

Miller Pott Richardson

#### NOT VOTING—0

#### EXCUSED—4

Donatucci Hoeffel McIntyre Marmion

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—198

Afflerbach	Fargo	Lloyd	Ryan
Alderette	Fattah	Lucyk	Rybak
Angstadt	Fee	McCall	Saloom
Armstrong	Fischer	McClatchy	Salvatore
Arty	Flick	McHale	Saurman
Baldwin	Foster, W. W.	McMonagle	Scheetz
Barber	Foster, Jr., A.	McVerry	Schuler
Battisto	Freeman	Mackowski	Semmel

Belardi	Freind	Madigan	Serafini
Belfanti	Fryer	Maiale	Seventy
Blaum	Gallagher	Manderino	Showers
Book	Gallen	Manmiller	Sirianni
Bowser	Gamble	Markosek	Smith, B.
Boyes	Gannon	Mayernik	Smith, L. E.
Brandt	Geist	Merry	Snyder, D. W.
Broujos	George	Michlovic	Snyder, G. M.
Bunt	Gladeck	Micozzie	Spencer
Burd	Godshall	Miller	Spitz
Burns	Greenwood	Miscevich	Stairs
Caltagirone	Grieco	Moehlmann	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
Cohen	Hershey	Olasz	Tigue
Colafella	Honaman	Oliver	Trello
Cole	Hutchinson	Perzel	Truman
Cordisco	Itkin	Peterson	Van Horne
Cornell	Jackson	Petrarca	Vroon
Coslett	Jarolin	Petrone	Wachob
Cowell	Johnson	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.
Dorr	Levi	Richardson	Zwinkl
Duffy	Levin	Rieger	
Durham	Linton	Robbins	Irvis,
Evans	Livengood	Rudy	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—4

Donatucci      Hoeffel      McIntyre      Marmion

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 569, PN 637**, entitled:

An Act providing for a ban on the distribution, sale and use of halogenated hydrocarbon chemicals as sewage system cleaners; requiring the disclosure of the contents of sewage system cleaners covered by this act; requiring the Department of Environmental Resources to administer and enforce certain provisions; and establishing penalties.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—198

Afflerbach	Fargo	Lloyd	Ryan
Alderette	Fattah	Lucyk	Rybak
Angstadt	Fee	McCall	Saloom
Armstrong	Fischer	McClatchy	Salvatore
Arty	Flick	McHale	Saurman
Baldwin	Foster, W. W.	McMonagle	Scheetz
Barber	Foster, Jr., A.	McVerry	Schuler
Battisto	Freeman	Mackowski	Semmel
Belardi	Freind	Madigan	Serafini
Belfanti	Fryer	Maiale	Seventy
Blaum	Gallagher	Manderino	Showers
Book	Gallen	Manmiller	Sirianni
Bowser	Gamble	Markosek	Smith, B.
Boyes	Gannon	Mayernik	Smith, L. E.
Brandt	Geist	Merry	Snyder, D. W.
Broujos	George	Michlovic	Snyder, G. M.
Bunt	Gladeck	Micozzie	Spencer
Burd	Godshall	Miller	Spitz
Burns	Greenwood	Miscevich	Stairs
Caltagirone	Grieco	Moehlmann	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
Cohen	Hershey	Olasz	Tigue
Colafella	Honaman	Oliver	Trello
Cole	Hutchinson	Perzel	Truman
Cordisco	Itkin	Peterson	Van Horne
Cornell	Jackson	Petrarca	Vroon
Coslett	Jarolin	Petrone	Wachob
Cowell	Johnson	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.
Dorr	Levi	Richardson	Zwinkl
Duffy	Levin	Rieger	
Durham	Linton	Robbins	Irvis,
Evans	Livengood	Rudy	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—4

Donatucci      Hoeffel      McIntyre      Marmion

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 1822, PN 3133**, entitled:

An Act amending "The Local Tax Enabling Act," approved December 31, 1965 (P. L. 1257, No. 511), further providing for taxes on admissions prices to golf courses.

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—186

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

#### NAYS—12

Afflerbach	Cawley	Fryer	O'Donnell
Angstadt	DeVerter	Jackson	Showers
Carn	Freeman	Lloyd	Wargo

#### NOT VOTING—0

#### EXCUSED—4

Donatucci	Hoeffel	McIntyre	Marmion
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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 1872, PN 3291**, entitled:

An Act amending "The Local Tax Enabling Act," approved December 31, 1965 (P. L. 1257, No. 511), further providing for taxes on admissions prices to ski facilities.

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?

On final passage, the Chair recognizes the gentleman from Berks, Mr. Fryer.

Mr. FRYER. Mr. Speaker, I wish to interrogate one of the sponsors of the bill and then be recognized for a brief statement. Mr. DeWeese, I notice, is present. My request is for Mr. DeWeese.

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

Mr. FRYER. Mr. Speaker, I am a nonskier, and I am sure there are other nonskiers here on the floor of the House, and in order to get a better picture of the proposal that is before us, I wish to ask several questions.

One, Mr. Speaker, what is the cost that a skier goes through in following this wonderful recreation? What is the cost of skiing, Mr. Speaker?

Mr. DeWEESE. Mr. Speaker, the cost of skiing is quite precipitous. As you have speculated to me in private dialogue, it would cost approximately \$18 for a daily ski lift pass. It would cost somewhere between \$90 and \$150 for an adequate pair of boots. You could go up to \$225 or \$250, depending upon the kind of quality that you desired in your boot. Skis and bindings, which naturally are not of use unless they are a collective set, would total cumulatively well over \$250. If you are going to include poles, which are a necessity to 99 percent of all skiers, that is another \$50. The bib overalls and the down jacket take it up, collectively, to approximately \$150, and again, the figures I am giving you are a median figure rather than a high figure. I conversed with one of my col-

leagues from Montgomery County, and we collectively concluded that somewhere between \$500 and \$600 would put someone on the slopes in safe, warm circumstances. Does that answer your question, sir?

Mr. FRYER. It does, Mr. Speaker. I thank the gentleman.

In addition, Mr. Speaker, I believe you indicated the average cost of a lift ticket to be \$18.

Mr. DeWEESE. That is correct.

Mr. FRYER. Mr. Speaker, I thank the gentleman.

If I am in order, I would like to proceed with a comment.

The SPEAKER. To make a comment on final passage, the gentleman is in order and may proceed.

Mr. FRYER. Mr. Speaker, I think the members of the House who are nonskiers can really be impressed with the cost of this wonderful sport. I had not experienced that personally, so I wanted that pointed out to the members of the House.

Now, Mr. Speaker, what we have before us today is, under present law the local governments in your home districts are permitted a maximum of a 10-percent tax; most of them do not. In some areas the school districts impose the tax; in other areas the townships impose the tax, and this, of course, is to carry out the purpose of maintaining their township roads, which the skiers travel over, and the various police problems that develop when you get a large group of people together.

Let us take the lift ticket, which is \$18, as the gentleman, Mr. DeWeese, has pointed out. Ten percent of that, of course, is \$1.80. As I have stated, in many cases only a 5-percent tax is imposed, which we are then talking about 90 cents. Now, then, Mr. Speaker, what this bill does, this proposal before us, HB 1872, is state that the tax that may be levied shall not exceed 40 percent of the cost of the lift ticket. Forty percent of \$18 is \$7.20, which means then, that 10 percent of that would be 72 cents, which the local taxing district could impose.

Now, Mr. Speaker, in view of the costs that are entailed by the skier who is out there who is traveling a distance to go to that resort to ski, I submit that the tax is a very small part that he is paying, and to put a cap on this is just an impossible situation for local government, because it seems to me, Mr. Speaker, that taxes should be based on two basic principles, and that is on the ability to pay—and can we argue that these skiers are not able to pay this tax?—and also local governments should have the maximum flexibility in apportioning the tax burden among the people and businesses within their jurisdiction.

Mr. Speaker, I submit that the proposal before us is extremely unfair to local governments and, in my opinion, should be defeated. I think that what we are asking for is a fair situation. We are not gouging anyone, Mr. Speaker, and if this tax is capped, the accrual will not go to the individual skier; it will in all probability go to the operator of the ski resort, who last year had a very banner year.

Mr. Speaker, on the basis of fairness, I plead for the defeat on behalf of local governments for this proposal. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. TRELLO. Mr. Speaker, I commend the previous speaker for his remarks, and I agree with him 100 percent on some of his remarks.

First of all, the tourist industry in Pennsylvania creates about 200,000 jobs, the largest industry in the State of Pennsylvania. The problem that we have here right now is competition from our neighboring States that have ski resorts.

Now, as the former speaker indicated, he is acting on behalf of local government. I am a local government man myself, and their concerns are a top priority with me. Before I would even consider the bill, I asked local government and the industry to get together to come to a happy compromise. The language that is in this bill right now is a compromise that was reached by members representing local government and the industry themselves. Now, what are we talking about? We are talking about still allowing the municipalities to tax the industry, but the problem of competition comes into play.

First of all, why are we singling out the ski resorts? Why do they have to pay the 10-percent tax? Why are they not picking on other entertainment industries like the movies, the bowling alleys, and so forth? If they are going to tax the entertainment industry, then let us tax them all. Why single out one? I think if we want to be fair about this, if a municipality or school district needs some money and they want to impose an amusement tax, then let us tax them all. Why single out the ski industry? And they are not eliminating the taxes altogether; they are coming to a happy compromise to be in competition with the neighboring States, and I see nothing wrong with this.

The language in here is agreed-to language. I think we should support the industry and the municipalities that have agreed with this language in this bill and concur with the amendments that the Finance Committee inserted in the bill. Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the lady from Susquehanna, Miss Sirianni.

Miss SIRIANNI. Mr. Speaker, I rise in support of this bill. I happen to have the Elk Mountain Ski Resort in my area. In the particular township where this Elk Mountain Ski Resort is located, the township supervisors were trying to impose such a high tax on this Elk Mountain Ski Resort that not one living soul who resided in Herrick Township would have had to pay any taxes. They were going to get more money from the Elk Mountain Ski Resort than they got from the people who paid their taxes in the district.

I am here to tell you that Herrick Township, where Elk Mountain is located, has benefited from that ski resort. They have more houses, beautiful new houses, built there, so therefore they are collecting more taxes. They have no unemployment. If they have anything, they have overemployment. All the businesses in the area are benefiting from that ski resort, so why should that ski resort in turn have to pay more money?

I think the township supervisors do have to balance their budget, but they are taking advantage in some of these cases.

I would further like to say that you do not have to make an initial outlay of \$500 to ski. You do not have to be rich to ski. I happen to ski, and I am not rich. I taught school before I came to this House, and all my students ski. All you have to do is go get the county index and see what the income of the people in Susquehanna County is, and they are certainly not rich people. The medium income, I think, is \$10,941—I looked that up yesterday—and those people all ski. Now, do you consider that a rich territory? They ski because there are ways to do it without spending \$500. You do not have to have first-class skis. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

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

Mr. LASHINGER. Thank you, Mr. Speaker.

Mr. Speaker, I think just about everything has been covered by the proponents of the bill, but a number of items need to be highlighted.

Number one, the House in a measure that we voted just prior to this bill offered the same compromise, this 10-percent-of-40-percent compromise, to golf courses, and there was no objection. We fought this battle before in a separate bill, and Representative Fryer indicated his opposition at that point in time to excluding golf courses and ski areas, and yet, just prior to this bill, we did approve by an overwhelming majority this new taxing formula for golf courses.

Number two, Representative Fryer talks about the high cost of items that are bought by skiers, and the fact that those things are affordable to skiers makes the incorporation of this tax into the cost of a lift ticket possible to pay on the part of the skiers. Well, he fails to indicate also that those items that they are buying in the Commonwealth are also taxable in the Commonwealth. The clothing that Representative DeWeese talked about is taxable. The skis, the other equipment, is all taxable, so that is additional revenue to the Commonwealth also. If we eliminate certain opportunities, recreational opportunities, to certain segments of the population, they are not going to be buying the equipment, and we are going to lose tax revenue on that end.

One of the last points is—and it is a tribute to Representative Trello, the other members of the Finance Committee, the State associations of township commissioners and supervisors, and also the ski industry—this is a compromise of a compromise. I thought we had a compromise on this measure on this floor about a month ago, and we disagreed and the bill failed. Everyone went back to the bargaining table, renegotiated this compromise, and to the best of my knowledge—and I am repeating what Representative Trello said—there is no objection from either State association for this measure.

Lastly, I will reiterate something that I said in the last debate on this measure, and that is that this recreational opportunity is becoming less and less available to people who cannot afford to ski, and that includes part of our minority population in the Commonwealth. We will eliminate, virtu-

ally eliminate, based on the cost that Representative DeWeese talked about, skiing as a recreational opportunity for certain segments of the population in Pennsylvania if the costs continue to rise.

Representative Fryer is right in that the doctor and his children and his family and those people in that socioeconomic class will continue to ski no matter what the level of the tax in the Commonwealth, but if it continues to remain at this level—and there might be a banner season mixed in somewhere; there might be good weather, and ski areas might experience a banner season, as you called this one, and I have no way of knowing whether it was or it was not—but while those costs rise, people will less often continue to opt for skiing as a recreational opportunity, and that is what we will be doing. So I urge support for the proposal, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Monroe, Mr. Battisto.

Mr. BATTISTO. Mr. Speaker, I think about everything has been said in favor of this bill. However, I want to add this much. In my district there are about 15 ski resorts. They are the single highest employer in the entire district during the wintertime. In fact, not only do they employ people to maintain the ski lifts, these kinds of businesses in Monroe County, Carbon, Wayne, Lackawanna, and the northern counties actually spawn development. Right now, I have a multi-million-dollar hotel complex going up at the base of Camelback, and it is all a result of the ski industry itself. In fact, the Harrisburg Patriot-News carries an editorial today indicating that higher taxes on these resorts can be a disincentive to entrepreneurs.

Although I am very sensitive to the needs of local government as a former mayor, I feel this compromise is very, very palatable, and I urge its adoption. Thank you.

The SPEAKER. For the second time on final passage, the Chair recognizes the gentleman, Mr. Fryer.

Mr. FRYER. Mr. Speaker, I bear no ill toward skiers; some of my best friends are skiers. And I am certainly not trying to establish the fact that only wealthy people can ski. The point I was making was the point that with the costs involved in following this sport, it seems to me that the objection of a small tax is a poor argument. With the costs we have in skiing—and we are talking, let us say, about an \$18 lift ticket—presently that tax, if carried to the full 10 percent, would be \$1.80. This proposal would limit that basically to 72 cents, and in some cases the lift tickets are \$12 and it is correspondingly lower.

Now, in answer to the gentleman, Mr. Trello, who says that this is agreed to, there is one organization, the Supervisors Association, that has agreed to this so-called compromise. The Boroughs Association does not agree with this agreement; the School Boards Association does not; and frankly, Mr. Speaker, I am quite disturbed about this, because in my legislative district, the district that I am privileged to represent, we have possibly the poorest school district in Berks County. The people there are blessed with children, but they lack any industrial base or anything. Their school taxes are

rather high, and they benefit from this tax, with which community services are provided.

The clientele, the larger percentage of it, is from out of State, Mr. Speaker, and quite frankly, I do not see anything except in effect a bonanza for the operators of ski resorts. Last year, Mr. Speaker, they had a very banner year, and if we follow the course as we did in removing the tax on theaters, what happens is, the same price prevails but the accrual goes to the operator of the ski resort.

Mr. Speaker, I repeat and request a "no" vote on this proposal. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

For the second time on the bill, the Chair recognizes the gentleman, Mr. Trello.

Mr. TRELLO. Mr. Speaker, let me remind the members of this House that that is not the only tax that the ski industry pays. When the boroughs or townships plow their roads in the wintertime, you know, they pay an awful lot of real estate tax also. And we are not talking about eliminating anything; there is still the ability to tax.

When Mr. Fryer mentioned the fact that he knows of nobody who agreed to this, I mean the people who represent the boroughs and townships tell me that it is agreed-to language, and I would hope that everybody would support the industry. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Gallen, on final passage.

Mr. GALLEN. Mr. Speaker, would the gentleman, Mr. Trello, stand for interrogation?

The SPEAKER. Mr. Trello indicates he will stand for interrogation. The gentleman, Mr. Gallen, may proceed.

Mr. GALLEN. Mr. Speaker, does the gentleman have a ski resort in his district?

Mr. TRELLO. No, sir.

Mr. GALLEN. Case closed. 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—152

Alderette	Fee	Madigan	Saurman
Arty	Foster, W. W.	Maiale	Semmel
Barber	Foster, Jr., A.	Manderino	Serafini
Battisto	Gallagher	Manmiller	Seventy
Belardi	Gannon	Markosek	Sirianni
Belfanti	Geist	Mayernik	Smith, B.
Book	George	Merry	Smith, L. E.
Bowser	Gladeck	Michlovic	Snyder, G. M.
Boyes	Godshall	Miller	Spencer
Bunt	Greenwood	Miscevich	Stairs
Burd	Gruitza	Mowery	Steighner
Burns	Gruppo	Mrkoncic	Stevens
Caltagirone	Hagarty	Nahill	Stewart
Cappabianca	Haluska	Noye	Stuban
Carn	Harper	O'Brien	Sweet
Cessar	Hasay	Olasz	Taylor, E. Z.
Cimini	Hayes	Oliver	Taylor, F. E.
Clark	Herman	Perzel	Telek
Clymer	Honaman	Peterson	Trello
Cohen	Itkin	Petrone	Truman

Coiafella	Jarolin	Phillips	Van Horne
Cordisco	Johnson	Piccola	Vroon
Cornell	Kasunic	Pievsky	Wachob
Cowell	Kennedy	Pistella	Wambach
Coy	Klingaman	Pott	Wass
Deluca	Kosinski	Pratt	Weston
DeWeese	Kowalyshyn	Preston	Wiggins
Daley	Lashinger	Punt	Williams
Davies	Laughlin	Rappaport	Wilson
Dawida	Lehr	Reber	Wogan
Deal	Lescovitz	Reinard	Wozniak
Dietz	Letterman	Richardson	Wright, D. R.
Dininni	Levin	Rieger	Wright, J. L.
Dorr	Linton	Robbins	Wright, R. C.
Duffy	Lucyk	Ryan	Zwikl
Durham	McCall	Rybak	
Evans	McClatchy	Saloom	Irvis,
Fargo	McMonagle	Salvatore	Speaker
Fattah	McVerry		

#### NAYS—46

Afflerbach	Dombrowski	Kukovich	Petrarca
Angstadt	Fischer	Levi	Pitts
Armstrong	Flick	Livengood	Rudy
Baldwin	Freeman	Lloyd	Scheetz
Blaum	Freind	McHale	Schuler
Brandt	Fryer	Mackowski	Showers
Broujos	Gallen	Micozzie	Snyder, D. W.
Cawley	Gamble	Moehlmann	Spitz
Civera	Grieco	Morris	Swift
Cole	Hershey	Murphy	Tigue
Coslett	Hutchinson	O'Donnell	Wargo
DeVerter	Jackson		

#### NOT VOTING—0

#### EXCUSED—4

Donatucci	Hoefel	McIntyre	Marmion
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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 Delaware, Mr. Freind, rise?

Mr. FREIND. Mr. Speaker, on HB 1822 I was recorded in the affirmative. I would like to be recorded in the negative.

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

#### ANNOUNCEMENT BY SPEAKER

The SPEAKER. We are about to break for lunch. You had better listen. When we come back from lunch, we will be taking up, on page 5, the first bill, a bill which talks about the procedure by which an adopted person may obtain information regarding his natural parents. The Chair anticipates that that will be a hotly debated bill. There are a number of amendments. The first person will be Mr. Vroon and his amendment; the next, Mr. Davies; and next, Mr. Itkin.

Now, the reason the Chair is saying this is so all of you understand it clearly. The Chair is not going to continue to

wait for people who think up amendments at the last minute. So if you have amendments to the bills which we are going to run this afternoon, get them now. We have been requested up here that we no longer permit people to wait until the last minute to offer amendments, and that request will be honored.

### DEMOCRATIC CAUCUS

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

Mr. ITKIN. Mr. Speaker, the Democrats will go into caucus at 1:30, and we will need about a half hour to caucus.

The SPEAKER. Democratic caucus at 1:30.

### REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the gentleman from Perry, Mr. Noye.

Mr. NOYE. Thank you, Mr. Speaker.

The Republicans will caucus at 1:30 likewise. It will take us about half an hour to cover the bills.

The SPEAKER. Republican caucus at 1:30.

### BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND RECOMMITTED TO COMMITTEE ON RULES

#### HB 1179, PN 1367

By Rep. BARBER

An Act amending the "Public Welfare Code," approved June 13, 1967 (P. L. 31, No. 21), further providing for the limits on property holdings.

HEALTH AND WELFARE.

#### HB 1627, PN 3318 (Amended)

By Rep. BARBER

An Act amending the "Emergency Medical Services Systems Act," approved November 30, 1976 (P. L. 1207, No. 265), providing for a Pennsylvania Trauma Systems Foundation, providing for the accreditation of trauma centers; further defining the powers of the secretary; extending the act; and providing for the legislative intent.

HEALTH AND WELFARE.

#### HB 1892, PN 3319 (Amended)

By Rep. BARBER

An Act amending the "Pharmacy Act," approved September 27, 1961 (P. L. 1700, No. 699), further providing for per diem for board members.

HEALTH AND WELFARE.

#### HB 1972, PN 2649

By Rep. BARBER

An Act requiring physicians to obtain informed consent from patients for treatment of breast cancer.

HEALTH AND WELFARE.

#### HB 2009, PN 3320 (Amended)

By Rep. BARBER

An Act providing funding for organ donations; creating an Organ Donor's Fund and an Organ Donor's Advisory Council.

HEALTH AND WELFARE.

### BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

#### SB 1289, PN 1795

By Rep. BARBER

An Act amending the act of June 23, 1931 (P. L. 899, No. 299), entitled "Public Bathing Law," restricting the definition of public bathing place.

HEALTH AND WELFARE.

### LOCAL GOVERNMENT COMMITTEE MEETING

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

Mr. FRYER. Mr. Speaker, as announced yesterday on the floor, there will be a meeting of the House Local Government Committee in room 401 immediately.

### REMARKS ON VOTES

The SPEAKER. The Chair recognizes the gentleman from Bedford, Mr. Dietz.

Mr. DIETZ. Mr. Speaker, I would like to make a correction on a vote. On final passage of HB 1872, I would like the record to show that I voted "no."

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

The Chair recognizes the gentleman from Luzerne, Mr. Tigie.

Mr. TIGUE. Mr. Speaker, on HB 1822 I voted in the affirmative. I would like the record to show that I should have voted in the negative. Thank you, Mr. Speaker.

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

The Chair recognizes the gentleman from Lehigh, Mr. Snyder.

Mr. D. W. SNYDER. Same correction. On HB 1822 I was inadvertently voted in the affirmative. I would like to have my vote reflected in the negative.

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

The Chair recognizes the gentleman from Lancaster, Mr. Scheetz.

Mr. SCHEETZ. I would also like to have my vote changed on HB 1822. I voted in the positive; I wish to be recorded in the negative.

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

### RECESS

The SPEAKER. This House stands in recess until 2 p.m.

**AFTER RECESS**

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

**BILL AGREED TO  
ON SECOND CONSIDERATION**

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

**SB 1326, PN 2198.**

**BILL REREPORTED FROM COMMITTEE**

**SB 56, PN 2203 (Amended)**

By Rep. MANDERINO

An Act amending the act of December 17, 1981 (P. L. 435, No. 135), entitled "An act providing for the regulation of pari-mutuel thoroughbred horse racing and harness horse racing activities; imposing certain taxes and providing for the disposition of funds from pari-mutuel tickets," providing for certain simulcasting of horse races; and defining ownership interest subject to regulation.

RULES.

**CALENDAR CONTINUED**

**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 278, PN 3080**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing a procedure for access by an adoptee or his adoptive parent or legal guardian to certain information concerning his natural parents; imposing penalties; and making certain repeals.

On the question,

Will the House agree to the bill on third consideration?

Mr. VROON offered the following amendments No. A2710:

Amend Sec. 1 (Sec. 2905), page 4, line 21, by striking out "consent form granting" and inserting  
form withholding

Amend Sec. 1 (Sec. 2905), page 4, lines 27 and 28, by striking out "give their consent" and inserting  
withhold their permission

Amend Sec. 1 (Sec. 2905), page 4, line 28, by inserting after "may"

not

Amend Sec. 1 (Sec. 2905), page 4, line 29, by striking out "gives consent" and inserting  
withholds permission

Amend Sec. 1 (Sec. 2905), page 5, line 1, by striking out "consenting" and inserting  
withholding

Amend Sec. 1 (Sec. 2905), page 5, line 1, by inserting after "shall"

not

Amend Sec. 1 (Sec. 2905), page 5, line 6, by striking out "and the" and inserting

The withholding of

Amend Sec. 1 (Sec. 2905), page 5, line 8, by inserting after "of"

withholding of

Amend Sec. 1 (Sec. 2905), page 5, line 10, by striking out "giving,"

Amend Sec. 1 (Sec. 2905), page 5, line 11, by striking out "the consent." and inserting

withholding of consent. Any parent who has not  
filed a form withholding their permission to disclose  
their identity shall be presumed to have consented to  
the disclosure thereof.

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes the gentleman from Chester, Mr. Vroon.

Mr. VROON. Mr. Speaker, this amendment is being offered today on behalf of a group of very concerned natural parents in my district who asked if I would please offer this as an alternative approach to Mr. Freind's approach in this bill.

The approach of Mr. Freind in this bill is this, simply that the current law will be reversed and that adopted children will not have access to their birth certificates to learn the identity of their natural parents. As current law has it, it is wide open. These adopted children can readily learn the identity of their natural parents by applying for a birth certificate.

This amendment will reverse the procedure provided for in the Freind bill by saying that it will stay open, and everybody will be able to learn their identity through the birth certificate application, unless the initiative is taken by the natural parent to file a piece of paper that withholds consent. In other words, what we are saying is that the natural parent may file a piece of paper with the necessary authorities at the time the child is let out for adoption and say, I do not want my adopted child to learn my identity, and then at any time later in life she can remove that and permit an open situation. If this is not filed, then it will automatically be open, but again, at any time during the course of time, that can be reversed by the natural parent.

This is an amendment which is worth considering. I hope you all give very careful consideration to it as we vote on it today. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Freind, on the Vroon amendment.

Mr. FREIND. Thank you, Mr. Speaker.

I rise to oppose this amendment. What this amendment would do would be to effectively gut the entire purpose of the bill. The purpose of the bill is to clear up a loophole, an unintended loophole in the Vital Statistics Law, and it would insure that the will of the legislature, as it has been consistently expressed in our adoption laws and is identical to 47 other States, is kept. That policy has always been that the identity of the natural parents is not revealed unless the natural parents agree, and there must be mutual consent.

What we do in the bill is permit, very easily, natural parents to be located by permitting them to contact the Bureau of Vital Statistics and indicate that if and when their natural son or daughter makes the contact, that all of the information be



given to them, including the present address of the natural father or the natural mother. But in order to have that information, the natural parents must register. Mr. Vroon's amendment would reverse this and say that only if the natural parents registered would that information be blocked. So the natural parents' anonymity - anonymity which has been consistently promised to them through our adoption laws - would be shattered unless they were aware of this provision and unless they affirmatively filed.

The reason I oppose it is this: If you keep the bill the way we have it right now, there are a number of options. If the natural parent wants to be located but for whatever reason does not get around to filing with Vital Statistics, that is not the end of the road. There are two more procedures that the adopted person can utilize in searching for the natural parent and thus permit the natural parent the opportunity to be identified and located. If Mr. Vroon's amendment becomes law, we will have lost that. For the natural parent who does not want to be located, who does not want his or her anonymity shattered, but who does not get around to filing with the Bureau of Vital Statistics, the ball game would be over. When the son or daughter makes the contact and there is no negative filing there, the information would be given; the anonymity would be shattered.

For the reasons that we have set forth in the detailed memo which we sent to the members, for the reasons we will discuss as we get into debate on the bill itself, I sincerely hope that you will reject the Vroon amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the Vroon amendment, the Chair recognizes the gentleman from Philadelphia, Mr. Levin.

Mr. LEVIN. Mr. Speaker, I rise to oppose the Vroon amendment. The problem requires just a little insight into one of the key features of the bill that was added, which was a desire to permit those mothers, those natural birth mothers, who are seeking their children an opportunity to file with the Bureau of Vital Statistics a document and therefore leave themselves open, if the child concurrently decides they want to find that mother. Now, in my view, that will be a rather limited kind of burden on the Bureau of Vital Statistics, because it will require only those limited number of people who are truly motivated to have their child find them to write. What Mr. Vroon does is reverse the process and, therefore, require that a large number of people make a determination because we passed this bill, and everyone basically has to write.

Now, there is no reason for that, because we very clearly approach this problem from the other side of protecting the mother's choice. We are, in the basic body of the bill, giving a woman the right to exercise her choice as to whether or not she wishes to be found, and we have allowed her a procedure to exercise that choice if she wants to be found. I see no reason for us to change that philosophy and require a woman who does not want to be found to have to do something, because by and large, she will not know about that, and she

will not be motivated to find out about that. It is an increased economic burden for no significant benefit; it guts the principle of the bill; and I would hope that it would be opposed by the members on this floor.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the lady from Montgomery, Mrs. Hagarty.

Mrs. HAGARTY. Thank you, Mr. Speaker.

Mr. Speaker, I think that this amendment vastly improves this bill and I believe that it accomplishes the purpose of the bill. The purpose of the bill, as has been explained, is to protect in those few limited instances those natural mothers who many years ago placed a baby for adoption and do not want that child to find out who they are.

I think it is important to draw this bill as narrowly as possible, and I think this is an excellent amendment because it does that. What this legislature has to realize is that we have two very separate interests here which have to be balanced. We have a child who has grown up knowing that they were adopted, a child who will grow up all those years wondering who their natural parents are, a fundamental, basic need to know who their parents are. It is important that we decide, in balancing that interest against the right of a parent to keep that matter secret, on the side of the child.

I believe that this amendment is a perfect solution to this problem, because we protect, in those rare instances, those mothers, and I submit that in all of the testimony we heard, there were very few who really did not want their children to find out who they are. I submit that we protect those mothers, and yet we generally allow children, when they grow up, to find out, or at least to seek to find out, who their natural parents are.

The problem with the Freind bill, the way it is presently drafted, is it would require the parent to actually file with Vital Statistics the fact that they want to be found. I do not think that is going to occur. I think that would be a very difficult thing for someone to do, and yet, on the other hand, if someone feels strongly that they do not want to be found, this will allow them that opportunity. It seems to me that this protects those interests which Representative Freind believes are important to protect, and yet it recognizes the very fundamental need of people to know who their mother and father are in this world.

For that reason I support this amendment, Mr. Speaker.

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, off and on over the 20-some years that I have practiced law, I have handled a number of adoption situations, and I think I can say without any fear of hesitation that in each of these cases, at that time, at least, the mother putting the child up for adoption did so after due consideration, a great deal of advice, a great deal of soul searching, and signed termination papers allowing adoptive parents to take the child. I think for that reason, if no other reason, I am inclined to adopt the position of Mr. Freind in opposition to the amendment of Mr. Vroon. But there is another reason.

My experience also in these years, and I am not thinking now of the natural mother, but in a number of cases over these years, I have seen and talked to the natural mothers who have told me that the birth certificate contains the name of a putative father, the name of a man who may or may not have been the actual father of the child, and in those cases I suggest that there would be no way that a man, perhaps any one of the men in this chamber, would know that his name was even listed on a birth certificate. There is no requirement that he ever be notified that he be listed. In most cases, I believe, in the petitions, as I recall them, it is listed as "putative father," but my recollection, talking to some of the natural mothers, is that they put the name of the putative father on the birth certificate.

So there would be no way for that man to know that he has any natural child, if you will, and perhaps does not have one, but rather his name was simply listed on the birth certificate by the natural mother. Not knowing this, he would not have the ability to advise the Bureau of Vital Statistics that he does not want to be contacted by this child, and under those circumstances, which, Mr. Speaker, are real, based on my experience in adoption work—I have not had any in a number of years, but as I look back over my legal career, I have had quite a few—I find that this could create a very, very serious problem.

For those reasons I would support Mr. Freind's position against the amendments of Mr. Vroon.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Chester, Mr. Hershey.

Mr. HERSHEY. Thank you, Mr. Speaker.

I rise to support the Vroon amendment, and I will explain why. I have been contacted by several people in my district who, 18 or 19 years ago, gave up their children as young girls, young ladies, for adoption because they could not raise them, but now this bill would create a barrier that would hinder this normal process of seeking out their parents. They both said they do not want this bill because they have a desire to meet, not to take their children back, not for the children to come back and live with their parents, or not for the parents to want them back, but just to know that they are okay.

In our family, my wife and I have four children, and we raised two boys besides our own. One boy knew his parents. They were both from broken homes. One did not know where his parents were. The one child was always more comfortable than the rest.

Now, in finishing up, I think the children's right to know their identity should be a little stronger than the parents' right to conceal. It is a very normal process when a child grows up, a young lady gets ready to marry and have a family, that she find her mother. It is an instinct that I do not think we should create a barrier to prevent. Thank you.

The SPEAKER. The Chair thanks the gentleman.

For the second time on the Vroon amendment, the Chair recognizes the gentleman from Philadelphia, Mr. Levin.

Mr. LEVIN. Just in quick response.

The last speaker was speaking about a concern of the bill itself and not about this amendment. We very specifically handled the request that he raised so that a mother who wants to be found can be found. That was one of the fundamental changes that was made in the bill, and the Vroon amendment does not help in that; it just creates an additional bureaucratic problem in that area. I would again ask for the defeat of the Vroon amendment.

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Lashinger.

Mr. LASHINGER. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the Vroon amendment. It is a rare occasion that I would disagree with the minority leader, but he was showing his age when he talked about the perceptions that prevail in adoptions. I think that that attitude has changed dramatically in just the last few years in the adoption setting. There is a desire, I believe, and from some practical experience also, on the part of not only adoptees but on the part of the natural parents to have some of these children, to use a time-worn cliché, discover their roots and to know a bit more about their biological parents and to know a bit more about what makes that person, him or her, tick.

I agree with Representative Hagarty that the Vroon amendment does not change, for some of the birth parents, that opportunity to prevent children from finding some of this information out. I would hope that we could go even a bit further than the Vroon amendment, but I think it is a compromise. It does not detract much from what Representative Freind is trying to achieve. But I think the adoption scene has changed dramatically from that scene that the minority leader outlined and that there is a great desire on the part of both parties.

For instance, the best example, and something that had not been occurring in the last few years, is birth parents are now interested in putting letters into files for adoptees, for their natural children, so that when they do reach a certain age, they can know a little bit about their birth parent. Now, I can think of a specific example where I served as a master in an adoption proceeding, the responsibility of the master being to hold those documents. The birth parent, the natural parent—and this was a specific case where there was a putative father—made available as much information in that file about, again, the putative father and about the birth mother.

Now, I think that is the best indicator of what the prevailing attitude is in adoptions. It is no longer the situation where the birth mother lives in the community with a scarlet letter for having put that child out for adoption. Times have changed considerably, and I do not think that the legislation—It is a shame the legislation does not take into account the change in attitudes, but the Vroon amendment at least helps keep it somewhere between the 20th century and the Dark Ages. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. Blaum, on the Vroon amendment.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, I rise in strong support of the Vroon amendment. What we have here in this case is a case of two conflicting and competing rights, and they are not of the birth parents who want to be found. The birth parents who one day want to be found, they do not even enter into this. What we are talking about are parents, birth parents, who do not wish to be found, their rights versus the adoptees' rights, that when that person, that child, reaches the age of 18 and that nagging thought is in their mind as to who their natural parents are, they should have that right. They should have that right to find out who their natural parents are and not be prevented from that by the birth parents' desire not to be found.

Again, there is no real compromise in these two issues. They are two competing and conflicting rights. I agree with Representative Lashinger. I would like to see us go even further than the Vroon amendment, but I do think the Vroon amendment is a step in the right direction, which requires the birth parent at that time to sign a paper, to knowingly take the initiative, to take the step to protect their anonymity and to know exactly what they are doing.

Again, I would like to see us go further than that, but in the short run, I ask the members to support the Vroon amendment and to come down on the side of the rights of the 18-year-old adoptee to find out where he or she came from. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, I would like to interrogate the gentleman, Mr. Vroon, please.

The SPEAKER. Mr. Vroon indicates he will stand for interrogation. Mr. Markosek is in order and may proceed.

Mr. MARKOSEK. Mr. Speaker, at what point in time does the parent who gives up the child sign the agreement or sign the piece of paper that says that they do not want their identity known?

Mr. VROON. Although I am not an expert in this area, it is my impression that when she makes that decision to let that child out for adoption and she wants to hide her identity, at that time she must file that paper. But I would go a step further and say this: If at any time in subsequent periods she wants to change her mind from what she did before, she can still file that paper.

Mr. MARKOSEK. How does this relate to children who were given up years ago, and perhaps the child now is 15 or 16 but maybe 5 years from now will be old enough to go looking for his parents? That particular parent would have to at this point in time go and sign that document?

Mr. VROON. I am sorry. That last part evaded me. Would you repeat it, please?

Mr. MARKOSEK. The question was, Mr. Speaker, that a child, let us say, is 15 years old at this particular time. Maybe he will not be old enough to go and search for his parents for another 5 or 6 years, but that parent does not want to be

found. Does that parent at this time right now have to go and sign that particular piece of paper?

Mr. VROON. She would have to sign a piece of paper saying that she does not want her identity to be revealed.

Mr. MARKOSEK. Okay. Those particular parents who are out there now, what type of notification mechanism do we have for them to go and do this at this point in time? Could it be possible that they would not do it because they simply are not aware of it, and when the child files to find them, some clerk sitting in the Bureau of Vital Statistics would not see that piece of paper in there and automatically send out the birth certificate?

Mr. VROON. I think that the filing of that piece of paper will be in the Vital Statistics office.

Mr. MARKOSEK. My question was, if that particular parent is not notified that this procedure exists, that piece of paper would not be in the file, and the child would be notified of the parent's identity, perhaps against the parent's wishes.

Mr. VROON. I believe it is true that every woman who has a child and wants to let it out for adoption is given a full-fledged explanation of her options.

Mr. MARKOSEK. I am sorry, Mr. Speaker. I do not think you understood.

I am talking about the parent, maybe this happened 15 or 20 years ago, and that parent is out there now and not aware of this procedure, and the child is now about 20 years old, let us say, and tomorrow decides to find his parent, and the parent is not aware of this procedure that you are suggesting, and as a result, the clerk in the Bureau of Vital Statistics does not see the written paper that you are suggesting in the file and sends out the birth certificate. Does your amendment call for some sort of notification at this point to all the parents who are currently out there, who gave up children maybe years ago, to, you know, fill out this particular piece of paper and send it in to Harrisburg?

Mr. VROON. No; my amendment does not provide for that, but I just want to call your attention to this particular fact: This law changed because of a quirk in the legal maneuvers that went on, and it has not been in effect very long, and that is the very reason why Mr. Freind's bill is being introduced. Because of a quirk in the law, now it is wide open. Nobody who had any children let out for adoption many years behind is aware of that change today. Now they are becoming aware of it, and now they are concerned because the bill is being introduced to close the door.

Mr. MARKOSEK. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

For the second time on the amendment, the Chair recognizes the gentleman, Mr. Freind.

Mr. FREIND. Very briefly, Mr. Speaker, I again urge my colleagues to defeat this amendment. It is important to remember that this bill, which has overwhelmingly passed the House twice in the last two terms, does not change the adoption law. It affirms the adoption law and the long-standing policy of this Commonwealth, together with 47 other States, that adoption records, the identity of the natural parents, are

kept sealed unless the natural parents agree to the release of that.

I very much respect my colleague, Mr. Vroon, and I know he shares that belief in view of the fact that he is a cosponsor of this legislation. The problem is that if Mr. Vroon's amendment is accepted, what this will do is reverse the entire procedure of the bill and will tremendously endanger that anonymity which we have consistently guaranteed to natural parents. And you have to be good for your word in this world, Mr. Speaker. We have a three-tiered procedure to assist adopted persons to search for their natural parents, but the bottom line is, the natural parents have to agree.

I sincerely hope that you will reject the Vroon amendment. 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—37

Afflerbach	Davies	Hershey	Rudy
Alderette	Fischer	Itkin	Showers
Angstadt	Flick	Lashinger	Smith, B.
Belardi	Freeman	McHale	Snyder, D. W.
Blaum	Fryer	Mayernik	Stairs
Bowser	Greenwood	Miller	Tigue
Broujos	Gruppo	Nahill	Vroon
Bunt	Hagarty	Pitts	Wozniak
Cornell	Harper	Pott	Zwilk
DeWeese			

#### NAYS—157

Armstrong	Fee	McMonagle	Saloom
Arty	Foster, W. W.	McVerry	Salvatore
Baldwin	Foster, Jr., A.	Mackowski	Saurman
Barber	Freind	Madigan	Scheetz
Battisto	Gallagher	Maiale	Schuler
Belfanti	Gallen	Manderino	Semmel
Book	Gamble	Manmiller	Serafini
Boyes	Gannon	Markosek	Seventy
Brandt	George	Merry	Sirianni
Burd	Gladeck	Michlovic	Smith, L. E.
Burns	Godshall	Micozzie	Snyder, G. M.
Caltagirone	Grieco	Miscevich	Spencer
Cappabianca	Gruitza	Moehlmann	Steighner
Carn	Haluska	Morris	Stevens
Cawley	Hasay	Mowery	Stewart
Cessar	Hayes	Mrkoncic	Stuban
Cimini	Herman	Murphy	Sweet
Civera	Honaman	Noye	Swift
Clymer	Hutchinson	O'Brien	Taylor, E. Z.
Cohen	Jackson	O'Donnell	Taylor, F. E.
Colafella	Jarolin	Olasz	Telek
Cole	Johnson	Oliver	Trello
Cordisco	Kasunic	Perzel	Truman
Coslett	Kennedy	Peterson	Van Horne
Cowell	Klingaman	Petrarca	Wachob
Coy	Kosinski	Petrone	Wambach
Deluca	Kowalshyn	Phillips	Wargo
DeVerter	Kukovich	Piccola	Wass
Daley	Laughlin	Pievsky	Weston
Dawida	Lehr	Pistella	Wiggins
Deal	Lescovitz	Preston	Williams
Dietz	Lettermann	Punt	Wilson
Dininni	Levi	Rappaport	Wogan
Dombrowski	Levin	Reber	Wright, D. R.
Dorr	Linton	Reinard	Wright, J. L.
Duffy	Livengood	Richardson	Wright, R. C.
Durham	Lloyd	Rieger	

Evans	Lucyk	Robbins	Irvis,
Fargo	McCall	Ryan	Speaker
Fattah	McClatchy	Rybak	

#### NOT VOTING—4

Clark	Geist	Pratt	Spitz
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#### EXCUSED—4

Donatucci	Hoeffel	McIntyre	Marmion
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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. ITKIN offered the following amendments No. A2922:

Amend Sec. 2 (Sec. 2910), page 5, line 14, by striking out "(a) Criminal penalty.—"

Amend Sec. 2 (Sec. 2910), page 5, lines 20 through 23, by striking out all of said lines

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes the gentleman from Allegheny, Mr. Itkin.

Mr. ITKIN. Mr. Speaker, this amendment simply deletes subsection (b) under section 2910, penalty for unauthorized disclosure, in which this section would have provided that a natural parent who does not agree to be identified shall have a cause of action for invasion of privacy against the natural parent who, without authorization, discloses the other natural parent's identity.

I really do not think that this provision is necessary. I would like to see it deleted, and this amendment would do that. In other words, if a parent should tell a child the identification of the other parent, this provision would allow the parent whose name was identified to sue for damages. I really think that this is a very emotional circumstance, and I think a lot of people would be exposed to undue harm by allowing this provision to remain. It is my understanding that the sponsors of the bill have agreed to delete the provision.

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Freind.

Mr. FREIND. Thank you, Mr. Speaker.

Representative Itkin is absolutely correct. He was kind enough to discuss this with the cosponsors beforehand. I support the amendment, and I believe the cosponsors also support it. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Levin, on the amendment.

Mr. LEVIN. I believe the amendment should be adopted.

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	Fattah	Lucyk	Ryan
Alderette	Fee	McCall	Rybak
Angstadt	Fischer	McClatchy	Saloom
Armstrong	Flick	McHale	Salvatore

Arty	Foster, W. W.	McMonagle	Saurman
Baldwin	Foster, Jr., A.	McVerry	Scheetz
Barber	Freeman	Mackowski	Schuler
Battisto	Freind	Madigan	Semmel
Belardi	Fryer	Maiale	Serafini
Belfanti	Gallagher	Manderino	Seventy
Blaum	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	Stairs
Burns	Grieco	Moehlmann	Steighner
Caltagirone	Gruitza	Morris	Stevens
Cappabianca	Gruppo	Mowery	Stewart
Carn	Hagarty	Mrkonc	Stuban
Cawley	Haluska	Murphy	Sweet
Cessar	Harper	Nahill	Swift
Cimini	Hasay	Noye	Taylor, E. Z.
Civera	Hayes	O'Brien	Taylor, F. E.
Clark	Herman	O'Donnell	Telck
Clymer	Hershey	Olasz	Tigue
Colafella	Honaman	Oliver	Trello
Cole	Hutchinson	Perzel	Truman
Cordisco	Irkin	Peterson	Van Horne
Cornell	Jackson	Petrarca	Vroon
Coslett	Jarolin	Petrone	Wachob
Cowell	Johnson	Phillips	Wambach
Coy	Kasunic	Piccola	Wargo
DeLuca	Kennedy	Pievsky	Wass
DeVerter	Klingaman	Pistella	Weston
DeWeese	Kosinski	Pitts	Wiggins
Daley	Kowalshyn	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.
Dorr	Levi	Richardson	Zwilk
Duffy	Levin	Rieger	
Durham	Linton	Robbins	Irvis,
Evans	Livengood	Rudy	Speaker
Fargo	Lloyd		

NAYS—0

NOT VOTING—2

Cohen Spitz

EXCUSED—4

Donatucci Hoeffel McIntyre Marmion

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 PASSED OVER TEMPORARILY

The SPEAKER. The Chair has been advised that Mr. Davies' amendment has been delivered but has not yet been circulated. Another 5 minutes.

Mark the bill over temporarily. We will come back to it immediately when we are advised that the amendment is available.

\* \* \*

The House proceeded to third consideration of **SB 1083, PN 1757**, entitled:

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

On the question,

Will the House agree to the bill on third consideration?

Mr. PICCOLA offered the following amendments No. A3366:

Amend Sec. 1 (Sec. 2904), page 2, line 25, by inserting a bracket before "(c)"

Amend Sec. 1 (Sec. 2904), page 2, line 25, by striking out the brackets before and after "misdemeanor"

Amend Sec. 1 (Sec. 2904), page 2, line 26, by striking out "FELONY"

Amend Sec. 1 (Sec. 2904), page 2, line 26, by striking out the bracket before "unless"

Amend Sec. 1 (Sec. 2904), page 3, line 1, by striking out "]." and inserting

Amend Sec. 1 (Sec. 2904), page 3, by inserting between lines 1 and 2

(c) Grading.—The offense is a felony of the third degree unless:

(1) the actor, not being a parent or person in equivalent relation to the child, acted with knowledge that his conduct would cause serious alarm for the safety of the child, or in reckless disregard of a likelihood of causing such alarm. In such cases the offense shall be a felony of the second degree; or

(2) the actor acted with good cause for a period of time not in excess of 24 hours; and

(i) the victim child is the subject of a valid order of custody issued by a court of this Commonwealth;

(ii) the actor has been given either partial custody or visitation rights under said order; and

(iii) the actor is a resident of this Commonwealth and does not remove the child from the Commonwealth.

In such cases, the offense shall be a misdemeanor of the second degree.

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes the gentleman from Dauphin, Mr. Piccola.

Mr. PICCOLA. Thank you, Mr. Speaker.

This amendment will accomplish the purpose of the bill by increasing the grading of the offense of parental child snatching to that of a felony, but it will grade the offense in such a manner as to take care of some certain circumstances in which I do not believe we want to make felons out of people who may inadvertently violate a custody order, which is essentially a civil order. Therefore, Mr. Speaker, I would urge the adoption of the amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Allegheny, Mr. Markosek, on the Piccola amendment.

Mr. MARKOSEK. Thank you, Mr. Speaker.

I rise in support of the Piccola amendment. This amendment was agreed to under a great deal of negotiations that recently went on among Representative Piccola and the prime sponsor of the bill and myself.

I have several constituents who have some serious problems in this light with child-snatching incidents. In one case, there was a child who was gone for 6 years before the mother found out where the child was; in fact, she was not even sure whether the child was alive or dead. What this bill does is strengthen penalties against child snatching in a way that I think is reasonable and fair.

I think Representative Piccola should be congratulated on his fine work on this amendment, and I urge the members to support the amendment. Thank you, sir.

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—194

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

## NAYS—2

Mrkonic

Wargo

## NOT VOTING—2

Levin

Spitz

## EXCUSED—4

Donatucci

Hoeffel

McIntyre

Marmion

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—193

Afflerbach	Fattah	McCall	Rybak
Alderette	Fee	McClatchy	Saloom
Angstadt	Fischer	McHale	Salvatore
Armstrong	Flick	McMonagle	Saurman
Arty	Foster, W. W.	McVerry	Scheetz
Baldwin	Foster, Jr., A.	Mackowski	Schuler
Barber	Freeman	Madigan	Semmel
Battisto	Freind	Maiale	Serafini
Belardi	Fryer	Manderino	Seventy
Belfanti	Gallagher	Manmiller	Showers
Blaum	Gallen	Markosek	Sirianni
Book	Gamble	Mayernik	Smith, B.
Bowser	Gannon	Merry	Smith, L. E.
Boyes	Geist	Michlovic	Snyder, D. W.
Brandt	George	Micozzie	Snyder, G. M.
Broujos	Gladeck	Miller	Spencer
Bunt	Godshall	Miscevich	Stairs
Burd	Greenwood	Moehlmann	Steighner
Burns	Grieco	Morris	Stevens
Caltagirone	Gruitza	Mowery	Stewart
Cappabianca	Gruppo	Mrkonic	Stuban
Cawley	Hagarty	Murphy	Sweet
Cessar	Haluska	Nahill	Swift
Cimini	Harper	Noye	Taylor, E. Z.
Civera	Hasay	O'Brien	Taylor, F. E.
Clark	Hayes	O'Donnell	Telek
Clymer	Herman	Olasz	Tigue
Cohen	Hershey	Oliver	Trello
Colafella	Honaman	Perzel	Truman
Cole	Hutchinson	Peterson	Van Horne
Cordisco	Jackson	Petrarca	Vroon
Cornell	Jarolin	Petrone	Wachob
Coslett	Johnson	Phillips	Wambach
Cowell	Kasunic	Piccola	Wargo
Coy	Kennedy	Pievsky	Wass
DeLuca	Klingaman	Pistella	Weston
DeVerter	Kosinski	Pitts	Wiggins
DeWeese	Kowalysyn	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	Zwikl
Dorr	Levin	Rieger	
Duffy	Livengood	Robbins	Irvis,
Durham	Lloyd	Rudy	Speaker
Fargo	Lucyk	Ryan	

## NAYS—1

Itkin

## NOT VOTING—4

Carn

Evans

Linton

Spitz

## EXCUSED—4

Donatucci

Hoeffel

McIntyre

Marmion

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 Northampton, Mr. Gruppo.

Mr. GRUPPO. Mr. Speaker, on the Vroon amendment A2710 to HB 278, I was recorded in the affirmative. I wish the record to show that I would have voted in the negative.

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 2199, PN 3037**, entitled:

An Act amending the "Pennsylvania Human Relations Act," approved October 27, 1955 (P. L. 744, No. 222), further providing for educational programs.

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—189

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

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

## NAYS—1

Salvatore

## NOT VOTING—8

Clark	Gannon	Petrarca	Spitz
Cornell	O'Brien	Rappaport	Vroon

## EXCUSED—4

Donatucci	Hoeffel	McIntyre	Marmion
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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. The Chair recognizes the gentleman from Philadelphia, Mr. Salvatore.

Mr. SALVATORE. Mr. Speaker, I wanted to be voted in the affirmative, but I was recorded in the negative on HB 2199.

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

## CONSIDERATION OF HB 278 RESUMED

On the question recurring,

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

Mr. DAVIES offered the following amendment No. A3521:

Amend Sec. 1 (Sec. 2905), page 5, by inserting between lines 11 and 12

(e) Production of information relating to transmittable genetic diseases.—

(1) Upon request, an adoption agency, child services agency or other proper agency within a county shall produce information to a specific individual adoptee which relates to any transmittable genetic disease.

(2) The agency shall have 15 days in which to respond to a request and 45 days in which to provide the information requested.

(3) In all such cases, the names of the natural parents shall remain confidential and shall not be disclosed by the agency involved.

On the question,

Will the House agree to the amendment?

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

Mr. DAVIES. Thank you, Mr. Speaker.

This amendment would amend section 1 on page 5 by inserting between lines 11 and 12 "Production of information relating to transmittable genetic diseases.—(1) Upon request, an adoption agency, child services agency or other proper agency within a county shall produce information to a specific individual adoptee which relates to any transmittable genetic disease. (2) The agency shall have 15 days in which to respond to a request and 45 days in which to provide the information requested. (3) In all such cases, the names of the natural parents shall remain confidential and shall not be disclosed by the agency involved."

This, of course, is an effort on my part, after discussing this with both gentlemen on both sides of the aisle relative to the problem, and I am sure that even today they are still without knowledge of just how extensive genetic diseases are, but I am only going to take one of those, which is probably the most blatant that society suffers from today. There are 40 to 50 diseases today which can in part be transmitted by genetic factors. They may only involve one chromosome and a slight deficiency within one chromosome, but let alone, they can affect some 50 percent of the children who are born as a result of that chain from that genetic defect being in existence by one parent, not necessarily both parents.

Essentially, the example that we will take will be the one that most of the research has been done on lately - Alzheimer's disease. To this date there are 2 1/2 million known cases in the United States. The figures alone in the Delaware Valley, for example, are that there are some 50,000 cases in the Pennsylvania portion of the Delaware Valley, and, of course, that would mean that there could be some 7,500 cases of genetic defects at a 15-percent ratio in the Delaware Valley.

What I am attempting to do in this particular amendment is establish the right of the individual, upon reaching his majority, to seek out and ascertain any of those genetic defects which now may be known between the time of his adoption and the time of his adulthood or theoretical legal adulthood, as far as the individual is concerned. At the time of their birth, there may be no signs of a genetic strain showing up, so that regardless of what the concerns are by the individual from his

original health records, this would never be ascertained in original health records. For instance, in Alzheimer's, the disease does not show up in most instances until beyond the age of 40 of that particular parent. So, therefore, this new adult would not have any knowledge whatsoever of that particular genetic strain just in this one disease. What this would do is allow that individual to seek out any of those defects known for the period in between his adoption and the time of his making his decision as an adult, even if it was not at 18 years of age; it may be even later on in life that he would make such a decision.

That is essentially what the amendment is attempting to address.

The SPEAKER. On the Davies amendment, the Chair recognizes the gentleman from Philadelphia, Mr. Levin.

Mr. LEVIN. Will Mr. Davies stand for interrogation, please?

Mr. DAVIES. Yes, Mr. Speaker.

The SPEAKER. Mr. Davies indicates he will so stand. The gentleman, Mr. Levin, may proceed.

Mr. LEVIN. Mr. Speaker, under your amendment, would the adopted child have a right to go directly to the adoption agency without going through the court?

Mr. DAVIES. Would he have what?

Mr. LEVIN. As your amendment is drafted, it says, "Upon request, an adoption agency...."

Mr. DAVIES. Yes.

Mr. LEVIN. Is it your intention that the adoptee, the child, when he reaches 18 would call the agency and ask the agency to get this information or file a petition with the court?

Mr. DAVIES. No. This would bypass the courts. It is as simple as I explained before. Rather than go the route of the courts because of the simple time factor involved—that if a youngster would have to depend upon the expediency of the courts of this Commonwealth, I am afraid that either a decision of marriage or other decisions that may affect the entire balance of their life would go unanswered before they may have to make a decision, a very important decision, in life—therefore, I am only placing it through the proper agency, not through the action of the court.

I have no guarantee in my endeavoring to negotiate some kind of an acceptance on this that we could find any other process than going to the courts. The courts have never, to my knowledge, ever expedited anything within the time frame that would be necessary for such decisions of a young adult.

Mr. LEVIN. May I speak, Mr. Speaker?

The SPEAKER. The gentleman is in order and may speak to the amendment.

## POINT OF ORDER

Mr. VROON. Mr. Speaker, just a short point of order, please?

The SPEAKER. What is the point of order, Mr. Vroon?

Mr. VROON. During the entire discussion between these gentlemen on Mr. Davies' amendment, I did not hear one



word. I do wish we could get some order in the House so we could follow the discussion.

The SPEAKER. The gentleman, Mr. Vroon's point is well taken. *The Chair apologizes. If the Chair had noticed that the members back there were having difficulty, the Chair would have quieted them down.*

The Chair recognizes the gentleman from Philadelphia, Mr. Levin.

Mr. LEVIN. Mr. Speaker, I rise to oppose the amendment, and I do so with some reluctance because the intention of the maker is excellent. Obviously, all of us would like to have people have their genetic background if they desire it. It was never the intention of the bill that they should not. In fact, one of the provisions of the bill is to give the court the opportunity—and it is presently in the adoption law—to give inspection or an order granted upon cause shown. It had always been the assumption of the sponsors and of the adoption law that if anyone petitioned the court for information concerning their genetic background, the court would request the agency who handled it to acquire that for them. No one ever envisioned that they would not. So what Mr. Davies proposes is something that we believe a court would order almost universally, unless it was a frivolous attempt.

The reason I have to oppose the amendment in its form, however, is, in answer to my interrogation, he advised that the adoptee would be able to go directly to the adoption agency. Well, the fact of the matter is that the adult adoptee does not know who the adoption agency is. He does not have that information, because he has a birth certificate saying that his parents are his natural parents - those people whom he has been living with. That is the first objection.

The second objection is, it sets an artificial time limit, a totally unenforceable time limit. The amendment requires that the agency respond in 15 days. I do not know what "respond" means, but I assume it means write back that they received the document, and then they have 45 days to provide the information requested. Well, we have all lived with statutes and courts being told they have 30 days, 45 days to do something. The truth of the matter is we could pick any dates or deadlines we want. We are dealing in a real world, and in the real world you cannot set artificial deadlines.

The reality is that the proper procedure is presently in the bill. If the child has any reason to believe that they want their genetic background, they simply file a request with the court. The present adoption law clearly envisions that that information will be obtained, and I think it is very clear that what is happening is the adoption agencies are now getting more and more medical data from the natural mother at the time they are giving up the child so that this information will be available simply by petitioning the court. This amendment can only complicate the bill and does not add to its effectiveness.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia, Mr. Rappaport.

Mr. RAPPAPORT. Mr. Speaker, the concerns that are exhibited and brought forth by this amendment of the gentleman from Berks have great substance. We in the committee considered that concern, and we found, one, the existing bill as it stands speaks to that concern. Secondly, we found that searching out the biological history from the family— We consulted with genetic scientists at Children's Hospital, and they informed us that this is obsolete. All the information that need be known or could be ascertained by taking a family history can now be ascertained by looking at cells from the body of the child themselves. There is no need to go ask parents and grandparents about a family genetic history. It is all there.

The scientific knowledge is now present to be able to read the history from the chromosomes of the child. Therefore, the procedure is in the bill already, and scientifically, in most cases, it is not even necessary. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Mr. Davies, we are trying to save you as the cleanup batter on your own amendment. This is your second time, and after this there is no more.

Mr. DAVIES. Mr. Speaker, the statements that were made would necessitate an interrogation of both the former gentlemen as to some of the facts that were quoted relative to this that are in challenge and still are not known as far as chromosome study.

The SPEAKER. If the gentleman insists on taking his second chance now, the Chair will recognize him. Does the gentleman so insist?

Mr. DAVIES. That would include interrogation on statements that do not—

The SPEAKER. It does indeed include interrogation.

Mr. DAVIES. All right. Thank you, sir. I will wait.

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Freind.

Mr. FREIND. Very briefly, Mr. Speaker, I echo the sentiments of Mr. Levin and Mr. Rappaport.

I think the goal of the amendment is worthwhile. There are severe problems with respect to the drafting. It does not designate what agency. It also has a time limit in there which is arbitrary, and there is nothing in the amendment as to what happens if the time limit is not kept. Is there a cause of action against the agency? That is left silent.

In addition, the amendment is not needed. Even without HB 278, nothing right now prohibits an adopted person from going to the adoption agency that placed him and requesting and receiving that health information. In addition, there is a section in the bill that deals specifically with that, saying the court, not may, but shall provide this information. And as Representative Rappaport pointed out, medical science has advanced to a state right now where you do not even need this.

For all those reasons, Mr. Speaker, I urge the defeat of the Davies amendment. Thank you.

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

Mr. DAVIES. Mr. Speaker, rather than prolong it any longer and go through the interrogation, I will try to, in my summation, include some of the facts that have been glossed over by the gentlemen as far as their knowledge or their lack of knowledge about the matter of what has been conducted in research when, in fact, medical science is discovering new factors.

One of those, as far as Alzheimer's, was not even known until 2 years ago, and in addressing that, they did not know that some 15 percent of that particular disease, and I am only taking one disease that can show up as to some 50,000 cases in one region of the Commonwealth that are affected.

What, essentially, they are saying is that if somebody goes to the courts, some youngster who has just reached his adulthood of 18 years of age or has decided to make a major step in his life, that under this thing, if they go to the courts and they go through the process of the courts, which may be delayed for a period that goes far beyond the limitations of his need for the knowledge of that information which has not been established by the health records, cannot be clearly established by the methods indicated by the last gentleman to speak, who says that it is entirely within the realm of the study of research and chromosomes, that we are asking that individual to have a second standard as far as the preliminary knowledge that can be given to a natural child, and that natural child is going to be able to use that knowledge to make that particular decision in his lifetime on many of those things that affect his life or affect many other aspects of even his marital life or as far as even bringing forth or bearing children. What they say is that it is going to be a matter of the courts to make that determination, and again, the essentials of what the court would do with that particular time frame, they cannot make a guarantee, because neither one of the gentlemen could make any estimate of the time frame or guarantee to that individual.

We cannot have the double standard for that particular individual. That individual asks and accepts no less than anyone else is entitled to, and what this particular amendment is asking is only that that individual be given that particular same right as a natural-born child, who has all of that knowledge placed in front of him or would have that knowledge as a natural-born child. And meaning within the term "natural born," we are talking about those who are raised by their natural parents, if you will bear with me, as far as the terminology, not what we are saying as opposed to the adoptee or those reared by a natural parent. This is the only thing that this particular amendment seeks. It seeks to do it outside the court because the time frame that the courts could guarantee would never be in time for that individual to make some of those decisions.

That essentially is what the amendment endeavors to do, and despite what the learned gentlemen have offered from their many years of legal expertise with it, none of them could make this particular maker of that amendment any guarantee as to when the courts and how quickly the courts could react to such a request. 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—36

Afflerbach	Burns	Gallen	Mayermik
Alderette	Cessar	Gladeck	Miller
Angstadt	Cornell	Hagarty	Noye
Belardi	DeWeese	Hershey	Saurman
Blaum	Davies	Itkin	Seventy
Book	Dorr	Jackson	Smith, B.
Bowser	Fargo	Lashinger	Stairs
Bunt	Fischer	Lehr	Tigue
Burd	Freeman	Levi	Wambach

#### NAYS—160

Armstrong	Gallagher	Manmiller	Scheetz
Arty	Gamble	Markosek	Schuler
Baldwin	Gannon	Merry	Semmel
Barber	Geist	Michlovic	Serafini
Battisto	George	Micozzie	Showers
Belfanti	Godshall	Miscevich	Sirianni
Boyes	Greenwood	Moehlmann	Smith, L. E.
Brandt	Grieco	Morris	Snyder, D. W.
Broujos	Gruitza	Mowery	Snyder, G. M.
Caltagirone	Gruppo	Mrkoncic	Spencer
Cappabianca	Haluska	Murphy	Spitz
Carn	Hasay	Nahill	Steighner
Cawley	Hayes	O'Brien	Stevens
Cimini	Herman	O'Donnell	Stewart
Civera	Honaman	Olasz	Suban
Clark	Hutchinson	Oliver	Sweet
Clymer	Jarolin	Perzel	Swift
Cohen	Johnson	Peterson	Taylor, E. Z.
Colafella	Kasunic	Petrarca	Taylor, F. E.
Cole	Kennedy	Petrone	Telek
Cordisco	Klingaman	Phillips	Trello
Coslett	Kosinski	Piccola	Truman
Cowell	Kowalyszyn	Pievsky	Van Horne
Coy	Kukovich	Pistella	Vroon
Deluca	Laughlin	Pitts	Wachob
DeVerter	Lescovitz	Pott	Wargo
Daley	Letterman	Pratt	Wass
Dawida	Levin	Preston	Weston
Deal	Linton	Punt	Wiggins
Dietz	Livengood	Rappaport	Williams
Dininni	Lloyd	Reber	Wilson
Dombrowski	Lucyk	Reinard	Wogan
Duffy	McCall	Richardson	Wozniak
Durham	McClatchy	Rieger	Wright, D. R.
Fattah	McHale	Robbins	Wright, J. L.
Fee	McMonagle	Rudy	Wright, R. C.
Flick	McVerry	Ryan	Zwikl
Foster, W. W.	Mackowski	Rybak	
Foster, Jr., A.	Madigan	Saloom	Irvis,
Freind	Maiale	Salvatore	Speaker
Fryer	Manderino		

#### NOT VOTING—2

Evans Harper

#### EXCUSED—4

Donatucci Hoeffel McIntyre Marmion

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

On the question recurring,

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

Bill as amended was agreed to.

The SPEAKER. 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—178

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

#### NAYS—19

Afflerbach	DeWeese	Kukovich	Stairs
Alderette	Greenwood	Lashinger	Tigue
Belardi	Hagarty	Mayernik	Vroon
Blaum	Hershey	Miller	Wachob
Cornell	Itkin	Smith, B.	

#### NOT VOTING—1

Evans

#### EXCUSED—4

Donatucci	Hoefel	McIntyre	Marmion
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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.

#### BILLS ON FINAL PASSAGE POSTPONED

The House proceeded to **HB 300, PN 2613**, on final passage postponed, entitled:

An Act amending the "Pennsylvania Election Code," approved June 3, 1937 (P. L. 1333, No. 320), providing limited public funding of certain State-wide elections; limiting certain contributions; imposing powers and duties on the Department of State; and providing penalties.

On the question recurring,

Shall the bill pass finally?

#### DECISION OF CHAIR RESCINDED

The SPEAKER. The Chair, without objection, rescinds its decision that **HB 300, PN 2613**, was agreed to on third consideration as amended. The Chair hears no objection.

On the question recurring,

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

#### AMENDMENT A2812 RECONSIDERED

The SPEAKER. The Chair has before it a reconsideration motion filed by the gentleman from York, Mr. Foster, and seconded by the gentleman from Berks, Mr. Davies, who move to reconsider the vote by which amendment A2812 to **HB 300** was defeated on the 19th day of June.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

#### YEAS—193

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

Cole	Itkin	Peterson	Truman
Cordisco	Jackson	Petrarca	Van Horne
Cornell	Jarolin	Petrone	Vroon
Coslett	Johnson	Phillips	Wachob
Cowell	Kasunic	Piccola	Wambach
Coy	Kennedy	Pievsky	Wargo
Deluca	Klingaman	Pistella	Wass
DeVerter	Kosinski	Pitts	Weston
DeWeese	Kowalyszyn	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	Zwikel
Dorr	Levin	Rieger	
Duffy	Linton	Robbins	Irvis,
Durham	Livengood	Rudy	Speaker
Fargo	Lloyd	Ryan	

NAYS—0

NOT VOTING—5

Barber	Gannon	Micozzie	Wiggins
Evans			

EXCUSED—4

Donatucci	Hoefel	McIntyre	Marmion
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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. A2812:

Amend Sec. 1 (Sec. 1604-A), page 3, lines 3 and 4, by striking out "Allocation of Certain Tax Proceeds to Fund" and inserting

Taxpayer Contributions to the Public Election Financing Fund

Amend Sec. 1 (Sec. 1604-A), page 3, lines 7 through 14, by striking out "whose tax liability for any such" in line 7, all of lines 8 through 14 and inserting

may indicate on his tax return that he wishes to make a contribution of two dollars and fifty cents (\$2.50) to be paid into the Public Election Financing Fund. In the case of married taxpayers filing a joint return, each spouse may indicate that he or she wishes to make a contribution of two dollars and fifty cents (\$2.50). The contribution shall not be a credit against the tax due. If tax is due from the taxpayer, the two dollars and fifty cents (\$2.50) or five dollars (\$5.00), as the case may be, shall be paid by the taxpayer in addition to the tax due. If the taxpayer is entitled to a refund, the refund shall be reduced by the amount so indicated. All such contributions shall

Amend Sec. 1 (Sec. 1604-A), page 3, lines 18 and 19, by striking out all of said lines and inserting

that such a contribution is in addition to the individual's tax liability and does not in any manner reduce that liability.

On the question recurring,

Will the House agree to the amendments?

#### AMENDMENTS PASSED OVER TEMPORARILY

The SPEAKER. The gentleman, Mr. Foster, is at a conference committee meeting. We will call his amendment up later. His amendment is in order, but we will call it up later.

On the question recurring,

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

Mr. BALDWIN offered the following amendment No. A3199:

Amend Sec. 1 (Sec. 1605-A), page 3, line 23, by inserting after "Fund."

If any such certification shows that the current balance available in the Public Election Financing Fund is in excess of \$2,500,000, all money in excess of that amount shall be transferred to the General Fund.

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentleman from Schuylkill, Mr. Baldwin.

Mr. BALDWIN. Thank you, Mr. Speaker.

Under HB 300 as currently drafted, every year there would be a certification indicating the amount of money that is presently in the public election financing fund created by this bill. What this amendment does is put a cap on that fund so that whenever the certification indicates that there is more than \$2.5 million, the excess over that amount would go into the General Fund and the fund would not continue to grow year after year when it is not needed. I urge that the members vote in favor of this amendment.

The SPEAKER. On the Baldwin amendment, the Chair recognizes the gentleman from Westmoreland, Mr. Kukovich.

Mr. KUKOVICH. Mr. Speaker, I agree with the amendment. Under the new provisions of the bill with the Piccola amendment and with the reduced checkoff, that amount of money should not be necessary, and I think the Baldwin amendment will help the bill. I would ask for an affirmative vote.

The SPEAKER. The Chair thanks the gentleman.

On the Baldwin amendment, the Chair recognizes the gentleman from Berks, Mr. Gallen.

Mr. GALLEN. Mr. Speaker, I also agree with the Baldwin amendment and ask for its support.

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—197

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

Burd	Greenwood	Miscevich	Stairs
Burns	Grieco	Moehlmann	Steighner
Caltagirone	Gruitza	Morris	Stevens
Cappabianca	Gruppo	Mowery	Stewart
Carn	Hagarty	Mrkonic	Stuban
Cawley	Haluska	Murphy	Sweet
Cessar	Harper	Nahill	Swift
Cimini	Hasay	Noye	Taylor, E. Z.
Civera	Hayes	O'Brien	Taylor, F. E.
Clark	Herman	O'Donnell	Telek
Clymer	Hershey	Olasz	Tigue
Cohen	Honaman	Oliver	Trello
Colafella	Hutchinson	Perzel	Truman
Cole	Itkin	Peterson	Van Horne
Cordisco	Jackson	Petrarca	Vroon
Cornell	Jarolin	Petrone	Wachob
Coslett	Johnson	Phillips	Wambach
Cowell	Kasunic	Piccola	Wargo
Coy	Kennedy	Pievsky	Wass
Deluca	Klingaman	Pistella	Weston
DeVerter	Kosinski	Pitts	Wiggins
DeWeese	Kowalshyn	Port	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
Dorr	Levin	Rieger	
Duffy	Linton	Robbins	Irvis,
Durham	Livengood	Rudy	Speaker
Fargo	Lloyd	Ryan	

NAYS—0

NOT VOTING—1

Evans

EXCUSED—4

Donatucci      Hoeffel      McIntyre      Marmion

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. GALLEN offered the following amendments No. A3401:

Amend Title, page 1, lines 11 through 14, by striking out "providing limited public funding of certain" in line 11, all of lines 12 through 14, and inserting

making certain contributions by attorneys unlawful.

Amend Bill, page 1, lines 17 through 23, and pages 2 through 11, lines 1 through 30; and page 12, lines 1 through 21, by striking out all of said lines on said pages and inserting

Section 1. The heading of section 1634 of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, amended November 26, 1978 (P.L.1313, No.318), is amended and a subsection is added to read:

Section 1634. Contributions by Agents; Anonymous Contributions; Cash Contributions; Contributions by Attorneys to Judicial Candidates.—

\* \* \*

(d) It shall be unlawful for any attorney who is a member of the Bar of the Supreme Court of Pennsylvania or any member of his immediate family to make a contribution or expenditure in connection with the election of any candidate for a judicial office. It is hereby declared to be the public policy of the Commonwealth of Pennsylvania that any such contribution, if made, would be a serious breach of ethical conduct.

Amend Sec. 3, page 12, line 22, by striking out "3" and inserting

2

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes the gentleman from Berks, Mr. Gallen.

Mr. GALLEN. Mr. Speaker, this amendment is a slight modification of the bill. It changes the title and deletes all the language in the bill between page 1 and page 12 and adds this clause—and as a matter of fact, this bill would contain only this clause if my amendment is adopted: It is unlawful for any attorney or member of his family to make a contribution in connection with the election of any candidate for judge or any magistrate.

Mr. Speaker, this is an amendment which takes all the lawyers off the hook. They will not be coerced or dunned into making contributions to candidates for any judicial office, and, Mr. Speaker, I think it really aims at the original intent of this bill, and that is to make the elective process, especially of our judges, pure. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentleman from Westmoreland, Mr. Kukovich.

Mr. KUKOVICH. Mr. Speaker, this amendment is unconstitutional on its face. You cannot segregate out a profession or a certain portion of the public and say that they cannot contribute. It is violative of the first amendment, freedom of expression, and I do not think that the maker of the amendment is trying to improve the bill. I think it is a thinly veiled attempt to destroy the bill, because it would then become unconstitutional, and I would request a negative vote.

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

Mr. KOSINSKI. Mr. Speaker, would the gentleman who offered the amendment consent to interrogation?

The SPEAKER. Mr. Gallen indicates he will so stand. The gentleman, Mr. Kosinski, may interrogate.

Mr. KOSINSKI. Mr. Speaker, would your amendment prohibit any type of in-kind contribution?

Mr. GALLEN. It does not refer to in-kind contributions, Mr. Speaker.

Mr. KOSINSKI. According to the election law of Pennsylvania, contribution means in-kind contribution. In the campaign reports that the candidate must file, an in-kind contribution counts toward the reportable total.

The second question, as I understand it, Mr. Speaker, the way the amendment is drafted now, the attorney who is running for judge and his family would be prohibited from working in the campaign and contributing to the campaign. Is that correct?

Mr. GALLEN. I do not think that is the case, Mr. Speaker. I think it means any other member of the bar.

Mr. KOSINSKI. The language is specific, Mr. Speaker. It says "any attorney." It does not say "any attorney except."

Mr. GALLEN. I think it is implied, Mr. Speaker, that the candidate himself would be exempt from the provisions of this.

Mr. KOSINSKI. I do not see anything specific, Mr. Speaker.

The SPEAKER. Will the gentleman remember now the admonition of the Chair to others. You are not there to argue or debate; interrogate, and if you are finished with interrogation, make your statement.

Mr. KOSINSKI. May I have the floor for comments?

The SPEAKER. The Chair recognizes you to make a comment on the amendment.

Mr. KOSINSKI. I would implore my colleagues to look into this amendment and to look into what it really says. First of all, I am a committeeman as well as a member of the legislature, and also an attorney. I do give in-kind contributions to candidates by my service at the polls on election day, by my distributing literature, maybe by holding a coffee klatch for the candidate, so as an attorney and a committeeman, I would not be allowed to do this in violation of the law.

Many attorneys contribute to judges because we want good people on the bench. We have that situation in Philadelphia where many of us who are also attorneys and are involved in the political system go out and support the people who we believe would be best for the bench. The prohibition that Mr. Gallen would like us to put on attorneys is one which I agree with Mr. Kukovich is unconstitutional, and, Mr. Speaker, I implore you to vote against the Gallen amendment.

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

Mr. REBER. Thank you, Mr. Speaker.

Mr. Speaker, I, too, concur with Representative Kukovich as to the unconstitutional drafting of this amendment. However, I would assert a concurring opinion based on separate grounds, those grounds being a violation of the 14th amendment equal protection clause. I do not believe there is anything more discriminatory—or should I say, moving in the area of invidious discrimination—than a particular type of amendment such as we have before us. I do not think there is any doubt, Mr. Speaker, that the equal protection clause of the United States Constitution does not forbid any particular types of classifications, but it does forbid those types that are arbitrary and capricious and, in fact, have no logical nexus, if you will, to any State policy.

### CONSTITUTIONAL POINT OF ORDER

Mr. REBER. I think the 14th amendment is very clear; I think this amendment is also very clear as to the fact that it is violative of both the 1st and 14th amendments for the reasons that have been addressed by the various speakers here today. Accordingly, Mr. Speaker, I think a motion to challenge the constitutionality and to put this amendment to its appropriate burial is in order. I would so move.

The SPEAKER. The gentleman, Mr. Reber, has moved the question of constitutionality, which is a matter for the floor.

On the question,

Will the House sustain the constitutionality of the amendments?

The SPEAKER. The Chair recognizes the gentleman, Mr. Gallen, on constitutionality.

Mr. GALLEN. Mr. Speaker, the purpose of this amendment, of course, is aimed at conflicts of interest or the perception thereof, and, Mr. Speaker, I think that this amendment will withstand the test of constitutionality. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Those who believe the amendment 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—61

Armstrong	Fryer	Mackowski	Smith, B.
Battisto	Gallen	Madigan	Smith, L. E.
Book	Gannon	Merry	Snyder, D. W.
Boyes	Geist	Miller	Snyder, G. M.
Brandt	Gladeck	Moehlmann	Spencer
Broujos	Godshall	Mowery	Spitz
Bunt	Grieco	Mrkoncic	Taylor, E. Z.
Burd	Hasay	Noye	Tigue
Caltagirone	Hershey	O'Brien	Trello
Cessar	Honaman	Perzel	Wargo
Cimini	Jackson	Phillips	Wilson
Coslett	Johnson	Salvatore	Wright, R. C.
Dorr	Klingaman	Scheetz	
Fargo	Lehr	Schuler	Iris, Speaker
Fischer	Levi	Serafini	
Foster, W. W.	McClatchy	Sirianni	

#### NAYS—134

Afflerbach	Durham	Lucyk	Rieger
Alderette	Fattah	McCall	Robbins
Angstadt	Fee	McHale	Rudy
Arty	Flick	McMonagle	Ryan
Baldwin	Foster, Jr., A.	McVerry	Rybak
Barber	Freeman	Maiale	Saloom
Belardi	Freind	Manderino	Saurman
Belfanti	Gallagher	Manmiller	Semmel
Blaum	Gamble	Markosek	Seventy
Bowser	George	Mayermik	Showers
Burns	Greenwood	Michlovic	Stairs
Cappabianca	Gruitza	Micozzie	Steighner
Carn	Gruppo	Miscevich	Stevens
Cawley	Hagarty	Morris	Stewart
Civera	Haluska	Murphy	Stuban
Clark	Harper	Nahill	Sweet
Clymer	Hayes	O'Donnell	Swift
Cohen	Herman	Olasz	Taylor, F. E.
Colafella	Hutchinson	Oliver	Telek
Cordisco	Itkin	Petrarca	Truman
Cornell	Jarolin	Petrone	Van Horne
Cowell	Kasunic	Piccola	Vroon
Coy	Kennedy	Pievsky	Wachob
Deluca	Kosinski	Pistella	Wambach
DeVerter	Kowalshyn	Pitts	Wass
DeWeese	Kukovich	Pott	Weston
Daley	Lashinger	Pratt	Wiggins
Davies	Laughlin	Preston	Williams
Dawida	Lescovitz	Punt	Wogan
Deal	Letterman	Rappaport	Wozniak
Dietz	Levin	Reber	Wright, D. R.

Dininni	Linton	Reinard	Wright, J. L.
Dombrowski	Livengood	Richardson	Zwikl
Duffy	Lloyd		

## NOT VOTING—3

Cole	Evans	Peterson
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## EXCUSED—4

Donatucci	Hoeffel	McIntyre	Marmion
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Less than the majority having voted in the affirmative, the question was determined in the negative and the constitutionality of the amendments was not sustained.

On the question recurring,

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

Mr. GALLEN offered the following amendments No. A3535:

Amend Title, page 1, line 13, by inserting after "State;"

making certain contributions by attorneys unlawful;

Amend Bill, page 12, by inserting between lines 15 and 16

Section 2. The heading of section 1634 of the act, amended November 26, 1978 (P.L.1313, No.318), is amended and a subsection is added to read:

Section 1634. Contributions by Agents; Anonymous Contributions; Cash Contributions; Contributions by Attorneys to Judicial Candidates.—

\*\*\*

(d) It shall be unlawful for any candidate for a judicial office, who qualifies for and elects to receive a public funding pursuant to Article XVI-A of this act, to accept a contribution from any attorney who is a member of the Bar of the Supreme Court of Pennsylvania or from any member of his immediate family. Any such contributions received prior to the election to receive public funding under Article XVI-A shall be returned to the contributor within fifteen (15) days of the candidate's first receipt of public funds. It is hereby declared to be the public policy of the Commonwealth that the retention of any such contribution would be a serious breach of judicial ethics.

Amend Sec. 2, page 12, line 16, by striking out "2" and inserting

3

Amend Sec. 3, page 12, line 22, by striking out "3" and inserting

4

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Gallen.

Mr. GALLEN. Mr. Speaker, I had distributed three amendments yesterday. This amendment is not any one of those three. This is a new amendment. I am not sure if everybody has a copy of this amendment as of yet.

The SPEAKER. The amendment is being distributed now as the gentleman explains the amendment, so the gentleman may proceed.

Mr. GALLEN. Mr. Speaker, what this amendment does is it adds to the bill rather than strips the bill. It adds this language to the bill: "It shall be unlawful for any candidate for a judicial office, who qualifies for and elects to receive a public funding pursuant to..." this bill, "to accept a contribution from any attorney who is a member of the Bar of the Supreme

Court,..." et cetera. In other words, what this amendment does is put the onus on the candidate, and it says if he elects to receive public funding, then he cannot accept any funds from any attorney.

## CONSTITUTIONAL POINT OF ORDER

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

Mr. KUKOVICH. Mr. Speaker, Mr. Gallen is again attempting to do the exact same thing, only with a slightly different twist. I am going to have to again make a motion that this amendment is unconstitutional.

I would call to the members' attention that there have been cases that have ruled this type of thing already unconstitutional. In California, I believe around 1979, by referendum, the electorate of California said that lobbyists could not contribute to candidates. There is a court case that that violated the first amendment, freedom of expression.

I think, as Mr. Kosinski said and Mr. Reber said, that it violates the 1st amendment and the 14th amendment. I think we should quit wasting the members' time and vote this unconstitutional and get on with the other amendments and the final passage vote.

The SPEAKER. The gentleman, Mr. Kukovich, has suggested that this amendment offered by Mr. Gallen, A3535, is unconstitutional.

On the question,

Will the House sustain the constitutionality of the amendments?

The SPEAKER. On the question of constitutionality, the Chair recognizes the gentleman, Mr. Gallen.

Mr. GALLEN. Mr. Speaker, this is an entirely different set of circumstances than the last question regarding constitutionality. This amendment is just as constitutional as the existing expenditure limitation that is in the bill.

Mr. Speaker, this leaves the option to the candidate. He can accept campaign funds from whomever he wants, if he does not opt—

The SPEAKER. Mr. Gallen, you are to argue the question, is it constitutional, not compare it with something else that may or may not have been done. Tell us whether you believe it is constitutional or unconstitutional and your reasons therefor.

Mr. GALLEN. Mr. Speaker, I am addressing the question of a prohibition that is in the bill, and I am trying to ameliorate that with this amendment which—

The SPEAKER. Mr. Gallen, the Speaker has not lost his senses or his training. Argue the point, if you wish, on constitutionality, not beyond that.

Mr. GALLEN. I do not think that the Speaker was listening to the very last statement that I made.

Mr. Speaker, I feel that this amendment is a constitutional one because it puts the onus on the candidate. He may or may not accept contributions. The bill itself could be considered unconstitutional if this amendment is not constitutional. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Dauphin, Mr. Piccola.

Mr. PICCOLA. Thank you, Mr. Speaker.

I believe, for the same reasons that the prior amendment was unconstitutional, that this amendment is unconstitutional. It clearly sets up a class for which there is no rational basis, and it prohibits, under the first amendment of the Constitution, what the courts have consistently considered to be free speech and your rights under the Constitution to support candidates of your choice.

To set up a class that bears no rational relationship to the prohibition is clearly in violation of the first amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I reluctantly and with some hesitation disagree with the conclusion reached by such a distinguished lawyer as my friend, Mr. Piccola. However, I think they are wrong. Mr. Kukovich keeps saying that this is unconstitutional because it is a violation of the first amendment, that it is a prohibition against a person that he cannot give money to whom he wants, and I do not think that is the case at all. I think Mr. Gallen was absolutely right when he distinguished this from the other cases that Mr. Kukovich made reference to. Here, the candidate, if he chooses, can take money from whomsoever he pleases. However, if he wants to participate in this fund, which is created by the taxpayers, then he has to give up the right to collect money from other sources.

I find no problem whatsoever with this, and I believe—The amendment may be a bad amendment, but it is not bad because it is unconstitutional.

The SPEAKER. The Chair thanks the gentleman.

Those who believe the amendment 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—98

Afflerbach	Dombrowski	Lloyd	Richardson
Alderette	Duffy	Lucyk	Rieger
Baldwin	Fattah	McCall	Rudy
Barber	Fee	McHale	Rybak
Battisto	Freeman	McMonagle	Saloom
Belardi	Fryer	Maiale	Seventy
Belfanti	Gallagher	Manderino	Showers
Blaum	Gamble	Markosek	Steighner
Broujos	George	Mayernik	Stewart
Caltagirone	Gruitza	Michlovic	Stuban
Cappabianca	Haluska	Miscevich	Sweet
Carn	Harper	Morris	Taylor, F. E.
Cawley	Hutchinson	Mrkoncic	Tigue
Clark	Itkin	Murphy	Trello
Cohen	Jarolin	O'Donnell	Truman
Colafella	Kasunic	Olasz	Van Horne
Cole	Kosinski	Oliver	Wachob
Cordisco	Kowalshyn	Petrarca	Wambach
Cowell	Kukovich	Petrone	Wargo
Coy	Laughlin	Pievsky	Wiggins

DeLuca	Lescovitz	Pistella	Williams
DeWeese	Letterman	Pratt	Wozniak
Daley	Levin	Preston	Wright, D. R.
Dawida	Linton	Rappaport	Zwinkl
Deal	Livengood		

#### NAYS—99

Angstadt	Foster, Jr., A.	Mackowski	Schuler
Armstrong	Freind	Madigan	Semmel
Arty	Gallen	Manmiller	Serafini
Book	Gannon	Merry	Sirianni
Bowser	Geist	Micozzie	Smith, B.
Boyes	Gladeck	Miller	Smith, L. E.
Brandt	Godshall	Moehlmann	Snyder, D. W.
Bunt	Greenwood	Mowery	Snyder, G. M.
Burd	Grieco	Nahill	Spencer
Burns	Gruppo	Noye	Spitz
Cessar	Hagarty	O'Brien	Stairs
Cimini	Hasay	Perzel	Stevens
Civera	Hayes	Peterson	Swift
Clymer	Herman	Phillips	Taylor, E. Z.
Cornell	Hershey	Piccola	Telek
Coslett	Honaman	Pitts	Vroon
DeVertter	Jackson	Pott	Wass
Davies	Johnson	Punt	Weston
Dietz	Kennedy	Reber	Wilson
Dininni	Klingaman	Reinard	Wogan
Dorr	Lashinger	Robbins	Wright, J. L.
Durham	Lehr	Ryan	Wright, R. C.
Fargo	Levi	Salvatore	
Fischer	McClatchy	Saurman	Irvis,
Flick	McVerry	Scheetz	Speaker
Foster, W. W.			

#### NOT VOTING—1

Evans

#### EXCUSED—4

Donatucci	Hoeffel	McIntyre	Marmion
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Less than the majority having voted in the affirmative, the question was determined in the negative and the constitutionality of the amendments was not sustained.

### PARLIAMENTARY INQUIRY

The SPEAKER. For what purpose does the gentleman from Lancaster, Mr. Miller, rise?

Mr. MILLER. Mr. Speaker, I rise for a brief inquiry of the Chair on that last vote. Was your call 98 for and 99 against?

The SPEAKER. That is correct.

Mr. MILLER. Would the Chair doublecheck that, kindly? I read the board differently - one vote the other way.

The SPEAKER. So did the Chair until the final vote. Someone was playing games and switching.

The official vote is 98 yeas and 99 nays.

Mr. MILLER. I thank the Speaker.

The SPEAKER. What happened, Mr. Miller, is what happens so frequently. Somebody was playing games. This time someone made a mistake.

On the question recurring,

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

Mrs. HONAMAN offered the following amendments No. A3464:



Amend Bill, page 12, lines 16 through 21, by striking out all of said lines

Amend Bill, page 12, by striking between lines 21 and 22 the following language inserted by A2714

Section 3. Notwithstanding section 2, this act shall be applicable for the public financing of elections in the first calendar year in which more than 20% of the persons for whom tax returns are filed under Article III of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, elect to participate in allocating a portion of their tax liability to the Public Election Financing Fund. Until such time as the provisions herein become applicable, any funds which would otherwise be deposited in the Public Election Financing Fund shall revert to the General Fund.

and inserting

Section 2. (a) This act shall be applicable to personal income tax returns of taxpayers of calendar years commencing January 1, 1985, and thereafter. Public funding shall be first provided for eligible candidates in the primary election for the year next following the tax year in which a majority of participating taxpayers approve such funding in the manner specified in subsection (b), and such public funding, insofar as authorized by Article XVI-A shall be provided in each applicable primary, municipal and general election thereafter.

(b) Notwithstanding anything in Article XVI-A to the contrary, no personal income tax revenues shall be paid into the Public Election Financing Fund until after a majority of those eligible taxpayers who participate in making a designation for or against the use of personal income tax revenues for the public funding of elections approve the use of personal income tax revenues for this purpose by marking the appropriate block on their return. Until such time as the approval required by this section is obtained, the Department of Revenue shall set aside a place on the personal income tax return where each taxpayer whose personal income tax liability is equal to or greater than the minimum amount specified in section 1604-A for individual returns can designate approval or disapproval of the use of personal income tax revenues for the public funding of elections. The return shall contain a sufficient number of blocks to enable married persons filing joint returns to each designate approval or disapproval on the return if their tax liability is equal to or greater than the minimum amount specified in section 1604-A for joint returns. The designations and instructions required by this section shall be prominently displayed on the first page of the return and the instructions shall readily indicate that any such designations neither increase or decrease an individual's tax liability. After the approval required by this section is obtained, moneys shall be paid into the Public Financing Fund in accordance with Article XVI-A for said tax year and for each tax year thereafter. The designation for disapproval shall not be placed on the return to be filed in any tax year after the year in which required taxpayer approval is obtained.

Amend Bill, page 12, line 22, by striking out "4" and inserting

3

On the question,

Will the House agree to the amendments?

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

Mrs. HONAMAN. Thank you, Mr. Speaker.

I think the thing that has bothered me more than anything else about this piece of legislation is that this, to me, is like a ballot you might find in Russia. You have no choice. You either vote "yes" or you do not vote at all.

My amendment is a very simple amendment. It simply states that you may vote either for taking the money from the fund or vote against it, and the majority will prevail.

I would appreciate a "yes" vote. Thank you.

The SPEAKER. On the Honaman amendment, the Chair recognizes the gentleman from Westmoreland, Mr. Kukovich.

Mr. KUKOVICH. Mr. Speaker, from a brief reading of this amendment—and the maker of the amendment did not really explain it—this apparently guts the bill, takes out the section that was put in earlier about the 20-percent checkoff necessary for the fund to trigger, and sets up a rather complicated system of checkoffs, which I think could be a problem, and those who are worried about the Wildlife Fund might have a legitimate complaint if this amendment goes in.

For those reasons I would ask for a negative vote.

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

Mrs. HONAMAN. Thank you, Mr. Speaker.

I see absolutely nothing complicated with this. It does not gut the bill. What it simply says is, do you want tax money put into public financing of candidates? There is a block for "yes" and a block for "no," and a majority prevails, just like it always has done in America. I think that is a simple way to do it, and I would appreciate a "yes" vote. 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—99

Angstadt	Flick	McClatchy	Salvatore
Armstrong	Foster, W. W.	McVerry	Saurman
Arty	Freind	Mackowski	Scheetz
Battisto	Fryer	Madigan	Schuler
Book	Gallen	Merry	Semmel
Bowser	Gannon	Micozzie	Sirianni
Boyes	Geist	Miller	Smith, B.
Brandt	Gladeck	Moehlmann	Smith, L. E.
Bunt	Godshall	Mowery	Snyder, D. W.
Burd	Grieco	Mrkonc	Snyder, G. M.
Burns	Gruppo	Nahill	Spencer
Caltagirone	Hagarty	Noye	Spitz
Cessar	Haluska	O'Brien	Stairs
Cimini	Hasay	Perzel	Stevens
Civera	Hayes	Peterson	Swift
Clymer	Herman	Phillips	Taylor, E. Z.
Cornell	Hershey	Piccola	Telek
Coslett	Honaman	Pitts	Vroon
Coy	Jackson	Port	Wambach
DeVerter	Johnson	Punt	Wass
Davies	Kennedy	Reber	Weston
Dorr	Klingaman	Robbins	Wilson
Durham	Lashinger	Rudy	Wogan
Fargo	Lehr	Ryan	Wright, R. C.
Fischer	Levi	Saloom	

#### NAYS—94

Afflerbach	Fee	McCall	Rybak
Baldwin	Foster, Jr., A.	McHale	Serafini
Barber	Freeman	McMonagle	Seventy
Belardi	Gallagher	Maiale	Showers
Belfanti	Gamble	Manderino	Steighner
Blaum	George	Manmiller	Stewart
Broujos	Greenwood	Markosek	Stuban
Cappabianca	Gruitza	Mayermik	Sweet
Carn	Harper	Michlovic	Taylor, F. E.

Cawley	Hutchinson	Miscevich	Tigue
Clark	Itkin	Murphy	Trello
Cohen	Jarolin	O'Donnell	Truman
Colafella	Kasunic	Olasz	Van Horne
Cole	Kosinski	Oliver	Wachob
Cordisco	Kowalyszyn	Petrarca	Wargo
Cowell	Kukovich	Petrone	Wiggins
Deluca	Laughlin	Pievsky	Williams
DeWeese	Lescovitz	Pistella	Wozniak
Daley	Letterman	Pratt	Wright, D. R.
Dawida	Levin	Preston	Wright, J. L.
Deal	Linton	Rappaport	Zwinkl
Dombrowski	Livengood	Reinard	
Duffy	Lloyd	Richardson	Irvis,
Fattah	Lucyk	Rieger	Speaker

## NOT VOTING—5

Alderette	Dininni	Evans	Morris
Dietz			

## EXCUSED—4

Donatucci	Hoefel	McIntyre	Marmion
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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?

## BILL TABLED

The SPEAKER. For what purpose does the gentleman from Westmoreland, Mr. Kukovich, rise?

Mr. KUKOVICH. Mr. Speaker, for all intents and purposes, that has destroyed the bill, so rather than have the members vote further on it, I think it would be best to move to table the bill at this point.

The SPEAKER. It has been moved by the gentleman, Mr. Kukovich, that HB 300, PN 2613, as amended, be placed upon the table.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

## YEAS—149

Afflerbach	Fischer	Levin	Rybak
Alderette	Flick	Linton	Saloom
Arty	Foster, W. W.	Livengood	Saurman
Baldwin	Foster, Jr., A.	Lloyd	Semmel
Barber	Freeman	Lucyk	Serafini
Battisto	Freind	McCall	Seventy
Belardi	Fryer	McClatchy	Showers
Belfanti	Gallagher	McMonagle	Sirianni
Blaum	Gallen	McVerry	Smith, B.
Broujos	Gamble	Mackowski	Smith, L. E.
Burns	Geist	Maiale	Snyder, D. W.
Caltagirone	Godshall	Manderino	Snyder, G. M.
Carn	Greenwood	Manmiller	Spencer
Cawley	Grieco	Markosek	Steighner
Cessar	Gruitza	Mayernik	Stevens
Cimini	Gruppo	Michlovic	Stewart
Clark	Hagarty	Miscevich	Suban
Clymer	Haluska	Morris	Sweet
Cohen	Harper	Mowery	Taylor, F. E.
Colafella	Hasay	Nahill	Telek
Cole	Hayes	Noye	Tigue
Cornell	Herman	Olasz	Trello
Coslett	Hutchinson	Oliver	Truman

Cowell	Itkin	Peterson	Van Horne
Coy	Jarolin	Petrarca	Wachob
Deluca	Johnson	Petrone	Wambach
DeVerter	Kasunic	Phillips	Wargo
Daley	Kennedy	Piccola	Wass
Davies	Klingaman	Pistella	Wiggins
Dawida	Kosinski	Pratt	Williams
Deal	Kowalyszyn	Preston	Wozniak
Dininni	Kukovich	Rappaport	Wright, D. R.
Dombrowski	Lashinger	Reber	Wright, R. C.
Dorr	Laughlin	Reinard	Zwinkl
Duffy	Lehr	Richardson	
Durham	Lescovitz	Rieger	Irvis,
Fattah	Letterman	Rudy	Speaker
Fee	Levi	Ryan	

## NAYS—45

Angstadt	Fargo	Miller	Salvatore
Armstrong	Gannon	Moehlmann	Scheetz
Book	George	Mrkonjc	Schuler
Bowser	Gladeck	Murphy	Stairs
Boyes	Hershey	O'Brien	Swift
Brandt	Honaman	O'Donnell	Taylor, E. Z.
Bunt	Jackson	Perzel	Vroon
Burd	McHale	Pitts	Weston
Cappabianca	Madigan	Pott	Wilson
Civera	Merry	Punt	Wogan
DeWeese	Micozzie	Robbins	Wright, J. L.
Dietz			

## NOT VOTING—4

Cordisco	Evans	Pievsky	Spitz
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## EXCUSED—4

Donatucci	Hoefel	McIntyre	Marmion
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The question was determined in the affirmative, and the motion was agreed to.

## REMARKS ON VOTES

The SPEAKER. For what purpose does the gentleman from Dauphin, Mr. Wambach, rise?

Mr. WAMBACH. Thank you, Mr. Speaker.

Mr. Speaker, on the Honaman amendment I voted "no." When the vote was called, I noticed that on my name on the board it showed a green light. I would like to know how I am recorded on that vote.

The SPEAKER. We will check the vote.

Mr. WAMBACH. Thank you.

The SPEAKER. You were recorded in the affirmative.

Mr. WAMBACH. Mr. Speaker, I want to be recorded in the negative on amendment A3464 to HB 300.

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

The Chair recognizes the gentleman from Bedford, Mr. Dietz.

Mr. DIETZ. Mr. Speaker, I was temporarily out of my seat when the vote was taken on the Honaman amendment A3464. I would like to be recorded in the affirmative.

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

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

Mr. DAVIES. Mr. Speaker, on SB 968, PN 2158, I would like to be recorded in the affirmative.

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

### BILLS ON FINAL PASSAGE POSTPONED CONTINUED

The House proceeded to **HB 1476, PN 3145**, on final passage postponed, entitled:

An Act amending "The Local Tax Enabling Act," approved December 31, 1965 (P. L. 1257, No. 511), prohibiting the levying of tax on amusement devices.

On the question recurring,  
Shall the bill pass finally?

### DECISION OF CHAIR RESCINDED

The SPEAKER. Without objection, HB 1476 is moved to third consideration. The Chair hears no objection.

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

### AMENDMENT A2899 RECONSIDERED

The SPEAKER. The Chair has in its possession a motion for reconsideration by the gentleman from Indiana, Mr. Wass, who moves that the vote by which the Wass amendment A2899 to HB 1476 was defeated on the 19th day of June be reconsidered.

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

The following roll call was recorded:

#### YEAS—190

Afflerbach	Evans	Linton	Rudy
Alderette	Fargo	Livengood	Ryan
Angstadt	Fattah	Lloyd	Rybak
Armstrong	Fee	Lucyk	Saloom
Arty	Fischer	McCall	Salvatore
Baldwin	Flick	McClatchy	Saurman
Barber	Foster, W. W.	McHale	Scheetz
Battisto	Foster, Jr., A.	McVerry	Schuler
Belardi	Freeman	Mackowski	Semmel
Belfanti	Fryer	Madigan	Serafini
Blaum	Gallagher	Maiale	Seventy
Book	Gallen	Manderino	Showers
Bowser	Gamble	Manmiller	Sirianni
Boyes	Gannon	Markosek	Smith, B.
Brandt	Geist	Mayernik	Smith, L. E.
Bunt	George	Merry	Snyder, D. W.
Burd	Gladeck	Michlovic	Snyder, G. M.
Burns	Godshall	Micozzie	Spencer
Caltagirone	Greenwood	Miller	Stairs
Cappabianca	Grieco	Miscevich	Steighner
Carn	Gruitza	Moehlmann	Stevens
Cawley	Gruppo	Morris	Stewart
Cessar	Hagarty	Mowery	Suban
Cimini	Haluska	Mrkonie	Sweet
Civera	Harper	Murphy	Swift
Clark	Hasay	Nahill	Taylor, E. Z.
Clymer	Hayes	Noye	Taylor, F. E.
Cohen	Herman	O'Brien	Telek
Colaella	Hershey	O'Donnell	Tigue

Cole	Honaman	Olasz	Trello
Cordisco	Hutchinson	Oliver	Truman
Cornell	Itkin	Perzel	Van Horne
Coslett	Jackson	Peterson	Wachob
Cowell	Jarolin	Petrarca	Wambach
Coy	Johnson	Petrone	Wargo
Deluca	Kasunic	Phillips	Wass
DeVerter	Kennedy	Piccola	Weston
DeWeese	Klingaman	Pjevsky	Wiggins
Daley	Kosinski	Pistella	Williams
Davies	Kowalyshyn	Pitts	Wogan
Dawida	Kukovich	Pott	Wozniak
Deal	Lashinger	Pratt	Wright, D. R.
Dietz	Laughlin	Preston	Wright, J. L.
Dininni	Lehr	Punt	Wright, R. C.
Dombrowski	Lescovitz	Rappaport	Zwinkl
Dorr	Letterman	Reber	
Duffy	Levi	Richardson	Irvis,
Durham	Levin	Robbins	Speaker

#### NAYS—4

McMonagle	Reinard	Rieger	Wilson
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#### NOT VOTING—4

Broujos	Freind	Spitz	Vroon
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#### EXCUSED—4

Donatucci	Hoefel	McIntyre	Marmion
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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. A2899:

Amend Sec. 1 (Sec. 2), page 3, line 7, by striking out "twenty-five dollars (\$25)" and inserting  
fifty dollars (\$50)

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

The SPEAKER. On that question, the Chair recognizes the gentleman from Indiana, Mr. Wass.

Mr. WASS. Thank you, Mr. Speaker.

Very simply, the amendment increases the cap that a local government or a municipality can charge for the games to \$50 instead of \$25. I think that there seems to be additional support for the legislation. If it passes, the local municipalities will have the right to assess an additional \$25, and I am sure it will be helpful.

I ask for an affirmative vote.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. CLARK. Mr. Speaker, I agree to the amendment. I think it will help the legislation move through.

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—178

Afflerbach	Fischer	McHale	Saloom
Alderette	Flick	McMonagle	Salvatore
Angstadt	Foster, W. W.	McVerry	Saurman
Armstrong	Foster, Jr., A.	Mackowski	Scheetz

Arty	Freeman	Madigan	Schuler
Baldwin	Freind	Maiale	Semmel
Battisto	Fryer	Manderino	Serafini
Belardi	Gallagher	Manniller	Seventy
Blaum	Gallen	Markosek	Showers
Book	Gamble	Merry	Sirianni
Bowser	Gannon	Michlovic	Smith, L. E.
Boyes	Geist	Micozzie	Snyder, D. W.
Brandt	George	Miller	Snyder, G. M.
Broujos	Gladeck	Miscevich	Spencer
Bunt	Greenwood	Moehlmann	Spitz
Burd	Grieco	Morris	Stairs
Burns	Gruitza	Mowery	Steighner
Caltagirone	Gruppo	Mrkonic	Stevens
Cawley	Hagarty	Murphy	Stewart
Cessar	Haluska	Nahill	Stuban
Cimini	Harper	Noye	Sweet
Civera	Hayes	O'Brien	Swift
Clark	Herman	O'Donnell	Taylor, E. Z.
Clymer	Hershey	Olasz	Taylor, F. E.
Cohen	Honaman	Oliver	Telek
Colafella	Hutchinson	Perzel	Tigue
Cole	Itkin	Peterson	Trello
Cornell	Jarolin	Petrarca	Van Horne
Coslett	Johnson	Petrone	Vroon
Cowell	Kasunic	Phillips	Wachob
Coy	Kennedy	Piccola	Wambach
Deluca	Klingaman	Pievsky	Wargo
DeVerter	Kosinski	Pistella	Wass
DeWeese	Kowalyszyn	Pitts	Weston
Daley	Kukovich	Pratt	Williams
Davies	Lashinger	Preston	Wilson
Dawida	Laughlin	Punt	Wogan
Deal	Lehr	Rappaport	Wozniak
Dininni	Lescovitz	Reber	Wright, D. R.
Dombrowski	Levi	Richardson	Wright, J. L.
Dorr	Levin	Rieger	Wright, R. C.
Duffy	Livengood	Robbins	Zwikl
Durham	Lloyd	Rudy	
Fargo	Lucyk	Ryan	Irvis,
Fee	McCall	Rybak	Speaker

## NAYS—12

Belfanti	Dietz	Jackson	Pott
Cappabianca	Godshall	Letterman	Reinard
Cordisco	Hasay	McClatchy	Smith, B.

## NOT VOTING—8

Barber	Evans	Linton	Truman
Carn	Fattah	Mayernik	Wiggins

## EXCUSED—4

Donatucci	Hoefel	McIntyre	Marmion
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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. DORR offered the following amendments No. A3611:

Amend Title, page 1, line 22, by inserting after "devices" and on certain campgrounds

Amend Sec. 1 (Sec. 2), page 3, by inserting after line 21

(13) To levy, assess or collect any tax on admission to any campground where the property upon which the campground is located is subject to a real property tax.

On the question,

Will the House agree to the amendments?

The SPEAKER. Does the gentleman from Perry, Mr. Noye, understand the amendment well enough to explain it? The Chair does not want to take advantage of Mr. Dorr's temporary absence.

Mr. NOYE. I think so, Mr. Speaker. What he is trying to do is— I am sorry; here he comes now. I will let the gentleman explain his own amendment.

The SPEAKER. Mr. Dorr, we are on your amendment A3611. We are awaiting your explanation.

Mr. DORR. Thank you, Mr. Speaker.

The amendment would prevent the imposition of an amusement tax or admission tax on the admission fee to a campground where the owners of that campground are already paying real estate taxes on that land. It seems to me only fair to say that in effect they should only be taxed once on the use of that land.

The admission to a campground is basically, in my judgment, a rental of part of that land for a period of time. The contemplation of the rental income from that should be contemplated in the assessment of the property, and therefore, the taxing jurisdictions are reaping the benefits of that in the real estate tax. I therefore think it is unfair for the taxing jurisdictions to place an additional tax on the admission fee to the campground.

Furthermore, it causes some difficulty in tourist areas where some of the local jurisdictions impose the tax and others do not. It makes some of our campgrounds noncompetitive with their neighbors, and there is no way that they can deal with that situation fairly themselves. So I think it is a subject matter which we ought to treat at this level, and I would ask the members to vote in the affirmative on the amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia, Mr. Levin, on the Dorr amendment.

Mr. LEVIN. Mr. Speaker, I rise to oppose the amendment. The problem is that the real estate tax in Pennsylvania must be assessed uniformly, and therefore, whether it is a piece of real estate for residential use, for camp use, for industrial use, for commercial use, it must have the same real estate tax. However, if the campground itself is causing an additional burden on the community because it requires additional services, additional roads, additional police, the local community should have the right to assess an amusement tax. That is what it does with a movie; that is what it does with the kinds of bills we talked about today - ski resorts, golf courses. If this is passed, it would mean that no campground that is a profit-making campground could in fact have an admission tax charged. It precludes all of them, because the only campgrounds that would not fit in this category would be either public owned or church owned.

So I would suggest you look very carefully at it. While it is framed in the question of real estate taxes, it is really saying that no admission charge shall be levied on a campground in Pennsylvania that is run for profit. From a local government standpoint, I find that hard to accept.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from York, Mr. Foster.

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

I rise to support the Dorr amendment, because contrary to the gentleman from Philadelphia, the issue is framed perfectly correctly here. There still may be amusement taxes imposed upon those facilities within the campground that are items of amusement, if they have machines of any type or other amusement devices. Therefore, the municipality will still continue to collect that amusement tax, but what Mr. Dorr is saying is that there shall not be a tax placed on admission itself. This was the subject of debate several years ago and was essentially in the form of a compromise that was reached in this area, but in the dying days of the session, it never quite made it to the floor.

Mr. Dorr is right on target with his solution, and it is one that I think will be perfectly acceptable to local governments in this Commonwealth.

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

Mr. FRYER. Mr. Speaker, I oppose the amendment. I think that if any State legislator looks at the matter, government needs taxes to run. I think that is one fact we can accept, and I think we are nicking away more and more, taking care of this group and that group, and you are leaving the rest of that burden on the taxpayer back there in local government.

Now, Mr. Speaker, we can either follow one of two courses. We can either say yes to all the special groups that come before us and say, we need this; we need that. What we are doing, then, we are shifting the load back to that average taxpayer who elects you to this high office. I submit, Mr. Speaker, that that is wrong and that local government needs that flexibility because they require tax moneys to run their government as this State Government requires taxes to run their operation. I suggest that we oppose the amendment, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Dorr, for the second time on the amendment.

Mr. DORR. Mr. Speaker, just to reiterate, the point here is that the taxing jurisdictions are already obtaining a tax from the ground that is involved here. They obtain the real estate tax, and contrary to the implication of Mr. Levin's statement, they do receive a benefit on the ground, because the land is or should be assessed higher than land which is in production for farming or other types of uses which obtain less of an income. That should be a factor in the assessment of the land, and therefore, the taxing jurisdictions benefit from the higher real estate taxes which in fact are already passed along to the campers.

So I would request that the members consider the fact that campers are basically in situations, where this tax is imposed, of having to pay the tax twice. I do not think that is fair, Mr. Speaker, and I would ask for an affirmative vote.

The SPEAKER. The Chair thanks the gentleman.

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

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

Once again, the amusement tax as placed here would still be applicable on those amusements contained within the facility. The local government would still derive the revenue.

We had this situation arise on one occasion where there was a township that was imposing a tax of this type, and once again, they were able to secure enough money for their township so that they could reduce their real estate millage to zero. They were taking in more money just on campground admissions tax than they needed to run the municipality. That is not the purpose of this type of tax.

Once again, the issue is clearly drawn, and it is a compromise that I am sure local governments will find acceptable. As far as any special interest groups are concerned, we are talking about the American public that enjoys camping, going out for a weekend and spending some time on a campground. That is the special interest group involved here, and I think they are worthy of our support. I ask an affirmative vote on the 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—90

Angstadt	Dorr	Letterman	Robbins
Arty	Durham	Levi	Ryan
Book	Fargo	Livengood	Rybak
Bowser	Flick	McMonagle	Salvatore
Boyes	Foster, W. W.	Mackowski	Saurman
Brandt	Foster, Jr., A.	Madigan	Schuler
Bunt	Gallen	Merry	Semmel
Burd	Gannon	Mrkoncic	Serafini
Burns	Geist	Murphy	Seventy
Caltagirone	Gladeck	Nahill	Sirianni
Cessar	Greenwood	Noye	Smith, L. E.
Cimini	Grieco	O'Brien	Snyder, D. W.
Clark	Hagarty	Olasz	Snyder, G. M.
Clymer	Hasay	Perzel	Spencer
Cole	Hayes	Peterson	Steighner
Cornell	Herman	Phillips	Stevens
Coslett	Hershey	Pitts	Swift
Cowell	Honaman	Pott	Taylor, E. Z.
Coy	Jarolin	Pratt	Wass
Deluca	Klingaman	Punt	Wogan
DeVerter	Kowalyshyn	Reber	Wright, J. L.
Davies	Kukovich	Reinard	Zwikl
Dawida	Lehr		

#### NAYS—93

Afflerbach	Fee	Lloyd	Saloom
Armstrong	Fischer	Lucyk	Scheetz
Baldwin	Freeman	McCall	Showers
Barber	Freind	McClatchy	Smith, B.
Battisto	Fryer	McHale	Stairs
Belardi	Gallagher	Maiale	Stewart
Belfanti	Gamble	Manderino	Stuban
Blaum	George	Manniller	Sweet
Cappabianca	Godshall	Markosek	Taylor, F. E.
Carn	Gruitza	Michlovic	Telek
Cawley	Gruppo	Micozzie	Tigue
Civera	Haluska	Miller	Trello
Cohen	Harper	Miscevich	Truman

Colafella	Hutchinson	Moehlmann	Van Horne
Cordisco	Itkin	Mowery	Wambach
DeWeese	Jackson	O'Donnell	Wargo
Daley	Johnson	Petrarca	Wiggins
Deal	Kasunic	Petrone	Williams
Dietz	Kosinski	Piccola	Wozniak
Dininni	Lashinger	Pistella	Wright, D. R.
Dombrowski	Laughlin	Preston	
Duffy	Lescovitz	Rappaport	Irvis,
Evans	Levin	Richardson	Speaker
Fattah	Linton	Rudy	

## NOT VOTING—15

Alderette	Mayernik	Rieger	Weston
Broujos	Morris	Spitz	Wilson
Kennedy	Oliver	Vroon	Wright, R. C.
McVerry	Pievsky	Wachob	

## EXCUSED—4

Donatucci	Hoeffel	McIntyre	Marmion
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The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,

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

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—130

Alderette	Fee	Markosek	Smith, B.
Arty	Gallagher	Mayernik	Smith, L. E.
Barber	Gannon	Michlovic	Spencer
Battisto	George	Miscevich	Steighner
Belfanti	Gladeck	Mrkoncic	Stevens
Book	Godshall	Nahill	Stewart
Boyes	Greenwood	O'Brien	Stuban
Bunt	Gruitza	Olasz	Sweet
Burd	Gruppo	Oliver	Swift
Burns	Hagarty	Perzel	Taylor, E. Z.
Caltagirone	Haluska	Peterson	Taylor, F. E.
Cappabianca	Hasay	Petrarca	Telek
Carn	Honaman	Petrone	Trello
Cessar	Hutchinson	Piccola	Truman
Clark	Itkin	Pievsky	Van Horne
Clymer	Jackson	Pistella	Vroon
Cohen	Jarolin	Pitts	Wachob
Colafella	Kennedy	Pott	Wambach
Cole	Kosinski	Pratt	Wargo
Cordisco	Kowatyshyn	Preston	Wass
Cornell	Kukovich	Punt	Weston
Coslett	Laughlin	Rappaport	Wiggins
Cowell	Lehr	Reber	Williams
Coy	Lescovitz	Reinard	Wilson
DeVerter	Letterman	Richardson	Wogan
Davies	Levin	Rieger	Wozniak
Deal	Linton	Rybak	Wright, D. R.
Dietz	McClatchy	Saloom	Wright, J. L.
Dininni	McMonagle	Salvatore	Wright, R. C.
Dombrowski	McVerry	Saurman	Zwinkl
Dorr	Maiale	Semmel	
Evans	Manderino	Serafini	Irvis,
Fattah	Manmiller	Seventy	Speaker

## NAYS—66

Afflerbach	Durham	Johnson	Mowery
Angstadt	Fargo	Kasunic	Murphy
Armstrong	Fischer	Klingaman	Noye
Baldwin	Flick	Lashinger	O'Donnell
Belardi	Foster, W. W.	Levi	Phillips
Blaum	Foster, Jr., A.	Livengood	Robbins
Bowser	Freeman	Lloyd	Rudy
Brandt	Freind	McCall	Ryan
Broujos	Fryer	McHale	Scheetz
Cawley	Gallen	Mackowski	Schuler
Cimini	Gamble	Madigan	Showers
Civera	Geist	Merry	Sirianni
Deluca	Grieco	Micozzie	Snyder, D. W.
DeWeese	Harper	Miller	Snyder, G. M.
Daley	Hayes	Moehlmann	Stairs
Dawida	Herman	Morris	Tigue
Duffy	Hershey		

## NOT VOTING—2

Lucyk	Spitz
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## EXCUSED—4

Donatucci	Hoeffel	McIntyre	Marmion
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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. Why does the gentleman from Allegheny, Mr. McVerry, rise?

Mr. McVERRY. Mr. Speaker, my vote was recorded inadvertently in the affirmative on final passage of HB 1476. I would like to be recorded in the negative.

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

## JUDICIARY COMMITTEE MEETING

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

Mr. RAPPAPORT. I ask for a brief meeting of the Judiciary Committee.

FEDERAL-STATE RELATIONS  
COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Adams, Mr. Cole. Does the gentleman wish to announce a meeting?

Mr. COLE. Yes, Mr. Speaker.

At the call of the recess, I would like to call a meeting off the floor in the back of the House of the Federal-State Relations Committee.

### BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **SB 1409, PN 2160**, entitled:

An Act itemizing appropriations required from the Motor License Fund for the fiscal year July 1, 1984 to June 30, 1985, for the proper operation of the several departments of the Commonwealth authorized to spend Motor License Fund 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—194

Afflerbach	Fargo	Livengood	Rudy
Alderette	Fattah	Lloyd	Ryan
Angstadt	Fee	Lucyk	Rybak
Armstrong	Fischer	McCall	Saloom
Arty	Flick	McClatchy	Salvatore
Baldwin	Foster, W. W.	McHale	Saurman
Barber	Foster, Jr., A.	McMonagle	Scheetz
Battisto	Freeman	McVerry	Schuler
Belardi	Freind	Mackowski	Semmel
Belfanti	Fryer	Madigan	Serafini
Blaum	Gallagher	Maiale	Seventy
Book	Gallen	Manderino	Showers
Boyes	Gamble	Manmiller	Sirianni
Brandt	Gannon	Markosek	Smith, B.
Broujos	Geist	Mayernik	Smith, L. E.
Bunt	George	Merry	Snyder, D. W.
Burd	Gladeck	Michlovic	Snyder, G. M.
Burns	Godshall	Micozzie	Spencer
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	Honaman	Olasz	Trello
Cordisco	Hutchinson	Oliver	Truman
Cornell	Itkin	Perzel	Van Horne
Coslett	Jackson	Peterson	Vroon
Cowell	Jarolin	Petrarca	Wachob
Coy	Johnson	Petrone	Wambach
Deluca	Kasunic	Phillips	Wass
DeVerter	Kennedy	Piccola	Weston
DeWeese	Klingaman	Pievsky	Wiggins
Daley	Kosinski	Pistella	Williams
Davies	Kowalshyn	Pitts	Wilson
Dawida	Kukovich	Pott	Wogan
Deal	Lashinger	Pratt	Wozniak
Dietz	Laughlin	Preston	Wright, D. R.
Dininni	Lehr	Punt	Wright, J. L.
Dombrowski	Lescovitz	Rappaport	Wright, R. C.
Dorr	Letterman	Reber	Zwikel
Duffy	Levi	Reinard	
Durham	Levin	Richardson	Irvis,
Evans	Linton	Robbins	Speaker

#### NAYS—0

#### NOT VOTING—4

#### EXCUSED—4

Bowser	Rieger	Spitz	Wargo
Donatucci	Hoeffel	McIntyre	Marmion

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 853, PN 2190**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," changing provisions relating to crime victim's compensation; reestablishing and continuing the Crime Victim's Compensation Board; further providing for the Crime Victims' Compensation Fund; changing provisions relating to the rights of victims of crime; making an editorial change; and making an appropriation.

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—195

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

Cordisco	Itkin	Petrarca	Vroon
Cornell	Jackson	Petrone	Wachob
Coslett	Jarolin	Phillips	Wambach
Cowell	Johnson	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	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
Dorr	Levi	Rieger	
Duffy	Levin	Robbins	Irvis,
Durham	Linton	Rudy	Speaker
Evans			

## NAYS—0

## NOT VOTING—3

McClatchy Mrkonic Spitz

## EXCUSED—4

Donatucci Hoeffel McIntyre Marmion

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.

## STATE GOVERNMENT COMMITTEE MEETING

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

Mr. OLIVER. Thank you, Mr. Speaker.

There will be a meeting of the State Government Committee immediately in the rear of the House.

FEDERAL-STATE RELATIONS  
COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Adams, Mr. Cole.

Mr. COLE. The Federal-State Relations Committee will meet immediately in the back of the House.

## STATEMENT BY MR. NOYE

The SPEAKER. The Chair recognizes the gentleman from Perry, Mr. Noye. Under unanimous consent, the gentleman may proceed.

Mr. NOYE. Thank you, Mr. Speaker.

Earlier today we passed SB 968 as the first order of business, and rather than hold up the House at that time, I did not make any comments.

This is a bill that extends the life of the Emergency Health Services through December 31 of this year. Now, this is the third year in a row during the last day or two of session that

we have been forced to extend the life of this agency that exists, because we have not been able to come up with implementing legislation.

This program, as it is operating in the Commonwealth at the present time, is a travesty. Our Emergency Health Services people are disgusted with the way the thing operates. They have looked to this legislature for guidance, and we have failed them 3 years in a row. Now, once again, we are going to extend the life for another 6 months.

Now, I am asking the chairman of the Health and Welfare Committee, who has legislation in this House and in the other House, to let us get down to business this summer and have something on our desks when we return in September. I think that the Emergency Health Services personnel out there who are trying to do a job in our communities deserve nothing less than our support in getting this program on track so that they know where they are heading in the next few years.

Living year to year the way we have been living with a program that is running helter-skelter in all kinds of directions is not the best way for them to try to serve the citizens of this Commonwealth, and I ask the Health and Welfare Committee to respond accordingly. Thank you, Mr. Speaker.

## PARLIAMENTARY INQUIRY

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

Mr. WASS. A parliamentary inquiry, please.

The SPEAKER. The gentleman will state the point.

Mr. WASS. Mr. Speaker, is it your intent to call up SB 987?

The SPEAKER. Yes, it is, Mr. Wass.

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

## REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. McClatchy.

Mr. McCLATCHY. Mr. Speaker, I was distracted by conversation, and I failed to vote on SB 853. If I had, I would be in the affirmative.

The SPEAKER. The Chair thanks the gentleman.

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

## STATEMENT BY MR. COY

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

Mr. COY. Unanimous consent to make a statement.

The SPEAKER. The Chair hears no objection.

Mr. COY. Mr. Speaker, I want to echo the remarks made by Mr. Noye a few moments ago about the Emergency Health Services Federation and about the need for action by the Health and Welfare Committee on this legislation.

Having personal contact with this field, I feel it is also very appropriate that the legislature respond to the needs of this area, and I would admonish the committee to take it up as soon as possible. Thank you, Mr. Speaker.



# **BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND RECOMMITTED TO COMMITTEE ON RULES**

**HB 2030, PN 3325 (Amended)**

By Rep. RUDY

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), requiring the Department of Environmental Resources to give notice to municipalities of orders for abatement of nuisances.

LOCAL GOVERNMENT.

# **RESOLUTION REPORTED FROM COMMITTEE**

**SR 136, PN 2124 (Concurrent)**

By Rep. OLIVER

To approve and adopt the Commonwealth Plan of Operation, pertaining to the donation and transfer of Federal surplus property to and through the Department of General Services, which was developed in accordance with section 203(j) (4) (A) of the Federal Property and Administrative Services Act of 1949, as amended by section 1(1) of Public Law 94-519.

STATE GOVERNMENT.

# **WELCOME**

The SPEAKER. Representative Dave Mayernik has as his guest Mr. Ken Rogg, who is to the left of the Speaker. Welcome to the hall of the House, Mr. Rogg.

# **RESOLUTIONS**

Mr. CORDISCO called up **HR 246, PN 3307**, entitled:

Providing for a special committee to investigate landfills.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—191

Afflerbach	Fattah	Lloyd	Ryan
Alderette	Fee	Lucyk	Rybak
Angstadt	Fischer	McCall	Saloom
Armstrong	Flick	McClatchy	Salvatore
Arty	Foster, W. W.	McHale	Saurman
Baldwin	Foster, Jr., A.	McMonagle	Scheetz
Barber	Freeman	McVerry	Schuler
Battisto	Freind	Mackowski	Semmel
Belardi	Fryer	Madigan	Serafini
Belfanti	Gallagher	Maiale	Seventy
Blaum	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	Miller	Snyder, G. M.
Bunt	Godshall	Miscevich	Spencer
Burd	Greenwood	Moehlmann	Stairs
Burns	Grieco	Morris	Steighner
Caltagirone	Gruitza	Mowery	Stevens
Cappabianca	Gruppo	Mrkonc	Stewart
Cawley	Hagarty	Murphy	Stuban
Cessar	Haluska	Nahill	Sweet
Cimini	Harper	Noye	Taylor, E. Z.
Civera	Hasay	O'Brien	Taylor, F. E.

Clark	Hayes	O'Donnell	Telek
Clymer	Herman	Olasz	Tigue
Cohen	Hershey	Oliver	Trello
Colafella	Honaman	Perzel	Truman
Cole	Hutchinson	Peterson	Van Horne
Cordisco	Itkin	Petrarca	Vroon
Cornell	Jarolin	Petrone	Wachob
Coslett	Johnson	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	Lettermann	Reinard	Wright, R. C.
Dorr	Levi	Richardson	Zwilk
Duffy	Levin	Rieger	
Durham	Linton	Robbins	Irvis,
Evans	Livengood	Rudy	Speaker
Fargo			

NAYS—0

NOT VOTING—7

Carn	Jackson	Micozzie	Swift
Dietz	Manderino	Spitz	

EXCUSED—4

Donatucci	Hoeffel	McIntyre	Marmion
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The question was determined in the affirmative, and the resolution was adopted.

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Mr. MRKONIC called up **HR 247, PN 3283**, entitled:

Amending House Resolution No. 2, adopted January 4, 1983, entitled, "A resolution establishing a Special Subcommittee on Veterans' Homes," changing the name and responsibilities of the special subcommittee.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—194

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

Cimini	Haluska	Murphy	Taylor, E. Z.
Civera	Harper	Nahill	Taylor, F. E.
Clark	Hasay	Noye	Telek
Clymer	Hayes	O'Brien	Tigue
Cohen	Herman	O'Donnell	Trello
Colafella	Hershey	Olasz	Truman
Cole	Honaman	Oliver	Van Horne
Cordisco	Hutchinson	Perzel	Vroon
Cornell	Itkin	Peterson	Wachob
Coslett	Jackson	Petrone	Wambach
Cowell	Jarolin	Phillips	Wargo
Coy	Johnson	Piccola	Wass
DeLuca	Kasunic	Pievsky	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	Laughlin	Rappaport	Wright, J. L.
Dininni	Lehr	Reber	Wright, R. C.
Dombrowski	Lescovitz	Reinard	Zwikl
Dorr	Letterman	Richardson	
Duffy	Levi	Robbins	Irvis,
Durham	Levin	Rudy	Speaker

NAYS—0

NOT VOTING—4

Micozzie	Petrarca	Rieger	Spitz
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EXCUSED—4

Donatucci	Hoeffel	McIntyre	Marmion
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The question was determined in the affirmative, and the resolution was adopted.

### BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **SB 987, PN 2159**, entitled:

An Act combining the radiation safety provisions of the Atomic Energy Development and Radiation Control Act and the Environmental Radiation Protection Act; empowering the Department of Environmental Resources to implement a comprehensive Statewide radiation protection program; further providing for the power of the Environmental Quality Board and for the duties of the Environmental Hearing Board; expanding the authority of the department to regulate other radiation sources; providing for radiation emergency response; establishing requirements for transport of spent reactor fuel; establishing fees; providing penalties; and making repeals.

On the question,

Will the House agree to the bill on third consideration?

Mr. WASS offered the following amendments No. A3428:

Amend Title, page 1, line 12, by striking out "AND"

Amend Title, page 1, line 12, by removing the period after "REPEALS" and inserting  
; and authorizing and directing the Department of Environmental Resources and the Governor to convey ownership to the Carl A. White Acid Mine Drainage Treatment Plant, situated in Washington Township, Indiana County, Pennsylvania, to the County of Indiana, subject to a right of reverter for stated conditions.

Amend Table of Contents, page 3, by inserting between lines 11 and 12  
Section 703. Conveyance.

Amend Table of Contents, page 3, line 12, by striking out "703" and inserting

704

Amend Bill, page 28, by inserting between lines 21 and 22  
Section 703. Conveyance.

(a) Authority.—The Department of Environmental Resources, with the approval of the Governor, is hereby authorized and directed on behalf of the Commonwealth to convey ownership in the building named the Carl A. White Acid Mine Drainage Treatment Plant, situated in Washington Township, Indiana County, Pennsylvania, hereinafter referred to as the plant, to the County of Indiana, Pennsylvania for the following purposes: The County of Indiana, or its designee, shall utilize all or part of the plant, which is currently shut down, to treat brines produced from oil and gas wells, with the treatment of brines produced from oil and gas wells in the Commonwealth to be given priority in all respects; and, if and when directed by the department, shall utilize a maximum of 50% of the plant to treat abandoned mine acid discharge flowing in the Crooked Creek Watershed. If and when the department shall deem treatment of such abandoned mine acid discharge to be feasible, it shall notify the County of Indiana, or its designee, of the quantity of such discharges to be treated and the required quality of the effluent; provided, however, that such treatment shall not require the utilization of more than 50% of the plant.

(b) Reversion.—If, for any reason whatsoever, the County of Indiana, or its designee, shall discontinue the utilization of the Carl A. White Acid Mine Drainage Treatment Plant for the treatment of oil and gas well brines, or shall fail to treat any abandoned mine acid discharges which the department has determined to be necessary and feasible to treat, then, and in that event, ownership and possession of the plant shall revert to the department, and the department shall have the option of continuing the operation of the plant for the treatment of abandoned mine acid discharge, or of dismantling the plant. If, in the event of such reverter, the department shall elect to continue the operation of the plant for the treatment of abandoned mine acid discharge, it shall so notify the County of Indiana, or its designee, and the plant shall be returned to the department in the same condition that it was in when transferred to the county. The county, or its designee, shall bear any costs for returning the plant to said condition.

(c) Approval and execution.—The agreement of ownership shall be approved as provided by law and shall be executed by the Secretary of Environmental Resources in the name of the Commonwealth of Pennsylvania.

Amend Sec. 703, page 28, line 22, by striking out "703" and inserting

704

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes the gentleman from Indiana, Mr. Wass.

Mr. WASS. Thank you, Mr. Speaker.

Mr. Speaker, my amendment relates to providing a facility to Indiana County for the distribution of gas well brine. Mr. Speaker, in western Pennsylvania we have a serious problem with gas well brine, and this facility that at this point is not being used by DER (Department of Environmental Resources) would provide the means to a facility that could help reduce this serious problem. I ask for an affirmative vote.

The SPEAKER. The Chair recognizes the gentleman from Erie, Mr. Cappabianca, on the Wass amendment.

Mr. CAPPABIANCA. Mr. Speaker, I must oppose the Wass amendment. We feel after considerable input from all sides, the Senate and the House, that we put together what I consider a major piece of legislation addressing a serious problem in Pennsylvania - nuclear waste, energy waste, whatever you want to call it. We feel that the Wass amendment is not germane to this particular piece of legislation; we feel he is muddying up the water. There is no business for this amendment being put into this particular bill, and therefore, Mr. Speaker, I ask for a negative vote on the Wass amendment.

### PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman from Dauphin, Mr. Wambach.

Mr. WAMBACH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state the point.

Mr. WAMBACH. Mr. Speaker, under rule 20 of the House, it says, "Bills Confined to One Subject," as pursuant to Article III, section 3, of the Constitution. I would like a ruling of the Chair in regard to the Wass amendment as it applies to SB 987.

The SPEAKER. A quick reading of the title of the bill and of the amendment leads the Chair to believe that the amendment is correctly drawn. Even though it does not deal with atomic radiation hazardous waste, it does deal with the hazardous waste which he has identified as acid mine drainage or discharge. The Chair believes that he is well within the constitutional limits.

Mr. WASS. Thank you, Mr. Speaker.

### GERMANENESS QUESTIONED

The SPEAKER. Does the gentleman, Mr. Wambach, wish to comment on the amendment?

Mr. WAMBACH. I would like to raise the question of germaneness of the amendment, then, to the bill.

The SPEAKER. The gentleman, Mr. Wambach, has raised now the question of whether or not the Wass amendment is germane. That is not for the decision of the Chair; that is decided on the floor of the House.

On the question,

Will the House sustain the germaneness of the amendments?

The SPEAKER. On the question of germaneness, the Chair recognizes the gentleman, Mr. Wambach.

Mr. WAMBACH. Thank you, Mr. Speaker.

Mr. Speaker, my good friend and colleague, Mr. Cappabianca, had indicated that SB 987 really provides itself an entirely different subject matter in regard to what the Wass amendment does. In a contrary thought that was just made by the Chair, I would suggest that the amendment offered by Representative Wass is the conveyance of a building, and in fact in a conveyance of a building, I feel personally that it has nothing to do with and that it is not relevant at all to SB 987. I would suggest at that point that what we are discussing here,

quite frankly, is in fact two different subjects, one not germane to the other, and I would request that the House vote to consider the Wass amendment not germane to the bill.

The SPEAKER. The Chair may be in error on this. The gentleman, Mr. Wambach, may have been correct in his first assertion. The Chair may have to correct itself.

The Chair admits to error on this call. The Chair tried to read the Wass amendment too quickly and read it recklessly.

The gentleman, Mr. Wambach, when he questioned the Chair as to whether or not the Wass amendment was in violation of the State Constitution, whereby we are forbidden to insert under one title two separate items, the Chair now believes the gentleman, Mr. Wambach, to be correct in that assertion. The Chair did not read carefully enough to realize that this is in effect - this being the Wass amendment - a conveyance of property, which has absolutely nothing to do with hazardous waste. The Chair reverses its decision and apologizes to the gentleman, Mr. Wass, and to Mr. Wambach for the error. It is the opinion of the Chair that this in fact does violate the constitutional prohibition.

The Chair recognizes the minority whip.

Mr. HAYES. Thank you, Mr. Speaker.

Are not questions of germaneness decisions left to the House?

The SPEAKER. We have gone back behind the question of germaneness. Remember, Mr. Wambach raised first the question of the constitutional prohibition, and the Chair ruled, I believe, incorrectly, saying it was not prohibited. But the Chair, on reading the amendment more carefully, now believes that it does violate the Constitution.

Will the gentleman, Mr. Hayes, and the gentleman, Mr. Ryan, come up here a moment?

The House will stand at ease.

(Conference held at Speaker's podium.)

The SPEAKER. We have, in conference here at the bench sidebar, decided that the only clean way of making this decision is to put the question of germaneness as it truly is, on the floor of the House, and the House will then decide.

The gentleman, Mr. Wambach, suggests that amendment A3428 to SB 987, as offered by the gentleman, Mr. Wass, is not germane. The question of germaneness being for the floor of the House, those who wish to debate must limit their arguments to the question of germaneness and not go beyond.

The Chair recognizes the gentleman, Mr. Cappabianca.

Mr. CAPPABIANCA. A question, Mr. Speaker. Are we voting on germaneness before you ruled on constitutionality?

The SPEAKER. Germaneness.

Mr. CAPPABIANCA. What about the constitutionality of it?

The SPEAKER. The Chair has reversed itself on that.

Mr. CAPPABIANCA. Thank you, sir.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Itkin, on germaneness.

Mr. ITKIN. Mr. Speaker, on the question of germaneness, if the members were to look at the bill, this is a combining of two acts, the radiation safety provisions of the Atomic Energy

Development and Radiation Control Act and the Environmental Radiation Protection Act. It is an attempt on the part of the legislature and the administration to put together in one simple act all of the laws dealing with radiation safety and the protection thereto.

Mr. Speaker, what Mr. Wass' amendment does is add to this act a section 703 entitled "Conveyance," with the verbiage that the Commonwealth is authorized to transfer and to sell the Carl A. White Acid Mine Drainage Treatment Plant in Indiana County to the county of Indiana.

Now, certainly a provision in an act that has seven chapters, and one of the chapters will now have a section dealing with a building conveyance, is certainly inappropriate for a new codification of the radiation and safety protection measures of the Commonwealth.

Mr. Speaker, it is clearly nongermane. I know that we have taken liberties in the past of trying to have members have their bills considered in the form of amendments on the floor, but this goes far afield of what I think we should appropriately do, and I would urge that rather than destroy the context of a bill that has had a lot of effort put into it by members in this House and also in the administration, that we vote that the Wass amendment is not germane. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the minority whip.

Mr. HAYES. Thank you, Mr. Speaker.

I believe I just heard the gentleman, Mr. Itkin, say that this amendment will somehow destroy the contents of SB 987. I believe that that is kind of shooting over the mark of germaneness, but for sure, it is shooting over the mark of reality.

The amendment being offered by Mr. Wass has to do with jobs. Our calendar is full of bills that just came over from the Senate dealing with jobs. Last week we voted a whole calendar of bills dealing with jobs. The Wass amendment deals with jobs; it does no violence to this bill, and if we are sincerely interested in jobs, we will vote germaneness in the affirmative and vote "yes" on the Wass amendment. Thank you, Mr. Speaker.

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

Mr. PICCOLA. Thank you, Mr. Speaker.

This amendment is clearly germane to SB 987. This House has always indicated that an amendment is not germane when we amend an existing code - for example, the Crimes Code - and we attempt to put into it either an amendment that amends another code or an amendment which most appropriately should go into another code. For example, when a bill would amend the Crimes Code and an amendment is offered which amendment would more appropriately go into the Education Code, this House has consistently voted that such an amendment was not germane.

In this bill we have a completely new act, Mr. Speaker. It is not in any code that we have adopted in this State as of yet. The subject of SB 987 is generally the subject of radioactive substances and energy waste. That is precisely the subject of the Wass amendment. And to say that it is not germane, when

in fact the Wass amendment would amend the title and make the whole amendment germane to the bill, is ludicrous. The amendment is clearly germane because it is a new act, and we can make it germane simply by amending the title of that act and making it germane to the bill. I think the House has to vote overwhelmingly in favor of germaneness. Thank you, Mr. Speaker.

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 have always understood that two wrongs do not make a right, and if in fact this is a jobs bill, Mr. Speaker, I am one who would not stop, in fact, the amendment from going into a jobs bill. But what this amendment is going into is a combining of two different acts to implement a comprehensive statewide radiation protection program - something that both chambers of this Assembly have been working on for a long, long time.

Under rule 20, in response to Representative Piccola, we do not necessarily say that one act shall not go into another act; we say two subjects shall not belong in one act of the legislature. I stand here and say to the members of the House that an implementation of a comprehensive statewide radiation protection program does in no way coincide with a plant conveyance, a real estate transaction, and I would request that all of the members of the House join me in supporting the motion that it is not, in fact, germane to the bill.

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

Mr. REBER. Thank you, Mr. Speaker.

I think Representative Wambach has touched upon something very concerning to me, but by the same token, I think we should be aware of the fact that the intent of anything that DER does—and this is, in fact, a DER-type bill, if you will, Mr. Speaker—is to make our environment safe. And if in the fact and the necessity of making that environment safe it might ancillary thereto contain something to do with a so-called land transfer, as the prior speaker was referencing, I see nothing wrong with that.

As a matter of fact, the bill specifically talks about alleviating public nuisances through the department, and that department is the Department of Environmental Resources. Representative Wass' amendment is dealing with the Department of Environmental Resources, and what we are doing is attempting to alleviate a potential or an already existing public nuisance within the Commonwealth in the particular area as addressed by the amendment.

I do not think anything can be more germane than to allow the Department of Environmental Resources to aid and abet in stopping any particular existing nuisance within the Commonwealth in the environmental sphere. I do not think there is any doubt about germaneness as to this bill, and I would certainly support germaneness of the amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. WASS. Thank you, Mr. Speaker.

It is not my intent to belabor the House, Mr. Speaker, but truly the legislation is much needed in my district.

The legislation, I believe, because of its activity, is certainly germane. The legislation is approved by DER based on the disposition of the hazardous waste of brine, gas well brine. The Indiana County Commissioners who struggled with the intensity of this pollution and this discharge are in favor of the legislation, and, Mr. Speaker, I ask you to vote in the affirmative.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Itkin, for the second time on germaneness.

Mr. ITKIN. Mr. Speaker, it is obvious, or it should be obvious, that this amendment is not germane. How the House decides that will be its decision.

However, I would like to speak to the point that Representative Piccola raised. If you accept Mr. Piccola's argument, then basically one can take any amendment he or she wishes to offer to any other act that is being amended and say that you wish to combine your amendment with that act and make it into a new act that meshes both your amendment and the contents of the existing bill. Obviously, everything would be germane.

What this amendment will do is it will basically take a bill whose only reference has to do with radiation protection, and the act, which shall be known as the radiation protection act as its short title, will contain, if the Wass amendment is adopted, a section under miscellaneous provisions, section 703, that talks about a building transfer from the Commonwealth to the county of Indiana of a mine drainage treatment plant dealing with oil and gas well brine pollution, and I ask the House, what does that have to do with radiation? Absolutely nothing.

I would hope that the members would support the integrity of SB 987 and its contents by rejecting this amendment, and I am sure we will consider the contents of Mr. Wass' amendment in the near future. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes, for the second time, the gentleman from Dauphin, Mr. Piccola, on germaneness.

Mr. PICCOLA. Thank you, Mr. Speaker.

I would just like to point out to the gentleman, Mr. Itkin, that he would be right except for the fact that this is a new act, as I indicated earlier, and the Wass amendment clearly makes it germane because the Wass amendment amends the title of this new act. By amending the title and further amending the bill, the amendment is in fact germane. I think the House has to, based upon past precedent, vote in that regard. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Erie, Mr. Cappabianca, on germaneness.

Mr. CAPPABIANCA. Thank you, Mr. Speaker.

Let us not confuse the issue or muddy up the issue. The Wass amendment is not germane to radiation, the recodification of the Radiation Protection Act. It is a conveyance

amendment, and there is no need for this particular amendment to be in this particular bill at this particular time. It has nothing to do with jobs. We can amend any bill and we can discuss jobs if that is the question, and that is not the question. We have got in front of us a very good piece of legislation that can put the Commonwealth on the right road in regard to spent nuclear waste, and we are wasting our time.

The Wass amendment is not germane, and I ask for a negative vote, Mr. Speaker.

The SPEAKER. The question of germaneness being a decision to be placed on the floor of the House, the Speaker places the question as follows: Those who believe the Wass amendment to be germane to SB 987 will vote "aye"; those who believe it to be nongermane will vote "no."

On the question recurring,

Will the House sustain the germaneness of the amendments?

The following roll call was recorded:

#### YEAS—103

Angstadt	Foster, W. W.	McClatchy	Scheetz
Armstrong	Foster, Jr., A.	McVerry	Schuler
Arty	Freind	Mackowski	Semmel
Battisto	Gallen	Madigan	Serafini
Book	Gannon	Manmiller	Sirianni
Bowser	Geist	Merry	Smith, B.
Boyes	Gladeck	Micozzie	Smith, L. E.
Brandt	Godshall	Miller	Snyder, D. W.
Bunt	Greenwood	Moehlmann	Snyder, G. M.
Burd	Grieco	Mowery	Spencer
Burns	Gruppo	Nahill	Spitz
Cessar	Hagarty	Noye	Stairs
Cimini	Hasay	O'Brien	Stevens
Civera	Hayes	Perzel	Stewart
Clymer	Herman	Peterson	Swift
Cornell	Hershey	Phillips	Taylor, E. Z.
Coslett	Honaman	Piccola	Telek
DeVerter	Hutchinson	Pitts	Tigue
Davies	Jackson	Pott	Vroon
Dietz	Johnson	Punt	Wass
Dininni	Kennedy	Reber	Weston
Dorr	Klingaman	Reinard	Wilson
Durham	Lashinger	Robbins	Wogan
Fargo	Lehr	Ryan	Wright, J. L.
Fischer	Levi	Salvatore	Wright, R. C.
Flick	Livengood	Saurman	

#### NAYS—94

Afflerbach	Dombrowski	Lucyk	Rieger
Alderette	Duffy	McCall	Rudy
Baldwin	Evans	McHale	Rybak
Barber	Fattah	McMonagle	Saloom
Belardi	Fee	Maiale	Seventy
Belfanti	Freeman	Manderino	Showers
Blaum	Fryer	Markosek	Steighner
Broujos	Gallagher	Mayernik	Suban
Caltagirone	Gamble	Michlovic	Sweet
Cappabianca	George	Miscevich	Taylor, F. E.
Carr	Gruitza	Morris	Trello
Cawley	Haluska	Mrkoncic	Truman
Clark	Harper	Murphy	Van Horne
Cohen	Itkin	O'Donnell	Wachob
Colafella	Jarolin	Olasz	Wambach
Cole	Kasunic	Oliver	Wargo
Cordisco	Kowalshyn	Petrarca	Wiggins
Cowell	Kukovich	Petrone	Williams
Coy	Laughlin	Pievsky	Wozniak
DeLuca	Lescovitz	Pistella	Wright, D. R.
DeWeese	Letterman	Pratt	Zwikl

Daley	Levin	Preston	
Dawida	Linton	Rappaport	Irvis,
Deal	Lloyd	Richardson	Speaker

## NOT VOTING—1

Kosinski

## EXCUSED—4

Donatucci	Hoeffel	McIntyre	Marmion
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The majority having voted in the affirmative, the question was determined in the affirmative and the amendments were declared germane.

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

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Pistella, on the question of the adoption of the Wass amendment.

Mr. PISTELLA. Thank you, Mr. Speaker.

I would like to know if the gentleman, Mr. Wass, would stand for very brief interrogation?

The SPEAKER. The gentleman, Mr. Wass, indicates he will so stand. Mr. Pistella is in order and may now proceed.

Mr. PISTELLA. Mr. Speaker, who is the current owner of the Carl A. White Acid Mine Drainage Treatment Plant?

Mr. WASS. The land that it sits on is owned by Indiana County, and the facility that the legislation speaks to is owned by the Department of Environmental Resources.

Mr. PISTELLA. So you are just transferring the facility. Is that correct, sir?

Mr. WASS. The legislation speaks to the awarding of the facility to Indiana County for the specific purpose of handling the brine from the gas wells, and when DER determines that they must start treating any acid mine water again, they must do it or the facility returns to DER in the same condition that they received it.

The facility has not been working for 3 years because of a malfunction. It is a white elephant in the name of the Honorable Carl White, a great conservationist. So every agency there would be very pleased to have this particular facility again being used constructively in the best interest of the taxpayers and of the pollution of brine.

Mr. PISTELLA. But, nonetheless, the building, though, is in fact titled to the State.

Mr. WASS. Right.

Mr. PISTELLA. Thank you, Mr. Speaker. I have concluded my interrogation.

## POINT OF ORDER

Mr. PISTELLA. I do not wish to prolong this, Mr. Speaker, with all due respect to the members of the House, but I would like to raise a point of order, if I may.

The SPEAKER. The gentleman is in order and may raise the point.

Mr. PISTELLA. Mr. Speaker, in the past when we have transferred property that was titled to the State to another individual or political subdivision, we did so usually at the

conveyance fee of a dollar. It is my understanding that we had adopted a statute in which we asked for, I believe, 50 percent of the fair market value, and I would so ask if, in fact, that is included within the language of the Wass amendment that has been proposed for the transfer of this particular drainage treatment plant.

The SPEAKER. The Wass amendment, Mr. Pistella, does say, "The agreement of ownership shall be approved as provided by law and shall be executed by the Secretary of Environmental Resources,..." et cetera. Therefore, the Chair's opinion is that the amendment is correctly drawn to the law.

Mr. PISTELLA. Thank you, Mr. Speaker.

The SPEAKER. On the Wass amendment, the Chair recognizes the gentleman from Chester, Mr. Morris.

Mr. MORRIS. Thank you, Mr. Speaker.

It appears to me that Representative Wass' colleagues want to back him up on this, and if this was a piece of free-standing legislation, I certainly would be with him. The problem here is, this is a very, very important piece of legislation having to do with radioactivity and such matters as evacuation plans and so on. Now, my fear is we have amended a Senate bill, I understand, with the consent of the Senate, and if we let this fine piece of legislation in its own right get in here, I think it will bring this thing into a conference committee.

It really has nothing to do with the basic concept of this bill, and we need this legislation as soon as we can get it. I would urge the members of the House to vote against it for those reasons and only for those reasons.

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

The following roll call was recorded:

## YEAS—123

Angstadt	Foster, W. W.	Lloyd	Saurman
Armstrong	Foster, Jr., A.	McClatchy	Scheetz
Arty	Freeman	McHale	Schuler
Battisto	Freind	McVerry	Semmel
Book	Fryer	Mackowski	Serafini
Bowser	Gallen	Madigan	Sirianni
Boyes	Gannon	Manmiller	Smith, B.
Brandt	Geist	Merry	Smith, L. E.
Bunt	George	Micozzie	Snyder, D. W.
Burd	Gladeck	Miller	Snyder, G. M.
Burns	Godshall	Mochlmann	Spencer
Cessar	Greenwood	Murphy	Spitz
Cimini	Grieco	Nahill	Stairs
Civera	Gruppo	Noye	Steighner
Clymer	Hagarty	O'Brien	Stevens
Colafiglia	Haluska	Olasz	Stewart
Cole	Hasay	Perzel	Stuban
Cornell	Hayes	Peterson	Swift
Coslett	Herman	Phillips	Taylor, E. Z.
Cowell	Hershey	Piccola	Telek
Coy	Honaman	Pistella	Tigue
Deluca	Hutchinson	Pitts	Vroon
DeVerter	Jackson	Pott	Wass
Davies	Johnson	Punt	Weston
Dietz	Kennedy	Reber	Wilson
Dininni	Klingaman	Reinard	Wogan
Dorr	Lashinger	Robbins	Wozniak
Durham	Lehr	Rudy	Wright, D. R.
Fargo	Lescovitz	Ryan	Wright, J. L.
Fischer	Levi	Saloom	Wright, R. C.
Flick	Livengood	Salvatore	

## NAYS—71

Afflerbach	Dombrowski	McCall	Rieger
Alderette	Duffy	McMonagle	Rybak
Baldwin	Evans	Maiale	Seventy
Barber	Fee	Manderino	Showers
Belardi	Gallagher	Markosek	Sweet
Belfanti	Gamble	Mayernik	Taylor, F. E.
Blaum	Gruitza	Michlovic	Trello
Broujos	Harper	Miscevich	Truman
Caltagirone	Itkin	Morris	Van Horne
Cappabianca	Jarolin	Mrkonic	Wachob
Carn	Kasunic	O'Donnell	Wambach
Cawley	Kowalyszyn	Oliver	Wargo
Clark	Kukovich	Petrarca	Wiggins
Cohen	Laughlin	Petrone	Williams
Cordisco	Letterman	Pievsy	Zwikel
DeWeese	Levin	Pratt	
Daley	Linton	Preston	Irvis,
Dawida	Lueyk	Richardson	Speaker
Deal			

## NOT VOTING—4

Fattah	Kosinski	Mowery	Rappaport
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## EXCUSED—4

Donatucci	Hoeffel	McIntyre	Marmion
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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?

On final passage, the Chair recognizes the gentleman from York, Mr. Smith.

Mr. B. SMITH. Would the gentleman, Mr. Cappabianca, submit to interrogation, please?

The SPEAKER. Mr. Cappabianca indicates he will stand for interrogation. Mr. Smith is in order and may proceed.

Mr. B. SMITH. Mr. Speaker, it is my understanding that the fees requested in this bill may be paid for out of ratepayers' funds. Is this a correct conclusion?

Mr. CAPPABIANCA. If the end result is that what the nuclear industry, the electric industry, would do is pass on any increases to the ratepayers, you are absolutely right. Eventually the ratepayer would have to pay. Right.

I might point out, though, Mr. Speaker, that that would be spread out over all the ratepayers of Pennsylvania with that particular nuclear plant, if you will, or nuclear reactor, in that particular area, if you understand what I am getting at. If it is PP&L (Pennsylvania Power and Light Company), it would be among all PP&L customers.

Mr. B. SMITH. Thank you.

Mr. Speaker, I would like to make some comments.

The SPEAKER. The gentleman is in order to make comments on final passage.

Mr. B. SMITH. Mr. Speaker, this bill is a significant plan for dealing with the many problems experienced by the State

and its residents during the accident at Three Mile Island. This bill will better prepare the State, its departments, and its leaders for dealing with a crisis if another accident occurs within our borders.

The principal shortcoming of the plan is that the ratepayer is the loser. The corporate executives and the shareholders make the decision to construct a nuclear power plant, and the ratepayer pays the fees for his own protection.

Mr. Speaker, I do intend to vote in favor of SB 987. I wanted to be on record for the irony that this bill creates and also to announce my intention to monitor closely the funds created by this bill. Four volunteer fire companies in my district requested additional equipment and supplies to carry out their duties in case of another emergency at Three Mile Island. No government agency could supply the funds to purchase the necessary equipment. This bill will be their revenue source, and we legislators should be the watchdogs over the bureaucrats who will administer the funds.

Hopefully, this bill is unnecessary and Pennsylvania will not experience another nuclear accident. But, just in case, I intend to vote affirmatively and urge my colleagues to vote in favor of the 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—195

Afflerbach	Fargo	Lueyk	Rybak
Alderette	Fattah	McCall	Saloom
Angstadt	Fee	McClatchy	Salvatore
Armstrong	Fischer	McHale	Saurman
Arty	Flick	McMonagle	Scheetz
Baldwin	Foster, W. W.	McVerry	Schuler
Barber	Foster, Jr., A.	Mackowski	Semmel
Battisto	Freeman	Madigan	Serafini
Belardi	Freind	Maiale	Seventy
Belfanti	Fryer	Manderino	Showers
Blaum	Gallagher	Manmiller	Sirianni
Book	Gallen	Markosek	Smith, B.
Bowser	Gamble	Mayernik	Smith, L. E.
Boyes	Gannon	Merry	Snyder, D. W.
Brandt	Geist	Michlovic	Snyder, G. M.
Broujos	George	Micozzie	Spencer
Bunt	Gladeck	Miller	Spitz
Burd	Godshall	Miscevich	Stairs
Burns	Greenwood	Moehlmann	Steighner
Caltagirone	Grieco	Morris	Stevens
Cappabianca	Gruitza	Mowery	Stewart
Carn	Gruppo	Mrkonic	Suban
Cawley	Hagarty	Murphy	Sweet
Cessar	Haluska	Nahill	Swift
Cimini	Hasay	Noye	Taylor, E. Z.
Civera	Hayes	O'Brien	Taylor, F. E.
Clark	Herman	O'Donnell	Telek
Clymer	Hershey	Olasz	Tigue
Cohen	Honaman	Oliver	Trello
Colafella	Hutchinson	Perzel	Truman
Cole	Itkin	Peterson	Van Horne
Cordisco	Jackson	Petrarca	Vroon
Cornell	Jarolin	Petrone	Wachob
Coslett	Johnson	Phillips	Wambach
Cowell	Kasunic	Piccola	Wargo
Coy	Kennedy	Pievsy	Wass
DeLuca	Klingaman	Pistella	Weston
DeVerter	Kowalyszyn	Pitts	Wiggins

DeWeese	Kukovich	Pott	Williams
Daley	Lashinger	Pratt	Wilson
Davies	Laughlin	Preston	Wogan
Dawida	Lehr	Punt	Wozniak
Deal	Lescovitz	Rappaport	Wright, D. R.
Dietz	Letterman	Reber	Wright, J. L.
Dininni	Levi	Reinard	Wright, R. C.
Dombrowski	Levin	Richardson	Zwinkl
Dorr	Linton	Rieger	Irvis,
Duffy	Livengood	Robbins	Speaker
Durham	Lloyd	Ryan	
Evans			

NAYS—0

NOT VOTING—3

Harper      Kosinski      Rudy

EXCUSED—4

Donatucci      Hoeffel      McIntyre      Marmion

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 1217, PN 2039**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the allocation of proceeds from the oil company franchise tax.

On the question,

Will the House agree to the bill on third consideration?

Mr. LLOYD offered the following amendments No. A2574:

Amend Title, page 1, line 3, by inserting after "tax"  
and for driving under the influence work release programs; and changing a penalty

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

Section 1. Section 3731(e) of Title 75 of the Pennsylvania Consolidated Statutes is amended by adding a paragraph and a subsection is added to read:

§ 3731. Driving under influence of alcohol or controlled substance.

\* \* \*

(e) Penalty.—

\* \* \*

(7.1) In addition to the conditions set forth in paragraph (7) for Accelerated Rehabilitative Disposition of any charge brought under this section, the judge may impose, and the person shall accept, the condition that the person engage in a program of collecting litter from public and private property, especially property which is littered with alcoholic beverage containers. The duration of the person's participation in a litter collection program shall not exceed the duration of the probationary period imposed on the person under Accelerated Rehabilitative Disposition.

\* \* \*

(h) Work release.—In any case in which a person is sentenced to a period of imprisonment as a result of a conviction for violating any provision of this section, the judicial officer impos-

ing that sentence shall consider assigning that person to a daytime work release program pursuant to which the person would be required to collect litter from public and private property, especially property which is littered with alcoholic beverage containers.

Section 2. Section 9511(b) and (g) of Title 75 are amended to read:

Amend Sec. 2, page 3, line 12, 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 Somerset, Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, this legislation is designed to try in a very small way to begin to deal with the problem of bottles and litter as a result of alcohol. We passed this same legislation in the last session, but unfortunately, it did not come to a vote in the Senate.

What the legislation would do, really, is two things. Under the new drunk driving law there are two options. If a person gets ARD (accelerated rehabilitative disposition), which basically amounts to a probation, the judge, under existing law, has the power to assign certain responsibilities or community work to that person during his period of ARD. Under this amendment, the judge would be required to consider assigning that person to collect litter, especially litter on public and private property which comes from alcoholic beverage containers.

The second thing the amendment would do deals with the person who is sentenced to jail under the drunk driving law but the judge decides should come out on a work release, and what this amendment does is say to that judge, if you believe this person is an appropriate person for work release, you ought to consider assigning him to go out and pick up litter on public and private land, especially that which comes from alcoholic beverage containers.

Mr. Speaker, it is very clear that this legislature is not going to pass any bottle legislation this year, and I think we ought to make this one very small step, and I would urge a "yes" vote.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Montgomery, Mr. Saurman, on the amendment.

Mr. SAURMAN. Yes, Mr. Speaker. Would the maker of the amendment stand for interrogation?

The SPEAKER. The gentleman, Mr. Lloyd, indicates he will so stand. The gentleman, Mr. Saurman, may proceed.

Mr. SAURMAN. Mr. Speaker, your requirement for picking up litter is in addition to the existing penalties?

Mr. LLOYD. That is correct.

Mr. SAURMAN. Thank you. I would support this amendment then, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?



The following roll call was recorded:

## YEAS—194

Afflerbach	Fargo	Lloyd	Ryan
Alderette	Fattah	Lucyk	Rybak
Angstadt	Fee	McCall	Saloom
Armstrong	Fischer	McClatchy	Salvatore
Arty	Flick	McHale	Saurman
Baldwin	Foster, W. W.	McMonagle	Scheetz
Barber	Foster, Jr., A.	McVerry	Schuler
Battisto	Freeman	Mackowski	Semmel
Belardi	Freind	Madigan	Serafini
Belfanti	Fryer	Maiale	Seventy
Blaum	Gallagher	Manderino	Showers
Book	Gallen	Manmiller	Sirianni
Bowser	Gamble	Markosek	Smith, B.
Boyes	Gannon	Mayernik	Smith, L. E.
Brandt	Geist	Merry	Snyder, D. W.
Broujos	George	Michlovic	Snyder, G. M.
Bunt	Gladeck	Micozzie	Spencer
Burd	Godshall	Miller	Spitz
Burns	Greenwood	Miscevich	Stairs
Caltagirone	Gricco	Moehlmann	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
Cohen	Hershey	Olasz	Tigue
Colafella	Honaman	Oliver	Trello
Cole	Hutchinson	Perzel	Truman
Cordisco	Itkin	Peterson	Van Horne
Coslett	Jackson	Petrarca	Wachob
Cowell	Johnson	Petrone	Wambach
Coy	Kasunic	Phillips	Wargo
Deluca	Kennedy	Piccola	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.
Dorr	Levi	Richardson	Zwinkl
Duffy	Levin	Rieger	
Durham	Linton	Robbins	Irvis,
Evans	Livengood	Rudy	Speaker

## NAYS—0

## NOT VOTING—4

Cornell	Jarolin	Pievsky	Vroon
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## EXCUSED—4

Donatucci	Hoeffel	McIntyre	Marmion
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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—195

Afflerbach	Fargo	Livengood	Ryan
Alderette	Fattah	Lloyd	Rybak
Angstadt	Fee	Lucyk	Saloom
Armstrong	Fischer	McCall	Salvatore
Arty	Flick	McClatchy	Saurman
Baldwin	Foster, W. W.	McHale	Scheetz
Barber	Foster, Jr., A.	McMonagle	Schuler
Battisto	Freeman	McVerry	Semmel
Belardi	Freind	Mackowski	Serafini
Belfanti	Fryer	Madigan	Seventy
Blaum	Gallagher	Maiale	Showers
Book	Gallen	Manderino	Sirianni
Bowser	Gamble	Manmiller	Smith, B.
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	Gricco	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	Noye	Taylor, F. E.
Clark	Hayes	O'Brien	Telek
Clymer	Herman	O'Donnell	Tigue
Cohen	Hershey	Olasz	Trello
Colafella	Honaman	Oliver	Truman
Cole	Hutchinson	Perzel	Van Horne
Cordisco	Itkin	Peterson	Vroon
Cornell	Jackson	Petrarca	Wachob
Coslett	Jarolin	Petrone	Wambach
Cowell	Johnson	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	Reber	Wright, J. L.
Dininni	Lescovitz	Reinard	Wright, R. C.
Dombrowski	Letterman	Richardson	Zwinkl
Dorr	Levi	Rieger	
Duffy	Levin	Robbins	Irvis,
Durham	Linton	Rudy	Speaker
Evans			

## NAYS—1

Smith, L. E.

## NOT VOTING—2

Nahill Rappaport

## EXCUSED—4

Donatucci Hoeffel McIntyre Marmion

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 THIRD CONSIDERATION POSTPONED

The House proceeded to **SB 1239, PN 1978**, on third consideration postponed, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, defining hazardous material; providing for the effect of amendments to Federal regulations; repealing the penalty for violating Federal law when driving a vehicle; providing for the transportation of hazardous materials; and making a repeal.

On the question recurring,

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

(Amendment A2828, offered by Mr. Saurman on June 25, 1984, was withdrawn.)

Mr. LLOYD offered the following amendments No. A2250:

Amend Bill, page 4, by inserting between lines 10 and 11

Section 3. Section 3731(e) of Title 75 is amended by adding a paragraph and a subsection is added to read:

§ 3731. Driving under influence of alcohol or controlled substance.

\*\*\*

(e) Penalty.—

\*\*\*

(7.1) In addition to the conditions set forth in paragraph (7) for Accelerated Rehabilitative Disposition of any charge brought under this section, the judge may impose, and the person shall accept, the condition that the person engage in a program of collecting litter from public and private property, especially property which is littered with alcoholic beverage containers. The duration of the person's participation in a litter collection program shall not exceed the duration of the probationary period imposed on the person under Accelerated Rehabilitative Disposition.

\*\*\*

(h) Work release.—In any case in which a person is sentenced to a period of imprisonment as a result of a conviction for violating any provision of this section, the judicial officer imposing that sentence shall consider assigning that person to a daytime work release program pursuant to which the person would be required to collect litter from public and private property, especially property which is littered with alcoholic beverage containers.

Amend Sec. 3, page 4, line 11, by striking out "3" and inserting

4

Amend Sec. 4, page 5, line 3, by striking out "4" and inserting

5

Amend Sec. 5, page 11, line 20, by striking out "5" and inserting

6

Amend Sec. 6, page 11, line 24, by striking out "6" and inserting

7

Amend Sec. 7, page 11, line 27, by striking out "7" and inserting

8

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes the gentleman from Somerset, Mr. Lloyd.

Mr. LLOYD. Mr. Speaker, this is an identical amendment to the one we just passed. I just want to put it into both title 75 bills, and I would ask for the same vote.

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

#### NAYS—0

#### NOT VOTING—2

Truman Williams

#### EXCUSED—4

Donatucci Hoeffel McIntyre Marmion

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?

Mrs. DURHAM offered the following amendments No. A3345:

Amend Title, page 1, line 6, by inserting after "RESPONSIBILITY;"

providing for enforcement of traffic regulations on private property;

Amend Sec. 3, page 4, line 11, by striking out "Section 4522" and inserting

Sections 4522 and 6113

Amend Sec. 3, page 4, line 11, by striking out "is" and inserting

are

Amend Bill, page 5, by inserting between lines 2 and 3 § 6113. Control of public travel on private property by owner.

(a) General rule.—Nothing in this title shall be construed to prevent the owner of real property used by the public for purposes of vehicular travel by permission of the owner, and not as a matter of right, from prohibiting such use, or from requiring other or different or additional conditions than those specified in this title, or otherwise regulating such use as may seem best to such owner.

(b) Enforcement.—The owner of real property which is ten contiguous acres or more in size may request the local authority to enforce the observance of speed limits and traffic-control devices on his property, providing the property has been posted in accordance with departmental regulations.

On the question,

Will the House agree to the amendments?

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

Mrs. DURHAM. Thank you, Mr. Speaker.

Mr. Speaker, this amendment would allow local police officers to enforce speeding signs in condominium communities.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

#### YEAS—181

Afflerbach	Evans	Lloyd	Rybak
Alderette	Fargo	Lucyk	Salvatore
Angstadt	Fattah	McCall	Saurman
Armstrong	Fee	McClatchy	Scheetz
Arty	Fischer	McHale	Schuler
Baldwin	Flick	McMonagle	Semmel
Battisto	Foster, W. W.	McVerry	Serafini
Belardi	Freeman	Mackowski	Seventy
Belfanti	Freind	Madigan	Showers
Blaum	Gallagher	Maiale	Sirianni
Book	Gallen	Manderino	Smith, B.
Bowser	Gamble	Manmiller	Smith, L. E.
Boyes	Gannon	Markosek	Snyder, G. M.
Brandt	Geist	Mayermik	Spencer
Broujos	George	Merry	Spitz
Bunt	Gladeck	Michlovic	Stairs
Burd	Godshall	Micozzie	Steighner
Burns	Greenwood	Miller	Stevens
Caltagirone	Grieco	Miscevich	Stewart
Cappabianca	Gruitza	Morris	Stuban
Carn	Gruppo	Mrkoncic	Sweet

Cawley	Hagarty	Murphy	Swift
Cessar	Haluska	Nahill	Taylor, E. Z.
Cimini	Harper	Noye	Taylor, F. E.
Civera	Hasay	O'Brien	Tigue
Clark	Hayes	O'Donnell	Trello
Clymer	Herman	Olasz	Truman
Cohen	Hershey	Oliver	Van Horne
Colafella	Honaman	Perzel	Vroon
Cole	Hutchinson	Peterson	Wachob
Cordisco	Itkin	Petrarca	Wambach
Cornell	Jarolin	Petrone	Wargo
Coslett	Johnson	Phillips	Wass
Cowell	Kasunic	Piccola	Weston
Coy	Kosinski	Pievsky	Williams
Deluca	Kowalyszyn	Pistella	Wilson
DeVerter	Kukovich	Pitts	Wogan
DeWeese	Lashinger	Pott	Wozniak
Daley	Laughlin	Pratt	Wright, D. R.
Davies	Lehr	Preston	Wright, J. L.
Dawida	Lescovitz	Punt	Wright, R. C.
Dininni	Letterman	Reber	Zwinkl
Dombrowski	Levi	Reinard	
Dorr	Levin	Rieger	Irvis,
Duffy	Linton	Robbins	Speaker
Durham	Livengood	Ryan	

#### NAYS—12

Dietz	Kennedy	Mowery	Saloom
Fryer	Klingaman	Rappaport	Snyder, D. W.
Jackson	Moehlmann	Richardson	Telek

#### NOT VOTING—5

Barber	Foster, Jr., A.	Rudy	Wiggins
Deal			

#### EXCUSED—4

Donatucci	Hoeffel	McIntyre	Marmion
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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. DeWEESE offered the following amendments No. A3544:

Amend Title, page 1, line 3, by inserting after "regulations;" further providing for protective equipment for motorcycle riders;

Amend Sec. 3, page 4, line 11, by striking out "Section" where it appears the second time and inserting

Sections 3525 and

Amend Sec. 3, page 4, line 11, by striking out "is" and inserting are

Amend Sec. 3, page 4, by inserting between lines 11 and 12 § 3525. Protective equipment for motorcycle riders.

(a) Protective headgear.—[No person shall operate or ride upon a motorcycle or a motor-driven cycle (other than a motorized pedalcycle) unless he is wearing protective headgear which complies with standards established by the department.] A person who operates or rides a motorcycle or motor-driven cycle may wear protective equipment.

(b) Eye-protective devices.—[No person shall operate or ride upon a motorcycle (other than a motorized pedalcycle) unless he is wearing an eye-protective device of a type approved by the department.] A person who operates or rides a motorcycle may wear eye-protective devices.

(c) Approval of equipment.—The department may [approve or disapprove] recommend protective headgear and eye-protective

tive devices [required under this section and may issue and enforce regulations establishing standards and specifications for the approval of the headgear and devices]. The department shall publish lists of all protective headgear and eye-protective devices by name and type which have been [approved] recommended.

On the question,

Will the House agree to the amendments?

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

Mr. DeWEESE. Mr. Speaker, consonant with my feelings about governmental involvement in many social issues, I am introducing this amendment which will disallow the Commonwealth from making up an individual's mind regarding whether or not that person shall or shall not wear a helmet while riding a motorcycle in the Commonwealth.

This is similar to legislation that passed recently in the State of Maryland and in several other States of the 50. It is a freedom-of-choice bill, and I introduce it along those lines. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Lebanon, Mr. Moehlmann, on the amendment.

Mr. MOEHLMANN. Thank you, Mr. Speaker.

I join my colleague across the aisle in asking for your support of this amendment. I am a motorcyclist. I consider it, as my colleague, Mr. DeWeese, said, a matter of freedom of choice. I think it is a matter of being free to choose among risks.

I do not think there is much doubt that it is a good idea on balance to wear a helmet. However, I know people, I know a considerable number of people, who have been saved some injury by helmets, and I know a considerable number of people who have been injured because they were wearing helmets.

Helmets do a lot of different things while you are wearing them. In real hot weather they make you almost unbearably uncomfortable. They restrict vision; they restrict hearing; and when you hit your head on something when you are wearing a helmet, you are fairly likely to break your neck with it. Now, if you are going 60 or 70 miles an hour and you hit something while you are riding a motorcycle, a helmet is not going to save your life. The Lord above may save your life or decline, but the helmet is not going to do it.

Mr. Speaker, I think all motorcycle riders should be free to choose among the risks they wish to bear. There is risk in wearing a helmet; there is risk in not wearing a helmet.

The State of Maryland has recently repealed its mandatory motorcycle helmet law. Its motorcycle fatality statistics are down. I am not suggesting that there is a causal relationship there; I am suggesting, however, that that tends to show that there is no reason to believe that if we repeal the mandatory helmet law, fatality statistics will rise. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. WOZNIAK. Mr. Speaker, I rise to oppose this amendment.

I think it is important to realize that most of the motorcyclists in the Commonwealth today, and even if it is not most of them, are relatively young and are natural risk takers. Personally, a few years ago I owned a motorcycle and I laid my head down on the macadam, and if it was not for the helmet, it saved my life.

I think it is important that it was brought up that wearing a helmet makes you more susceptible to breaking your neck. I do not know which would be more important, breaking your neck or bashing your skull in. But I am afraid and I think that although maybe older motorcyclists would be more mature and less of a risk, I think it is going to greatly increase costs for even those motorcyclists who do decide to wear the helmets, and by far it is going to be the young people who are going to take them off and are going to cause an incredible amount of carnage on our roads.

I hope that everybody would understand that this is a difficult issue, freedom versus life, and I would appreciate everybody to oppose this amendment and keep those helmets on the motorcyclists.

The SPEAKER. The Chair recognizes the gentleman from York, Mr. Foster.

Mr. A. C. FOSTER. Mr. Speaker, I rise to support the DeWeese amendment.

I would gladly support any device which would prevent the infliction of harm upon some other motorist, but here we are trying to legislate something that will protect the individual from harming himself. And I am also aware that waiting in the wings is legislation for compulsory seatbelts, and I would just like to ask members where this will end in terms of what you do on or within your own vehicle.

I would ask for an affirmative vote on the DeWeese amendment so people can make these types of decisions for themselves, and if I can agree with Mr. DeWeese on something, certainly many others can.

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

Mr. MAYERNIK. Thank you, Mr. Speaker.

I rise in opposition to the DeWeese amendment.

For 9 years, prior to coming to this House, I was a motorcycle driver myself. On May 6 of 1979 a passenger vehicle turned in front of my motorcycle. I struck the vehicle; I flew 60 feet in the air; I rolled another 60 feet. At that time I had a fullface Bel helmet on—it is the type that you would use for an Indy 500 driver, the best helmet you can buy. Without that helmet I would not be here today. The first 3 days I was in critical condition; the next 7 days I was paralyzed. I was off work for over 3 1/2 months.

I have definite feelings on this bill. I lay in the hospital, and if it was not for having a helmet on, I would not be here today, and I have feelings that we need this type of legislation. When I go to Ohio and I see these young people driving on motorcycles with their hair blowing in the wind and the freedom, yes, I used to try it; it feels great, but when you look

at the realistic point of view and the injury that can be done to an individual by not wearing a helmet, you have to vote against the DeWeese amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Lancaster, Mr. Brandt.

Mr. BRANDT. Thank you, Mr. Speaker.

It really perked up my ears when they mentioned old motorcyclists, and I thought I had to reply to that. You are looking at one guy who has ridden motorcycles since about 1956. I rode them; I had a 1946 Indian; I could tell you all about those types of motorcycles. And then suddenly strange things happened in my life. I got married, got rid of the motorcycles, and lo and behold, by the time I went back for another motorcycle, they had a helmet law. So I bought the helmet along with the motorcycle, and I would really say that I had the opportunity at different times to ride. I heard this talk about the State of Maryland and other States, and believe me, Mr. Speaker, when I went into Maryland and I took that helmet off, I really felt naked sitting on that motorcycle. I felt there was something missing in my whole attire by not having that helmet on. In fact, I stopped and put it back on.

Mr. Foster makes the statement that we should not be legislating people that they want to protect themselves, to protect against themselves. I would challenge anyone who makes that statement to walk through a hospital, walk through a rehabilitation center where many of our tax dollars are going to help those individuals to get back to some form of natural life, and one of the big issues we had in the no-fault law was to make sure that we continue to supply those funds for those individuals who have these tremendous accidents, such as Representative Mayernik talked about.

I went 180 degrees on this issue through different time periods on having a motorcycle helmet law or not, but I stand here as one who rides about 15,000 miles a year as a motorcyclist. My wife and I enjoy the outdoors. I say that we should vote this amendment down. We should continue with that helmet law, and until there is some other means that these individuals can protect themselves, until that time, we have to protect them.

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

Mr. GREENWOOD. Thank you, Mr. Speaker.

I would echo the words of Representative Brandt. I think the issue here is that the risk is not simply taken by the rider of the vehicle; the cost to society of these very severe head injuries is enormous.

I do an awful lot of work with a group called the Eastern Chapter of the National Head Injury Foundation, and I have spent a lot of time in these rehabilitation centers. It is a pitiful sight to see a young individual at the prime of his life struggling over the course of years to just begin to recover some normal faculties like short-term memory.

The costs of these kinds of head injuries to our Medical Assistance Fund, to the overall cost of insurance for all of us, and, particularly coming up in October, to the new Cata-

strophic Loss Fund under our vehicle insurance program are going to be enormous. It costs \$4 million to \$8 million over the course of a lifetime of an individual injured in this fashion. I think that that is a cost that we as a society are all paying for, and if we are going to pay for it, I think we have the right to expect that those who operate motorcycles do so safely. I would urge defeat of the DeWeese amendment.

The SPEAKER. The Chair recognizes the gentleman from Lancaster, Mr. Armstrong.

Mr. ARMSTRONG. Thank you, Mr. Speaker.

Mr. DeWeese said something about the freedom of choice. How about the freedom of choice of the ambulance drivers or the emergency room people or the doctors or nurses? They have no choice; they have to attend to that person who did not have that helmet on where they could be diverting their energy to someone who really needed it. I think it is just carelessness. Also, it would put insurance costs up higher. I urge that we defeat this amendment. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

#### YEAS—45

Barber	Freind	Lloyd	Phillips
Carn	Fryer	Lucyk	Pistella
Civera	Gallen	Moehlmann	Preston
Clark	Gamble	Morris	Punt
DeWeese	George	Murphy	Reber
Daley	Godshall	Noye	Rieger
Dawida	Harper	O'Brien	Robbins
Duffy	Hasay	O'Donnell	Saloom
Evans	Hutchinson	Oliver	Weston
Fargo	Jackson	Perzel	Wiggins
Fee	Kukovich	Petrarca	Wright, D. R.
Foster, Jr., A.			

#### NAYS—148

Afflerbach	Dombrowski	McHale	Seventy
Alderette	Dorr	McMonagle	Showers
Angstadt	Durham	McVerry	Sirianni
Armstrong	Fischer	Mackowski	Smith, B.
Arty	Flick	Madigan	Smith, L. E.
Baldwin	Foster, W. W.	Maiale	Snyder, D. W.
Battisto	Freeman	Manderino	Snyder, G. M.
Belardi	Gallagher	Manmiller	Spencer
Belfanti	Gannon	Markosek	Spitz
Blaum	Geist	Mayernik	Stairs
Book	Gladeck	Merry	Steighner
Bowser	Greenwood	Michlovic	Stevens
Boyes	Grieco	Micozzie	Stewart
Brandt	Gruitza	Miller	Stuban
Broujos	Gruppo	Miscevich	Sweet
Bunt	Hagarty	Mowery	Swift
Burd	Haluska	Mrkonic	Taylor, E. Z.
Burns	Hayes	Nahill	Taylor, F. E.
Caltagirone	Herman	Olasz	Telek
Cappabianca	Hershey	Peterson	Tigue
Cawley	Honaman	Petrone	Trello
Cessar	Itkin	Piccola	Truman
Cimini	Johnson	Pievsky	Van Horne
Clymer	Kasunic	Pitts	Vroon
Cohen	Kennedy	Pott	Wambach
Colafella	Klingaman	Pratt	Wargo
Cole	Kowalshyn	Rappaport	Wass
Cordisco	Lashinger	Reinard	Williams
Cornell	Laughlin	Richardson	Wilson
Coslett	Lehr	Rudy	Wogan
Cowell	Lescovitz	Ryan	Wozniak

Coy	Letterman	Salvatore	Wright, J. L.
Deluca	Levi	Saurman	Wright, R. C.
DeVerter	Levin	Scheetz	Zwinkl
Davies	Linton	Schuler	
Deal	Livengood	Semmel	Irvis,
Dietz	McCall	Serafini	Speaker
Dininni	McClatchy		

## NOT VOTING—5

Fattah	Kosinski	Rybak	Wachob
Jarolin			

## EXCUSED—4

Donatucci	Hoeffel	McIntyre	Marmion
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The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,

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

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—197

Afflerbach	Fargo	Lucyk	Rybak
Alderette	Fattah	McCall	Saloom
Angstadt	Fee	McClatchy	Salvatore
Armstrong	Fischer	McHale	Saurman
Arty	Flick	McMonagle	Scheetz
Baldwin	Foster, W. W.	McVerry	Schuler
Barber	Foster, Jr., A.	Mackowski	Semmel
Battisto	Freeman	Madigan	Serafini
Belardi	Freind	Maiale	Seventy
Belfanti	Fryer	Manderino	Showers
Blaum	Gallagher	Manmiller	Sirianni
Book	Gallen	Markosek	Smith, B.
Bowser	Gamble	Mayernik	Smith, L. E.
Boyes	Gannon	Merry	Snyder, D. W.
Brandt	Geist	Michlovic	Snyder, G. M.
Broujos	George	Micozzie	Spencer
Bunt	Gladeck	Miller	Spitz
Burd	Godshall	Miscevich	Stairs
Burns	Greenwood	Moehlmann	Steighner
Caltagirone	Grieco	Morris	Stevens
Cappabianca	Gruitz	Mowery	Stewart
Carn	Gruppo	Mrkonc	Stuban
Cawley	Hagarty	Murphy	Sweet
Cessar	Haluska	Nahill	Swift
Cimini	Harper	Noye	Taylor, E. Z.
Civera	Hasay	O'Brien	Taylor, F. E.
Clark	Hayes	O'Donnell	Telck
Clymer	Herman	Olasz	Tigue
Cohen	Hershey	Oliver	Trello
Colafrilla	Honaman	Perzel	Truman
Cole	Hutchinson	Peterson	Van Horne
Cordisco	Itkin	Petrarca	Vroon
Cornell	Jackson	Petrone	Wachob
Coslett	Jarolin	Phillips	Wambach
Cowell	Johnson	Piccola	Wargo
Coy	Kasunic	Pievsky	Wass
Deluca	Kennedy	Pistella	Weston
DeVerter	Klingaman	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
Dorr	Levin	Rieger	
Duffy	Linton	Robbins	Irvis,
Durham	Livengood	Rudy	Speaker
Evans	Lloyd	Ryan	

## NAYS—0

## NOT VOTING—1

Kosinski

## EXCUSED—4

Donatucci	Hoeffel	McIntyre	Marmion
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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.

## REMARKS ON VOTES

The SPEAKER. Why does the gentleman from Chester, Mr. Vroon, stand?

Mr. VROON. Mr. Speaker, my vote on SB 1217, the Lloyd amendment A2574, was not recorded. If it had been recorded, it would have been in the affirmative.

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

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

Mr. R. C. WRIGHT. Mr. Speaker, on HB 1476, final passage, I was recorded in the affirmative. I would like to be recorded in the negative.

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

The Chair recognizes the gentleman from Philadelphia, Mr. Wogan.

Mr. WOGAN. Mr. Speaker, on the DeWeese amendment 3544, I was recorded in the negative. I would like to be recorded in the affirmative.

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

BILLS ON CONCURRENCE  
IN SENATE AMENDMENTS

The clerk of the Senate, being introduced, returned the following **HB 88, PN 3232**, 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 Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the temporary assignment of senior Philadelphia Municipal Court judges and other judges and for appeals.

On the question,  
Will the House concur in Senate amendments?

The SPEAKER. On that question, the Chair recognizes the gentleman from Philadelphia, Mr. Maiale.

Mr. MAIALE. Mr. Speaker, we ask that the House nonconcur in Senate amendments. The Senate added a new provision which would expand the backlog in the courts by permitting appeals that are not allowable right now. So we would ask for nonconcurrency.

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

Mr. RAPPAPORT. Mr. Speaker, I join with Mr. Maiale in asking for nonconcurrency to put this bill into conference.

The SPEAKER. The Chair recognizes the minority whip.

Mr. HAYES. I support the gentleman's motion to nonconcur.

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—0

NAYS—193

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

Duffy	Linton	Rieger	
Durham	Livengood	Robbins	Irvis,
Evans	Lloyd	Rudy	Speaker
Fargo	Lucyk	Ryan	

NOT VOTING—5

Brandt	Hutchinson	Kosinski	Vroom
Cornell			

EXCUSED—4

Donatucci	Hoeffel	McIntyre	Marmion
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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.

\* \* \*

The clerk of the Senate, being introduced, returned the following **HB 542, PN 3176**, 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 Game Law," approved June 3, 1937 (P. L. 1225, No. 316), further providing for the operation of vehicles with flashing or rotating red lights and audible warning devices, and for unlawful acts; and making a repeal.

On the question,  
Will the House concur in Senate amendments?

The SPEAKER. On that question, the Chair recognizes the gentleman from Wayne, Mr. Foster.

Mr. W. W. FOSTER. Thank you, Mr. Speaker.

I would ask my colleagues to concur in the Senate amendments.

Actually, all the Senate did was place an amendment in there that would require an unmarked vehicle that is going to use a red light to have a magnetic sign on the car identifying that vehicle. I would ask for concurrence.

The SPEAKER. It has been moved by the gentleman, Mr. Foster, that the House do concur in amendments inserted by the Senate to HB 542.

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—197

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

Burns	Greenwood	Moehlmann	Steighner
Caltagirone	Grieco	Morris	Stevens
Cappabianca	Gruitza	Mowery	Stewart
Carn	Gruppo	Mrkonc	Stuban
Cawley	Hagarty	Murphy	Sweet
Cessar	Haluska	Nahill	Swift
Cimini	Harper	Noye	Taylor, E. Z.
Civera	Hasay	O'Brien	Taylor, F. E.
Clark	Hayes	O'Donnell	Telek
Clymer	Herman	Olasz	Tigue
Cohen	Hershey	Oliver	Trello
Colafella	Honaman	Perzel	Truman
Cole	Hutchinson	Peterson	Van Horne
Cordisco	Itkin	Petrarca	Vroon
Cornell	Jackson	Petrone	Wachob
Coslett	Jarolin	Phillips	Wambach
Cowell	Johnson	Piccola	Wargo
Coy	Kasunic	Pievsky	Wass
Deluca	Kennedy	Pistella	Weston
DeVerter	Klingaman	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	Lettermann	Reinard	Wright, R. C.
Dombrowski	Levi	Richardson	Zwikl
Dorr	Levin	Rieger	
Duffy	Linton	Robbins	Irvis,
Durham	Livengood	Rudy	Speaker
Evans	Lloyd	Ryan	

NAYS—0

NOT VOTING—1

Kosinski

EXCUSED—4

Donatucci      Hoeffel      McIntyre      Marmion

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.

\* \* \*

The clerk of the Senate, being introduced, returned the following **HB 2114, PN 3295**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 1984 to June 30, 1985 and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1984; and to provide a supplemental appropriation from the State Employees Retirement Fund for the fiscal period July 1, 1983 to June 30, 1984.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. On that question, the Chair recognizes the gentleman from Philadelphia, Mr. Pievsky.

Mr. PIEVSKY. Thank you, Mr. Speaker.

Mr. Speaker, I urge nonconcurrence on HB 2114. This bill makes an appropriation to the State Employees' Retirement Board.

Now, the Senate in amending the bill made some editorial changes and struck out the venture capital investment language added by the House through the Murphy amendment. You have heard my position on the venture capital language and I support venture capital investment authority, but not in this bill.

Of more concern to me, however, is language that prohibits the board from paying the Auditor General charges for an internal control and an investment performance audit of the system and requires that when such an audit is performed, the Auditor General must request approval from this General Assembly.

Mr. Speaker, this is a serious change in the way we allow the independently elected Auditor of this State to conduct business. In every other instance, the Auditor General is allowed to charge the agency he is auditing the cost of the audit. I do not think the Retirement Board, which handles billions of dollars, should be singled out for exemption.

Furthermore, Mr. Speaker, I do not think the General Assembly should be in the business of approving or disapproving specific audits that the Auditor General wishes to undertake. For this reason I urge nonconcurrence.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the minority whip.

Mr. HAYES. Thank you, Mr. Speaker.

I support the gentleman's motion to nonconcur.

The SPEAKER. On the question, shall the House concur in amendments inserted by the Senate, it has been suggested by the gentleman, Mr. Pievsky, and by the gentleman, Mr. Hayes, that the House nonconcur.

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—0

NAYS—196

Afflerbach	Fattah	McCall	Rybak
Alderette	Fee	McClatchy	Saloom
Angstadt	Fischer	McHale	Salvatore
Armstrong	Flick	McMonagle	Saurman
Arty	Foster, W. W.	McVerry	Scheetz
Baldwin	Foster, Jr., A.	Mackowski	Schuler
Barber	Freeman	Madigan	Semmel
Battisto	Freind	Maiale	Serafini
Belardi	Fryer	Manderino	Seventy
Belfanti	Gallagher	Manmiller	Showers
Blaum	Gallen	Markosek	Sirianni
Book	Gamble	Mayernik	Smith, B.
Bowser	Gannon	Merry	Smith, L. E.
Boyes	Geist	Michlovic	Snyder, D. W.
Broujos	George	Micozzie	Snyder, G. M.
Bunt	Gladeck	Miller	Spencer
Burd	Godshall	Miscevich	Spitz
Burns	Greenwood	Moehlmann	Stairs
Caltagirone	Grieco	Morris	Steighner
Cappabianca	Gruitza	Mowery	Stevens
Carn	Gruppo	Mrkonc	Stewart
Cawley	Hagarty	Murphy	Stuban
Cessar	Haluska	Nahill	Sweet
Cimini	Harper	Noye	Swift
Civera	Hasay	O'Brien	Taylor, E. Z.
Clark	Hayes	O'Donnell	Taylor, F. E.
Clymer	Herman	Olasz	Telek



Cohen	Hershey	Oliver	Tigue
Colafella	Honaman	Perzel	Trello
Cole	Hutchinson	Peterson	Truman
Cordisco	Itkin	Petrarca	Van Horne
Cornell	Jackson	Petrone	Vroon
Coslett	Jarolin	Phillips	Wachob
Cowell	Johnson	Piccola	Wambach
Coy	Kasunic	Pievsky	Wargo
Deluca	Kennedy	Pistella	Wass
DeVerter	Klingaman	Pitts	Weston
DeWeese	Kowalyszyn	Pott	Wiggins
Daley	Kukovich	Pratt	Williams
Davies	Lashinger	Preston	Wilson
Dawida	Laughlin	Punt	Wogan
Deal	Lehr	Rappaport	Wozniak
Dietz	Lescovitz	Reber	Wright, D. R.
Dininni	Letterman	Reinard	Wright, J. L.
Dombrowski	Levi	Richardson	Wright, R. C.
Dorr	Levin	Rieger	Zwikl
Duffy	Linton	Robbins	
Durham	Livengood	Rudy	Irvis,
Evans	Lloyd	Ryan	Speaker
Fargo	Lucyk		

## NOT VOTING—2

Brandt	Kosinski
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## EXCUSED—4

Donatucci	Hoefel	McIntyre	Marmion
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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.

### BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND RECOMMITTED TO COMMITTEE ON RULES

#### HB 2047, PN 3327 (Amended)

By Rep. FRYER

An Act amending "The County Code," approved August 9, 1955 (P. L. 323, No. 130), further regulating flags placed on graves.

#### LOCAL GOVERNMENT.

#### HB 2094, PN 2830

By Rep. FRYER

An Act amending the "Public Auditorium Authorities Law", approved July 29, 1953 (P. L. 1034, No. 270), extending the provisions of this law to cities of the second class A and counties in which a city of the second class A is located; and making editorial changes.

#### LOCAL GOVERNMENT.

### RULES SUSPENDED

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

Mr. DALEY. Mr. Speaker, I move that the rules of the House be temporarily suspended so that we may immediately consider a resolution.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

## YEAS—195

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

## NAYS—0

## NOT VOTING—3

Barber	Harper	Kosinski
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EXCUSED—4

Donatucci	Hoefel	McIntyre	Marmion
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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 gentleman from Washington, Mr. Daley, who offers the following resolution.

The following resolution was read:

**House Resolution No. 252**

**A RESOLUTION**

Directing the Speaker of the House of Representatives to appoint a special bipartisan House Committee to study the reasons for and solution to the many industrial plant closings in Pennsylvania.

WHEREAS, An increasing number of industrial plants throughout this Commonwealth are closing their doors, some temporary, some permanently, and others moving to the Sunbelt and other areas of the country; and

WHEREAS, Each such closing has many adverse effects upon this Commonwealth, in that it results in a reduction in our tax base, a reduction in opportunities for employment and a decline in our population, productivity and prosperity; and

WHEREAS, In some areas of this Commonwealth industrial plant closings have resulted in unemployment as high as 25% of the work force and have left thousands of our citizens unproductive and without hope or opportunity to obtain employment through no fault of their own; and

WHEREAS, This problem is not limited to just our area but is Statewide and therefore a unified Statewide approach is needed with a consistent set of policies and programs to attack and resolve the problem; therefore be it

RESOLVED, That the Speaker of the House of Representatives appoint a select committee of eight members, four from the majority party and four from the minority party, to address the problem of the increasing number of industrial plant closings throughout this Commonwealth, the objective being to reverse this trend; and be it further

RESOLVED, That the committee may hold hearings, take testimony and make its investigations at such places as it deems necessary in this Commonwealth. Each member of the committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. The Chief Clerk of the House of Representatives shall be directed to make such staffing available to the select committee as may be necessary to effectively carry out its study; and be it further

RESOLVED, That the select committee report its findings and recommendations to the House of Representatives within 90 days.

Peter J. Daley  
Richard A. Kasunic  
Kevin Blaum  
Joseph A. Steighner  
Stanley J. Jarolin  
Frank J. Pistella  
Ronald R. Cowell  
Russell P. Letterman  
Nicholas A. Colafella  
Anthony M. DeLuca  
Charles P. Laughlin  
Eugene G. Saloom  
Barry L. Alderette  
Ruth C. Rudy  
Jeffrey W. Coy  
Joseph A. Petrarca  
Richard D. Olasz  
Thomas A. Michlovic  
John N. Wozniak  
Robert Freeman  
Peter C. Wambach  
Michael C. Gruitza  
Paul McHale  
Thomas J. Murphy, Jr.  
Michael M. Dawida  
Ron Gamble

Joseph Preston, Jr.  
Thomas C. Petrone  
Brian D. Clark  
Steve Seventy  
Terry E. Van Horne  
Joseph F. Markosek  
William J. Stewart  
H. William DeWeese  
Gaynor Cawley

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

**YEAS—197**

Afflerbach	Fargo	Lloyd	Ryan
Alderette	Fatrah	Lucyk	Rybak
Angstadt	Fee	McCall	Saloom
Armstrong	Fischer	McClatchy	Salvatore
Arty	Flick	McHale	Saurman
Baldwin	Foster, W. W.	McMonagle	Scheetz
Barber	Foster, Jr., A.	McVerry	Schuler
Battisto	Freeman	Mackowski	Semmel
Belardi	Freind	Madigan	Serafini
Belfanti	Fryer	Maiale	Seventy
Blaum	Gallagher	Manderino	Showers
Book	Gallen	Manmiller	Sirianni
Bowser	Gamble	Markosek	Smith, B.
Boyes	Gannon	Mayernik	Smith, L. E.
Brandt	Geist	Merry	Snyder, D. W.
Broujos	George	Michlovic	Snyder, G. M.
Bunt	Gladeck	Micozzie	Spencer
Burd	Godshall	Miller	Spitz
Burns	Greenwood	Miscevich	Stairs
Caltagirone	Grieco	Moehlmann	Steighner
Cappabianca	Gruitza	Morris	Stevens
Carn	Gruppo	Mowery	Stewart
Cawley	Hagarty	Mrkoncic	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
Cohen	Hershey	Olasz	Tigue
Colafella	Honaman	Oliver	Trello
Cole	Hutchinson	Perzel	Truman
Cordisco	Itkin	Peterson	Van Horne
Cornell	Jackson	Petrarca	Vroon
Coslett	Jarolin	Petrone	Wachob
Cowell	Johnson	Phillips	Wambach
Coy	Kasunic	Piccola	Wargo
Deluca	Kennedy	Pievsky	Wass
DeVerter	Klingaman	Pistella	Weston
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
Dorr	Levi	Richardson	
Duffy	Levin	Rieger	Irvis,
Durham	Linton	Robbins	Speaker
Evans	Livengood	Rudy	

**NAYS—0**

**NOT VOTING—1**

Wiggins

## EXCUSED—4

Donatucci      Hoeffel      McIntyre      Marmion

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

**MOTION TO SUSPEND RULES**

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. O'Brien. For what purpose does the gentleman rise?

Mr. O'BRIEN. Mr. Speaker, I would like to place a motion to suspend the rules for the immediate consideration of a resolution.

The SPEAKER. Have you cleared that with the minority and majority leaders?

Mr. O'BRIEN. Yes, I have, Mr. Speaker.

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

(Members proceeded to vote.)

**VOTE STRICKEN**

The SPEAKER. The clerk will strike the vote.

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

**SB 1159, PN 2209** (Amended)

By Rep. COLE

An Act amending the act of April 29, 1982 (P. L. 355, No. 99), entitled "Vietnam Herbicides Information Act," designating dioxin as a specific herbicide to be studied by the commission; extending the life of the commission; extending the deadline for making its final report; empowering the commission to initiate an epidemiological study; revising content requirements of report forms; and making an editorial change.

**FEDERAL-STATE RELATIONS.****SENATE BILLS FOR CONCURRENCE**

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

**SB 530, PN 2090**

Referred to Committee on LABOR RELATIONS, June 27, 1984.

**SB 1406, PN 2141**

Referred to Committee on PROFESSIONAL LICENSURE, June 27, 1984.

**BILL SIGNED BY SPEAKER**

The Chair gave notice that he was about to sign the following bill, which was then signed:

**HB 542, PN 3176**

An Act amending "The Game Law," approved June 3, 1937 (P. L. 1225, No. 316), further providing for the operation of vehicles with flashing or rotating red lights and audible warning devices, and for unlawful acts; and making a repeal.

**BILL AGREED TO  
ON SECOND CONSIDERATION**

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

**SB 56, PN 2203.**

**ANNOUNCEMENT BY SPEAKER**

The SPEAKER. There is nothing further for the attention of the members. When we recess, the Chair will be recessing subject to the call of the Speaker. The reason for that is obvious, so that we have the Chair open in case there are messages over from the Senate.

When we adjourn today's session, we will begin tomorrow's session at 11 a.m. Members are free now to leave.

**PARLIAMENTARY INQUIRY**

The SPEAKER. For what purpose does the lady from Philadelphia, Mrs. Weston, rise?

Mrs. WESTON. A parliamentary inquiry.

The SPEAKER. The lady will state it.

Mrs. WESTON. What is the status of the last motion before the House?

The SPEAKER. The gentleman withdrew the motion.

Mrs. WESTON. Thank you, Mr. Speaker.

The SPEAKER. The explanation is very straitlaced. It is not a question of being opposed to his motion; the acting floor leader was under instructions not to expand the calendar, and Mr. O'Brien misunderstood the Speaker's question. He thought the Speaker said, have you cleared it with the minority leader? The Speaker said, have you cleared it with both the minority and majority leaders? He had not done so. For that reason, he withdrew the motion. He has been promised his opportunity tomorrow.

**REMARKS ON VOTE**

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

Mr. JACKSON. Mr. Speaker, on HR 246 I would like to be voted in the affirmative.

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

**BILL REMOVED FROM TABLE**

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that SB 299, PN 503, be lifted from the tabled calendar and placed on the active calendar.

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

### SUNSHINE NOTICE

The SPEAKER. The clerk will read the sunshine notice for tomorrow.

The following communication was read:

House of Representatives  
Commonwealth of Pennsylvania  
Harrisburg

NOTICE  
SESSION TIME  
HOUSE OF REPRESENTATIVES

Notice is hereby given, in accordance with the Act of July 19, 1974, P.L. 486, No. 175, that the House of Representatives will convene in open session in the Hall of the House on the following date and time:

Thursday, June 28, 1984 at 11:00 a.m.

John J. Zubeck  
Chief Clerk  
House of Representatives

June 27, 1984

House of Representatives  
Commonwealth of Pennsylvania  
Harrisburg

I hereby certify that thirty copies of the foregoing notice were delivered to the Supervisor of the Newsroom of the State Capitol Building in Harrisburg, and a copy was posted on the bulletin board outside the main entrance to the Chief Clerk's Office on the following date:

Wednesday, June 27, 1984.

John J. Zubeck  
Chief Clerk  
House of Representatives

June 27, 1984

### BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER. Without objection, all remaining bills and resolutions on today's calendar will be passed over. The Chair hears none.

### RECESS

The SPEAKER. This House now stands in recess subject to the call of the Speaker.

### AFTER RECESS

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

### BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that SB 1329, PN 2201, be removed from the tabled calendar and placed on the active calendar.

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

### REMARKS ON VOTE

The SPEAKER. For what purpose does the gentleman from Adams, Mr. Cole, rise?

Mr. COLE. Mr. Speaker, I inadvertently cast a negative vote, and I would like the record to show that on SB 1239, amendment 3544, I should have cast a "yes" vote.

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

### ADJOURNMENT

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

Mr. SALOOM. Mr. Speaker, I move that this House do now adjourn until Thursday, June 28, 1984, at 11 a.m., e.d.t.

On the question,  
Will the House agree to the motion?  
Motion was agreed to, and at 10:59 p.m., e.d.t., the House adjourned.